

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2511

Wednesday, April 16, 2008, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Perry	Alberty	Boulden, Legal
Cantrell		Fernandez	
Carnes		Huntsinger	
Marshall		Matthews	
McArtor		Parker	
Midget		Sansone	
Shivel			
Sparks			
Walker			
Wright			

The notice and amended agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, April 16, 2008 at 11:05 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Ard called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Ard welcomed Elizabeth Wright to the Planning Commission.

Mr. Ard reported that Josh Walker has agreed to be the secretary and Michelle Cantrell will be the new 1st Vice Chair.

Mr. Ard reported that the worksession agenda will immediately follow today's public hearing. Item No. 1 on the worksession is noted as "discussion and review of Conservation Districts", which is not going to happen. The Planning Commission is going to discuss among the Planning Commission whether or not to host or co-host a public forum relating to conservation districts. There will not be a discussion about the merits and it is not a public hearing. There will not be discussion from the gallery.

Mr. Ard reported on the "What About Rail" seminar that will be held April 24, 2008, which is hosted by INCOG. He reminded the Planning Commission to RSVP if they are able to attend.

Comprehensive Plan Report:

Ms. Cantrell reported that the contract has been signed and the City has received word that there will be a kick-off on May 13, 2008. She is not sure of the times and specifics at this time. This will be advertised and opened to the public in general. She encouraged the Planning Commissioners to attend if possible.

Director's Report:

Mr. Alberty reported on the BOCC and City Council agendas.

Mr. Alberty reported that the receipts for March of 2008 are lower than this time last year.

Minutes:

Approval of the minutes of March 19, 2008, Meeting No. 2508

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Perry "absent") to **APPROVE** the minutes of the meeting of March 19, 2008, Meeting No. 2508.

Minutes:

Approval of the minutes of March 26, 2008, Meeting No. 2509

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Perry "absent") to **APPROVE** the minutes of the meeting of March 26, 2008, Meeting No. 2509.

Mr. Ard stated that the following items have requested a continuance:

- 17. **Z-7089/Z-7089-SP-1 – Roy D. Johnsen** **AG to CO**
 Northeast corner of Highway 75 and West 61st Street (PD-8) (CD-2)
 South (Corridor Plan to establish a conceptual site plan
 with designation of development areas.) (Continued from
 3/5/08 and 3/26/08)

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant has requested a continuance to May 7, 2008. She explained that both parties are still in negotiation regarding access.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Carnes, Cantrell, Marshall, McArtor, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Perry "absent") to **CONTINUE** Z-7089/Z-7089-SP-1 to May 7, 2008.

- 22. **Z-6051-SP-2 – Danny Mitchell** (PD-18c) (CD-8)
 8159 South Mingo Road (Corridor Plan) (This case will be on the TAC
 agenda for April 17th; therefore staff requests a continuance to May 7,
 2008.)

STAFF RECOMMENDATION:

Ms. Matthews stated that this case should be continued in order to correct a noticing error.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Carnes, Cantrell, Marshall, McArtor, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Perry "absent") to **CONTINUE** Z-6051-SP-2 to May 7, 2008.

Mr. Ard announced that there are several people who have signed up without indicating which item they wish to speak on.

Mr. Lon Foster, 1509 East 19th, 74120, stated that he doesn't have an item on the agenda to speak to, but he would like to make a statement regarding the worksession item "Conservation Districts." Mr. Ard explained that the Planning Commission will not be taking public comments from the gallery during the worksession; however, if a Planning Commissioner would like to recognize him during the worksession he would have the option. In response, Mr. Foster stated that he would wait for the worksession, and if allowed, he would make his comments.

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CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

2. **L20194** – Jeffrey Lower (0322)/Lot-Split (PD 16) (CD 3)
West of north Sheridan Road and north of East 31st Street North, 3260
North Sheridan Road
3. **L20195** – J.R. Donelson (7335)/Lot-Split (County)
Northeast corner of South 71st Avenue and East 177th Street South,
7171 E 177th Street South
4. **L20198** – J.R. Donelson (7335)/Lot-Split (County)
Northeast corner of South 71st Avenue East 177th Street South, 7151
E 177th Street South
5. **LC-83** – Bart James (9332)/Lot-Combination (PD 18 B) (CD 9)
Northwest corner of South Harvard Avenue and East 55th Street
South, 5420 South Harvard
6. **LC-86** – Paul Stoddard (7335)/Lot-Combination (PD 9) (CD 2)
West of South 25th Avenue and South of West 37th Place
8. **L20165** – CEI Engineering (9301)/Lot-Split (PD 5) (CD 3)
South of East Admiral Place, and East of South Memorial Drive, 207
South Memorial Drive
9. **Burgundy Place** – (8317) Final Plat (PD 18) (CD 2)
Southeast corner of East 88th Street South and Lewis Avenue

STAFF RECOMMENDATION:

This plat consists of two lots in one block on 5.3 acres.

All release letters have been received and staff recommends **APPROVAL**.

10. **Spring Hill Farms – (7331) Final Plat** (County)
West of the southwest corner of East 171st Street South and Lewis Avenue

STAFF RECOMMENDATION:

This plat consists of 70 lots in nine blocks on 80 acres.

All release letters have been received and staff recommends **APPROVAL**.

11. **Mingo Crossing Park - (9431)/Change of Access** (PD 18) (CD 5)
Southeast corner of East 59th Street South and Mingo Road

STAFF RECOMMENDATION:

This application is made to allow a change of access along South Mingo Road. The proposal is to add a 30-foot limited access on South Mingo Road for property zoned IL.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

12. **PUD-422-4 – Duvall Architects – Andrew Shannon** (PD-6) (CD-9)
1218 East 33rd Street (Minor Amendment to increase the permitted height of an existing two-story office building from 30 feet to 33 feet on Lot 8, Block 1.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted height of an existing two-story office building from 30 feet to 33 feet on Lot 8, Block 1 of Crow Creek Office Park only.

The applicant is requesting this minor amendment as the result of application for a minor revision to a site plan to allow for a 200 square foot addition to the existing building as well as making the existing building compliant with the American's with Disabilities Act (ADA).

The building as it exists meets all applicable floor area, setback, parking, lighting and landscaping requirements. The south elevation of the subject building is immediately adjacent to what was once a single family residential development. This tract is identified as Lots 1, 2, and 3, Block 1 – Brookside 33 Office Park – Resubdivision, Lot 8 Block 1, Pebbles Addition (see Exhibit A). Staff believes the

initial intent of the 30-foot height limitation was to protect this lot to the south from a privacy standpoint.

However, since the completion of the building subject to this minor amendment, the lot immediately adjacent to the south has been rezoned and developed as a light office PUD (PUD-729). Since PUD-729 is no longer utilized as a single-family residential use, staff does not feel that approval of this minor amendment would permit a “retroactive” precedent. In addition, other properties within PUD-422 which are isolated from abutting residential uses (those along South Peoria Avenue) permit a 35-foot maximum building height.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-422-4 increasing the maximum allowable structure height from 30 feet to 33 feet, on Lot 8, Block 1 – Crow Creek Office Park only.

(Note: approval of a minor amendment does not constitute detail, site, landscape or sign plan approval)

13. **Z-7008-SP-1-G – Jacobs Carter Burgess** (PD-8) (CD-2)
South of southeast corner of West 71st Street and U. S. Highway 75
(Corridor Minor Amendment to revise approved Z-7008-SP-1e floor area reallocation allotment due to a miscalculation.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to Z-7008-SP-1 for the purpose of revising approved minor amendment Z-7008-SP-1e, approved by the TMAPC March 19, 2008. The approval of Z-7008-SP-1e allows a lot-split creating new Tracts A, B and C from existing Lot 11, Block 1, and reallocated existing floor area to the new development tracts (see Exhibit A). There was no request for an increase in over-all permitted floor area.

With Z-7008-SP-1g the applicant is requesting a revision to the floor area reallocation allotment of Z-7008-SP-1e as the result of a miscalculation prior to application.

Staff has reviewed the proposed revised reallocation of floor area and finds the new distribution of floor area to still be constant with the approved development standards of Z-7008-SP-1 and the Corridor District chapter of the Zoning Code. The allocated floor area is described as follows:

**Z-SP-7008-1e:
Approved Floor Area Allocation for Lot 11, Block 1 – Tulsa Hills**

	Square Footage	Requested Floor Area	FAR
Lot 11 - Tract A	56,932	7,000 SF	.12
Lot 11 - Tract B	145,271	14,895 SF	.10
Lot 11 - Tract C	115,650	66,500 SF	.58
Total Floor Area Permitted	317,853	88,395 SF	.28

**Z-SP-7008-1g:
Revised Floor Area Allocation for Lot 11, Block 1 – Tulsa Hills**

	Square Footage	Requested Floor Area	FAR
Lot 11 - Tract A	56,932	10,250 SF	.18
Lot 11 - Tract B	145,271	11,645 SF	.08
Lot 11 - Tract C	115,650	66,500 SF	.58
Total Floor Area Permitted	317,853	88,395 SF	.28

While the intensity of development will be most concentrated on Tract C, the proposed .58 FAR is well within the permitted 1.25 FAR permitted in the CO zoning district. There is also no increase of permissible floor area being requested for the over-all development area. Therefore, staff recommends **APPROVAL** of minor amendment Z-7008-SP-1e.

(Note: approval of a minor amendment does not constitute approval of a detail site, landscape or sign plan)

14. **PUD-734 – Richard Conrad** (PD-26) (CD-8)

Lot 1 and Lot 12 of Block 1, Ridgewood Hollow Subdivision (Site Plan for a gated entry, guardhouse and masonry wall.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a gated entry, guardhouse and masonry wall for PUD-734 – Ridgewood Hollow. The proposed use is in conformance with the approved Development Standards of PUD-734.

The masonry wall extends the length of the PUD limits along South Louisville Avenue while the entry gate and guardhouse is proposed for placement in the privately-held 103rd Place South right-of-way (ROW). The wall extends to a

maximum height of approximately 6'10", with pilasters or pillars extending to a maximum of 7'6".

The wall, entry gates and guardhouse are not proposed for placement in any public ROW, and meet all other applicable PUD standards and conditions. Approval of this detail site plan is conditional upon receipt of approval from the City of Tulsa Fire Marshall and the City of Tulsa Traffic Engineering.

Staff recommends APPROVAL of the detail site plan for the entry gate and guardhouse features for Lots 1 and 12, Block 1 (Reserve A and B) – Ridgewood Hollow, subject to the following condition:

No building permit shall be issued until the attached plans have been approved and signed by the City of Tulsa Fire Marshal and the City of Tulsa Traffic Engineering. Any revisions made to the attached plans as a requirement of those approvals will be subject to a revision to the detail site plan from the TMAPC.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

TMAPC COMMENTS:

Ms. Wright requested that Item No. 7 be removed from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Perry "absent") to **APPROVE** the consent agenda Items 2 through 6 and 8 through 14 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

- 7. **L20199** – Mike Quinn (9308)/Lot-Split (PD 4) (CD 4)
South of East 11th Street, between South Atlanta Avenue and South Lewis Place, 1107 South Lewis Place

TMAPC COMMENTS:

Ms. Wright asked staff what the applicant's intentions were and why they requested a lot-split. In response, Ms. Parker stated that based on her information from the applicant, he would like to split the properties to sell off a

portion. Ms. Wright asked if they would be demolishing the existing buildings. In response, Ms. Parker stated that she understood that they would demolish and split the lots. Ms. Wright asked if staff had any idea what is proposed and what the impact might be on that location. In response, Ms. Parker stated that the applicant is not proposing to change any of the zoning.

Applicant was not present.

Mr. Ard asked staff if they are comfortable with this application that it conforms to all of the Subdivision Regulations. In response, Ms. Parker answered affirmatively.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Perry "absent") to **RATIFY** the lot-split L-20199 per staff recommendation.

Mr. Ard stated that he would be abstaining from BOA-20663 since it is in his neighborhood and Ms. Cantrell will move this item forward.

Ms. Cantrell stated that this is in her neighborhood; however, she will not be abstaining.

Mr. Midget in at 1:50 p.m.

PUBLIC HEARING

- 16. **BOA-20663** – (8406)/Plat Waiver (PD-6) (CD-9)

*Northwest corner of Peoria Avenue and East 31st Street

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Special Exception (BOA 20663) to permit a private park with variances in an RS-3 zoning district.

Staff provides the following information from TAC at their April 3, 2008 meeting:

ZONING:

TMAPC Staff: The Board of Adjustment granted the Special Exception at their April 8, 2008 meeting.

STREETS:

Peoria is a secondary arterial with a minimum right-of-way requirement of 50 feet. The existing right-of-way is 40 feet. Additional right-of-way required is ten feet. 31st Street is a secondary arterial with a minimum right-of-way requirement of 50 feet. The existing right-of-way required is 15 feet. Provide a survey to confirm 40 feet of right-of-way along Peoria and 35 feet on 31st Street to meet the Major Street Plan.

SEWER:

No structural improvements allowed within the existing five-foot utility easement along the north property line.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | Yes | NO |
|-----------------------------------------------------------------------------------------------|------------|-----------|
| 1. Has Property previously been platted? | X | |
| 2. Are there restrictive covenants contained in a previously filed plat? | X | |
| 3. Is property adequately described by surrounding platted properties or street right-of-way? | X | |

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

- | | YES | NO |
|--------------------------------------------------------------------------------------|------------|-----------|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan? | X | |

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		
10. Is this a Major Amendment to a P.U.D.?		X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		
11. Are mutual access easements needed to assure adequate access to the site?		X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Marshall asked to speak with the applicant regarding how people would access the park and sidewalks, and who would be responsible for upkeep of the park.

Applicant's Comments:

Neal Sperry, 1248 East 30th Place, 74114, stated that there will be a sidewalk and it will end on the corner of the park at the street crossing. There will be a

sidewalk from the subject property north to East 30th Place. Mr. Sperry explained that there will be an endowment to maintain the park.

TMAPC COMMENTS:

Mr. Walker asked if the park is for traffic or visual primarily. In response, Mr. Sperry stated that it is more visual, but there is a possibility that people will congregate in the park. It is intended to be visual more than anything else.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MARSHALL**, TMAPC voted **9-0-1** (Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; Ard "abstaining"; Perry "absent") to **APPROVE** the plat waiver for BOA-20663 per staff recommendation.

- | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 18. | <u>Z-7095/PUD-752 – Margee Aycock</u> | RS-3 to OL/PUD |
| | Southeast corner East 16 th Street and South Lewis Avenue (1601 South Lewis Avenue) (PUD to utilize existing structure for office and residential uses.) | (PD-6) (CD-4) |

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance Number 11815, dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: OL/PUD

PROPOSED USE: Office

RELEVANT ZONING HISTORY:

Z-7077/PUD-750 March 2008: All concurred in approval of a request to rezone three lots (.50 Acre) north of the northwest corner of East 17th Street and Lewis Avenue from RS-3 to OL/PUD-750, for office use in accord with the provisions of the 15th Street/Lewis Study.

Z-6985 January 2008: All concurred in denial of a request for rezoning a .19+ acre tract of land from RS-3 to OL on property located on the southeast corner of East 16th Street and South Lewis Avenue. Case is to be resubmitted with accompanying PUD, per TMAPC recommendation.

Z-6934 February 2004: An application to rezone a lot located on the southeast corner of East 17th Place and South Lewis from RS-3 to OL was withdrawn by the applicant prior to TMAPC hearing.

Z-6635 May 1998: All concurred in approval of a request to rezone an area that included several residential and office zoned lots lying on the south side of the Broken Arrow Expressway, east of South Lewis Avenue to South Atlanta Avenue on the east from RS-3 and OL to CS for a large chain grocery store.

Z-6212 May 1989: All concurred in approval of a request to zone the Gillette neighborhood with HP supplemental zoning overlay. This request included properties lying south of 15th Street and those lots fronting South Yorktown on the west; including those lots fronting South Gillette Avenue on the east to East 17th Street on the south.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 145' x 55' in size, flat, non-wooded, contains what appears to be a single-family dwelling and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 16 th Street	Residential	50'	2 lanes
South Lewis Avenue	Urban arterial	80'	4 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The property is abutted on the north by 16th Street and a Sonic Drive-In, zoned CH; on the south by three residential uses (two single-family and one duplex); the property adjacent to the subject lot is apparently vacant, zoned RS-3, and at least one of the duplex units also appears to be vacant; farther south by a rather densely-developed townhouse use, zoned RT; on the east by what appear to be single-family residential uses, zoned RS-3; and on the west by Lewis Avenue and single-family residential and office uses (some of which are vacant), zoned RS-3/OL/HP in the Yorktown Neighborhood Historic District. Barnard Elementary School lies across the street west from the townhouse development. There is a traffic light at the corner of 17th and Lewis.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being in the Cherry Street Special Study area and in the Lewis Avenue Special Study area. According to the Zoning Matrix, the requested OL zoning **may be found** in accord with the Plan by virtue of its being in a special study area. The request is accompanied by a PUD application, which **is** in accord with terms of the Lewis Avenue Study.

STAFF RECOMMENDATION FOR ZONING:

The requested OL zoning meets the standards of the Lewis Study, which also requires a PUD. Based on that and trends in the area, staff recommends **APPROVAL** of OL for Z-7095 if the TMAPC deems it appropriate to approve the accompanying PUD-752.

STAFF RECOMMENDATION FOR PUD:

PUD-752 is a .2 acre (+/-) tract located on the southeast corner of Lewis Avenue and 16th Street South. The proposed PUD is currently platted as Lot 1, Block 13 – Glen Acres/Lynn Lane and is addressed as 1601 South Lewis Avenue.

PUD-752 and concurrent zoning application Z-6985 propose to change the underlying zoning for the lot from RS-3 to RS-3/OL/PUD so the existing structures may be utilized for office and residential uses. A requirement of the recently adopted Lewis Study states rezoning applications in the Study area must be accompanied by an application for a PUD, “until an appropriate special zoning district – the preferred method – is adopted”.

With the exception of general maintenance repairs, ordinary upkeep, and modifications required by the Lewis Study for conversion to the proposed commercial use, the existing structures will remain relatively untouched to retain the residential character of the neighborhood per recommendation of the aforementioned Lewis Study.

The applicant’s concept development plan has been reviewed according to the Lewis Study “Design Guidelines” as recommended in the Lewis Study and adopted by the Tulsa City Council on August 2, 2007. The applicant’s concept development plan has been found to be generally in accord with those recommendations. The Lewis Study Design Guidelines text will be made a condition of approval of PUD-752.

The applicant is, however, requesting a waiver from Lewis Study Design Guideline #4, which requires parking and boundaries “in common with residential uses (must) be screened by a masonry wall or a privacy fence with masonry pilasters and landscaping...” The applicant is requesting the waiver for the south lot line only, since this lot shares an access drive from Lewis Avenue with the bordering property to the south. The requirement, as written and adopted, requires screening along any lot line between a commercial parking area and a residentially zoned lot.

After review, staff finds that the intent of Lewis Study Guideline #4 is to require the screening along those lot lines in common with the residential properties immediately adjacent to the east and not necessarily, along those property lines that are shared lot lines between residential and commercial zoned lots fronting Lewis Avenue. This is apparent, *specifically for this tract*, in that Design

Guideline #3 (which encourages shared access drives) is in direct conflict with Guideline #4 (requiring screening).

In the case of PUD-752, since there will be no additional curb cuts permitted along Lewis Avenue per Lewis Study Design Guideline #3, and the applicant will be recording the attached mutual access agreement (see Exhibit A) with the County Clerk during the platting process, staff can support the request for this screening waiver along the south boundary of PUD-752 only.

In other instances within the Lewis Study Area, where a commercial zoned lot has a parking area along a lot line in common with a residential zoned which also fronts Lewis Avenue, the screening requirement will be enforced as written. This will be for the protection of those lots in the Lewis Study Area that choose not to rezone their lots.

The proposed concept development plan is within all permissible floor area, building height, and landscaping requirements. Five-foot sidewalks, if not existing, will be installed along Lewis Avenue and 16th Street. Any existing sidewalks will remain and all sidewalks will be maintained by the land owner.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code as well as the Lewis Study. Based on the following conditions, staff finds PUD-752 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code and the Lewis Study.

Therefore, staff recommends **APPROVAL** of PUD-752 subject to the following conditions and as revised by the TMAPC (items with strikethrough and underlined items indicate changes made by the TMAPC):

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. The Lewis Study Design Guidelines and Alternatives be made a condition of approval and are included below.
3. Development Standards:

AREA:	.33 acres gross	14,600 SF gross
	.2 acres net	8,975 SF net

PERMITTED USES:

Permitted OL District Uses include and are limited to: Accountants Office, Advertising Agency, Architect's Office, Artist's Studio, Computing Service, Counselor or Counseling Office, Data Processing Service, Drafting Service, Engineer Office, Interior Design Consultant (no retail sales), Law Offices, Photography Studio, Studio or School for Teaching Language or Business, Studio or School for teaching Handcrafted Visual Fine Arts such as Painting/Pottery/Sculpture; Use Unit 10, Off-Street Parking Areas as an accessory use only.

SPECIAL EXCEPTION USES PERMITTED AS PRIMARY USES:

Single-family dwelling; Duplex Dwelling; and Townhouse Dwellings

MINIMUM LOT WIDTH: 55'

EXISTING BUILDING FLOOR AREA:

Office Use: 1,392 SF (.09 FAR)
Residential Use: 702 SF, Limited to one, single-family dwelling

MAXIMUM BUILDING FLOOR AREA:

Office Use: 4,080 SF (.3 FAR)
Residential Use: Limited to one, single-family dwelling

MAXIMUM BUILDING HEIGHT:

Office Use: 35' (not to exceed two stories)
Residential Use: Per the RS-2 district (35' or, one-story not to exceed 18' when located in the required rear yard)

OFF-STREET PARKING:

As required by the applicable Use Unit of the City of Tulsa Zoning Code. Parking must be located to the side and/or rear of buildings and must be located behind the front building line per the Lewis Study.

EXISTING BUILDING SETBACKS/Office Use:

Existing from the centerline of Lewis Avenue 50'
Existing from the centerline of 16th Street 32.6'
Existing from the East Boundary of the PUD 65.5'
Existing from the south boundary 14.8'

EXISTING BUILDING SETBACKS/Residential Use:

Existing from Lewis Avenue ROW 100' 4"
Existing from 16th Street ROW 37.6'
Existing from the East Boundary of the PUD 17.5'
Existing from the south boundary 11'

Note: Existing 8.7' x 21' "frame storage" as indicated on conceptual site plan may continue at less than 1' setback from east and south boundaries. Should this

structure be removed for any reason, any new storage structure would be subject to detached accessory conditions per the RS-3 District and sections 210-B-5 and 402 of the Zoning Code.

LANDSCAPED AREA*:

A minimum of fifteen percent (15%) of the land area shall be improved as internal landscaped open space. The street yard shall be landscaped in accord with the Landscape Chapter of the Zoning Code and shall include at least five feet of landscape area on the west side of the required screening wall located on the east boundary.

**The Livability space requirement for RS-3 zoned lots shall be waived, so long as the minimum landscape requirements herein are established and maintained.*

LIGHTING:

Exterior light standards, including building mounted lighting shall not exceed 15 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Light standards shall be decorative and residential in style and function per the Lewis Study. Shielding of outdoor lighting shall be designed so as to prevent the light producing element of reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

SCREENING*:

All parking and boundaries abutting a residential district shall be screened from such residential district by the erection of an eight-foot masonry wall or privacy fence per Draft Design Guideline #4 of the Lewis Study (below). The masonry wall or privacy fence shall have masonry pilasters and a landscaped buffer of no less than five feet. Material used for privacy fences shall be opaque in nature, to completely screen any view of adjacent residential uses.

****Screening along the south 95' boundary line and the north 11' of the "north-south 20' boundary line" of this PUD may be waived at detail site plan review with the attached mutual access agreement between the applicant and the property owner immediately adjacent to the south showing agreement of mutual access to the common driveway for both properties (see Exhibit A). This is to allow for the continuation of the shared access drive along the southern boundary of the PUD as recommended by Design Guideline #3 of the Lewis Study (below).***

TRASH CONTAINERS:

Outside trash containers are restricted to that which is typical for single-family residential areas, and must be screened from view of any person standing at ground level by the erection of a solid screening wall or fence.

SIGNS:

Signs shall be limited to one (1) ground sign or one (1) wall sign, not to exceed six (6) square feet of display surface area. Any ground sign shall not exceed 4-feet in height. Illumination of any sign is prohibited. Banners or temporary signs related to the property's business are prohibited.

ACCESS AND PEDESTRIAN CIRCULATION:

No additional curb cuts will be permitted onto Lewis Avenue. Pedestrian circulation shall be provided by existing internal sidewalks. Sidewalks, if not existing, shall be installed along Lewis Avenue and 16th Street, and shall be maintained by the property owner.

PERMITTED HOURS OF OPERATION:

Hours of operation for permitted Office Light (OL) uses shall be limited to 7:00 am to 7:00 pm.

3. No zoning clearance or occupancy permit shall be issued for the PUD until a detail site plan for the lot, which includes all buildings, pedestrian and vehicular circulation, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards and Lewis Study Guidelines as adopted by the Tulsa City Council.
4. A detail landscape plan for each lot shall be approved by the TMAPC and installed prior to issuance of any building or occupancy permit. A landscape architect, engineer, or architect registered in the State of Oklahoma shall certify to the TMAPC that all required landscaping and screening plans will be installed in accordance with the approved landscape plan for the lot, prior to application for a building or occupancy permit. A landscape architect registered in the State of Oklahoma shall certify to the City of Tulsa Zoning Official that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.

7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level per the above development standards.
8. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard or building-mounted light shall exceed 15 feet in height on the east 80 feet of the Development Area, and 20 feet on the remaining development. All lighting must comply with the Kennebunkport formula and the design guidelines of the Lewis Study.
9. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage, stormwater drainage structures and any required detention areas serving the lot have been installed in accordance with approved plans prior to issuance of an occupancy permit on that lot.

This property is located in the upper reaches of the Crow Creek Drainage Basin with flooding downstream of this site. The additional stormwater drainage runoff created by the Development of a Commercial Site cannot be drained to adjacent residential areas. No building or occupancy permits permitted until adequate stormwater drainage is approved by the appropriate City Official.

10. No building permit shall be issued until the platting requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC comments from 3/20/08

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: Sidewalk required along Lewis and 16th St. 30' radius required at corner of property line at intersection of King 16th and Lewis Ave.

Traffic: Additional R/W may be required to meet the Major Street Plan for an Urban Arterial (35 FT min. from section line). The shared drive requires a Mutual Access Easement but does not seem consistent with modern design standards of a PUD and compatible with Office zoning. The proposed parking space in front of the apartment may be too narrow.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

INCOG Transportation:

- MSHP: S. Lewis Ave, between 11th Street S. and 21st St. S., Designated urban arterial
- LRTP: S. Lewis Ave, between 11th Street S. and 21st St. S., existing 4 lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- TMP: No Comment
- Transit: Currently, Tulsa Transit operates services on this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development.

Mr. Sansone explained that there is a conflict within the Lewis Guidelines with this subject property. There is a shared access drive that is also along the boundary in common with a residentially-zoned lot. The applicant is requesting a waiver of the screening requirement along the south boundary. The property owner has come to an agreement with the Neighborhood Association to the east about the screening requirement. Staff can support the waiver of the screening requirement and believes the screening requirement should be modified to prevent having the screening in the driveway.

TMAPC COMMENTS:

In response to Mr. Ard, Mr. Sansone stated that it is his understanding that the subject lot is the only one along the Lewis Study that would have the problem with shared parking.

Applicant's Comments:

Scott Aycock, 1135 North Denver, 74106, owner of 1601 South Lewis Avenue property, stated that he is in agreement with staff's recommendation.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Aycock if he would like to keep the driveway open where the screening fence would be located. In response, Mr. Aycock answered affirmatively.

Interested Parties Comments:

Susan McKee, 1616 South Victor, 74104, stated that she supports this application and she believes the Aycocks will be good neighbors.

Carol Lambert, 2508 East 17th Street, 74104, stated that she supports this application and she believes the Aycocks will be good neighbors.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Perry "absent") to recommend **APPROVAL** of the OL zoning for Z-7095 per staff recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Perry "absent") to recommend **APPROVAL** of PUD-752 per staff recommendation, subject to screening along the south 95' boundary line and the north 11' of the "north-south 20' boundary line" of this PUD may be waived at detail site plan review with the attached mutual access agreement between the applicant and the property owner immediately adjacent to the south showing agreement of mutual access to the common driveway for both properties. This is to allow for the continuation of the shared access drive along the southern boundary of the PUD as recommended by Design Guideline #3 of the Lewis Study. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7095/PUD-752:

Part of Lot 13, Block 1, Glen Acres Subdivision, described as follows: beginning at the Northeast corner of the South 50' of the North 105' of the West 145' of Lot 13, Block 1, Glen Acres Addition, of the N/2, SW/4 of Section 8, T-19-N, R-13-E, Tulsa County, Oklahoma according to the recorded plat thereof, and extending South and parallel to the East property line a distance of 20'; thence West parallel to the North property line a distance of 50'; thence North parallel to the East property line a distance of 20' thence to the Point of Beginning and the North 55' of the West 145' of Lot 13, Block 1, Glen Acres of the N/2, SW/4, Section 8, T-19-N, R-13-E, Tulsa County, Oklahoma, and located at 1601 South Lewis Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family District) To OL /PUD (Office Low Intensity District/Planned Unit Development [PUD-752]).**

19. **Z-7090/PUD-753 – Maurie Traylor** **RS-3/HP to OL/HP/PUD**
North of northwest corner East 17th Street and South Lewis Avenue (PUD to utilize existing structure for office uses.) (PD-6) (CD-4)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970, established RS-3 zoning for the subject property. Ordinance number 17141 dated March 24, 1989 established the HP zoning on the subject property.

PROPOSED ZONING: OL/HP/PUD **PROPOSED USE:** Office

RELEVANT ZONING HISTORY:

Z-7077/PUD-750 March 2008: All concurred in approval of a request to rezone three lots (.50 acre) north of the northwest corner of East 17th Street and Lewis Avenue from RS-3 to OL/PUD-750, for office use in accord with the provisions of the 15th Street/Lewis Study.

Z-6985 January 2008: All concurred in denial of a request for rezoning a .19± acre tract of land from RS-3 to OL on property located on the southeast corner of East 16th Street and South Lewis Avenue. Case is to be resubmitted with accompanying PUD, per TMAPC recommendation.

Z-6934 February 2004: An application to rezone a lot located on the southeast corner of East 17th Place and South Lewis from RS-3 to OL was withdrawn by the applicant prior to TMAPC hearing.

Z-6635 May 1998: All concurred in approval of a request to rezone an area that included several residential and office zoned lots lying on the south side of the Broken Arrow Expressway, east of South Lewis Avenue to South Atlanta Avenue on the east from RS-3 and OL to CS for a large chain grocery store.

Z-6212 May 1989: All concurred in approval of a request to zone the Gillette neighborhood with HP supplemental zoning overlay. This request included properties lying south of 15th Street and those lots fronting South Yorktown on the west; including those lots fronting South Gillette Avenue on the east to East 17th Street on the south.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .18± acres in size and is located north of northwest corner of East 17th Street and South Lewis Avenue. The property appears to be used residentially and is zoned OL/HP.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Lewis Avenue	Urban arterial	70'	4

UTILITIES: The subject tract has municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by Lewis Avenue and single-family residential uses (one to the northeast of which has been the subject of a previous zoning case and a current case, Z-7095/PUD-752), zoned RS-3; on the north by the first properties in the Lewis Study Area to re-zone, PUD-750, zoned OL; on the south by a single-family residential use, zoned RS-3; and on the west by single-family-residential uses, zoned RS-3/HP.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Area C of the Cherry Street Special Consideration Area and Low Intensity-Residential land use. According to the Zoning Matrix, the requested OL/HP zoning **may be found** in accord with the Plan because of its location within a Special Consideration Area. Provisions of the Cherry Street Study call for development and redevelopment to enhance and be compatible with the existing land use and historic character of the neighborhood, rigorous code enforcement and a pedestrian way/bikeway that is compatible with adjacent residential neighborhoods. The recent Lewis Study recommended use of the PUD for any rezoning fronting onto South Lewis Avenue. That study was adopted by the TMAPC and City Council.

STAFF RECOMMENDATION FOR ZONING:

Based on the Comprehensive Plan, findings and recommendations of the Lewis Study and trends in the area, staff can support the proposed rezoning. As noted in the hearings on the Lewis Study, the perimeters of any neighborhood are the most fragile and likely to transition. The transition of this property to office use seems to be timely and reasonable. Therefore, staff recommends **APPROVAL** of OL/PUD zoning for Z-7090 if the TMAPC deems it appropriate to approve the accompanying PUD-753.

STAFF RECOMMENDATION FOR PUD:

PUD-753 is a .17 acre (+/-) tract located on the west side of Lewis Avenue, approximately 50 feet north of 17th Street South. The proposed PUD is currently platted as Lot 16, Block 1 – Hoppings Addition and is addressed as 1610 and 1612 South Lewis Avenue. There is an existing 1,700 square foot residential structure on the lot.

PUD-753 and concurrent zoning application Z-7090 propose to change the underlying zoning for the lot from RS-3/HP to OL/HP/PUD so the existing structure may be utilized for office uses. Consequently, the Lewis Study requires

rezoning applications in the Study Area to be accompanied by an application for a PUD, "until an appropriate special zoning district – the preferred method – is adopted".

With the exception of general maintenance repairs and ordinary upkeep, and work needed to meet the requirements of the Lewis Study, the existing structure will remain relatively untouched to retain the residential character of the neighborhood per recommendation of the Lewis Study. The property is also located in the ~~Gillette~~ Yorktown Historic Preservation District, therefore any changes to the exterior of the structure, additions, alterations and repairs must first receive the approval of the Tulsa Historic Preservation Commission and potentially receipt of a Certificate of Appropriateness (COA) prior to any building permits being issued.

The applicant's concept development plan has been reviewed against the "Design Guidelines" as recommended in the Lewis Study and adopted by the Tulsa City Council on August 2, 2007. The applicant's concept development plan has been found to be in accord with those recommendations. The Lewis Study Design Guidelines text will be made a condition of approval of PUD-753.

The proposed concept development plan is within all permissible floor area, building height, screening and landscaping requirements. A five-foot sidewalk will be installed along Lewis Avenue, or where existing, remain and be maintained by the land owner. Access to the site is provided from one access point on Lewis Avenue which will be widened per Tulsa Traffic Engineering. There are no additional curb cuts proposed and none are permitted per the Lewis Study.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code and the Lewis Study. Based on the following conditions, staff finds PUD-753 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code and the Lewis Study.

Therefore, staff recommends **APPROVAL** of PUD-753 subject to the following conditions and as revised by the TMAPC (items with strikethrough and underlined items indicate changes made by the TMAPC):

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. The Lewis Study Design Guidelines and Alternatives be made a condition of approval and are included below.

3. Development Standards:

AREA:	.22 acres gross	9,837 SF gross
	.18 acres net	7,929 SF net

PERMITTED USES:

Permitted OL District Uses include and are limited to: Accountants Office, Advertising Agency, Architect's Office, Artist's Studio, Computing Service, Counselor or Counseling Office, Data Processing Service, Drafting Service, Engineer Office, Interior Design Consultant (no retail sales), Law Offices, Photography Studio, Studio or School for Teaching Language or Business, Studio or School for teaching Handcrafted Visual Fine Arts such as Painting/Pottery/Sculpture; Use Unit 10, Off-Street Parking Areas as an accessory use only.

SPECIAL EXCEPTION USES PERMITTED AS PRIMARY USES:

Single-family dwelling; Duplex Dwelling; and Townhouse Dwellings

MINIMUM LOT WIDTH:	54.5'
EXISTING BUILDING FLOOR AREA:	1,700 SF (.17 FAR)
MAXIMUM BUILDING FLOOR AREA:	2,951 SF (.3 FAR)
EXISTING BUILDING HEIGHT:	17.5 FT
MAXIMUM BUILDING HEIGHT (Not to exceed two stories):	35 FT

OFF-STREET PARKING:

As required by the applicable Use Unit of the Tulsa Zoning Code. Parking must be located to the side and/or rear of buildings and must be located behind the front building line.

MINIMUM BUILDING SETBACKS:

From the centerline of Lewis Avenue	60 FT
From the north boundary	4 FT
From the south boundary	8.5 FT
From the West Boundary of the PUD	50 FT

LANDSCAPED AREA:

A minimum of fifteen percent (15%) of the land area shall be improved as internal landscaped open space. The street yard shall be landscaped in accord with the Landscape Chapter of the Zoning Code. There shall be at least a five foot landscape buffer area on the east side of the eight-foot screening fence located on the west boundary.

LIGHTING:

Exterior light standards, including building mounted lighting shall not exceed 15 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Light standards shall be decorative and residential in style and function per the Lewis Study. Shielding of outdoor lighting shall be designed so as to prevent the light producing element of reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

SCREENING:

All parking and boundaries abutting a the residential district to the west shall be screened from such residential district by the erection of an eight-foot masonry wall or privacy fence per Draft Design Guideline #4 of the Lewis Study (below). The masonry wall or privacy fence shall have masonry pilasters and landscaping. Material used for privacy fences shall be opaque in nature, to completely screen any view of adjacent residential uses. An existing, non-required six-foot fence or any six-foot fence may be permitted along the north or south boundaries of the lot, but may not extend beyond the front wall of the principal structure on the lot.

TRASH CONTAINERS:

Outside trash containers are restricted to that which is typical for single-family residential areas, and must be screened from view of any person standing at ground level.

SIGNS:

Signs shall be limited to one (1) ground sign or one (1) wall sign, not to exceed six (6) square feet of display surface area. Any ground sign shall not exceed 4-feet in height. Illumination of any sign is prohibited. Banners, temporary or promotional business signs related to the property's business are prohibited.

ACCESS AND PEDESTRIAN CIRCULATION:

No additional curb cuts will be permitted onto Lewis Avenue. Driveway entrance must be a minimum of 24'. A 5' sidewalk will be installed along Lewis Avenue, or where there is an existing sidewalk, the sidewalk shall remain and be maintained by the property owner. At the time of detail site plan review a Pedestrian Circulation Plan shall be submitted.

PERMITTED HOURS OF OPERATION:

Hours of operation for permitted Office Light (OL) uses shall be limited to 7:00 am to 7:00 pm.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, pedestrian and vehicular circulation, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for the lot shall be approved by the TMAPC and installed prior to issuance of any occupancy permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard or building-mounted light shall exceed 14 feet in height on the west 80 feet of the lot, and 20 feet on the remaining development. All lighting must comply with the Kennebunkport formula and the design guidelines of the Lewis Study.
9. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage, stormwater drainage structures and any required detention areas serving a lot have been installed in accordance with approved plans prior to issuance of an occupancy permit on that lot.

This property is located in the upper reaches of the Crow Creek Drainage Basin with flooding downstream of this site. The additional stormwater drainage runoff created by the Development of a Commercial Site cannot

be drained to adjacent residential areas. No building or occupancy permits permitted until adequate stormwater drainage is approved by the appropriate City Official.

10. No building permit shall be issued until the platting requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the [City/County] beneficiary to said covenants that relate to PUD conditions.
11. Any proposed development or modification to existing structures is subject to the review of the Tulsa Historic Preservation Commission staff, to determine if a Certificate of Occupancy (COA) is required prior to approval of a detail site plan by the TMAPC. Should a COA be required, no building permit shall be issued until COA has been approved by the Tulsa Historic Preservation Commission and a detail site plan incorporating that approval is approved by the TMAPC.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
14. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC COMMENTS:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: Section V Access Circulation. Driveway entrance must be a minimum of 24'. Five-foot wide Sidewalk is required along Lewis and language to address this should be included. ~~Lewis is a secondary arterial with a minimum right of way requirement of 50'. The existing right of way is 30'. Additional right of way required is 20'.~~

Traffic: Right of Way along Lewis Avenue shall meet the Major Street Plan for an Urban Arterial (35 FT minimum). An additional five feet may be required. Recommend widening the existing drive to better serve as a commercial drive with safe two-way traffic for at least a depth of one car length.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

TMAPC COMMENTS:

Ms. Wright asked Mr. Sansone if the applicant is in compliance with the Historic Preservation Committee. In response, Mr. Sansone stated that the applicant will have to come back with a detail site plan review and she will be required to consult with the Historic Preservation Committee.

Ms. Wright asked if the subject driveway would be able to accommodate today's vehicles. In response, Mr. Sansone stated that the applicant is being required by Development Services to widen the driveway to 24 feet.

Ms. Cantrell stated that the applicant has been before the TPC and has received a COA to widen the driveway. Ms. Cantrell further stated that this subject property is in Yorktown Historic District and not in Gillette.

Applicant's Comments:

Maurie Traylor, 9406 North 134th East Avenue, 74055, owner of property located at 1610-1612 South Lewis Avenue, 74104, stated that she is in agreement with the staff recommendation.

Interested Parties Comments:

Susan McKee, 1616 South Victor, 74104, stated that she supports this application subject to the conditions of the guidelines.

Carol Lambert, 2508 East 17th Street, 74104, stated that she supports this application. She explained that this is the type of business she is looking for in her area.

Joan Crager, 1620 South Lewis, 74104, stated that she sold the subject property to the applicant. She expressed concerns with the screening requirement between her property and the subject property. She would prefer to see landscaping and an empty parking lot rather than looking at a huge screening fence that would be ten feet from her kitchen window. Ms. Crager believes the screening fence would not be useful or visually appealing.

TMAPC COMMENTS:

Mr. Ard asked staff if the applicant would have to request a waiver for the screening. In response, Mr. Sansone answered affirmatively.

Ms. Crager stated that the existing fence was erected by her and she doesn't need for it to extend farther toward Lewis. In response, Ms. Cantrell stated that she thought the Lewis Study didn't want fences in the front yard.

Applicant's Comments:

Maurie Traylor, 9406 North 134th East Avenue, 74055, owner of property located at 1610-1612 South Lewis Avenue, 74104, stated that she is in agreement with the staff recommendation. She explained that she currently owns a business of interior design and renovations in Broken Arrow, Oklahoma.

Ms. Traylor stated that she supports the objection to the screening fence for the following reasons: 1) esthetically, and 2) safety issues trying to pullout onto Lewis. Ms. Traylor requested that the Planning Commission consider a waiver of the screening fence.

TMAPC COMMENTS:

Mr. Carnes asked Ms. Traylor is she is in agreement with eliminating the fence. In response, Ms. Traylor stated that she doesn't want the fence.

Mr. Sansone stated that staff is not recommending the fence. It is the Lewis Study that is recommending the fence. He explained the Lewis Study recommendation regarding residential lots abutting OL lots.

Mr. Sansone suggested that if the Planning Commission waives the screening fence the landscaping should stay in place and that should be reflected in their motion.

Ms. Crager stated that all of the landscaping is currently on her property and after her lot ends, there is a driveway and there is not one square inch for anything in terms of plantings. There is a very shallow area for water to run down the hill, which is concrete and then the driveway connects to that and attaches to the duplex.

Ms. Cantrell asked Ms. Crager if she wanted a fence at all along her side. In response, Ms. Crager stated that the existing fence is all the fencing she would want.

Mr. Boulden reminded staff and the Planning Commission that the Lewis Study is a guideline and not something that is mandatory. It is certainly part of the Comprehensive Plan and should be considered, but it is not a requirement.

Mr. Ard stated that it doesn't seem to be problem since the applicant and the adjacent property owner are in agreement with waiving the screening requirement on the south side of the parcel and leaving whatever landscaping requirement is shown in the PUD in place.

Mr. McArtor recognized Mr. Atkins.

Chip Atkins, 1638 East 17th Place, 74120, stated that he owns property at 2212 East 18th Street, and he served on the Lewis Corridor Study. He suggested that

there should be a time limit put on the waiver of the screening fence because the same owners will not live there forever. These suggestions are being made for who is living there now and not for what may happen in the future.

Mr. Ard stated that he doesn't know if the Planning Commission can retroactively require a screening fence at some point in the future. He would be agreeable to requiring the screening to the point where it is currently. In response, Mr. Atkins agreed with the existing screening fence to remain as it currently exists. Mr. Atkins didn't want the screening fence eliminated completely.

Mr. Ard recognized Ms. Carol Lambert.

Ms. Lambert suggested that the screening remain as stated in the Lewis Study Guidelines. She doesn't expect the screening fence to extend to the street and cause traffic issues. There is existing screening and she believes it should remain and not start making exceptions from the beginning. She agreed with Mr. Ard's suggestion that the original screening remain in place.

Ms. Cantrell stated that the Planning Commission wouldn't be waiving the screening requirement, but stating that the existing screening satisfies the requirements. Ms. Cantrell asked Ms. Lambert if she agrees.

Mr. Sansone stated that currently there is a six-foot white-picket fence along the south boundary. Mr. Sansone stated that he can modify the staff recommendation to state: "...existing screening white picket screening along north and/or south boundaries may continue."

Mr. Ard asked staff if the existing screening would stay in place and there would be no requirement for additional screening coming forward. In response, Mr. Sansone stated that the south boundary isn't technically screening, it is a fence. Mr. Ard asked if this would resolve the landscaping issue. In response, Mr. Sansone answered affirmatively.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Perry "absent") to recommend **APPROVAL** of the OL zoning for Z-7090 per staff recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Perry "absent") to recommend **APPROVAL** of PUD-753 per staff recommendation, subject to an existing, non-required six-foot fence or any six-foot fence may be permitted along the north or south boundaries of the lot, but may not extend beyond the front wall of the principal structure on the lot as

modified by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7090/PUD-753:

Lot 16, Block 1, Hoppings Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; **From RS-3/HP (Residential Single-family District/Historic Preservation District) To OL/HP/PUD (Office Low Intensity District/Historic Preservation District/Planned Unit Development [Z-7090/PUD-753]).**

20. **PUD-741-A – Roy D. Johnsen** (PD-26) (CD-8)

West of northwest corner of 111th Street South and Sheridan Road (Major Amendment to adjust development areas, increase the total number of dwelling units, decrease the minimum lot size, and reconfigure Reserve A Areas.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11833 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: RS-2/PUD **PROPOSED USE:** Single-family Residential

RELEVANT ZONING HISTORY:

Z-7060/PUD-741 August 2007: All concurred in approval of a request to rezone a tract of land from AG to RS-2 and a proposed Planned Unit Development on a 60± acre tract of land for a single-family residential development, on property located west of the northwest corner of 111th Street South and South Sheridan and the subject property.

PUD-702-A November 2006: All concurred in approval of a proposed Major amendment to a Planned Unit Development to delete and abandon Reserve Area B on a 4.64± acre tract of land on property located north of northwest corner of East 11th Street and South Sheridan Road, subject to excluding the installation of sidewalks along South Sheridan Road per staff recommendation based upon Legal's advice regarding the issue. This Major Amendment was prompted by a minor amendment to PUD-702 on March 1, 2006 for purpose of conveyance to the adjoining property owner to the north.

PUD-702/Z-6933 May 2004: All concurred in approving a request to rezone a 4.64± acre tract from AG to RS-2 and a Planned Unit Development for Single Family Residential development on property located north of northwest corner of East 11th Street and South Sheridan Road.

Z-6810/PUD-646 July 2001: An application was filed to rezone a 35± acre tract located north and east of the northeast corner of East 111th Street South and South Sheridan Road from AG to RS-2 and PUD. The request for RS-2 zoning was denied and RE zoning was recommended with a maximum of 20 lots if the development provided only one access point. The applicant revised the request by including an additional 4.1 acres of land and TMAPC and City Council approved RS-1 zoning and approved the PUD for a maximum of 30 lots with two points of access being provided.

Z-6807/PUD-645 May 2001: A request to rezone the ten-acre node, located on the northwest corner of East 111th Street and South Sheridan Road from AG to CS and OL for future commercial and office development. TMAPC recommended approval of the request as submitted but City Council denied the request for rezoning. The request was appealed to district court and the district court upheld the decision of City Council.

Z-6753/PUD-450-A March 2000: All concurred in approval of a request for a major amendment and the rezoning of the 4.5-acre tract located on the southwest corner of East 111th Street and South Sheridan Road from CS/PUD-450 to RS-4/PUD-450-A for a gated single family development.

Z-6730/PUD-627 March 2000: A request to rezone a ten-acre tract located on the southwest corner of East 108th Street South and South Sheridan Road from AG to RS-2/PUD for single-family development. Staff and TMAPC recommended denial of RS-2 and recommended approval of RS-1 with PUD-627. City Council concurred in approval per TMAPC recommendation.

Z-6700/PUD-611 June 1999: All concurred in approval of a request to rezone a 20-acre tract located west of the northwest corner of East 111th Street South and South Sheridan Road from AG to RS-2/PUD for a residential development.

BOA-17569 November 1996: A request to allow a 110' cellular tower on property located north of the northwest corner of East 111th Street South and South Sheridan Road, and zoned AG, was denied.

Z-6525/PUID-543 April 1996: All concurred in approval of a request to rezone a 14.6± acre tract from AG to RS-2/PUD and a proposed Planned Unit Development for single-family subdivision, located between East 104th Street and East 106th Street on west side of Sheridan.

Z-6249/PUD-450 July 1989: A request to rezone a 4.5-acre tract located on the southwest corner of East 111th Street South and South Sheridan Road, from AG to CS/PUD for commercial shopping center. The request was approved subject to the PUD standards and conditions.

Z-6249 May 1989: An application was filed to rezone a 44.6-acre tract located on the southwest corner of East 111th Street South and South Sheridan Road, from AG to RS-2 and CS. TMAPC recommended approval of RS-1 on the west 140' of the tract, RS-2 on the balance of the tract less the proposed commercial node (675' x 290'). All concurred in approval of the residential zoning and recommended the applicant submit a PUD along with the rezoning application for CS on the 4.5-acre node of the property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 60 acres in size, includes rolling terrain, is partially wooded and is located approximately 660 feet west of the northwest corner of the intersection of South Sheridan Road and East 111th Street South. The property appears to be vacant and is zoned RS-2.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 111 th Street	Secondary Arterial	100'	2

UTILITIES: The subject tract has municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the southwest by PUD-611 - Preston Woods, a single family residential development, zoned RS-2; on the northwest by Southern Parks Estates a single-family residential development, zoned RS-1; on the north by Forest Park III and Forest Park 2nd Amended, both single family residential developments and both zoned RS-2; on the northeast by Forest Park South and the Gates at Forest Park, both single family residential developments, zoned RS-2; on the east by vacant AG zoned land and PUD-702, a single-family residential development zoned RS-2; and on the south by 111th Street and Hudson Meadows, a single-family residential development zoned RS-1, as well as, Woodfield B1-7, a single-family residential development zoned RS-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low-Intensity Residential/ Development Sensitive – Residential Land Use. According to the Zoning Matrix, the proposed PUD development is in accord with the Plan.

STAFF RECOMMENDATION:

PUD-741 comprises 60 gross acres located approximately 660 feet west of the northwest corner of South Sheridan Road and 11th Street South. As approved, PUD-741 is planned for detached single-family residences. Residences located in Development Area A are approved for access from public streets, while Development Areas B and C were approved for access from private roadways (see applicant's Exhibit C). Access to the Development Areas is not changing with this request.

Major Amendment PUD-741-A proposes to:

- a. Adjust development area boundaries to reduce the size of Development Area A and increase the size of Development Areas B and C (see applicant's Exhibit D, versus applicant's Exhibit C). This appears to be for the reconfiguration of streets to accommodate the increase in requested dwelling units, ultimately decreasing the amount of public roadway within the PUD;
- b. Increase the total number of dwelling units allowed from 100 to 118. By calculating permitted residential intensity of development as required by section 1104-A-1 of the Zoning Code 144 dwelling units would be permitted by straight zoning;
- c. Decrease the minimum lot size required in Development Area B from 13,000 square feet of land area per dwelling unit (SF-LA/DU) to 12,800 SF-LA/DU, while at the same time increasing the required 'livability space per dwelling unit' from the PUD-741 approved 3,000 SF to 3,600 SF. The underlying RS-2 zoning would require 10,875 SF-LA/DU, and a livability requirement of 5,000 SF (note: livability space is defined in chapter 18 of the zoning code as the open space of a lot which is not allocated to or used for off-street parking areas or for paved access to off-street parking areas. However, unenclosed parking areas or paved access to parking areas within the rear yard accessory to a single-family or duplex dwelling shall be considered livability space.
- d. Reconfigure the Reserve Areas (see applicant's Exhibit C, versus applicant's Exhibit D). Reserve Area 'EE' as originally approved will remain unchanged (see Exhibit C). Reserve Area 'AA', and 'DD' on Exhibit C now become Reserve Area A (see Exhibit D), while Reserve Areas 'CC', 'FF', and 'GG' on Exhibit C are eliminated (see Exhibit D). Reserve Area 'BB' as approved will decrease in size. This reconfiguration is to permit the modification of the proposed street system within the PUD allowing for the increase in total number of developable lots.

Staff finds the uses and intensities of development proposed and to be in harmony with the spirit and intent of the Code. Based on the following

conditions, staff finds PUD-741-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-741-A subject to the following conditions (staff modifications are highlighted by strikethrough and underlined text):

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards:

Development Area A

LAND AREA: 14.4 AC net of arterial streets

PERMITTED USES:

Detached single-family residences accessed by public streets, and those uses customary and accessory to single-family residential.

MAXIMUM DWELLING UNITS: 32

MINIMUM LOT SIZE: 13,000 SF

MINIMUM LOT WIDTH: 80 FT

MAXIMUM BUILDING HEIGHT: 40 FT

MINIMUM YARDS:

From 111th Street 35 FT

From minor street

Front 25 FT

Corner lot-side yard abutting street 15 FT*

Interior side yards

One side yard 5 FT

Other side yard 5 FT

Rear yard 20 FT

**Garages fronting a street shall be set back a minimum of 20 feet.*

*LIVABILITY SPACE PER DWELLING UNIT WITHIN EACH LOT: 5,000 SF

~~*Livability space is defined as the open space on the lot not including paved areas between the front setback line/building line and front property line as defined in Chapter 18 of the Zoning Code as of approval of this amendment.~~

OTHER BULK AND AREA REQUIREMENTS:

As provided within the RS-2 district.

VEHICULAR AND PEDESTRIAN CIRCULATION:

Access shall be provided to the development by public streets. Sidewalks shall be provided along East 111th Street South and along both sides of all internal public streets.

Development Area B

LAND AREA: 16.1 AC net of detention and open space reserve areas

PERMITTED USES:

Detached single-family residences accessed by gated private streets and those uses customary and accessory to single-family residential.

MAXIMUM DWELLING UNITS:	41
MINIMUM LOT SIZE:	12,800 SF
MINIMUM LOT WIDTH:	80 FT
MAXIMUM BUILDING HEIGHT:	40 FT
MINIMUM YARDS:	
From minor street	
Front	20 FT
Corner lot-side yard abutting street	15 FT*
Interior side yards	
One side yard	5 FT
Other side yard	5 FT
Rear yards	20 FT

**Garages fronting a private street shall be set back a minimum of 20 feet.*

*LIVABILITY SPACE PER DWELLING UNIT 3,600 5,000 SF**

~~*Livability space is defined as the open space on the lot not including paved areas between the front setback line/building line and front property line as defined in Chapter 18 of the Zoning Code as of approval of this amendment.~~

~~**3,600 SF of livable space per each lot, with 60,000 SF livable space in common area as permitted by Section 1104-C of the Zoning Code.~~

OTHER BULK AND AREA REQUIREMENTS:

As provided within the RS-2 district.

VEHICULAR AND PEDESTRIAN CIRCULATION:

Access to the development area may be by private, gated streets. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.

Sidewalks shall be provided on both sides of interior private streets and shall be contained within easements or reserve areas.

Development Area C

LAND AREA:

22.6 AC net of arterial streets and detention reserve area.

PERMITTED USES:

Detached single-family residences accessed by gated private streets and those uses customary and accessory to single-family residential.

MAXIMUM DWELLING UNITS:	45
MINIMUM LOT SIZE:	13,000 SF
MINIMUM LOT WIDTH:	80 FT
MAXIMUM BUILDING HEIGHT:	40 FT
MINIMUM YARDS:	
From minor street	
Front	20 FT
Corner lot-side yard abutting street	15 FT*

Interior side yards

One side yard	5 FT
Other side yard	5 FT
Rear yards	20 FT

**Garages fronting a private street shall be set back a minimum of 20 feet.*

***LIVABILITY SPACE PER DWELLING UNIT** 5,000 SF**

**Livability space is defined as the open space on the lot not including paved areas between the front setback line/building line and front property line as defined in Chapter 18 of the Zoning Code as of approval of this amendment.*

***3,000 SF of livable space per each lot, with 100,000 SF livable space in common area as permitted by section 1104-C of the Zoning Code.*

OTHER BULK AND AREA REQUIREMENTS:

As provided within the RS-2 district.

VEHICULAR AND PEDESTRIAN CIRCULATION:

Access to the development area may be by private, gated streets. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.

Sidewalks shall be provided along East 111th Street South and on both sides of interior private streets. Sidewalks along private streets shall be contained within easements or reserve areas.

3. No zoning clearance permit shall be issued for any buildings, entry features and gates located within the common and reserve areas within the PUD until a detail site plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. Entry gates or guardhouses, if proposed, must receive detail site plan approval from City of Tulsa Traffic Engineering and the Tulsa Fire Department, prior to the TMAPC granting Detail Site Plan approval and issuance of a building permit for the gates or guard houses.

5. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving the development have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
6. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, sidewalks and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
7. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
8. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

TAC Comments:

General: No comments.

Water: A water main extension line will be required.

Fire: Cul-de-sacs shall not exceed seven hundred and fifty (750') feet in length, measured from the centerline of the intersecting streets to the center of the turn-around. Cul-de-sacs shall have a turn-around radius of not less than thirty-eight (38) feet of paving, utilizing a rolled curb section wherever possible, and a radius of fifty (50') of right-of-way at the property line. Cul-de-sacs greater than two hundred and fifty (250) feet in length shall have a turn-around radius of not less than forty (40') feet of paving and a radius of fifty-two (52') feet of right-of-way at the property line. Cul-de-sacs greater than five hundred (500') feet in length and with abutting front yards for more than twenty (20) lots shall have a turn-around radius of not less than forty-eight (48') feet of paving and a radius of sixty (60') feet of right-of-way at the property line. For a cul-de-sac with a rolled curb section the turnaround radius may be measured to the back of the curb.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).

The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times.

Stormwater: No comments.

Wastewater: All proposed Lots within the proposed subdivision, as well as Lots 3-10 Block 5 Forest Park South, must be provided access to sanitary sewer service.

Transportation: Sidewalk easement should be shown on all private streets. ROW on public streets should be shown.

Traffic: Traffic can concur with the revised street layout of 110th Place with the condition that the proposed gate shall be a requirement in order to avoid East-West thru traffic.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

TMAPC COMMENTS:

Mr. Marshall asked staff to encourage the applicants to have side yards that are five feet on one side and ten feet on the other side. He explained that the reason for this is because in the future people will have to replace air conditioners and not be able to get back in their backyards or side yards without tearing or demolishing the fence along the side. In response, Mr. Sansone stated that he can take note of that and say that when the underlying zoning requires a ten and five side yard. It is generally supported by staff.

Ms. Cantrell stated that she remembers this coming through before and there being concerns about the through traffic and making some of the roads public. She questioned the connection to 106th Street since it is winding road. In response, Mr. Sansone read the comments from the Technical Advisory Committee (TAC) meeting. Mr. Sansone explained the location of the gate and how it would prevent cut-through traffic. Ms. Cantrell stated that she thought originally the Planning Commission wanted vehicles to use Joplin Street to access 106th Street, which is the reason for the public streets. She believes that 106th Street is not very accessible due to how it is a winding street. Ms. Cantrell asked Mr. French to come to the podium.

Darryl French, representing the Technical Advisory Committee (TAC), stated that the Planning Commission has already approved the final plat for Development Area A and it provided a public street that indirectly has access to the middle stub to the west. This design provides indirect access and the only alternative is a direct roadway, which would be more than a quarter of a mile of continuous road that allows significant speeding problems. The indirect design would keep the speed down. The Planning Commission has already approved a final draft plat with the public streets for Development Area A. We are beyond being able to redesign the streets.

Ms. Cantrell stated that she thought it was approved with a different street configuration; however, if the TAC members are okay with this configuration, she would agree with it.

Mr. Sansone explained the function of PUDs and common areas to the Planning Commission.

Mr. Boulden stated that staff made reference to livability space defined in Chapter 18 of the Zoning Code. He questioned if this is as it is defined today or as it may subsequently be amended and should this not be included within the language. In response, Mr. Sansone stated that he agrees it should be as today and include that in the language.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, representing Danny Brumble and Rick Dotson, stated that the subject tract is zoned RS-2 and under the Zoning Code a conventional development would allow 240 dwelling units. He is proposing 118 dwelling units with this application. Mr. Johnsen stated that the minimum lot size will be 13,000 SF except for six lots that have 12,800 SF or greater. This is above the standard size lots that would be permitted by the underlying RS-2 zoning. This is not an overcrowded project by any means.

Mr. Johnsen stated that, with regards to the transportation issues that Ms. Cantrell questioned, this is one of the properly planned parts of the subject development in the early years. The public street network went through and connected with 106th and 110th. This opportunity remains open for residents to the west. Mr. Johnsen explained the various accesses to 110th and 111th and believes that there is superior through-movement of public streets within the subject PUD. Usually developers do like straight streets because it is easier to do and planners are continually recommending breaking it up to prevent straight streets that allow speeding through residences. The idea is to keep the traffic slowed and keep a residential feel when one is driving through the subject area.

Mr. Johnsen stated that the requested amendment is a small amendment and became a major amendment because the previous had a 100-dwelling-unit limit

and today's proposal is 118, which is over 15 percent and that is the dividing line between a minor amendment and a major amendment. The Adjustment of the interior boundaries of the development areas and other matters of how the livability space is calculated are considered minor amendments.

Mr. Johnsen stated that livability space means open space, and specifically in the PUD section of the Zoning Code, it anticipates that one might have common open space, which reduces the amount one might have per lot. He explained that there are 118 dwelling units proposed and if one multiplies that by 5,000, that is the required livability space. Planners have developed a technique that goes one step farther by saying, of that how much should be within the individual lot, as a minimum, and then what is the minimum in the common area and if that all makes the mathematical formula of 5,000 per dwelling unit, then it is acceptable. This has worked out and it is a common practice. There are two large reserved areas that will be retention areas and probably will be wet. If they are dry, they are nicely landscaped and can provide a play area, which is what livability space is all about in single-family subdivisions. Mr. Johnsen concluded that he believes he meets the concepts and staff has reached a favorable recommendation. He has worked out the language with staff regarding the livability space and requests that the Planning Commission approve the amendment as recommended by staff.

Interested Parties Comments:

Frank Sesso, 5525 East 106th Place, 74137, Southern Parks Estate, expressed concerns that the original plat from the original proposal indicates that there are 73 lots in the subdivision. Mr. Sesso expressed concerns that configuration of lots has been changed according to the original plat.

Mr. Sesso expressed concerns with the access points and speeding vehicles on 106th Place. Mr. Sesso also expressed concerns about the detention areas and whether they will be maintained. He indicated that the City of Tulsa does a poor job of maintaining detention areas. He commented that he constantly has to call and complain about the maintenance, mowing and maintenance of the pumps. Mr. Sesso doesn't consider retention areas as common areas.

TMAPC COMMENTS:

Ms. Cantrell explained to Mr. Sesso that the connection to his street will be a private street and there will be no public street that is connected to 106th Place. East 108th will be the public connection and gated if one would like to continue on. There is another street that will continue down that is designated as a public street. In response, Mr. Sesso stated that he is more comfortable knowing that 106th Place at Irvington will be a gated access.

Ms. Wright stated that she would like to see a topographical demonstration of the locations of the reserves. Because of the flooding problems in Tulsa her curiosity

is not satisfied. In response, Mr. Sesso stated that the retention area has pumps that he monitors and calls the City when they do not work.

Mr. Ard suggested that Mr. Sesso to visit with Mr. Johnsen before he leaves today and perhaps they could answer some of the specific site development questions that he has. Mr. Sesso stated that these are not his concerns since he will not be living there, but he wants the Planning Commission to understand that when a developer tells you it is a common area, which means useable common space, and if it is a retention pond, only a portion of it will be common space during the times there is no rain.

Applicant's Rebuttal:

Mr. Johnsen stated that the 73 lots that Mr. Sesso was speaking about were the first phase plat and is neither the full property in question, nor the zoning notice. Over the years the detention ponds have been improved and both will be owned by the homeowners association and maintained by the homeowners association. Homeowners in the past have done a very good job of maintaining these detention ponds. If the detention pond is a City requirement, and their funds are short, and sometimes it is slow for them to do minimal maintenance.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-1** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker "aye"; Wright "nays"; none "abstaining"; Perry "absent") to recommend **APPROVAL** of the major amendment for PUD-741-A per staff recommendation as amended by staff. Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-741-A:

A TRACT OF LAND THAT IS PART OF THE SE/4 of SECTION 27, T-18-N, R-13-E, OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (E/2 SW/4 SE/4) AND E/2 OF NW/4 OF SE/4 AND W/2 OF SE/4 OF SE/4 OF SECTION 27, T-18-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF **From RS-2 (Residential Single Family District/Planned Unit Development [PUD-741]) To RS-2 (Residential Single Family District/Planned Unit Development [PUD-741-A]).**

21. **Z-7094/PUD-754 – Lou Reynolds**

AG to RS-1/PUD

South of the southwest corner of Yale Avenue and East 106th Street South (PUD for six detached single-family residences.) (PD-26) (CD-8)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11832 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: RS-1/PUD

PROPOSED USE: Residential

RELEVANT ZONING HISTORY:

BOA-20463 March 27, 2007: The Board of Adjustment approved a Special Exception to modify the fence height in the required front yard from 4 feet to 7 feet 8 inches, per plan and with condition for sidewalk along Yale sometime during construction, on property located south of southwest corner of South Yale Avenue and East 106th Street South and the subject property.

PUD-675 March 2003: Approval was granted for a Planned Unit Development on a 20+ acre tract located north of the northwest corner of East 111th Street and South Yale Avenue for a single-family development.

Z-6639/PUD-590 July 1998: All concurred in approval of a request for rezoning a 2.5± acre tract of land from AG/RS-1 to RS-1/RS-2/PUD for a 14 single-family dwelling development with private streets on property located north of the northeast corner of East 105th Street South and South Yale Avenue.

Z-6267/PUD-454 December 1989: All concurred in approval of a request for rezoning and a Planned Unit Development on a 20± acre tract of land from RS-1 to RS-2/PUD for single-family development on property located east of South Canton Place and south of East 103rd Street.

Z-6225/PUD 447 June 1989: Request to rezone 33.5 acres from AG to RS-2 and develop it for 95 single-family dwelling lots located at the northeast corner of East 111th Street South and South Yale Avenue. The Staff recommended RS-1 zoning with the PUD, the TMAPC approved RS-1 with a maximum of 95 lots. The City Commission referred the case back to the TMAPC to consider RS-2 on a portion of the tract with the decision being RS-2 on the south 355' of the west 545kf the tract and RS-1 on the remainder with a maximum of 97 lots.

Z-6202/PUD 440 September 1988: All concurred in approval of a request to rezone a 27.40± acre tract of land from AG to RS-2 and a Planned Unit Development for single-family dwellings located south and east of the southeast corner of East 101st Street South and South Yale.

Z-6107 August 1986: All concurred in approval of a request for rezoning a tract of land from AG to RS-2 on property located on the west side of South Yale Avenue at East 108th Street and abutting south of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3.5± acres in size and is located south of southwest corner of South Yale Avenue and East 106th Street South. The property appears to be vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Yale Avenue	Secondary arterial	100'	2

UTILITIES: The subject tract has municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the west by a single AG zoned tract with a single-family dwelling; on the north by Knollwood Estates, a single-family development, zoned RS-2; on the east by Yale Avenue and then Southern Oaks Estates, a single-family development, zoned RS-1; and on the south by Barrington Place, a single-family development, zoned RS-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-Residential land use. According to the Zoning Matrix, the requested RS-1 zoning is in accord with the Plan.

STAFF RECOMMENDATION FOR ZONING:

Based on the Comprehensive Plan, adjacent development and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of RS-1 zoning for Z-7094, if the TMAPC deems it appropriate to approve the accompanying PUD-754.

PUD STAFF RECOMMENDATION:

PUD-754 and subsequent rezoning application Z-7094 comprises 154,601 square feet or 3.54 gross acres located on the west side of Yale Avenue, approximately 1,000 feet north of the northwest corner of 111th Street South and Yale Avenue. PUD-754 is planned for six (6) detached single-family residences.

Access to the Estates at Barringwood will be from private street East 106th Street South from South Yale Avenue. East 106th Street South will be maintained by the property owner's association for the Estates at Barringwood until further development.

Access to the lots from 106th Street will be by the private street South Winston Court. Ownership of the South Winston Court will be transferred to the property owner's association for the Estates at Barringwood. South Winston Court will be maintained by the property owner's association for the Estates at Barringwood.

The applicant's concept plans are shown on attached exhibits B through E. As proposed, the concept site plan meets all applicable land area per dwelling unit and minimum lot area requirements for the requested RS-1 zoning designation per the Zoning Code. The 7,000 square foot livability space/open space requirement per lot will also be met per the RS-1 zoned District.

The applicant is proposing sidewalks along South Winston Court and the south side of East 106th Street South, but not along the north side of 106th Street as required by the Subdivision Regulations. The applicant has made no official request for a sidewalk waiver. Sidewalk location and access is shown on the Circulation and Access plan attached hereto as Exhibit "C".

The PUD will be screened by a six-foot high decorative masonry and wood screening wall on the East boundary along South Yale Avenue and an 8-foot wood screening fence along the west boundary line as shown on the applicant's Landscaping and Screening Plat attached as Exhibit "D".

The PUD comprised of six (6) lots and one (1) block will be platted as a single subdivision.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-754 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-754 as modified by staff and subject to the following conditions (staff modifications are underlined):

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards:

Land area:	3.549 acres gross / 154,601 SF gross
	3.17 Acres Net / 138,078 SF net

Permitted uses:

Uses permitted as a matter of right in the R District, along with customary and accessory uses, including but not limited to, detached accessory buildings, gated entry, landscaped entrances, security gate house and other uses customarily incidental thereto.

Maximum Dwelling Units:	6
Minimum Lot Area:	17,500 square feet
Minimum Land Area/DU:	19,000 square feet
Minimum Lot Width:	90'
Maximum Building Height:	35'
Minimum Yards*:	
Along Private Street ROW	25'
Rear yard	25'
Interior side yards	5'
Rear yard abutting Yale Avenue	35'

**Detached accessory buildings shall comply with the minimum yard requirements for principal structures.*

Livability Space:	7,000 SF per lot
Required Parking:	2 off-street spaces*

**Two additional off-street parking spaces located in the required front yard may be permitted with BOA approval of a variance from section 1303-D of the Zoning Code.*

Signs:

One entry identification sign shall be permitted with a maximum surface display area of 64 square feet at the main entrance from South Yale Avenue and 32 square feet at the other entrance from East 106th Street South.

Access and Circulation:

Entry into The Estates at Barringwood shall be via East 106th Street South from South Yale Avenue. East 106th Street South is a private street and will be maintained by the property owner's association for the Estates at Barringwood until further development.

Within the subdivision, access will be by the private street South Winston Court. Ownership of the private street will be transferred to the property owner's association for the Estates at Barringwood. South Winston Court will be maintained by the property owner's association for the Estates at Barringwood.

Sidewalks will be constructed along the west side of Yale Avenue, the south side of East 106th Street South for the project limits and along South Winston Court. Sidewalks along the north side of 106th Street South may be waived during the platting process. Sidewalks will be maintained by the property homeowners association.

Landscaping and Screening:

The project will be extensively landscaped in accordance with the requirements of the Landscape Chapter of the Tulsa Zoning Code. A 6 foot high decorative masonry and wood screening wall will be constructed on the East boundary along South Yale Avenue and an 8-foot wood screening fence along the west boundary line. Both are be subject to detail site plan review.

The landscape features within the project will be maintained in accordance with the requirements of the Landscape Chapter of the Tulsa Zoning Code.

3. No building permit shall be issued until the platting requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
4. No sign permits shall be issued for erection of a sign within the PUD until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the applicable development standards.
5. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
6. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, sidewalks and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.

7. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
8. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process as amended by staff which are approved by TMAPC.
10. Entry gates and guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

TAC Comments:

General: No comments.

Water: A water main extension line will be required.

Fire: No comments.

Stormwater: No comments.

Wastewater: Sanitary sewer mainline extension must be provided for all proposed lots within the development. The line must be on a minimum grade so it can be extended to provide service to surrounding unsewered properties. Any retaining walls must be constructed without conflict with the proposed sanitary sewer system.

Transportation: Sidewalks must be 5' wide instead of 4' as shown. Sidewalk on private must be placed in an easement.

Traffic: Please include specific language to allow the two existing residents access along 106th Street.

Please confirm the dimension from the north curb of 106th Street to the north boundary line as 7 ft. within the proposed 35ft Reserve. Recommend supporting the required waiver for a sidewalk on one side only Sidewalks subject to a standard width of 5 ft rather than the proposed 4ft. If the 5ft sidewalk along 106th Street is outside the fence, suggest including the sidewalk within a widened Reserve. (No sidewalk waiver requested).

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

Mr. Carnes out at 3:11 p.m.

Ms. Wright out at 3:12 p.m.

Mr. Sansone stated that the applicant has not requested a sidewalk waiver, but staff could support a waiver of the sidewalk next to the rear of single-family detached lots that has an existing screening wall along the same boundary. It wouldn't make sense to put a sidewalk along a screening wall that only has about a five-foot strip of land. There are sidewalks proposed for the south side of 106th Street South and there will be easy pedestrian access into the development area.

TMAPC COMMENTS:

Mr. Marshall pointed out again that the side yard requirements are five feet and asked them to keep in mind what he talked about before. In response, Mr. Sansone answered affirmatively.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, submitted photographs (Exhibit B-1) stated that he is in agreement with staff's recommendation. Mr. Reynolds stated that it would be premature to file for the sidewalk waiver at this time and he understands that he would do that when he files his preliminary plat. He indicated that his client will be paving 106th Street to the end of his property and maintain it until further notice with other properties. After other properties develop there will be a common agreement to maintain 106th Street.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Perry, Wright "absent") to recommend **APPROVAL** of the RS-1 zoning for Z-7094 and recommend **APPROVAL** of PUD-754 per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7094/PUD-754:

A TRACT OF LAND LOCATED IN THE N/2 OF THE N/2 OF THE NE/4 OF THE SE/4 OF SECTION 28, T-18-N, R-13-E OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE OFFICIAL U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EASTERLY 467.85' OF THE N/2 OF THE N/2 OF THE NE/4 OF THE SE/4 OF SECTION 28, T-18-N, R-13-E OF THE INDIAN MERIDIAN; **From AG (Agriculture District) To RS-1/PUD (Residential Single-family District/Planned Unit Development [PUD-754]).**

OTHER BUSINESS:

Commissioners' Comments

Mr. Shivel stated that he would like to commend the parties involved with the Lewis Study and the two applications that were before the Planning Commission today for the cooperation that was provided by all.

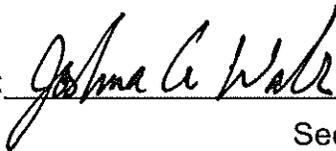
There being no further business, the Chair declared the meeting adjourned at 3:16 p.m.

Date Approved:

5/7/08


Chairman

ATTEST:


Secretary