

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2514

Wednesday, May 21, 2008, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 15, 2008 at 4:24 p.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 1:35 p.m.

REPORTS:

Comprehensive plan Report:

Mr. Ard reported that the Comprehensive Plan kickoff was last week and hoped that everyone made the presentation.

Director's Report:

Mr. Alberty reported on the TMAPC receipts and indicated that the receipts more than doubled for the month of April 2008.

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

* * * * *

Minutes:

Approval of the minutes of May 7, 2008 Meeting No. 2513

On **MOTION** of **CARNES**, the TMAPC voted 6-0-1 (Ard, Cantrell, Carnes, Marshall, Shivel, Wright "aye"; no "nays"; McArtor "abstaining"; Midget, Perry, Sparks, Walker "absent") to **APPROVE** the minutes of the meeting of May 7, 2008, Meeting No. 2513.

* * * * *

Mr. Ard read the opening statement and rules of conduct for the TMAPC meeting.

Mr. Ard stated that Item 22, Brook West, has requested a continuance to June 4, 2008.

22. **Brook West** – (8213) Minor Subdivision Plat (PD 8) (CD 2)
North of the northwest corner of West 91st Street and South Peoria (a continuance is requested until June 4, 2008 for further TAC review.)

STAFF RECOMMENDATION:

Mr. Alberty stated that this item needs to have further TAC review and staff is recommending a continuance to June 4, 2008.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Wright "aye"; no "nays"; none "abstaining"; Midget, Perry, Sparks, Walker "absent") to **CONTINUE** the minor subdivision plat for Brook West to June 4, 2008.

* * * * *

Mr. Ard announced that the Planning Commission received a letter from Cherie Cook for a continuance for several items on today's agenda. Ms. Cook is not present and therefore he will move forward and present the items as they appear on the agenda.

Mr. Midget in at 1:43 p.m.

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. **LC-96** – ASC Realty, LLC (8406)/Lot-Combination (18-C) (CD 7)
Southeast corner of South Mingo Road and East 63rd Street South,
6301 South Mingo Road (related to Z-7061)
3. **LC-97** – Courtney Withers (8321)/Lot-Combination (PD 18-A) (CD 8)
East of South Toledo Avenue and North of East 93rd Place, 9301
South Toledo Avenue
4. **LC-98** – Sanders Engineering, Inc./Lot-Combination (PD 26) (CD 8)
East of South Braden Avenue and North of East 119th Street, 11801
South Braden Avenue
5. **L-20204** – Terry A. Jordan (9001)/Lot-Split (County)
North of Wekiwa Road and East of South 193rd Avenue, 19117 West
Wekiwa Road
6. **L-20216** – Lou Reynolds (8317)/Lot-Split (PD 18) (CD 2)
Southwest corner of East 89th Street South and South Gary Avenue,
3148 East 89th Street South
7. **PUD 379 B** – Revision to Restrictive Covenants (PD 18) (CD 7)
6612 South Memorial Drive, Lot 2, Block 1, The Village at Woodland
Hills
8. **Change of Access** – Block 4, Industrial (PD 18) (CD 5)
Equipment Center
South of East 42nd Place South and west of South Memorial Drive

STAFF RECOMMENDATION:

This application is made to allow a change of access along South Memorial Drive to add an access. The property is 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.

10. **TTCU Riverside Branch –** (8307) Final Plat (PD 18) (CD 2)
East of South Peoria, South of East 71st Street South

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 1.81 acres.

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

11. **PUD-600-A – Harry Bjornberg** (PD-18) (CD-8)
Approximately 1,300 feet west of Yale, south side of 91st Street South
(Detail Site Plan and Landscape Plan for a 4,791 SF one story office building.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site and landscape plan for a 4,791 square foot, one-story office building. The proposed use, Use Unit 11 – Offices, Studios and Support Services is in conformance with Development Standards of PUD-600-A.

Also on the 5/21/08 TMAPC agenda is the applicant's lot combination request, LC-97 which would allow this structure to be built over the interior lot line of Lots 3 and 4, Ashton Creek Office Park.

The proposed site plan meets all applicable building height, setback, floor area, and parking requirements. There is no site lighting being proposed at this time. Landscape requirements have been met per the Zoning Code and PUD Development Standards.

Staff recommends **APPROVAL** of the detail site plan for Lots 3 and 4, Block 3 – Ashton Creek Office Park with the following conditions:

Detail site plan approval is granted pending the approval of a lot combination LC-97, combining Lots 3 and 4, Block 3 – Ashton Creek Office Park;

Minor revisions to "Standard Elements for PUD Detail Site Plan Review" box on submitted site plan are made including:

- Change PUD-600, to PUD-6100-A;
- Change Development Area to "24,571 SF";
- Change Maximum Building Floor Area permitted to 7,371 SF;
- Add "100-foot from east boundary line" under minimum building setbacks required;

- Preceding "Landscaped Street Yard per Street Frontage Provided" add "Street yard Landscape Required – 730 SF" and "730 SF / 116 = 6.3 – foot wide landscape strip required"; and
- Show distance to the centerline of the street on all plans.

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

12. **PUD-340 – Tanner Consulting, LLC** (PD-6) (CD-5)

East side Yale Avenue, approximately 500 feet north of 36th Street South (Detail Site Plan for a 3,041 SF addition to an existing 6,250 office building.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 3,041 square foot (SF) addition to an existing 6,250 SF office building, an increase in floor area of 48%.

PUD development standards permit 14,000 SF of total floor area. With this addition, the 9,291 SF of total floor area is well within the 14,000 SF of permitted floor area. The applicant's site plan also meets all applicable PUD building height, setback, open space, and parking requirements as adopted by approval of PUD-340 and minor amendment PUD-340-1. There is an 8-foot existing screening fence along the east and south boundaries as required by adopted development standards and a sidewalk will be installed along Yale Avenue. The site plan shows the addition as being located within an overland drainage easement (see Exhibit DSP1). This easement has been officially closed, per the adoption of City Ordinance #08-1436-1 on 5/1/08 by the Tulsa City Council.

The existing building also has an eave along the east boundary encroaching 1' into the required setback as well as 6" into a utility easement. The existing structure also sits approximately 50' from the west property line, both the aforementioned permitted by minor amendment PUD-340-1. The proposed addition will meet the two-foot overhang limit, as well as the original 60' setback requirement from the Yale Avenue property line.

Staff finds the proposed use and intensity of development to be in conformance with adopted development standards and therefore, recommends **APPROVAL** of the detail site plan for Lot 1, Block 1 – Yale Center II Amended, 3517 S. Yale Avenue, PUD-340 subject to the following conditions:

- Prior to any future conveyance of this property, the owner will seek a minor amendment for the portion of the overhang of the building encroaching into the setback and utility easement. The amendment should reduce the required setback from 10' to 9', and the property owner will seek to have that portion of the utility easement vacated.

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

14. **PUD-736 – Sack & Associates/Mark Capron** (PD-18) (CD-7)

West of the northwest corner of South Mingo Road and East 71st Street South (Detail Site Plan for 138-room hotel.)

STAFF RECOMMENDATION:

The applicant is requesting approval of detail site plan for 138-room hotel. The proposed use, Use Unit 19, Hotel, Motel and Recreation Facilities is in conformance with Development Standards of PUD-736.

The submitted site plan meets all applicable building floor area, height and setback limitations. Parking has been provided per the Zoning Code, and landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. Access to the site is provided from the mutual access easement (MAE) from the Woodland Hills Mall Ring Road, and will be extended to the limits of Flynn Plaza for connection if permissible. Sidewalks will be provided along the south boundary of the MAE as well as, from the northwest corner of the site providing pedestrian circulation within the site. Sight lighting will be limited to 25 feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula.

Staff recommends **APPROVAL** of the detail site plan for PUD-736, Marriott Hotel, Lot 1, Block 1 - Woodland Hills Mall Extension Resubdivision, Part Lot 1, Block 1 – Woodland Hills Mall.

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

16. **PUD-693-4 – Tanner Consulting, LLC** (PD-18b) (CD-8)

North side of 91st Street South, approximately 750 feet west of Yale Avenue (Minor Amendment to reduce the required setback from the northern internal development area from ten feet to five feet for an office building.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required setback from the northern internal development area boundary line of Development Area A from ten feet to five feet, to allow for construction of a one-story, 5,547 square foot office building.

Review of the applicant's submitted minor amendment plan indicates the proposed building will meet all other applicable PUD building floor area, setback, height, parking and landscaping requirements. These and all other PUD development standards will be verified during detail site plan review.

Since the request is for a reduction of setback from an internal development area boundary, is a reduction of less than five feet and does not directly affect any residentially zoned property, staff views the request as minor in nature.

Therefore staff recommends **APPROVAL** of minor amendment PUD-693-4 reducing the required setback from the northern development area boundary from ten feet to five feet for Lot 5, Block 1 – Southern Woods Park III only.

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

17. **PUD-686-5 – Collins & Reynolds Homes** (PD-26) (CD-8)
11602 South Oswego Avenue (Minor Amendment to reduce the required rear setback from 25' to 22' for Lot 10, Block 12.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required rear setback from 25 feet to 22 feet for Lot 10 Block 12 – Wind River – Crosstimbers only, to allow for construction of a single-family dwelling.

The proposed site plan meets all other applicable building height, setback and livability space requirements.

This lot is a corner lot and is 90 feet wide (see Exhibit A). In addition to the required 25-foot front setback requirement, there is a minimum 15-foot setback requirement along the non-arterial right-of-way on the opposite street side from the front yard. In order to meet the front setback requirement of 25 feet on the northern portion of the lot, the house will actually be 30 feet, seven-inches from the private street right-of-way (ROW), given the odd shape of the front property line.

The odd shape of the front property line combined with the required 25-foot front setback and 15-foot required setback from the non-arterial ROW pushes development of the lot to the southwest corner.

Given the aforementioned, staff finds the reduction request of three feet to be minor in nature. Therefore staff recommends **APPROVAL** of minor amendment PUD-686-5 for Lot 10 Block 12 – Wind River – Crosstimbers.

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

18. **PUD-625 – Doug Huber**

(PD-18c) (CD-8)

South side of 81st Street, approximately ¼ miles east of Mingo Road
(Detail Site Plan for a 14,918 SF office building.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 14,918 square foot office building. The proposed use, Use Unit 11 – Office, Studios, and Support Services, is in conformance with adopted PUD development standards.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the Zoning Code. Landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. On the north side of this lot is a 50-foot dedicated ROW for the future widening of 81st Street. The existing 50-foot area is providing a green buffer between this parcel, the other adjacent parcels on 81st Street and the actual existing paved surface of 81st Street (see Exhibit A). Landscaping will be provided along 81st Street for this proposal, with no additional 5-foot strip required at this time. It is anticipated that at the time of the expansion of 81st Street, the five-foot landscaping strip and sidewalks will be addressed for the entire area.

Staff recommends **APPROVAL** of the detail site plan for Part Lot 3, Block 1 – College Center at Meadowbrook, Development Area 3-B, PUD-625.

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

Ms. Wright requested that Items 9, 13 and 15 be removed from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Wright "aye"; no "nays"; none "abstaining"; Perry, Sparks, Walker "absent") to **APPROVE** the consent agenda Items 2 through 8, 10 through 12, 14, 16, 17 and 18 per staff recommendation.

* * * * *

**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT
AGENDA:**

9. **The Retreat at Brookside South** – (9330) Final Plat (PD 6) (CD 9)
East of the southeast corner of East 41st Place South and Peoria
Avenue

STAFF RECOMMENDATION:

This plat consists of 24 lots in four blocks on 1.96 acres.

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

13. **PUD-744 – Brookside 41, LLC** (PD-6) (CD-9)
West side of Quincy Avenue, between 41st Place South and East 42nd
Street South (Detail Site Plan for a four building, 25-unit town home
development.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a four building, 25-unit town home development. The proposed use, Use Unit 7a, Townhouse Dwelling is in conformance with Development Standards of PUD-744.

The submitted site plan meets all applicable building floor area, livability space, building height and setback limitations. Parking has been provided per the Zoning Code, and a 6' screening fence will be constructed along the east and west boundary lines per PUD development standards. Landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards, and all site lighting will be limited to 15-feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula.

Staff recommends **APPROVAL** of the detail site plan for PUD-744, Lots 6 thru 11, Block 4 –Part of Vacated Quincy Avenue/Jennings-Robards Addition.

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

TMAPC COMMENTS:

Ms. Wright stated that she is concerned about the relationship of this application with the Brookside Plan, in laying out this development and providing parking for ADA and in conjunction with PUD-744.

In response, Mrs. Fernandez stated that this is a final plat and it has gone through several phases of development. The PUD was approved with certain

Ms. Matthews stated that the applicant will be required to provide ADA accessible parking spaces and it will have to be complied with in order to receive their Certificate of Occupancy.

Mr. Ard asked Ms. Wright if her questions were answered for Items 9 and 13 and if he could move on to Item 15.

Mrs. Fernandez stated that the detail site plan should be showing the parking and things of great detail. For the most part, final plat is not going to show parking.

15. **PUD-659-2 – Tanner Consulting, LLC** (PD-6) (CD-9)
South side of 31st Street South, approximately 150 feet west of Utica Avenue (Minor Amendment to realign the “Guest Access Drive”).

The applicant is requesting a minor amendment to PUD-659 for the purpose of realigning the "Guest Access Drive" as depicted on applicant's exhibit EX-C. The request would realign the drive so that it no longer encroaches into the front setback of lots 1 and 2 as depicted on applicant's exhibit EX-B. The split in the access drive, as depicted on the attached EX-C, will be removed and the remaining drive widened to 16-feet. PUD development standards limit the access drive to a width of 15-feet. This one-foot difference is the basis for the minor amendment request.

05:21:08:2514(10)

Therefore staff recommends **APPROVAL** of minor amendment PUD-659-2 realigning the Guest Access Drive and allowing said drive to be no greater than 16' wide.

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

TMAPC COMMENTS:

Ms. Wright stated that she drove into the subject site yesterday and the access road for the residents on the west side doesn't allow for two cars to pass at the same time. There is no turnaround and she is wondering if the person who is at the rear of the subject site would have any chance to survive a fire.

In response, Mr. Sansone stated that his opinion would be with the approval of the PUD and having going through the Technical Advisory Committee and the Fire Marshal would have addressed the private driveway at that time. He doesn't believe that any of the conditions that exist on the site right now are what are intended to be as the site remains undeveloped. Generally the consultant will not move forward until he knows all of the requirements.

Ms. Wright stated that essentially there is nothing to do about this dead-end development. In response, Mr. Sansone stated that he wouldn't say that there is nothing that can be done about it, but he believes that through platting process and the amount of times it has been reviewed, the people with the authority are happy with the layout. In response, Ms. Wright stated that this doesn't explain why one couldn't have two cars passing in the driveway. In response, Mr. Sansone stated that he doesn't necessarily believe that two cars being able to pass in the private driveway is a requirement.

Mr. Ard requested Mr. French to approach.

Darryl French introduced himself, City of Tulsa Public Works Department, representing the TAC. Ms. Wright stated that this area seems like it is going to become a hazard. This thoroughfare that is being proposed seems to be very narrow, giving the hindrance that Lot 7 will endure and the turnaround traffic for emergency vehicles or for any life safety access. In response, Mr. French stated that this is a unique design where one roadway was completely identified as "for visitors". The general public will only be on the east side and the individual property owners will be having the only access on the west side. All individuals will be able to turnaround in their own driveways. The main concern is the general public having to drive and turn around in someone's driveway and there is an easement for turnaround in the visitor parking space, which is different from the parking lot for the actual owners. This turnaround design has been approved by the Fire Marshal under previous PUD site plan reviews.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-1-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, "aye"; Wright "nay"; none "abstaining"; Perry, Sparks, Walker, "absent") to recommend **APPROVAL** of the Items 9, 13 and 15 from the consent agenda per staff recommendation.

* * * * *

PUBLIC HEARING

20. **Tulsa Aerospace Park** – (0325) Preliminary Plat (PD-16) (CD-3)
Northwest corner of East Pine Street and North Mingo Road

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 17.29 acres.

The following issues were discussed May 1, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL. Show Limits of No Access.
2. **Streets:** Provide note on face of plat regarding construction of sidewalks along Mingo Road and Pine Street. Standard sidewalk language required. Show sidewalk along Mingo Road and Pine Street. Show access and Limits of No Access along both arterials. In the dedication change the number of lots from one to two as shown on the plat.
3. **Sewer:** In Section I, C-2, change the language to the standard language as follows: Within the utility easement areas depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of the installation of a public water main, sanitary sewer main, or storm sewer, or any construction activity that would interfere with public water mains, sanitary sewer mains, and storm sewers, shall be prohibited. Sanitary sewer service connections to the sewer main must connect at a Tee on the existing pipe instead of at the manhole, as shown on the conceptual plan. Only eight-inch service lines connect at the manhole. If you are planning an eight-inch service line, it must be included in the SSID plans and must meet City of Tulsa standards for mainline extensions.
4. **Water:** No comment.

5. **Storm Drainage:** Please use this label at all locations where the “Douglas Creek 100 year FEMA floodplain” is located. The floodplain must be plotted by using the 100 year water surface elevation. The non-floodplain OD/E along the west property line must be separated from the perimeter 17.5-foot utility easement. Standard language must be used for Section IC, especially for Item 2. The storm drainage system and any type of conceptual construction have not been shown.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Exception: The fire code official is authorized to increase the dimension of 150 feet where: 1.) The building is equipped throughout with an approved automatic sprinkler system. 2.) Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided. 3.) There are not more than two Group R-3 and Group U occupancies. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet 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: 1.) For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2.) For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

GIS: Location map needs north arrow and scale, and should show the line separating Tulsa City Limits from unincorporated Tulsa County (airport). Provide e-mail address for engineer and surveyor. Add right-of-way, point of commencement, and point of beginning to legend. Basis of bearing for the plat should be clearly described and stated in degrees, minutes, and seconds. “Date of preparation”: text should be placed before the date. Label the point of commencement on the face of the plat. Description of point of commencement should be identical between plat and covenants. Make the boundary line bolder. Remove elevation contours and spot elevations from the preliminary plat. Description of point of commencement should be identical between plat and covenants.

Airport: Submit project to FAA for obstruction evaluation (height of structure concerns) especially in relation to the third runway planned.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.

9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, McArtor, Shivel, Wright "aye"; no "nays"; none "abstaining"; Perry Sparks, Walker "absent") to **APPROVE** the preliminary plat for Tulsa Aerospace Park subject to special conditions and standard conditions per staff recommendation.

* * * * *

21. **Place 41** – (9319) Preliminary Plat (PD 6) (CD 9)
North of East 41st Street South, and East of South Peoria

STAFF RECOMMENDATION:

This plat consists of five lots, one block, on 2.07 acres.

The following issues were discussed May 1, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 749. All PUD standards need to be shown in the covenants and PUD requirements followed. Setbacks need to match PUD requirements. A turnaround may be required at the end of the private street. Sidewalks are required.
2. **Streets:** Show a mutual access easement on lot 1 to legally provide for the turnaround shown on the conceptual plan. Change the LNA dimension from 90.10 to 90.91. Show a five-foot sidewalk easement on both sides of the private street. Correct the language regarding the vacated right-of-way in the legal. Add note on face of plat for sidewalk along 41st and Wheeling Avenue. Include standard sidewalk language for sidewalk along 41st Street. Show sidewalk along 41st Street and Wheeling Avenue.

3. **Sewer:** Increase the eleven-foot utility easement, located in the southern portion of Lot 1, to a minimum of 15 feet, change it to a sanitary sewer easement, and extend it all the way to the west property line. If there is an existing utility easement along the eastern boundary of Highland Park Estates, then the proposed one-foot perimeter easement is sufficient. If so, then show the existing offsite easement. If not, then the perimeter easement must be increased to a 17.5-foot utility easement. The same comment applies to the eastern boundary of the plat where it abuts the Essex subdivision. Add a 17.5-foot utility easement along the south boundary line of the plat. Change Section 1 C 2, to the standard language restricting changes of grade, without reference to the three-foot limit. Extend the proposed sanitary sewer mainline extension to the west perimeter utility easement of the plat, in order to serve Lot 5 from the rear.
4. **Water:** A ten-foot wide restrictive waterline easement adjacent to the proposed right-of-way will be required across Lot 4 for the existing six-inch water line. Show a restrictive water line easement for the existing six-inch water main line crossing Lot 4.
5. **Storm Drainage:** Add “stormwater detention easement” to the Reserve B label. The easements, running east/west on the northeast side of Wheeling, eleven-foot utility easement and ten-foot side, should not have a space between them. Please add “SDE” and stormwater detention easement to the legend. Standard language must be used for Section IC especially for Item 2; and Section IE, which should be “Reserve B” – stormwater detention easement”. The last line of Section IE 3d should say “1/5”th, not “1/30”th”. Add standard language for “roof drain requirements”, so that all roof drains will be designed and constructed to discharge stormwater runoff to Reserve A.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO will coordinate easements with design.
7. **Other: Fire:** No comment.

GIS: Location Map needs north arrow and scale, and “R 13 E” text should be moved up a bit. Owner’s phone number should have a dash rather than an equal sign. Add SDE, POC and POB to legend. Basis of Bearing for the plat should be clearly described and stated in degrees, minutes, and seconds. Label the point of Beginning and Commencement on the face of the plat. Description of point of commencement and point of beginning should be identical between plat and covenants. Subdivision statistics should read “subdivision contains five lots and two reserves in one block”. Remove elevation contours from the preliminary plat. In the heading, if Lots 9 and 10 of Royal Oak Heights are from Block 1, please state so. Scale bar should be 1 inch = 30 feet. Limits of no access measurements at the bottom of the plat (90.00’ – 40.00’ – 90.10’) are not consistent with same nearby

measurements, and do not total to 220.01' (southern boundary). "Right-of-way dedicated..." should read "Right-of-way dedicated..." at the bottom of the plat. Description of point of commencement and point of beginning should be identical between plat and covenants. Add a metes and bounds description after the aliquot legal description.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.

9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

TMAPC COMMENTS:

Mr. Marshall stated that it would be more proper to say that this is south of Utica Avenue rather than Peoria.

Ms. Wright stated that she attended the TAC meeting and there was a request to show mutual access easement on Lot 1 and has that been done. In response, Mrs. Fernandez stated that during the TAC meeting the comments are made and the preliminary plat is brought forward to the Planning Commission to be approved with the conditions recommended. Between the preliminary plat and the final plat these things will need to be addressed as approved by the Planning Commission. The final plat will not be before the Planning Commission before all of these conditions are taken care of. Ms. Wright thanked Mrs. Fernandez for the explanation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, McArtor, Shivel, Wright "aye"; no "nays"; none "abstaining"; Perry Sparks, Walker "absent") to **APPROVE** the preliminary plat for Place 41 subject to special conditions and standard conditions per staff recommendation.

* * * * *

23. **BOA 20679** – (9214) Plat Waiver (PD 9) (CD 2)
Northwest corner of Southwest Boulevard and West 22nd Street

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Board of Adjustment case # 20679 for expansion to existing church uses.

Staff provides the following information from TAC at their May 1, 2008 meeting:

ZONING:

TMAPC Staff: The property is zoned IL.

STREETS:

Additional right-of-way dedication required along Southwest Boulevard. Existing right-of-way is between 36 feet to 37 feet. Required right-of-way for Secondary Arterial is 50 feet, since there are existing buildings close to the property line right-of-way to be dedicated one foot from the east face of the sanctuary building and one foot south of the vacant block building. The answer to question 4 is yes; either provide additional right-of-way for Southwest Boulevard or obtain a waiver. The answer to question 8 is yes; access and limits of no access restrictions shall be required along Southwest Boulevard.

SEWER:

Sanitary sewer access is existing, and no mainline extensions or additional easements are required.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver for the previously platted property with the TAC recommendations.

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	
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 Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, McArtor, Shivel, Wright "aye"; no "nays"; none "abstaining"; Perry Sparks, Walker "absent") to **APPROVE** the plat waiver for BOA-20679 per staff recommendation.

24. **Z-7061** – (8406) Plat Waiver (PD18 C) (CD 7)
Southeast corner of South Mingo Road and East 63rd Street South

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning to OL.

Staff provides the following information from TAC at their May 1, 2008 meeting:

ZONING:

TMAPC Staff: The property has been previously platted and will have a lot combination.

STREETS:

Sidewalks required along Mingo and 63rd Street.

SEWER:

Additional easement is required along the north and the south property line for a future mainline extension.

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
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?		
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 Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, McArtor, Shivel, Wright "aye"; no "nays"; none "abstaining"; Perry Sparks, Walker "absent") to **APPROVE** the plat waiver for Z-7061 per staff recommendation.

25. **Z 4330** – (0225) Plat Waiver

(PD 25) (CD 1)

Southwest corner of North Peoria and 33rd Street North

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning from RS-3 and CS to CG.

Staff provides the following information from TAC at their May 1, 2008 meeting:

ZONING:

TMAPC Staff: The property has been previously platted.

STREETS:

Right-of-way required along Peoria is 50 feet and existing right-of-way is 40 feet. Additional ten feet of right-of-way is required. The answer to question 4 is yes. Arterial right-of-way and property line radius at the intersection may be required. The answer to question 8 is yes. Access and limits of no access restrictions shall be required along arterial.

SEWER:

Lots 5, 6, and 7, Block 6 have access to sanitary sewer and do not require additional easement, or a mainline extension. Lot 7, Block 5, does not have access and would require a mainline extension and the corresponding easement.

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	
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 Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, McArtor, Shivel, Wright "aye"; no "nays"; none "abstaining"; Perry Sparks, Walker "absent") to **APPROVE** the plat waiver for Z-4330 per staff recommendation.

* * * * *

26. **PUD 379 B -** (1832) Plat Waiver
6612 South Memorial Drive

(PD 18) (CD 7)

STAFF RECOMMENDATION:

The platting requirement is triggered by a major amendment recently approved for PUD-379.

Staff recommends **APPROVAL** of the plat waiver because of the existing structures, and the existing platted property.

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 property or street R/W?	X	

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

4. Is right-of-way dedication required to comply with major street and highway Plan?	X
5. Will restrictive covenants be filed by separate instrument?	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
	YES	NO	
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.?	X		
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.?			X
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

TMAPC COMMENTS:

Mr. Marshall asked staff if this would be the last time the Planning Commission would see this because this PUD has had about five different amendments. In response, Mrs. Fernandez stated that staff has to respond to a question if someone decides to ask it and if the question is asked on this piece of property, then it will be before the Planning Commission again.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, McArtor, Shivel, Wright "aye"; no "nays"; none "abstaining"; Perry Sparks, Walker "absent") to **APPROVE** the plat waiver for PUD-379-B per staff recommendation.

* * * * *

Mr. Ard stated that an interested party requested that the last five items be rearranged and under normal cases if one of these cases were to take no time at all, he might do this, but all of these cases have interested parties signed up to speak and they will be taken in the order as they are presented on the agenda.

Mr. Sparks in at 2:25 p.m.

27. **Z-6051-SP-2 – Danny Mitchell** (PD-18c) (CD-8)

South of the southeast corner of East 81st Street South and South Mingo Road (Major Amendment Corridor Plan for two development areas, mixed use commercial and office development with mini-storage and open-air storage.) (Continued from 4/16/08, 5/7/08.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 16426 dated August 20, 1985, established zoning for the subject property.

PROPOSED ZONING: CO

PROPOSED USE: Commercial -
Office, Retail, Mini-Storage

RELEVANT ZONING HISTORY:

PUD-579-B/Z-6333-SP-4 December 2006: All concurred in approval of a proposed Major amendment to PUD and Corridor Site Plan on a 16.63± acre tract for land to permit hotel/motel under Use Unit 19 and to establish the development standards thereof, on property located on the east site of South 101st East Avenue and north of East 81st Street South.

Z-6735/PUD-625/Z-6735-SP-1 February 2000: All concurred in approval of a request to rezone a tract of land from AG to CO and of a proposed Planned Unit Development/Corridor Site Plan on a 9+ acre tract, located east of the southeast corner of East 81st Street and South Mingo Road, for commercial, office and hotel on the north 6.9 acres and office and mini storage on the south 2.5 acres, per staff recommendation.

PUD-579-A/Z-6333-SP-2 February 1999: All concurred in approval of a proposed Major Amendment to PUD-579 and a Corridor Site Plan to amend boundary of PUD, create 3 development areas, add Use Units 2 (private clubs), 5 (community centers), 11, and to establish permitted uses for new Development Area on property located on the north side of East 81st Street and west of Mingo Valley Expressway.

PUD-579/Z-6333-SP-1 February 1998: All concurred in approval of a proposed PUD on a 49 acre tract which is located on the north side of E. 81st Street S. at the Mingo Valley to allow a mixed residential development which would include townhouse dwellings, apartments, churches, private schools and other uses that are compatible with a residential environment, subject to approval of detail site plan approval with the PUD standards being met, for each development area prior to issuance of building permits.

BOA-17467 August 27, 1996: The Board of Adjustment approved a Variance to permit a Corridor development's access to be from an arterial street (Use Unit 2) per plan submitted; finding that the approval of this application will not be injurious to the area on property located and abutting south of the subject property.

Z-6051-SP-1 June 1996: A proposed Corridor Site Plan was submitted on a 2.8± acre tract of land for a 37-unit assisted living apartment complex on property located and abutting south of subject property. Staff recommended denial of the site plan due to a lack of a collector street and the intensity of the use for this area. The TMAPC and City Council concurred in approval of the Site plan subject to a variance of access provision (BOA-17467).

Z-6528 May 1996: All concurred in approval of a request for rezoning a 10± acre tract of land from AG to RS-3 for single-family subdivision on property located south and east of the southeast corner of East 81st Street South and South Mingo Road and abutting the subject property to the east.

Z-6023-SP-1 November 1995: All concurred in approval of a Corridor Site Plan on property located south of the southeast corner of E. 91st Street S. and S. Mingo Road and south of the subject property, for residential development (709 120' minimum lot sizes).

PUD-531 April 1995: All concurred in approval of a proposed Major Amendment on a 36.8 acre tract for 3 development areas: Area A is 10.8 acres for commercial shopping; Area B is 4.6 acres for office; Area C is 18.6 acres for apartment on property located on the northeast corner of East 81st Street and Mingo Road.

Z-6470/PUD-522 January 1995: All concurred in approval of a request to rezone a ten acre tract located on the southwest corner of E. 81st Street S. and S. Mingo Road from AG to CS/RM-0/PUD for a shopping center development.

Z-6432 February 1994: All concurred to approve a request to rezone a 5.22 acre tract of land from AG to CS for commercial uses, on property located on the southeast corner of East 81st Street South and South Mingo Road and abutting the subject property to the north.

Z-6281/PUD-460 May 1990: A request to rezone a 150 acre tract located in the northwest corner of E. 81st Street S. and S. Mingo Road from AG to CS/RM-0/RS-3/PUD-460 was approved for a mixed use development which included approximately 11 acres of CS at the intersection, a wrap around for multifamily development with RM-0 on approximately 23 acres and the balance being RS-3 zoning for single-family development.

BOA-15092 April 20, 1989: The Board of Adjustment approved a Special Exception to allow for an existing golf course and related uses in an AG District; finding that the use has been in existence for many years at the present location on property located south and west southwest corner of East 81st Street South and South Mingo Road and abutting the subject property on the west across South Mingo Road.

Z-6174 October 1987: All concurred in approval of a request to rezone the northwest corner of E. 81st Street and S. Mingo Valley Expressway from RS-3 to CO.

Z-6132 January 1987: All concurred in approval to rezone a 5+ acre tract located on the northeast corner of East 81st Street South and South Mingo Road from CO to CS.

Z-6051 July 1985: All concurred in approval of a request to rezone 11.5 acres located south of the southeast corner of East 81st Street South and South Mingo Road from AG to CO.

Z-6034 May 1985: All concurred in approval of a request to rezone from AG, RM-0 and CS to CO located on the northeast corner East 81st Street South and South Mingo Road. A 467' x 467' commercial node on the northeast corner remained CS and the remainder of the property was rezoned to CO.

Z-6023 March 1985: All concurred in approval to rezone 38 acres from AG to CO located south of the southeast corner of East 81st Street South and South Mingo Road.

BOA-12030 June 24, 1982: The Board of Adjustment approved a Special Exception to permit a school (Tulsa Junior College Southeast Campus) in an AG District with conditions that the applicant return to the Board with building plans prior to the issuance of building permit. On September 16, 1982 this case was presented to consider a conceptual site plan for the school and the Board approved it as presented.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 7.61± acres in size and is located south of the southeast corner of East 81st Street South and South Mingo Road. The property appears to be vacant and is zoned CO.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
Mingo Road	Secondary Arterial	100'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by College Center at Meadowbrook, zoned CO/PUD-625 and South Towne Square Extended, zoned RS-3; on the north by Meadow Brook Village, zoned CS; on the south by Tulsa Sterling House No. 1, zoned CO; and on the west by Mingo Road and Meadow Brook Center, zoned CS/RM-O/PUD-522 and undeveloped/unplatted land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being low intensity Corridor District. According to the Zoning Matrix, the existing CO zoning is in accord with the Plan.

STAFF RECOMMENDATION:

This is an unplatted 7.6 acre tract located on the east side of Mingo Road approximately 300' south of the south-east corner of 81st Street South and Mingo Road. The entire tract will be platted as a four-lot, one-block commercial subdivision with one private corridor collector street.

The proposal is for a mixed use commercial and office development with additional mini-storage and open air storage permitted in Development Area B only (see Exhibit A). Access to the site would be by mutual access easement (MAE) from Mingo Road via the private corridor collector East 82nd Place South. The MAE would be platted as part of Lot 4 (see Exhibit B).

The City of Tulsa Fire Marshal is requiring that 82nd Place be extended into the single-family South Towne Square Extended to the east in order to provide direct

emergency access from Mingo Road since there are over 30 homes in the development. Staff recognizes concern over through traffic raised by the South Towne Square Extended Homeowners Association (see Exhibit C). As a result of the wishes of the homeowners association, in combination with the Fire Marshal's requirements, it is staff's recommendation to construct an eight-foot high, solid screened crash gate eliminating the potential for unwanted through-traffic. The gate would allow the required direct emergency access from Mingo Road; while at the same time provide the screening between the residential and commercial uses, as required by the Zoning Code. The eight-foot high gate would be extended to the remainder of the boundary in common with the residential single-family district by the erection of an eight-foot high screening wall or fence. Design of such gates and wall or fence would require detail site plan review and approval from the TMAPC.

Notice of the detail site plan review for any proposal in Development Area B, including crash gates and the screening wall or fence, would be provided to the South Towne Square Extended Homeowners Association.

Lot 1 does not have direct access to the corridor collector; however, staff finds that access to Mingo Road for Lot 1, with mutual access through Lot 2 to the corridor collector, is a viable development alternative (see Exhibit B) with access to Lot 4 provided as well. This is because of the prior development of South Towne Square Extended, which did not provide direct emergency access from an arterial street into the neighborhood. With proposed development of this tract, East 82nd Place must be extended straight through to South Towne Square Extended. East 82nd Place thereby becomes the corridor collector street by default. The collector will be privately dedicated, maintained and closed to through-traffic to the east.

Proposed building setbacks, floor area, parking and landscaping meet applicable standards as set forth by the Zoning Code and would be verified at detail site plan review. Lighting will be directed down and away from residential areas and will subject to the Kennebunkport Formula. Lot lines in common with any residential district shall be screened from the development by the erection of an eight-foot solid screening wall or fence.

Based upon the proposed Development Concept and Standards, staff finds Z-6051-SP-2 to be: (1) in harmony with the existing and expected development of surrounding areas; (2) a unified treatment of the development possibilities of the site given the surrounding approved developments; and (3) consistent with the stated purposes and standards of the CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-6051-SP-2 subject to the following conditions:

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

Development Area A

Net Land Area: 4.48 Acres 195,169 SF

Permitted Uses:

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking; Use Unit 11, Offices and Studios, and Support Services; Use Unit 12, Entertainment and Eating Establishments other than Drive-ins; Use Unit 13, Convenience Goods and Services; Use Unit 14, Shopping Goods and Services; and uses customarily incidental thereto.

Maximum Building Floor Area (1.25 FAR): 243,961 SF

Maximum Land Coverage of Buildings: 30%

Maximum Building Height: 35' - two stories

Minimum Building Setbacks:

From development area/internal lot boundaries	20 FT
From the easterly right-of-way line of Mingo Road	
Office and research buildings	100 FT
All other commercial buildings	200 FT*
From the ROW boundary of 82 nd Place South	35 FT

**Except, a 100-foot building setback shall apply to commercial buildings located within 550' of an arterial street intersection.*

Development Area B

Net Land Area: 3.07 Acres 133,983 SF

Permitted Uses:

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking; Use Unit 11, Offices and Studios, and Support Services; Use Unit 12, Entertainment and Eating Establishments other than Drive-ins; Use Unit 13, Convenience Goods and Services; Use Unit

14, Shopping Goods and Services; Use Unit 16, Mini storage including open air storage; and uses customarily incidental thereto.

<u>Maximum Building Floor Area (1.25 FAR):</u>	167,478 SF
<u>Maximum Land Coverage of Buildings:</u>	30%
<u>Maximum Building Height:</u>	55' - four stories
<u>Minimum Building Setbacks:</u>	
From north boundary of Development Area B	10 FT
From the east boundary line of Development Area B	10 FT*
From the west boundary line of Development Area B	10 FT
From the ROW boundary of 82 nd Place South	35 FT

**Plus 2-feet of additional setback for every foot of building height exceeding 15' from any lot line or boundary line in common with an R district.*

All Development Areas

Landscaped Area:

A minimum of 10% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code and may include required street yard landscaping.

Signs:

- 1) Ground signs shall be permitted within Area A as follows:
 - (a) One Identification sign for Lot 4 is permitted at the intersection of West 82nd Place South and Mingo Road. The identification sign shall not exceed a maximum height of 12 feet and a maximum display surface area of 80 feet not including masonry structures on which the display surface area may be located where applicable.
 - (b) One ground sign for each lot fronting Mingo Road, each sign not exceeding eight feet in height and 80 square feet of display surface area.
- 2) Wall signs shall be permitted not to exceed two square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building. There will be no wall signs within 200' of the residential area to the east.

Lighting:

Light standards whether building or pole mounted, shall not exceed 25 feet in height and shall be hooded and directed downward and away from adjoining properties. Any fixture, either building mounted or free-standing, within 200' of South Towne Square Extended shall be limited to 15' in total height. All light fixtures shall be arranged so as to shield and direct the light away from surrounding 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 persons within surrounding residential areas. Compliance with these standards and with the City of Tulsa Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.

Access:

In order that the traffic-carrying capacity of the transportation system may be maintained, the development's access shall be principally from the internal private collector street. In keeping, there shall be no direct access to Mingo Road from lots 1, 2, and 3.

Transit:

Tulsa Transit operates services at 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 and during the platting process.

Pedestrian Circulation:

A pedestrian circulation plan shall be required that includes the following:

- (a) Sidewalks along Mingo Road, as well as both sides of the collector street per subdivision regulations.
- (b) Pedestrian walkways through parking lots and between buildings where practical; a minimum of three (3) feet in width, separated from vehicular travel lanes to the maximum extent possible and designed to provide safe access to non-street front building entrances and/or sidewalks. The three (3) foot width shall not include any vehicle overhangs. Wheel stops shall be installed in parking spaces adjacent to all pedestrian walkways.
- (c) Pedestrian walkways connecting existing transit stops to non-street front building entrances where applicable.
- (d) Pedestrian walkways clearly distinguished from traffic circulation, particularly where vehicular and pedestrian routes intersect where practical.

Screening:

An 8-foot solid screened, emergency crash gate will be constructed across the entry from 82nd Place into South Towne Square Extended to the east to meet the requirements of the City of Tulsa Fire Marshall providing required emergency access to the neighborhood while at the same time eliminating potential for through traffic. An 8' screening wall or fence with a minimum 5-foot landscape buffer shall extend along the rest of the boundary in common with the R District. The design of such screening wall or fence and solid screened gating shall be subject to detail site plan review and approval from the TMAPC. This includes number seven (7) below.

3. No zoning clearance permit shall be issued for a lot within the Corridor Site Plan until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building 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 occupancy or at the soonest appropriate planting time. 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 Corridor Site Plan until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan 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 (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), 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. 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.

9. 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 Corridor Site plan conditions of approval and making the City beneficiary to said covenants that relate to the Corridor Site Plan conditions.
10. Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC.
11. Approval of the Corridor Site Plan major amendment is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
12. 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. Open air storage is limited to Lot 4.

TAC Comments:

General: No comments.

Water: A water main extension line will be required.

Fire: Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

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:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

Stormwater: On-site detention has been required for this site. It should be added to the corridor plan's narrative and site plan.

Wastewater: Sanitary sewer access must be provided to all proposed lots within the development. Due to the potential for problems with grade, the developer will be required to present a proposed sanitary sewer mainline extension before the preliminary plat can be approved.

Transportation: Sidewalk required along Mingo Road.

Traffic: Recommend that the east-west Mutual Access Easement be increased from 26 to 30 ft in order to provide two-foot clearance behind both curbs. Develop and include in the covenants language to provide either public access or emergency access to/from South Towne Square Extended via the E-W roadway (82nd Place).

INCOG Transportation:

- MSHP: S. Mingo, between E. 81st St. S. and E. 91st St. S, designated secondary arterial. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- LRTP: S. Mingo, between E. 81st St. S. and E. 91st St. S., planned 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 at 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.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

Commissioner Perry in at 2:53 p.m.

STAFF RECOMMENDATION:

Staff presented their recommendation and pointed out the changes that the applicant is requesting.

TMAPC COMMENTS:

In response to Mr. Ard, Mr. Alberty explained that staff has determined in the last few years that overlaying corridor zoning with a PUD duplicates the process and it was never intended to be administered that way. The corridor district is a two-step process, which requires the corridor designation and a development plan being submitted. Once that is approved, then the applicant has to return with a detail site plan.

In response to Ms. Cantrell, Mr. Sansone explained that the Use Unit 16 proposal does have frontage on an arterial due to the way it will be platted. Lot 4, Development Area B, will be platted out to Mingo Road, which has 30 feet of frontage. Mr. Alberty stated that the lot handle that goes to Mingo meets the requirement and this lot will actually have frontage on an arterial road. The

handle will also be determined to be a mutual access easement. Legally this lot does meet the requirement.

In response to Mr. McArtor, Mr. Sansone explained that there are 32 homes in the subdivision to the east of the subject tract and the Fire Marshal requires a direct drive into the neighborhood for an emergency. However, over the concern with the neighborhood and meeting with the developer, it was determined to install an eight-foot screening gate that the Fire Department would have access through via keypad. Staff would like to see the screening gate access to be with the same type of materials and esthetic style of the wall that will be required along the lot line. Mr. Sansone reminded the Planning Commission that they have a concept plan in front of them and it does not entitle the applicant to build anything at this point.

In response to Mr. Marshall, Mr. Sansone explained that the applicant has revised his proposal to a two development area project. Mr. Sansone clarified staff's recommendation versus the applicant's revised proposal. Mr. Sansone indicated that staff is upholding their recommendation.

Mr. Marshall asked Mr. Sansone to explain how Lot 4 meets the standards to be in harmony with the existing and expected development of surrounding areas; a unified treatment of the development possibilities of the site given the surrounding approved developments; and consistent with the stated purposes and standards of the CO Chapter of the Zoning Code. In response, Mr. Sansone stated that as staff is recommending the proposal standards, staff is comfortable that it does meet these standards.

Mr. Sansone reminded the Planning Commission that they are free to enforce more restrictive requirements.

Mr. Alberty stated that he doesn't want the Planning Commission to be misled regarding the sequence of events for the rezoning and the development. The corridor zoning occurred first and this is within an area designated by the Comprehensive Plan for CO Corridor High Intensity/High Density zoning. One cannot prohibit someone from coming in and asking to develop within a high density area less restrictive or more restrictive. The single-family zoning came in after the Comprehensive Plan, high density/high intensity designation and zoning completely surrounding the subject property. Builders, realtors, and homeowners have an obligation to find out what is adjacent to them. The information is publicly available either on the TMAPC website or through questions. Mr. Alberty reiterated that the corridor zoning was in place first.

Mr. Alberty explained that corridor is simply corridor and it can be high density or low density. The low density or intensity designation has to do with if one is requesting conventional zoning.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, advised the Planning Commission that he is in agreement with the staff recommendation except for the setback. Mr. Reynolds presented his argument regarding the setback issue and presented a revised proposal. Mr. Reynolds submitted views of the subject property and their uses (Exhibit A-3).

Mr. Reynolds stated that the hotel's fence encroaches ten feet too far to the west and he has advised the property owner to convey the property to the hotel to prevent having to move the fence.

Mr. Reynolds stated that his client would be able to build their building within the staff recommendation if the building was redirected. The neighbors prefer that the building be built in the direction as proposed. He indicated that the building would be 46 feet tall.

Mr. Reynolds submitted letters of support (Exhibit A-4) indicating that the immediate three houses closest to the subject property support his proposal.

Mr. Reynolds indicated that the existing trees that Mr. Marshall mentioned are in poor shape and there are far too many of them growing too close. He explained that his client has very elaborate landscaping and screening planned for the subject proposal that will be much better than the existing trees.

Mr. Reynolds explained the lighting, landscaping, and access points to the Planning Commission. Mr. Reynolds further explained that his client has agreed to abide by the CS standards for outside storage for the mini-storage facility, which means that what is outside will not be visible from the ground level in the RS-3 area.

Mr. Reynolds stated that there would not be a chain-link fence and his client has agreed to build an eight-foot concrete planked fence along the east boundary. The fence will match the type of fencing that is on the hotel property, except that it will be eight feet rather than six feet in height. The stormwater will be addressed and comply with stormwater regulations during the platting stage.

In response to Ms. Wright, Mr. Reynolds stated that the facility will have a good monitoring system. The neighbors are requesting an eight-foot fence and they are not concerned about people doing bad things at the storage center because it is a legitimate business. Currently, there is a more illegitimate type of activity going on with it, being undeveloped and overgrown. This good business will be with good security will be good for the subject area.

Mr. Reynolds stated that his client has agreed to have a brick façade with windows that will be opaque. The first story will be split-faced concrete and the remaining three will be concrete brick on all four sides.

Mr. Ard reminded Mr. Reynolds that he is at 20 minutes and requested that the wrap his presentation up.

Mr. Reynolds submitted pictures depicting where the letters in support and opposition were from (Exhibit A-3). He pointed out that the nearest property is 600 feet from the south end of the proposed building. Mr. Anderson is the most affected by the subject proposal and he is in favor of the proposal.

TMAPC COMMENTS:

Mr. Carnes asked if the three letters of support are the only three neighbors that would be impacted with the proposal. In response, Mr. Reynolds stated that the three letters of support are from the neighbors who would be most impacted by the mini-storage and there are a couple of neighbors who would be adjacent to the project whom his client has not been able to talk to.

Ms. Wright stated that she has visited the proposed development and every resident of that development will have to drive by it. Everyone is affected by the development, regardless of the distance they live. In response, Mr. Reynolds stated that his exhibits prove that from certain distances no one can see the development. He agrees that driving by the development it is visible, but it is eleven to twelve feet shorter than the existing hotel. It will have a prettier façade than the hotel and none of these people can see the golf course from their homes because it has intense jungle foliage around the edge of it. His client's development would not be robbing anyone of their view. He concluded that it is not good for his client's business that anything from the outside storage is visible and he has agree to prevent that from happening.

Mr. Marshall stated that the Sterling House submitted a letter in opposition to the development before the meeting started.

Mr. Reynolds stated that there is an eighteen-inch high pressure gas line that runs through the southeast corner of the subject property and it cuts the bottom third of the subject lot in half. The south side of 82nd Street cannot be used for very much development. This is why the proposal is laid out the way it is.

In response to Mr. Marshall, Mr. Reynolds stated that the mini-storage would be identical to the hotel to the north if this is developed as staff is recommending. He indicated that his client could build the building differently, but the neighbor closest to the project requested that it be as the conceptual plan proposes. He commented that the mini-storage could be built just like the hotel.

In response to Ms. Wright, Mr. Reynolds stated that the front area would be restaurants and commercial uses. He indicated that he has not heard any complaints about Area A and he hasn't heard any complaints about the mini-storage use, but the structure. If the Planning Commission would prefer that it be

built to the west his client can do that as well. Mr. Reynolds stated that Sterling House has approached his client about purchasing a lot on the south end of the development. The northwest lot is, to all intents and purposes, sold, and it is a commercial activity that is less intense than the hotel use. He explained that there wouldn't be people coming and going. The mini-storage will block the noise from the car wash and some of the other activities back to the north. Mr. Anderson sees this as a security asset for his family.

Mr. Marshall read a letter from Rob McNamara, 8409 South 100th East Place, Tulsa, OK, which is in opposition of the proposal. Mr. Marshall indicated that he tends to agree with the letter.

Mr. Reynolds asked Mr. Marshall what in this proposal is not consistent with the hotel, businesses around the subject site, billboard, and cell tower. There is nothing inconsistent about this proposal and the surrounding uses. He explained that this is an indoor mini-storage and it is a small business, which is less intense than a four-story office building. Mr. Marshall stated that the height is a problem for him. In response, Mr. Reynolds stated that the height is only 44 feet and is much less than the existing hotel and will be set back like the hotel is currently.

Mr. Reynolds stated that the Zoning Code doesn't have an indoor storage category and therefore he had to file as mini-storage and that is what his client has to fit within. The indoor storage will for computer tapes, pharmaceutical representatives' sales products, document storage, etc. Mr. Reynolds explained the security system for the indoor storage.

Mr. Shivel stated that the meeting seems to be going toward a detail site plan review and he believes today's purpose is to determine whether or not the conceptual use plan is correct and appropriate for the subject area. In response, Mr. Alberty agreed with Mr. Shivel's statement. Mr. Alberty stated that he would suggest that since the applicant is suggesting more restrictions than what was originally submitted, then he would recommend that this be continued to incorporate what is being offered today in the final recommendation before being transmitted to the City Council. These get so complex and in preparing minutes, it becomes confusing to the Council if we try to incorporate these things separately. Staff needs time to compile these changes and make a recommendation.

Mr. Reynolds stated that he has made changes to the façade and he doesn't agree with the staff's recommendation for the setback. Mr. Reynolds stated that he has also agreed to the outside storage not being visible from the RS property back to the east.

Mr. Ard asked staff if these agreements and changes have been written up in the staff recommendation. In response, Mr. Sansone stated that right now he understands that the changes would be the height of the screening fence from

the R district to be increased to hide the outside storage, amend or add a section about the exterior building and the appearance of that, and if the Planning Commission is comfortable with the setback that Mr. Reynolds is suggesting then the staff recommendation would need to be amended to eliminate the 15' plus two feet.

Mr. Ard stated that he doesn't want to put staff at a disadvantage, but have already worked into this case and if the issues can be handled today he would like to move this on. In response, Mr. Alberty stated that the Planning Commission can handle these changes, but he was under the impression that the some of the Planning Commissioners were confused as to what staff is recommending and what the applicant is proposing.

Mr. Alberty indicated that he is concerned about the letter from Mr. Krietmeyer, which staff has not seen until right now. In response, Mr. Reynolds stated that the letter goes beyond staff's conditions and he only received that letter last night. Mr. Alberty stated that the letter has four pages of conditions.

Mr. Reynolds stated that he doesn't want a twelve- or fifteen-foot fence by the indoor document storage area. He indicated that his client is not looking to park RV's in that outdoor storage. Mr. Reynolds commented that he would prefer an eight-foot fence.

Mr. Perry stated that the changes are great and he believes a continuance would be beneficial to allow staff to review the proposed changes and agreements with neighbors and come back with a new staff recommendation.

Mr. Ard stated that there are interested parties who have signed up and he believes the Planning Commission should hear from them today.

Mr. Reynolds stated that he has no objection to a continuance.

Mr. Ard explained to the gallery that there have been changes suggested by the neighbors and the applicant. This is likely to come back to the Planning Commission in a different conceptual plan and it would probably be best to continue this item for two weeks. There are several interested parties wishing to speak about the continuance.

Interested Parties:

Don Henderson, 9811 East 84th Street, 74133; **Larry Clark**, 9829 E. 85th Street, 74133; **Marilyn Ball**, 8518 S. 100th E. Place, 74133; **Jack Connery**, 9814 East 83rd Place, 74133; **Steve Goforth**, 8217 S. 100th Place, 74133; **Omar Stiefer**, representing Sterling House, 10751 Bourn, Tyler Texas 75708.

Interested Parties Comments:

All the above interested parties had no objection to a continuance for Z-6051-SP-2 to June 4, 2008.

TMAPC COMMENTS:

Mr. Marshall stated that he personally would like to see the applicant come back with a conceptual plan that does not include Use Unit 16.

TMAPC Action; 10 members present:

On **MOTION** of **PERRY**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, McArtor, Perry, Shivel, Sparks, Wright "aye"; no "nays"; none "abstaining"; Walker "absent") to **CONTINUE** Z-6051-SP-2 to June 4, 2008.

* * * * *

Mr. Ard called for a five-minute break at 3:50 p.m.

Mr. Ard reconvened the meeting at 4:01 p.m.

Mr. Carnes out at 4:01 p.m.

28. PUD-756 – Charles E. Norman RS-3/OL/CS to RS-3/OL/CS/PUD

Northwest corner of East 21st Street between South (PD-4) (CD-4) Harvard Avenue and South Gary Place (PUD to reconstruct the existing QuikTrip farther away from Harvard Avenue to improve access and traffic circulation patterns.)

STAFF RECOMMENDATION:

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

PROPOSED ZONING: RS-3/OL/CS/PUD **PROPOSED USE:** QuikTrip Store

RELEVANT ZONING HISTORY:

BOA-19503 January 28, 2003: The Board of Adjustment approved a Variance of lot frontage from required 150' to 75' to permit lot split (L-19473) in a CS district; a Variance of the required parking from 27 to 21 spaces; and a Release of tie agreement of BOA-16868, with condition for no more than 4,500 square feet of retail use, use of the rest of the building is not to generate more parking, and construction of a 6 foot high solid screening fence on west side, on property located at 1936 South Harvard and the subject property.

BOA-16868 December 13, 1994: The Board of Adjustment approved a Variance to permit required parking on a lot other than the one containing the principal use; per plan submitted; and subject to the execution of a tie contract on the four lots; finding that the proposed parking area is located on 2 lots abutting the lots containing the principal use on property located on 1946 South Harvard and the subject property.

BOA-16837 November 8, 1994: The Board of Adjustment approved a Variance of the required set back from an abutting R District (Use Unit 13); per plan submitted; finding that only a small portion of the building will encroach within the required building setback on property located on the northwest corner of East 21st Street and South Harvard Avenue and the subject property.

BOA-16596 March 8, 1994: The Board of Adjustment approved a Variance of the required setback from the centerline of South Harvard from 50 feet to 48 feet; per plan submitted; subject to the execution of a removal contract; finding that the extension of the existing canopy will not be detrimental to the area, on property located on the northwest corner of East 21st Street and South Harvard Avenue and the subject property.

BOA-12416 January 27, 1983: The Board of Adjustment approved a Variance of the Major Street Plan setback to permit the erection of a sign, subject to the execution of the removal contract on property located on the northwest corner of East 21st Street and South Harvard Avenue and the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.23± acres in size and is located north side of East 21st Street between South Harvard Avenue and South Gary Place. The property appears to be used as commercial and residential and is zoned RS-3/OL/CS.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Harvard Avenue	Secondary arterial	100'	4
East 21 st Street South	Primary arterial	120'	4 plus turning lanes
South Gary Place	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by Harvard Avenue and Sunset Terrace Third Addition, zoned CS; on the north and west by Florence Park Addition, zoned CS; and on the south by 21st Street and Bonnie Brae, zoned CH.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-No Specific land use and Low Intensity-Residential land use. According to the Zoning Matrix, the existing zoning is in accord with the Plan.

STAFF RECOMMENDATION:

Located on the northwest corner of Harvard Avenue and 21st Street South this proposed 1.23 acre tract is zoned CS, OL and RS-3. The underlying CS, OL and RS-3 zoning districts permit the redevelopment of the property without a zoning change.

The existing QuikTrip (QT) store is located on Lots 1 through 6, Block 1 – Florence Park Addition. The existing site is a cramped site with difficult access both entering and leaving the site. The proposal is to remove the existing QT store, and reconstruct it further back from Harvard Avenue on Lots 21 through 24 – Block 1 – Florence Park Addition. The new store will allow for the re-design of antiquated fuel pumps further away from Harvard Avenue in such a manner that should improve existing access problems to and from this site, and general traffic circulation patterns in the immediate vicinity.

Located immediately to the west of the QuikTrip store are two story commercial and duplex buildings each in poor condition. QuikTrip has contracted to purchase these structures and a single residence on S. Gary Pl. to permit the reconstruction of the existing store as shown on Exhibit A, Site Plan. Exhibit B, Aerial Photo and Adjacent Land Uses indicates the proposed site and neighborhood land uses.

The existing fuel pumps on site are located parallel to Harvard Avenue less than 20-feet from the drive surface of 21st Street and Harvard Avenue, both classified as arterial streets. This condition creates continual traffic safety hazards as vehicles attempt to enter and exit the site to access the fuel pumps and store while other vehicles move within the site. Vehicles fueling near the South Harvard curb often partially block the sidewalk to the consternation of pedestrians and customers alike. Site visits by staff revealed vehicle traffic on 21st and Harvard frequently slowing or stopping waiting for vehicles to make the turn in or out of the premises. The existing fuel pump islands parallel to South Harvard Avenue will be moved back and replaced with the much more preferable right angle to design (see applicant's Exhibit A).

In an effort to address increased traffic volumes generated by re-development of the site, QuikTrip commissioned Jon Eshelman former Traffic Engineer for the City of Tulsa to: Measure the current traffic volumes on East 21st Street and South Harvard Avenue; analyze the capacity of the intersection of the two arterial streets; and identify any capacity deficiencies the intersection might have. The "Eshelman Report" states:

- Infill redevelopment of isolated parcels generally does not generate large volumes of new traffic. Traffic growth is typically low;
- There is no widening project for this intersection listed in any current bond issue or sales tax package including the 2005 bond and 2006 3rd penny packages;
- The 2007-2008 adopted 5-year capital plan budget does not show this intersection to be in need of improvement and is not being considered for future funding;
- The existing levels of service at and through the intersection of East 21st Street and South Harvard Ave. are satisfactory. There is excess intersection capacity to serve additional traffic;
- Calculations show that traffic could increase by 35% before unacceptable levels of delay would appear. At this location such an increase is expected to be many years away and may never materialize.

The applicant contends that QuikTrip stores are located to serve existing residences and do not of themselves generate additional traffic, however, QuikTrip stores do generate turning movements into and out of their locations. It is the intent of the applicant's proposal to dramatically improve the circulation into, out of and within the site, as well as, the safety of motorists traveling on South Harvard Avenue and East 21st Street.

The applicant's concept plan is within permitted building floor area, height, setback and parking requirements per underlying zoning. Landscaping and screening will obstruct the building from view of the three residences on the west side of S. Gary Place and the residence immediately north of the new store (see Exhibit C.1). A six-foot (6') wide sidewalk will be constructed along Harvard, 21st Street, and Gary Place. These standards will be verified by the TMAPC during the detail site plan review process.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-757 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-756 subject to the following conditions and as modified by the TMAPC (underlined items are added in, and ~~strikethrough items are removed by the TMAPC~~):

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

LAND AREA

Net Area: 1.23 Acres / 53,400 SF

Permitted Uses:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA: 5,000 SF

MAXIMUM BUILDING HEIGHT:

Building	17'
Building including Roof Mounted Mechanical Equipment	20'

OFF-STREET PARKING:

As required by the applicable Use Unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

Building

From the centerline of East 21 st Street	55'
From the centerline of South Harvard Avenue	175'
From the centerline of S. Gary Place	100'
From the north boundary	35'

Fuel Pumps Canopy

From the centerline of East 21 st Street	60'
From the centerline of South Harvard Avenue	70'
From the centerline of S. Gary Place	175'
From the north boundary	60'

OPEN SPACE LANDSCAPED AREA:

A minimum of 10% of the net land area of a lot shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code, provided the 5 feet street frontage landscaped area shall not be required on South Harvard Avenue and East 21st Street.

SIGNS:

- 1) One ground sign shall be permitted at the northeast corner of the property (S. Harvard Avenue frontage) with a maximum of 96 square feet of display surface area and 16.5 feet in height.
- 2) One ground sign shall be permitted a minimum of 100 feet east of the southwest corner of East 21st Street and South Gary Place with a maximum of 96 square feet of display surface area and 16.5 feet in height.
- 3) Wall signs shall be permitted not to exceed 2.0 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
- 4) No sign shall be placed in a utility easement per TAC recommendation.

LIGHTING:

Exterior light standards shall not exceed 25 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

TRASH:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), 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.

PEDESTRIAN CIRCULATION:

A six-foot (6') wide sidewalk will be constructed along Harvard, 21st Street, and Gary Place.

LANDSCAPE AND SCREENING PLANS

An eight-foot high, brick screening wall will be constructed along the South Gary Place frontage, angled at the northwest corner of the property and extending east to the front set-back of the residence to the north. The screening wall will be constructed of brick to match the wall color of the brick on the west wall of the store. The wall will be set-back 13 feet from

South Gary Place right of way and approximately 25 feet from the east curb of the street. The height of the wall will drop from eight feet to three feet, 41-feet north of the southwest corner of the property to permit acceptable visibility of traffic leaving the store on East 21st Street and for traffic entering East 21st Street from South Gary Place. The location of the screening wall is shown on Exhibit A, Site Plan and the design on Exhibit C, Landscape Details and is subject to detail site plan review.

Screening required along the lot line in common with the residential lot immediately adjacent to the north, shall have the "smooth-side" of the screening wall/fence facing the subject structure. Verification of this shall be provided at detail site plan review with an elevation view of the fence from the residential side of the wall/fence.

The second element of the screening plan is a combination of 12 feet high at planting pyramidal Leland Cypress evergreen trees and 12 feet high semi-evergreen Wax Myrtle trees as shown on Exhibit C, Landscape Details.

Landscape features accent planting areas at the northwest angle of the eight-foot high wall and at the south end of the screening wall. Chinese Pistache trees 12 feet high and Crepe Myrtles will be planted on the interior of the wall to add to visual buffer as indicated on attached Exhibit C, Landscape Details. Additional shrubs will be installed as shown on Exhibit C, Landscape Details. The remainder of the landscaped area outside the tree and shrub areas will be Bermuda sod.

3. 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.
4. No building permit shall be issued for any building or structure within the development until a detail site and landscape plan has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the approved development standards.
5. 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.
6. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all stormwater drainage and/or proposed detention is in accordance with applicable City requirements prior to issuance of an occupancy permit.

7. The City shall inspect all access points to certify that they meet City standards prior to any building permits being issued for the development. The developer shall pay all inspection fees required by the City.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. Screening walls or fences, must receive detail site plan approval from TMAPC prior to issuance of a building permit for the aforementioned wall or fence.
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: No Comments.

Fire: No Comments.

Stormwater: No Comments.

Wastewater: Locate the retaining walls within a three-foot fence easement with a 15.0' sanitary sewer easement adjacent to the fence easement. Do not locate the monument sign at the NE corner of your property within the U/E. Align the proposed Sanitary Sewer relocation within existing Lot 4 to eliminate some of the 90 degree bends, giving a straight run from east to west across the property. This will prevent conflict with the proposed sign. Sanitary sewer crossings under the retaining wall must be within a steel conduit.

Transportation: No Comments.

Traffic: The reduced right of way has been approved by Public Works subject to a modification to the intersection radius.

GIS: No Comments.

Street Addressing: No Comments.

County Engineer: No Comments.

TMAPC COMMENTS:

In response Mr. Ard, Mr. Sansone stated that the applicant will be submitting some information to the Planning Commission regarding the removal and replacement of the storage fuel tanks. Mr. Sansone stated that requirements for underground storage tanks are State or Federally regulated.

Mr. Wright expressed concerns about existing bus stops and where they will be relocated. Mr. Sansone stated that Tulsa Transit Authority will review this issue during the platting process and relocate the bus stop.

Mr. Sansone reminded the Planning Commission that this is a staff recommendation and that the Planning Commission can amend the staff recommendation to be more restrictive or less restrictive.

Mr. Sansone informed Ms. Wright that handicap parking is enforced by the permit process and it is a function of the Building Code and not the Zoning Code. It is strictly regulated and the International Building Code dictates the number of spaces required. This is not a function of the PUD detail site plan process. An applicant would not receive a permit to construct their parking without providing handicap accessible parking spaces.

Mr. Ard announced that Mr. Sparks would be abstaining from this item.

Applicant's Comments:

Charles E. Norman, 401 South Boston Avenue, Suite 2900, Tulsa, Oklahoma 74103; asked Ms. Wright if she was intending to participate in this hearing, judging from her inquiries of the staff. In response, Ms. Wright answered affirmatively.

Ms. Norman asked Ms. Wright if, under the ethical rules that have been adopted by the Planning Commission, she considers herself to be impartial and capable of rendering a fair hearing to the applicant in this matter. In response, Ms. Wright answered affirmatively.

Mr. Norman stated that this matter has been under planning for more than one year and during that period of time in which it has been planned, Ms. Wright was the president of the Florence Park Neighborhood Association. In his opinion, she has formed some opinions about the process, as indicated by her questions today. Conflicts of interests under the Planning Commission's ethical standards may be financial or associational and the question that is specified is "do I think I would be unbiased and impartial in the hearing?" He commented that this is a question for the individual participants and members of the Planning Commission to answer for them. He has no objection to Ms. Wright coming out and being a protestant to the application if that is her intention, but he would request that she maintain a sense of impartiality and fairness during the presentation.

Mr. Norman presented his proposal for the subject site with an existing QuikTrip store onsite. Mr. Norman submitted photographs of the surrounding properties and the existing property (Exhibit C-2). Mr. Norman pointed out the properties owned by Doug Lance and Chuck Babst, which he has worked closely with as representatives of the Florence Park Neighborhood Association. Mr. Norman pointed out the house where Paula Hubbard is located, which is immediately north of the QuikTrip facility and relocation of the store. He indicated that he has spoken with Ms. Hubbard on three occasions and she obtained from staff a full set of the application and documents.

Mr. Norman discussed the site plan and landscape plan (Exhibit C-3) for relocating the QuikTrip store and pump islands. Mr. Norman pointed out the location of the handicap parking spaces, which are always provided by QuikTrip stores in accordance with the laws and regulations. He explained that the Hubbard lot presently backs up to the existing store. He further explained that his client has worked on the design of the landscaping on what would be seen from the two houses (Lance and Babst). The plan requires that the building be located 100 feet from the centerline of Gary Place and they are proposing an eight-foot high brick screening wall that would match the brick on the QuikTrip store. The screening wall would be located 13 feet to the east of the right-of-way line and would be approximately 25 feet from the curb line. He proposes to plant two rows of 12-foot high trees at planting as an additional screening. The wall will drop the three feet in height for visibility purposes for the Gary Place traffic and people leaving the store parking area. At the corner of the Hubbard property, the wall will turn at a 45-degree angle and there will be a landscaped feature. On the inside of the wall there will 12-foot high trees. All of the drainage from the new building will go to the east towards Harvard Avenue. Part of the drainage will go out to 21st Street. Mr. Norman completed explaining how the screening brick wall will be installed, height and locations. He indicated that Ms. Hubbard requested that the fence have the smooth side toward the store to prevent anyone from climbing the wall/fence into her property. He requested an amendment to the standard to allow the smooth side to face the QuikTrip in accordance to Ms. Hubbard's wishes. Mr. Norman explained the landscaping proposals and renderings that he presented to the adjacent neighbors.

Mr. Norman stated that groundwater levels came up during the staff review and he would like to file an engineering report by KleinFelder Engineers (Exhibit C-6). The report stated that no groundwater was encountered in a portion of the boring and the remaining borings encountered ground water in depths of approximately eight feet to greater than 20 feet below the ground surface. The groundwater readings were recorded at approximately 96 hours following completion of the drilling operations. The observed depths to groundwater are considered typical for this area of Tulsa Metropolitan Area. It does not appear to be shallow enough to create excessive buoyant forces pushing the underground fuel tanks to the surface. Mr. Norman stated that the QuikTrip has been located on the subject property for more than 20 years and there has never been any problem with any kind of pushing upward of the underground fuel tanks.

Mr. Norman submitted letters and resolutions of support (Exhibit C-1) and read a letter from Doug Lance.

Mr. Boulden informed Mr. Norman that he had five minutes left for his presentation.

Mr. Norman proposed a formal amendment that the wooden screening fence at the end of the brick wall, adjacent to Ms. Hubbard's lot, be smooth side out in

order to respond to her concerns about people climbing over the fence into her property.

TMAPC COMMENTS:

In response to Mr. Ard, Mr. Norman indicated that the tanks will have to be relocated and based on the KleinFelder report, there are no conditions on the site to suggest any problems. The tanks are made of fiberglass and approved by the State and Federal Governments. The tanks are under the supervision of the Corporation Commission for permission to install, remove or relocate. Those permits are outside of the platting process and will be obtained as required by law.

Mr. Ard asked if this QuikTrip will have doors/entrances on both sides and if so, will one side be closed at certain times of the day. In response, Mr. Norman stated that it will have doors/entrances on both sides. Mr. Norman stated that he doesn't know if there is policy about closing the doors on one side during any particular time of operations.

Mr. Norman stated that Ms. Wright asked a question about the signage. The QuikTrip signs are much smaller than are typically found in commercial areas. The signs are located within the CS zoning portion of the subject property.

Ms. Cantrell stated that she understands the duplexes that are scheduled to be taken out are already zoned OL. She expressed concerns with taking the one parcel that is zoned residential. Did QuikTrip take any approach to allow this relocation without taking out the house? Ms. Cantrell expressed concerns that this would cause a domino effect across the street and they will become commercial as well. In response, Mr. Norman stated that that really couldn't happen because of the standard dimensions of the QuikTrip store. There is a 35-foot building setback from the north end of the store to Harvard Avenue. He stated that he is not asking for any additional zoning.

Ms. Wright questioned the traffic analysis that Mr. Norman submitted. This is a stable older part of Tulsa and is not an isolated parcel as the report indicates. In response, Mr. Norman stated that the project is considered to be isolated and that is the reason that term was used.

Ms. Wright stated that she needs to correct an assumption that Mr. Norman made in the original QuikTrip conversations, which were initiated by Maria Barnes during the summer and sent out to a variety of residents. She commented that in the ensuing summer meetings with Charles Babst and Doug Lance they were not representatives of Florence Park Association and they are individuals. In response, Mr. Norman stated that he asked the Florence Park Association to designate some people to work with and that was his understanding. Ms. Wright stated that she would be happy to correct him in that because the Florence Park Association, of which she is a president, laid dormant

until QuikTrip brought this issue into the neighborhood. This issue caused the neighborhood to get back on top of things and form its association. Ms Wright stated that she wanted to be very clear about this, that there was no vote and no consensus ever taken at the association level and that it was always provided as an open forum. Mr. Babst and Mr. Lance continued to meet with QuikTrip long after QuikTrip was informed that all communications should be directed to the Board.

Ms. Wright wanted to address the traffic report once again and compared it to a submittal showing traffic counts from a Public Works 2005 report. She commented that she believes that if Mr. Norman had referred to his own Public Works information, he would find that this is an already-overloaded intersection and that a 35% increase has already happened. Furthermore, the congestion regarding the hindrance that any emergency vehicle has along 21st Street is already a problem and increased traffic on this street and at this intersection would only make it worse and not better. There has been very many questions regarding size and scope of this QuikTrip, that entering into a residential neighborhood is actually new territory for QuikTrip as a review of each and every QuikTrip store will show that not a single QuikTrip goes into the neighborhood and nor does it follow this large-scale plan. Why would a size of a store as big as QuikTrip be demanding this kind of usage to be forced upon a residential area when the underlying zoning of commercial and office light actually offer buffering to the neighbors and to the residential areas. The houses that have always been residences and not used as office light in that area are eyesores and not the responsibility of the tenants but of the landlord. This is not an individual problem. It is the owner's responsibility and he allowed those buildings to deteriorate so using that as an excuse to demolish three or four buildings is questionable. What will happen after Ms. Hubbard leaves on that property, which is currently zoned residentially and QuikTrip is proposing to overlay with a PUD, which basically destroys all buffering to the community. Furthermore, and this is not shown in the applicant's elevation plans, there is an elevation.... Mr. Ard interrupted Ms. Wright at this point and recommended that this discussion would be better at review. He stated that he thinks what is necessary at this point is to ask Mr. Norman questions if she has any questions and then hear from the interested parties and then deal with the specifics during review. Ms. Wright asked Mr. Ard if there were too many questions at once. In response, Mr. Ard stated that if there is a question that would be good, but it should be a specific question. During review the Planning Commissioners can state their positions.

Mr. Norman stated that he might answer the question that did come from Ms. Wright was the qualifications of Jon Eshelman. Mr. Eshelman was the Traffic Engineer for the City of Tulsa for about 15 years and worked in the department for longer than that and has been in private practice for seven to eight years. Mr. Norman stated that he considers Mr. Eshelman and he thinks this Planning Commission considers his work to be of the highest quality. This is maybe something that Ms. Wright will have to judge for herself. Mr. Eshelman's report

indicates that traffic on the subject intersection could increase by 35% before unacceptable levels of service would be encountered. This study has been reviewed internally by the Department of Public Works, Darryl French and Mark Brown. This is a good faith effort on his client's part to bring to the Planning Commission the type of information that is typically expected for projects of this type. In response, Ms. Wright stated that there was no comment from Traffic in the TAC comments. In response, Mr. Norman stated that there was no comment because they were satisfied with the report. Ms. Wright stated that it doesn't indicate that they are satisfied with the report and asked if he had the report for her review. In response, Mr. Norman stated that he has provided portions of the report, but if she would like the full report he would provide it. Mr. Norman further stated, that everyone, staff, Planning Commission, and developers, rely upon people with expertise in different areas to bring consulting reports of different kinds for consideration by the Planning Commission and City Council. There is no one more qualified than Jon Eshelman. In response, Ms. Wright stated that she would like to see that report.

In response to Ms. Wright, Mr. Norman stated that the existing retaining wall is in place to the corner of Ms. Hubbard's lot. In response, Ms. Wright stated that what she is getting at is that in reading the Zoning Code that signs cannot be seen from residential areas. In response, Mr. Norman stated that this is incorrect. He explained that he tries his best to avoid that in a PUD, but it isn't a provision of the Zoning Code.

Mr. Marshall stated that while he was out looking at this site he talked with Mr. Lance at 1940 East Gary Place. He indicated that Mr. Lance gave his opinion that the duplexes across the street that are not kept up and he believes that the QuikTrip is the lesser of two evils. Mr. Lance indicated that he believes that QuikTrip will clean up the property and it would look much better.

Mr. Marshall asked if the residences across the street would be able to see the QuikTrip store. In response, Mr. Norman stated that this was the purpose of the renderings and the sightline analysis.

In response to Mr. Marshall, Mr. Norman explained the screening wall, heights and locations. He explained the current grade and elevations of the existing properties.

Ms. Wright stated that according to the District 4 Comprehensive Plan the subject property is zoned low-intensity and medium-intensity and what is being proposed by this PUD is a high intensity. Furthermore, the area on Harvard, between 21st and 11th, is considered a neighborhood service strip and there are very clear instructions in the Zoning Code about the development in areas that have a neighborhood service strip. Ms. Wright stated that her question is the justification for a high intensity usage in a low/medium intensity area. In response, Mr. Norman stated that this is not a high intensity usage under the classification of

uses that is utilized in Tulsa. This is a medium intensity use, Medium-Intensity/Commercial. High intensity is considered to be industrial and heavier uses that are permitted sometimes in other commercial zoning districts. The PUD process is a way to allow development of the commercially-zoned areas, and sometimes that involves an introduction or a margin or dividing line or transformation line into a neighborhood. This is what everyone is dealing with in the PUD process and they try to do this efficiently and effectively. The node system permits five acres of zoning at an intersection corner and that is oftentimes spread out into a twelve- or thirteen-acre commercial use area based on no increase in the overall allowed floor area. The Planning Commission and developers deal with this all the time by spreading uses that are permitted into areas that are not zoned. Otherwise, one would have to face the problem on almost every PUD of intruding upon some unzoned area with a use that was permitted in an invasive zone.

Ms. Wright stated that according to the rezoning and BOA fees schedule, it says that high intensity is considered for Use Units 2, 12 and 28. According to the Use Units it states very clearly in the proposal Use Unit 12, 13, and 14. In response, Mr. Norman stated that high intensity has been interpreted as being those things permitted in the CG, CH, Industrial and Corridor districts. Ms. Wright stated that it is not allowed in OL or residential. In response, Mr. Norman stated that many times it is permitted within a PUD because PUDs by their very nature allow multiple zoning districts. Ms. Wright stated that she understands that; however, again, the office light provides buffer to the neighborhood and an eight-foot screen wall that replaces a front yard as a buffer. In response, Mr. Norman stated that there are different kinds of buffers like transitional zoning and in a PUD one proposes alternate methods of achieving an acceptable transition of land uses. Mr. Norman concluded that this is the entire purpose of what he is trying to do.

Interested Parties Opposing PUD-756:

Susan Johnson, (representing concerned citizens of the neighborhood and surrounding community) 1927 S. Gary Place, 74104; **Steve Curtis**, 1919 S. Gary Place 74104 (yielded his time to Susan Johnson); **Charlene Bates**, 3622 East 15th Street, 74104; **Chip Atkins**, 1638 East 17th Place, 74120.

Opposing Interested Parties Comments:

Life safety issues; public transportation issues; size, scope and scale; infrastructure; environmental issues; increased traffic; precedent setting; proposal being less than one block from an elementary school; concerns with cut through traffic into the neighborhood; questioning of Eshelman's traffic report; recently a car wash was denied because it would be located near the elementary school and QuikTrip should be denied; more traffic since the QuikTrip will be selling deli items; QuikTrip indicated that the expansion of the store would triple the volume of sales, which would triple the traffic, but the Eshelman report doesn't indicate that; will the City of Tulsa have to participate in the infrastructure

of the subject project; where would anyone find in mid-town a unique development like Florence Park; when one encroaches into the neighborhood it devalues the properties; this proposal interferes with an atmosphere that is present and satisfactory; do not have anything against QuikTrip; questions Mr. Eshelman's criteria; lighting issues; look at the property as a whole, not who currently owns them.

Interested Parties In Favor of PUD-756:

Christian Hargrove, 3238 East 21st Street, 74114; Vice President of Empire Optical, submitted letter of support (Exhibit C-1) and read his letter of support. He stated that he believes that this will be a significant improvement to the intersection of 21st and Harvard. This will stabilize the subject area and QuikTrip creates and maintains their properties. QuikTrip will bring large business stability to a corner that still has the possibility to turn upwards or downwards. This development will help the current traffic flow problems. It is not secret that a couple of the properties that are being torn down have been a sore spot for the Tulsa Police Department and in 2007 there was a shooting at one of these residences. The new development will erase this problem and should be a sigh of relief to all neighbors.

Ms. Cantrell recognized Ms. Johnson.

Ms. Cantrell asked Ms. Johnson how many board members are on the Florence Park Association. In response, Ms. Johnson stated that she believes that there are eight members. Ms. Cantrell asked Ms. Johnson if the document she submitted is reflective of the neighborhood as a whole or the board because there are no names on it? In response, Ms. Johnson stated that it is something that she put together (nothing submitted for the record). Ms. Cantrell asked Ms. Johnson if she had any signatures from the neighborhood, because it is hard to have any idea if this is the view of one person or many people. Ms. Johnson stated that she can supply that information. Ms. Cantrell stated that she would recommend that Ms. Johnson supply signatures or specifics of who supports it and who doesn't from the neighborhood. Ms. Johnson stated that she will get a petition together and submit it. She further stated that everyone loves QuikTrip and appreciates that they have their headquarters in Tulsa. She indicated that her position is not that she would like them to go away, but she wanted to let the Planning Commission know that she was asked to present these issues for approximately 20 other people who couldn't be present.

Ms. Wright asked Ms. Johnson to explain about the car wash that was denied. In response, Ms. Johnson stated that she believes the car wash was going to take down the True Value building and install a car wash. The Board of Adjustment denied the application because of the proximity to an elementary school. The QuikTrip would be less than one block away from the school. She expressed concerns that the expansion will bring more traffic to the subject area.

Mr. Shivel stated to Ms. Johnson that he assumes she will be presenting the same information in another venue and he suggested that she rethink the idea concerning that tripling of sales equates to the tripling of traffic because they are offering a variety of goods that they are not currently offering. Some portion may be an increase in traffic, but people may be individually buying more, so it is not necessarily following that tripling revenue implies a tripling of automobiles. In response, Ms. Johnson agreed that that could be the case but could maybe break it down to 2.5% increase in traffic.

Applicant's Rebuttal:

Mr. Norman stated that all of the lights on the subject property will be subject to the Kennebunkport Formula. Greater disturbance comes from the street lights on the corners than the business lights.

Mr. Norman stated that everyone purchases gasoline and depends upon the regulatory agencies to protect us through inspections, avoiding leaks and avoiding typical things of this kind. QuikTrip has never had any problems that he is aware of, and he has explored all of these issues with them in considerable depth regarding leaking tanks. If this were to be allowed to happen on the QuikTrip properties, or any other convenience store, they could be subject to extreme liability and perhaps injuries to persons on their property.

Mr. Norman stated that he failed to mention that there is a sewer line that goes under one of the duplexes and directly under the middle of the existing QuikTrip store that will have to be relocated around the subject property in an acceptable way, which will be reviewed during the platting process. The City of Tulsa is not participating in any way in the costs of the related infrastructure that will be reviewed at the time of platting.

Mr. Norman indicated that he was pleased with Mr. Hargrove's comments representing Empire Optical, which is directly across the street from the duplexes. Mr. Hargrove's business looks directly into the duplexes and probably has a better view of the unsavory tenants living in the two duplexes for a period of time. This support and verification of improvements of the neighborhood was extremely gratifying, as well as the letter from Florence Park South Association, who consider this a positive step for the community.

Mr. Norman commented that he will leave the traffic issues to a later date because those are the responses and report conclusions that were submitted to the staff and to Darryl French and Mark Brown in the Department of Public Works and they have accepted those traffic conclusions, which is the reason that there are no know plans of any kind to revise this intersection at any time in the future. It is not on the five-year Capital Improvement Project and it is not on the sales tax extension. This intersection operates at a higher level and efficiency than almost any other in the community. Mr. Norman stated that the option here is to allow the removal of a dilapidated commercial building and two dilapidated duplexes to

stabilize the fringes of this neighborhood, realizing that commercial usages are permitted along 21st Street and along Harvard. All of the homes that back up to the CH zoning all the way up to 19th Street back up to existing commercial uses. The margins and the uses in the subject area are extremely important to stabilizing the margins, fringes and edges of the neighborhood that has undergone significant rejuvenation. QuikTrip would not be expending the several million dollars in cost to make this improvement if they were not intending to be there for many years in the future. Convenience stores are located based on rooftops within a certain radius because they depend on existing traffic. Convenience stores are not traffic generators, but traffic servers. People tend to not visit a given store if it is difficult to get into or out of. Mr. Norman requested that the Planning Commission approve the staff recommendation, which is acceptable to his client with the possible amendment to allow the smooth side of the screening fence adjacent to the Hubbard home to be on the outside rather than on the inside.

TMAPC COMMENTS:

Ms. Wright asked Mr. Norman what would happen if QuikTrip puts in the large canopies and pumps and down the road they need to put in a turning lane. In response, Mr. Norman stated that as he mentioned earlier, the reason this application took so long was to go through that process with the Department of Public Works and the Traffic Engineer to verify the conclusions that were reached in the Eshelman report, which is that they are not expected to have more traffic than it already has and not expected to be a problem in the foreseeable future. To the extent that he relies on the skills of experts, this is not an issue for this intersection because it is fully developed. Mr. Norman informed Ms. Wright that the turning lane Mr. Atkins is referring to on 15th and Utica was made possible through the Stillwater National Bank PUD. That project is at least one year late in starting because the Arvest Bank on the other side of the street came through with a PUD and everything is accomplished except the City's performance of that schedule.

Ms. Wright asked staff to put the site plan map back on the overhead screen. Ms. Wright asked Mr. Norman if there is an allowance for a turning lane at 21st and Harvard if in the future it is decided to install one. In response, Mr. Norman stated that Department of Public Works requested an increase in the turning radius at this location and that is why his client is not requesting any signage to be located at the corner of 21st and Harvard as is the present case. The radius will be increased and there are not additional turning lanes planned by anyone. In response, Ms. Wright asked if there is space available for a turning lane if there were ever to be one installed. In response, Mr. Norman stated that he believes that this is a question that will properly come up during the platting process. This has been reviewed extensively over a period of months with the Department of Public Works and they see no need and they agree with Mr. Eshelman that there didn't appear to be any need at any time in the near future or foreseeable future for additional improvements at that intersection. In

response, Ms. Wright asked Mr. Norman if his answer is no. Mr. Norman stated that basically the answer is he doesn't know.

Mr. Marshall stated that QuikTrip is not asking for any more than what is on the other three corners. As far as setting a precedent, these other three corners have had been like this for a long time and the Planning Commission has to take these applications on a case-by-case basis. If anyone from the east or west on Harvard tries to go back into the neighborhoods, they know that it is unlikely that the Planning Commission would allow that. This is a different case from the other three corners already this and the proposal will clean up the corner. Mr. Marshall indicated that he would be voting for this proposal.

Ms. Cantrell stated that she would have preferred to not see the one residential lot taken because it concerns her that the parcel directly across will want to turn commercial as well. She does believe that QuikTrip has done extensive work to accommodate the neighborhood and she believes that the buffering is some of the best the Planning Commission has seen. Ms. Cantrell indicated that she agrees with Mr. Marshall that if this is approved, it doesn't mean it will be done anywhere else. This is done case-by-case and it is not unheard of to have QuikTrip to back up to a neighborhood. She understands that they tend to be very good neighbors. Ms. Cantrell stated that she can support this with slight reservations.

Ms. Wright directed her comments to Mr. Marshall and Ms. Cantrell, and stated that where QuikTrip stores back up to residential areas it is a long commercial strip and it may share a back fence, but it is not going into the neighborhood. This is actually now presenting itself on Gary Place and why that strip of OL is behind CS is a mystery to her because all of those buildings are all residential. This is a 24-hour use and the subject area shuts down in the evening. There will delivery trucks, fuel trucks and trash trucks coming and going and the noise from them shouldn't be ignored. There are very little businesses that are open after 5:00 p.m. or 6:00 p.m. This is not Peoria or 71st Street with a lot of high intensity organizations opened to those hours.

Ms. Cantrell stated that the QuikTrip on 51st hasn't been built yet, but it will back up onto Quebec, which is behind Peoria. Ms. Cantrell further stated that she understands Ms. Wright's concerns, but there is currently a 24-hour QuikTrip on the subject property and this is simply an expansion and not a new business coming in. The hours are already there and the traffic for the most part is already there. QuikTrip is not going away.

Ms. Wright stated that the traffic isn't already there because currently there are no trucks unloading on Gary.

Mr. McArtor stated that there is no outlet on Gary and the trucks would enter off of 21st Street. Mr. McArtor further stated that there will be a sidewalk, fence and

wall before reaching the store. It seems that the encroachment is minimal. As Ms. Cantrell pointed out QuikTrip is already there. The buildings that are being removed are eyesores and they do need to come down. It would seem that this is a stabilizing factor in the neighborhood and the design is quite attractive. There are some businesses across the street that are looking forward to this and he believes that the encroachment into the neighborhood in this particular case is very small.

Mr. Midget stated that he agrees with Mr. McArtor and he will be supporting this application. QuikTrip has done an exceptional job trying to mitigate the encroachment into the neighborhood. The structures that are being removed are deteriorating and they are eyesores. The traffic is dangerous in the subject area and this will be an improvement and compliment what currently exists in the subject area.

Mr. Midget moved to approve PUD-756 per staff recommendation, subject to amending that the fencing abutting the Hubbard property shall have the smooth side on the inside.

Mr. Sansone recommended the motion refer to the fence as follows: "smooth side screening shall be required along the lot line in common with the residential property immediately adjacent to the north of subject property."

Mr. Perry stated that he is familiar with this intersection because he goes through it all of the time. Florence Park is a wonderful residential area, but these are two major streets and there will be commercial at two major streets/intersections. There could be a lot worse placed on the subject lot. He will be supporting this PUD.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 7-1-1 (Ard, Cantrell, Marshall, McArtor, Midget, Perry, Shivel "aye"; Wright "nay"; Sparks "abstaining"; Carnes, Walker "absent") to recommend **APPROVAL** of PUD-756 per staff recommendation, subject to the smooth-side screening fence shall be required along the lot line in common with the residential property immediately adjacent to the north of subject property as requested by the applicant. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-756:

ALL OF LOTS 1, 2, 3, 4 AND THE SOUTH HALF OF LOT 5, INCLUSIVE, LESS AND EXCEPT THE EAST 10' THEREOF, AND THE SOUTH 40' OF LOT 21, AND ALL OF LOTS 22, 23 AND 24, INCLUSIVE, BLOCK 1, FLORENCE PARK ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; From RS-3/OL/CS (Residential Single-family District/Office Low Intensity District/Commercial Shopping Center District) To RS-3/OL/CS /PUD (Residential

Single-family District/Office Low Intensity District/Commercial Shopping Center District /Planned Unit Development [PUD-756]).

* * * * *

29. **CZ-391 – Advanced Industrial Solutions** **AG to IL**
East of southeast corner of North Mingo Road and East 126th Street North (County)

STAFF RECOMMENDATION:

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

PROPOSED ZONING: IL

PROPOSED USE: Warehouse

RELEVANT ZONING HISTORY:

CZ-216 December 1994: All concurred in approval for a request to rezone a 109.17-acre tract from AG to RS/RE; RS zoning for the area south of 120th Place North and RE zoning for the area north of 120th Place North, on property located north and west of the northwest corner of 116th Street North and North Garnett Road and located north and west of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5± acres in size and is located east of southeast corner of North Mingo Road and East 126th Street North. The property appears to be vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 126 th Street North	Secondary arterial	100'	2

UTILITIES: The subject tract has no water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by rural residential, zoned AG; on the north by vacant, zoned IM; on the south by vacant, zoned AG; and on the west by vacant, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Owasso Plan, a part of the adopted Comprehensive Plan for the City of Owasso, designates this area as being Rural Residential. According to the Zoning Matrix, the requested IL zoning is **not** in accord with the Plan.

STAFF RECOMMENDATION:

Based on the Owasso Comprehensive Plan and surrounding zoning, staff cannot support the requested IL zoning and therefore recommends **DENIAL** of IL zoning for CZ-391.

Applicant's Comments:

Jimmy Davis, 529 West Main, Collinsville, Oklahoma 74021, stated that he would like to place his warehouse on the front of the subject property. He indicated that he spoke with the Owasso Planning Commission and went over this before applying with INCOG. Owasso indicated that they didn't see any problem with this proposal, which is in the Owasso fence line. There are industrial uses across the street from the subject property in the City of Collinsville.

TMAPC COMMENTS:

Mr. Ard stated that staff is concerned that the subject property is on the south side of 126th and all around the subject property is agriculturally-zoned property and some residential farther south. There is IM across the street, but staff feels that putting an industrial parcel in the middle of the AG district is spot zoning and doesn't conform to the surrounding usage trend.

Mr. Davis stated that there are industrial uses down the road from the subject property. Mr. Davis described surrounding properties and their uses. He explained that he would also have his home on the subject property and doesn't intend to turn the entire property into an industrial site. There will be three employees and they warehouse paper supplies and packaging supplies.

In response to Mr. Ard, Mr. Davis stated that there was an existing mobile home before and he does intend to live there. There are utilities in place at the front and rear of the subject property.

Mr. Ard explained that once property is zoned industrially remains industrial regardless of who owns it. This is probably staff's concern because a new owner could develop IL zoning to its fullest use as allowed. In response, Mr. Davis stated that there are two properties in the subject area for sale with the potential to be commercial property. In response, Mr. Ard stated that they are not zoned for commercial so they couldn't be used for commercial. Mr. Davis stated that there is a huge industrial site across the street and he can't see that his small use would make a difference.

In response to Mr. McArtor, Mr. Davis cited the various industrial uses across the street in Collinsville. He explained that he would like to put a small warehouse and live on the same property. He described his company as an industrial supply company where they supply paper goods, packaging supplies, etc.

Mr. Midget asked Mr. Davis if he would have any outdoor storage. In response, Mr. Davis answered negatively. Mr. Midget asked Mr. Davis if he needed all of the subject property zoned IL or just a small portion. In response, Mr. Davis stated that he doesn't need all of it, but he understood this is what he should request.

Mr. Marshall informed Mr. Davis that if the Planning Commission denied this case he would have the right to appeal their decision within ten days to the Board of County Commissioners.

Mr. Sparks questioned if the applicant is requesting the right type of zoning for his needs.

Ms. Matthews stated that the applicant would be warehousing products and then redistributing them.

In response to Mr. Midget, Ms. Matthews stated that the County allows 15 days for appeals.

Interested Parties Comments:

Stephen Schuller, 1100 ONEOK Plaza, 100 West 5th Street, 74103, representing adjacent property owners, stated that his clients oppose this application for the IL zoning. The City of Owasso's Master Plan contemplates future residential development within the subject area. Mr. Schuller cited the Owasso Master Plan. Rezoning the subject property to industrial would allow uses that are entirely inconsistent with residential development. Mr. Schuller cited the types of uses that would be allowed on IL-zoned property. He commented that the applicant has evidently sought to conceal the zoning application by knocking over the yellow sign for noticing on the subject property unreadable two days after it was posted. The proposal is inconsistent with Owasso's Master Plan and inconsistent with the residential development that currently exists in the subject area and rezoning to IL would decrease the value of the surrounding AG-zoned property that is already being developed as residential. Mr. Schuller concluded that the appropriate use for the subject property would be residential.

TMAPC COMMENTS:

Mr. McArtor asked Mr. Schuller about the industrial that is north of 126th Street North. In response, Mr. Schuller stated that it doesn't help the country feel, but it is within the City limits of Collinsville, which Owasso has no control over. The Owasso Master Plan, which governs the subject area, calls for residential

development. All the area around the subject property has been residentially developed.

Mr. McArtor asked Mr. Schuller about an INCOG sign that had been knocked down. In response, Mr. Schuller explained that INCOG typically places a notice of a zoning application on the property under application and the one on the subject property was on the ground two days after it was posted. In response, Mr. McArtor asked Mr. Schuller if he was publicly accusing the applicant of being responsible for the sign being knocked down. In response, Mr. Schuller stated that he doesn't know who did it, but he would suspect that he might have. In response, Mr. McArtor asked Mr. Schuller if he had any proof of the applicant knocking down the sign. In response, Mr. Schuller stated that he doesn't have proof. In response, Mr. McArtor stated that unless we know that someone did something of this nature, then it is inappropriate to suggest it and he doesn't appreciate it.

Applicant's Rebuttal:

Mr. Davis stated that he would like to respond to the accusation that he knocked the notice sign down, because he is in the U.S. Reserves and he has been gone for three weeks. He left less than one week after he applied for the application and the sign was not posted until after he left for the U.S. Reserves.

Mr. McArtor stated that he wanted to make sure he understood correctly that the sign was posted and blown down while the applicant was serving his country someplace. In response, Mr. Davies answered affirmatively.

Mr. Davis stated that the client that Mr. Schuller is representing is the neighbor who has stables that are incredibly larger than what he intends to build. He understood that Mr. Schuller's client purchased all of the property to prevent houses from developing around him.

Mr. Midget explained to Mr. Davis that the property with the stables is zoned AG and the stables are allowed in AG districts.

Commissioner Perry stated that he appreciates Mr. Davis serving his country, but he can't support this application.

Mr. Davis reiterated that he does plan to live on the subject property as well and raise his family.

Mr. Ard stated that he understands Mr. Davis's comments, but the Planning Commission has to look at the land zoning and land uses when making decisions.

Mr. McArtor asked staff if a PUD would help Mr. Davis achieve his need. In response, Mr. Alberty stated that he would need IL zoning in some amount to

achieve what he wants. The entire property doesn't need to be rezoned IL and the PUD would allow him to reduce the zoning and allow him to spread his business over a larger parcel.

In response to Mr. McArtor, Mr. Alberty stated that he doesn't know who took this application and what was discussed during that time. If the applicant owns the entire property, that was the reason for the legal description for the entire property and if he was given advice that he needs to rezone the entire property, that was probably not appropriate. The situation that staff is concerned with is that this is a planned area and it is planned for something other than what he is requesting. Once a zoning is approved that is not consistent with the plan, then one has replanned the area.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-1-0** (Ard, Cantrell, Marshall, Midget, Perry, Shivel, Sparks, Wright "aye"; McArtor "nay"; none "abstaining"; Carnes, Walker "absent") to recommend **DENIAL** of the IL zoning for CZ-391.

* * * * *

Mr. Ard requested staff to give an abbreviated report in order to allow Ms. Cantrell to hear the case before she has to leave.

30. **Z-7096/PUD-757 – Charles E. Norman** **RS-3/OL to OL/PUD**

North of northwest corner of East 15th Street and South (PD-6) (CD-4)
Norfolk Avenue (PUD for a seven unit town-home
development designed for single-family owners.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 16532 dated January 15, 1986, and Ordinance number 11814, June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: OL/PUD

PROPOSED USE: Townhouses

RELEVANT ZONING HISTORY:

Z-6378 April 1993: All concurred in approval of a request for a supplemental overlay zoning on a tract of land to HP for historic preservation on property located south of subject property.

Z-6339/PUD-478 December 1991: All concurred in approval a request for rezoning from OL/OMH/RS-3 to RS-4 and of a proposal Planned Unit Development a 7.73± acre tract of land for single-family development with private

streets on property located west of the northwest corner of South Peoria Avenue and East 15th Street and east of subject property.

Z -6081 January 1986: All concurred in approval of a request for rezoning a tract of land from RS-3 to OL for office use on property located on the northwest corner of East 15th Street South and South Norfolk Avenue and a part of the subject property.

PUD-394-A December 1991: All concurred in approval of a request to abandon PUD-394 which originally approved high-rise office on the site; on condition of approval of RS-4 zoning for Z-6339 and PUD-478 as recommended by staff on property located east of subject property and west of the northwest corner of South Peoria Avenue and East 15th Street

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .43± acres in size and is located north of northwest corner of East 15th Street and South Norfolk Avenue. The property appears to be residential and vacant and is zoned RS-3/PUD.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 15 th Street	Urban Arterial	70'	4*
South Norfolk Avenue	Residential Collector	60'	2

* With restricted on-street parking consuming two lanes of the four.

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

SURROUNDING AREA: The subject tract is abutted on the east by Norfolk Avenue, Broadmoor Addition and Maplevue on Cherry Street, zoned RS-4 and OL respectively; on the north by the U.S. 64/444, OK.-51 right-of-way, zoned RS-3; on the south by 15th Street and Morningside Addition, zoned RS-3; and on the west by Broadmoor Addition, zoned RM-2.

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 low-intensity, Special Development Sub-area F according to the District 6 Comprehensive Plan Map, and page 6-23 of the Plan. This area is "bounded by the Broken Arrow Expressway on the north, the lot line west of Utica on the east, the inner-dispersal loop on the west, and the Cherry Street Business Sub-Area A and Maple Ridge Sub-Area C on the south".

According to section 3.5.6.1 of the Plan, “the area west of Peoria should be low-intensity office use on the west half” and medium intensity office/commercial use on the east. Multi-family use should be discouraged”. Since the applicant is proposing to re-plat the property as seven individual single-family lots, this development is not a multifamily development per chapter 18 of the Zoning Code.

Therefore, and according to the Zoning Matrix, the requested OL zoning **may be found** in accord with the Plan by virtue of its location within a Special District area.

STAFF RECOMMENDATION FOR ZONING:

Based on the Comprehensive Plan and existing development in the area, staff can support the requested rezoning and therefore recommends **APPROVAL** of OL zoning for Z-7096, subject to the TMAPC’s recommendation to approve the accompanying PUD-757 or some variation thereof.

STAFF RECOMMENDATION FOR PUD:

PUD-757 is a .43 acre tract located on the west side of Norfolk Avenue, north of 15th Street, approximately 1200 feet west of Peoria Avenue. The applicant is proposing a seven unit town-home development designed for occupancy by single family residential owners with common area facilities located within a reserve area to be maintained by a homeowners association as shown on Exhibit A - Concept Illustration. The location of the property is shown on Exhibit C - Aerial Photograph. The development will be re-platted as one-block, with individual lots and common reserve area(s).

Elevation for the proposed development area range from a high of 716’ at the northeast corner of the tract to 708 feet at the southwest corner of the tract with the property generally sloping downward from east to west. According to the Soil Survey of Tulsa County, Oklahoma, soil types are identified as Kamie-Urban Land Complex, 1% - 8% Slopes. Development constraints are associated with these soils and will be addressed in the engineering design phase of the project.

The Maple Terrace Town-homes property is immediately south of the US-64/444, OK.-51, inner dispersal loop and is adjacent on the north and west to a recently completed pedestrian and bicycle path, a part of the metropolitan trail system. The applicant is proposing direct access to the path for residents of the development.

The south portion of the property is zoned OL-Office Light. A companion application, Z-7096, has been filed to extend the OL zoning to the remainder of the property. The OL district permits Use Unit 7a – Townhouse Dwellings in a planned unit development or with Board of Adjustment approval. Should the request for the extension of OL zoning be approved, underlying zoning would

allow 11 dwelling units according to the available land area per dwelling unit. The applicant's PUD proposes a maximum of seven (7) individual units.

A minimum of 400 square feet of livability space will be provided within each townhouse lot. The remainder of the required livability space will be provided in landscaped features within the reserve area(s) as permitted by section 1104-C of the Zoning Code. The reserve areas will be maintained by the homeowners association.

Access to the site will be from Norfolk Avenue, via mutual access easement (MAE). Entry gates will be constructed per the applicant's concept plan – Exhibit A and as agreed to by the City of Tulsa Fire Marshall. Sidewalks will be provided along Norfolk Avenue, as well as, from the northeast corner of the site to the proposed trail access. Two car garages are proposed for each town-home and will be accessed from the interior of the development. A hammerhead turn-around for traffic on South Norfolk Avenue will be constructed at the northeast corner of the project. Part of the existing cul-de-sac will be declared surplus per the City of Tulsa Engineering Design Manager (see Exhibit E) to allow for this turn-around. The final design of the aforementioned turn-around must be approved by the City of Tulsa prior to final approval of the re-plat of the property.

A letter prepared by the Public Works Department, Development Services Division, dated April 8, 2008 states there will be no onsite detention required for the proposed development. Maple Terrace Town-homes will continue to drain overland in conformance with historical drainage patterns common to the site prior to the construction of the Inner Dispersal Loop. A detailed hydrology analysis and report will be prepared and submitted to the City of Tulsa Development Services for approval during the platting process.

Existing City water and sanitary sewer services are available to the development. The existing 2 inch water line along the east side of South Norfolk Avenue will be replaced with a 6 inch water line which will be looped through the development and extended to connect with the existing 6 inch water line running along the south side of East 15th Street South.

Sanitary sewer is accessible to the site by an 8 inch line that extends south across East 15th Street South from an existing lamp-hole at the southwest corner of the development. An internal sanitary sewage collection system with 8 inch lines will be constructed along the perimeter boundaries of the development and will connect to the existing lamp-hole and to a new manhole which will be constructed at the southeast corner of the development.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-757 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-757 subject to the following conditions and as amended by the TMAPC (items with strikethrough have been removed, underlined items have been added in):

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

LAND AREA:

Net Area:	0.43 Acres	18,617 SF
Gross:	0.57 Acres	24,994 SF

PERMITTED USES:

Townhouses: As permitted in Use Units 7a ~~and 8~~, and uses customarily accessory to the permitted principal uses.

Reserve A: Controlled entrance, parking and common area facilities, and uses customarily accessory to townhouse dwellings, to be maintained by an owners association.

MAXIMUM NUMBER OF DWELLING UNITS: ~~7~~ 4

MINIMUM LOT WIDTH: 22 FT

MINIMUM LOT AREA: 1400 SF*

**The remainder of the required lot area per dwelling unit shall be provided in common areas as permitted by section 1104-B of the Zoning Code.*

MAXIMUM BUILDING HEIGHT: ~~45~~ 35 FT

OFF-STREET PARKING:

~~As required by the applicable Use Unit of the Tulsa Zoning Code.~~ 3 per dwelling unit

MINIMUM BUILDING SETBACKS:

From the centerline of S. Norfolk Ave.	50 FT*
From the north boundary	10 FT
From the south boundary	10 FT
From the west boundary	20 FT

**For the purpose of establishing the required street yard, the front yard set back shall be considered to be 10 feet.*

MINIMUM PARKING AREA SETBACKS from the north boundary: 5 FT

LIVABILITY SPACE:

A minimum of 400 square feet of livability space shall be provided within each townhouse lot. The remainder of the required livability space calculated at 600 square feet per dwelling unit shall be provided within common and reserve areas per section 1104-C of the Zoning Code.

SIGNS:

One project identification ground sign shall be permitted at the South Norfolk Avenue entrance with a maximum of 12 square feet of display surface area and 6 feet in height.

LIGHTING:

Exterior light standards shall not exceed 12 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or 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.

DECORATIVE FENCING:

A decorative six feet high wrought iron type screening fence shall be constructed along the east boundary; such screening fence shall continue at least 25 feet from the north and south property boundaries and be subject to detail site plan review and approval prior to a building permit being issued. Screening along the remainder of the property boundaries shall be optional.

TRASH, MECHANICAL AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), 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.

3. 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.

4. No building permit shall be issued for any building within the development until a detail site and landscape plan for that lot or parcel has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the approved development standards.
5. 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.
6. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all stormwater drainage and/or proposed detention is in accordance with applicable City requirements prior to issuance of an occupancy permit on that lot.
7. 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 and/or other commonly owned structures within the PUD.
8. 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 where applicable. Any 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 if installed. The maximum vertical grade of private streets shall be ten percent where applicable.
9. The City shall inspect all private streets and/or access drives to certify that they meet City standards prior to any building permits being issued on lots accessed by those streets or access drives. The developer shall pay all inspection fees required by the City.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. Entry gates or guardhouses, if proposed, and screening walls or fences, 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.
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.

TAC Comments:

General: No Comments

Water: A 20' restrictive water line easement will be required for the proposed 6-inch looped water main line on the property. A Revision Project will be required for replacing the existing 2-inch water main line along Norfolk Avenue with a 6-inch size water main line.

Fire: No Comments

Stormwater: No Comments

Wastewater: A Sanitary Sewer mainline extension will be required to serve all lots within the PUD area. A fence easement should be included, to ensure fence is not placed in utility easement.

Transportation: There are title ownership issues along the east side of the property. Locate DOT and COT easements; ROWs or ownership at that location.

Traffic: Include design standards within the PUD development standards for the proposed private street. The standards must meet or exceed Public Works' standards for minor residential streets.

GIS: No Comments

Street Addressing: No Comments

County Engineer: No Comments

TMAPC COMMENTS:

Ms. Cantrell stated her concerns before having to leave the meeting as follows: There is no parking permitted on 15th Street at the subject location. The surrounding area south of 15th is zoned RS-3 and HP and that is significant to point out. She expressed concerns with the height of the proposal and parking on a street that dead-ends and is narrow. Traffic for the additional 14 cars going in and out of a street that used to accommodating five houses is a concern.

Mr. Sansone explained that the required parking for the proposal is for two spaces per unit placed underneath each unit. The required parking would be all off of Norfolk. There is some proposed visitor parking. It is proposed to expand the end of the street to have a turnaround and the gates that are being proposed and this would help alleviate some of Ms. Cantrell's concerns. The gate is being moved back and away from the development area edge.

Ms. Cantrell out at 6:27 p.m.

Mr. Sansone completed his staff report and stated that this proposal has been reviewed and deemed sufficient by the Fire Marshal for accessing the site and movement within with emergency vehicles.

TMAPC COMMENTS:

Mr. Marshall asked if the townhouses needed BOA approval. In response, Mr. Sansone answered negatively. Mr. Marshall stated that the staff recommendation has under permitted uses Use Unit 8 and he doesn't believe that should be in there. In response, Mr. Sansone stated that the permitted uses

in the staff recommendation is the permitted uses as requested by the applicant and if the Planning Commission would like to remove one of those permitted uses, then he believes the applicant should address this.

In response to Mr. Marshall, Mr. Sansone stated that he believes that the Lots 5, 6 and 7 would have front-loading garages underneath the units. Mr. Marshall expressed concerns with the parallel parking on the conceptual plan because the street is very narrow. Mr. Sansone reminded the Planning Commission that this is a concept plan and that during the platting process, it would be determined whether or not there is room for parallel parking.

In response to Ms. Wright, Mr. Sansone stated that ADA requirements are enforced by the Building Code. Staff and the Planning Commission enforce the Zoning Code and land use and do not necessarily enforce the design layout and the mechanics of how the building is to be constructed.

Mr. Sparks stated that he believes that when the detail site plan is submitted it will answer a lot of questions. The traffic issue is a serious one and he believes that Lot 5 will have a difficult time entering and exiting their garage.

Applicant's Comments:

Charles E. Norman, 401 South Boston Avenue, Suite 2900, Tulsa, Oklahoma 74103, stated that he is representing the applicant, Paul Jackson. The engineers for this project are Tanner and Associates and their architect has been chosen to design the specific buildings. Mr. Norman cited the surrounding zoning districts. Norfolk is a 60-foot wide right-of-way with a 26-foot wide paving section. It was designed as a collector to the north to 11th Street. Mr. Norman submitted photographs (Exhibit B-1) showing the subject property and surrounding properties. He explained that there is a dental clinic adjacent to the proposal and some of his patients park on Norfolk rather than the parking lot that has been developed for patients.

Mr. Norman stated that two weeks ago, he attended a meeting at Bill Beers's home and there were probably 15 to 20 people in attendance. There was discussion about the issues regarding density, traffic, height and neighborhood parking problems.

Mr. Norman indicated that the semi-circle is half of a cul-de-sac that is still owned by the Oklahoma Department of Transportation (ODOT). He is not sure if the title is still with ODOT, but they look to the City of Tulsa, which is why he obtained the letter from Henry SomdeCerff granting permission for his client to include that property in the zoning and PUD applications. The site plan is proposing a hammerhead-type cul-de-sac and he personally discussed this with Mr. SomdeCerff about the design. Mr. SomdeCerff informed Mr. Norman that he would like to see a hammerhead cul-de-sac that would be at least 20 feet in width and 15 feet in depth with an extra five feet of right-of-way on the west side

of Norfolk. On further discussion and walking it off, it would probably require an extension of the hammerhead back to the north so that one can back out and turn around to the north. After approval of the PUD then he would have to negotiate with the ODOT and/or the City of Tulsa about an acceptable design of the hammerhead turnaround. Parking issues are prevalent in historic and infill neighborhoods and partly because only 19 percent of the existing homes along Norfolk (between 15th Street and 17th Street) have a two-car garage. Most of them have one car garages and park and 38 percent have no garage at all, which requires them to park on the street.

Mr. Norman stated that in the OL district one is allowed to have apartment use, subject to the RM-1 development standards. RM-1 requires a maximum roof height of 35 feet. One could build a three-story building in 35 feet of height and have a couple of feet left over. What he is presenting to the neighbors is a preference to design the upscale apartments and condominiums, which will be platted as individual lots for individual ownership. Mr. Norman cited a previous PUD that was approved for a 42 feet in height townhouses in the Brookside area and it was approved by the City Council. He further cited a case approved by the Board of Adjustment to increase 35 feet in height to 42 feet in height for townhouses that were in a multifamily zoning district. The choice is flat roofs or roofs designed with a pitched roof, which he believes a significant number of the neighbors would prefer in lieu of those limitations.

Mr. Norman stated that he met with Dr. Fonder and Mr. Pielsticker and received a letter from Mr. Pielsticker (Exhibit B-2) agreeing to support the concept, provided that there be no more than five dwelling units and that there be a properly executed turnaround, which will be a design issue and will have to go through Public Works and then back to the Planning Commission during the platting process. Mr. Pielsticker requested a maximum of 35 feet in height and proper drainage of the site with adequate onsite parking for guests. He further requested that the applicant negotiate with the City of Tulsa first and Tulsa Trails to trade part of that semi-circle for the encroachment area and leave the trail where it is currently (which is five feet on the applicant's property). Dr. Ponder has no objection to the 45 feet of height.

Mr. Norman proposed the following amendments to his application: 1) reduce to the number of dwelling units from a maximum of seven to five; 2) provide a minimum of three off-street parking spaces per dwelling unit; and 3) reduce the height from 45 feet to 42 feet.

TMAPC COMMENTS:

Mr. Ard asked Mr. Norman what two units would be taken away if he only builds five units. In response, Mr. Norman stated that this would be a design issue and that would have to come back with a detail site plan. He believes that it would at least eliminate one on the frontage of Norfolk and one on the backside. In response, Mr. Ard stated that Mr. Sparks makes a good point that unit five would

have a difficult time getting out of their drive. Mr. Norman stated that he would have to return with a new conceptual plan to show the amendments and the proposed parking spaces within the project. Mr. Norman addressed the suggestion made by Ms. Wright about the ADA requirements were applicable to single-family homes and to his knowledge they are not. He has never seen a site plan or a design for a single-family home, duplexes or townhouses that had handicap-type parking spaces. In response, Mr. Ard stated that he believes that ADA requirements only apply to public access areas.

Mr. Ard asked Mr. Norman what the average square footage is of these units. In response, Mr. Norman stated that these have been averaging with 25 feet of width and 30 feet of depth or 600 to 700 feet per floor and 1,800 to 2,000 SF.

In response to Ms. Wright, Mr. Norman stated that there are development standards that are set forth in the PUD and they have to be met and then there is a site plan review process and platting so the amendment to reduce the dwelling units by two can be considered by the Planning Commission today. Ms. Wright stated that the amendment doesn't give her any concept of what the building area lot/ratio would be. In response, Mr. Norman stated that this is a multi-step process and that is important for her to understand because it is built into all of these concept illustrations, they are not site plans and a maximum of five is a significant reduction of what is being requested and it is in response to all of these issues that have been raised.

Mr. Marshall asked Mr. Norman how many cars he is proposing to park on the street for guests. In response, Mr. Norman stated that this is an odd-shaped property and there is 225 feet on the west side. Mr. Norman explained that there would be five parking spaces on the interior for guest parking. Mr. Marshall asked Mr. Norman to eliminate the Use Unit 8 from this application. In response, Mr. Norman responded that he would. Mr. Norman stated that the question regarding the separation of units is addressed by most units today being built with at least one-foot of sound-empty space between the units and there are no party walls. This provides sound insulation between the units.

In response to Mr. Marshall, Mr. Norman indicated that the units will be upscale and costs \$350,000.00 to \$450,000.00.

In response to Mr. Marshall, Mr. Norman stated that presently there are signs on the south side of 15th Street that prohibit parking in front of the first house in each direction, which pushes the parking load farther down the street. There are no signs presently prohibiting parking on both sides of Norfolk. Mr. Norman stated that he has visited the site in the morning and afternoon and parking is not a problem. The parking is basically generated by the dental office.

Mr. Boulden asked for clarification about who actually owns the cul-de-sac or right-of-way. In response, Mr. Norman stated that it is a part of the PUD because

he has a letter of no objection from Mr. SomdeCerff. Mr. Boulden asked Mr. Norman if the City or ODOT own it as an easement or right-of-way or fee simple. In response, Mr. Norman stated that to the best of his knowledge it is fee simple because it was kept when the remaining property was sold to the owner of the house immediately south. Mr. Boulden question whether Mr. SomdeCerff went above his level on granting permission on this. In response, Mr. Norman stated that he was primarily wanting to get his approval on behalf of the City to include this property in a PUD because of their policy to negotiate with the adjacent property owner for a remnant.

Interested Parties:

William Beers, 1501 S. Norfolk Avenue, 74120, submitted photographs (B-1); **Dru Meadows**, 1504 S. Norfolk Avenue, 74120; **Bill Pielsticker**, 1435 S. Norfolk Avenue, 74120; **Robert Gregory**, 1505 South Norfolk, 74120, submitted photographs (B-1); **Chip Atkins**, 1638 East 17th Place, 74120; **Kristi Frisbie**, 1512 S. Newport Avenue, 74120; **Douglas Boyd**, 1445 S. Newport, 74120; **Camille Quinn**, 1512 S. Newport, 74120.

Interested Parties Comments:

Prefer the height be kept at 35 feet and keep the view of downtown from being blocked by the proposal; not opposed to development, but this is too much for the site; why not zone RT instead of OL; concerned that a lot-combination would happen between the dentist and the applicant for OL property and have townhouses all along the bike trail; concerned that this was approved by the Fire Marshal because it would be a fire hazard; streets are barely wide enough for a car to turn around in and emergency vehicles would have a problem turning around; people living in the HP district can't alter their property by putting a dormer on the attic to keep the view of downtown if this is built at 45 feet in height; subject area is already impacted with increased traffic and this would add to that; not convinced that this project is smart infill development; asked Mr. Norman if any studies had been conducted and he indicated that they had not; after looking closer to the Zoning Code possibly four units would be better than five units on the subject property; three options for a hammerhead that has to be approved by everyone on the subject street; prefer the short hammerhead; drainage issues; the existing home on the subject property is in poor condition and should come down and would prefer another single-family home to replace it; he would prefer to see the existing historic home stay on the subject property; the street is always fairly crowded with cars parked on it and it is fairly narrow; most driveways are too narrow to park in and so people park in the streets; when there is a party or holiday it is difficult to drive up and down the street; the intersection of 15th and Norfolk will be problematic with the additional homes and there is only one way out; the traffic issues have been an issue for 40 plus years along this street and it has never changed; public safety issues; keep integrity of the neighborhood; proposal doesn't esthetically fit into the neighborhood; these will be big blocks towering over the existing single-family properties; the subject property is on high ground and will stick out like a sore thumb; it will restrict the

new trail and create a shoot by having 42 feet beside the trail and the pine trees on the north.

TMAPC COMMENTS:

Ms. Wright stated that the studies that Ms. Meadows is proposing would be an excellent idea and what would she like to see done with those. In response, Ms. Meadows stated that an objective review on future development how this would affect the adjacent properties. It shouldn't just happen. There should be some consideration for it and if this application is approved then it is allowed to happen. The viable value she could get from her property is to apply for a change in zoning because no one wants to live in a residential unit in that quality of a neighborhood opposite an office park. Mr. Perry called for a point of order. He commented that this discussion is getting away from the proposal and discussing what might be done.

Mr. Ard asked Mr. Pielsticker if he was in agreement with the qualifications that he suggested to Mr. Norman. In response, Mr. Pielsticker stated that he has heartburn over this application. He has tried to do a development on the subject property himself and it didn't work out. He commented that he would like to see Mr. Jackson build a quality development and not cut corners, which is why he agreed to five units. If the neighborhood kills the whole deal, it wouldn't hurt his feelings.

Mr. McArtor out at 7:38 p.m.

Applicant's Rebuttal:

Mr. Norman stated that the topography on the subject property has a high elevation at the northeast corner of about and it drops about eight feet to the southwest corner. Mr. Pielsticker's house is about 12 to 15 feet higher than the subject property. Mr. Doug Boyd lives in Maplevue and that property is even slightly higher. Mr. Norman submitted a letter of support (Exhibit B-2). That entire hill goes up higher in elevation and Mr. Pielsticker's view is to the north. Mr. Beers's porch is higher by approximately ten feet than the street outside his porch. There is no view from Norfolk at street level or sidewalk level. On Mr. Beers's porch, one can see half of the buildings downtown, but he suspects if one goes to his second floor look out the window it may be the same as the picture he presented today.

Mr. Norman stated that Tanner Associates has advised him that the natural drainage discharge point cannot be changed. With the removal of one of these units on the west side there can be two points of discharge. The plan will be to make a slight depression and discharge the water at a rate that does not exceed what presently exists. Mr. Norman reminded the Planning Commission that there used to be house farther on the hill before all of the property was taken and so the increase in impervious area is not going to be significant, as compared to what existed by the houses that were constructed years ago.

Mr. Norman stated that he and the Planning Commission rely on the Fire Marshal when it comes to access and adequacy of access for fire fighting protection. There is currently a two-inch waterline, which was normal approximately 80 to 85 years ago when this neighborhood was developed. Parking has always been a problem in the subject area and these people, judging by their age, made a conscious choice to live in the area that is south of 15th Street, knowing that the traffic, narrow streets and narrow driveways already existed. The solution that his client is proposing is to provide adequate parking onsite for the units that will be permitted by the amendment. In all of these areas his client has tried to deal with situations that are realistic and not just imaginary questioning of the Fire Marshal's decision. He believes that Ms. Wright attended the meeting when the Fire Marshal stated that he had no problems with this PUD as laid out. There will be significant improvement with the pressure when the development and construction of the six-inch water line.

Mr. Norman stated that the TMAPC would be hard-pressed to deny the OL zoning on the subject property because the corner property and the existing house are within the OL zoning. His client chose to apply for OL zoning because it seemed to make the best use and knowing that he would have to do a PUD and restrict the uses to townhouses only. There could be another dentist on the subject property and compounding the parking problems because of coming and going traffic. He stated that his client has tried to be responsive. Mr. Pielsticker has stated that the current house is not worth remaining and should go either way. The only other choice is to freeze development and not approve zoning or PUDs and only respond to these folks and say that they bought into a traffic situation without parking except on the streets. The Fire Department has problems getting their fire trucks down Norfolk and might have the same problem in the subject area, except in the subject area there is a new fire hydrant and they could drag the hoses within the limits prescribed by the Fire Department. Mr. Norman described the choices for the subject property are as follows: a) freeze development; b) allow office uses, or c) allow townhouses according to the plans submitted and the amendments that he has proposed in response to some of these concerns that have been expressed.

TMAPC COMMENTS:

Mr. Perry asked what the square footage is of the subject property. In response, Mr. Norman stated that is about 24,000 square feet. In response, Mr. Perry stated that someone could build a nice home there. In response, Mr. Norman stated that one could if it were the market, but there has been none trying to do that. Several groups have looked at the subject property, including Mr. Pielsticker, and they have had the same problems that are being discussed now. In response, Mr. Perry stated that the height problem would go away, as well as added traffic. In response, Mr. Norman stated that he can build the buildings within the 35 feet of height. Mr. Norman commented that in his opinion, building the townhouse to 35 feet would affect the marketability and attractiveness.

Mr. Midget stated that single-family homes can be built up to 35 feet in height and that is germane to some of the issues here today. He supports infill and he is glad that the applicant has agreed to reduce the number of units. Mr. Midget stated that the Fire Department has a problem with hammerheads and he encouraged Mr. Norman to work that out as this application goes forward. In response, Mr. Norman stated that he started by seeking the Fire Department's input and advice and they have approved this approach. It was the Fire Marshal's opinion that with the 70 feet of unobstructed access that there would be ample opportunity to fight a fire in any one of the units by being able to get to the interior of the project. Mr. Norman stated that he will work out these issues as this application moves along. Mr. Norman reminded the Planning Commission that he will have to have that half-circle or there will not be a project.

Mr. Norman stated that the subject property is not in Maple Ridge and all property is zoned RM-2 immediately to the west, and other than the houses on this part of Norfolk, there is not another single-family house except within Mapleview and Mr. Pielsticker all the way to Peoria.

7:50 P.M. TMAPC COMMENTS:

Mr. Marshall stated that he would like to see this application denied. He doesn't like the height and it is too much for the subject area and it doesn't fit in. He would hope that the Planning Commission would deny this application.

Ms. Wright stated that she is in 100 percent agreement with Mr. Marshall to deny this application.

Commissioner Perry stated that he concurs with Mr. Marshall and Ms. Wright that this should be denied.

Mr. Midget stated that it is unfortunate that he is hearing some of the Planning Commissioners opposing this application. He believes it is a good project and they have agreed to reduce the number of units. The height is not a concern because a single-family home could be built at 35 feet in height. He doesn't believe it is intrusive because it is in an area that is zoned OL and only want to extend the OL to a small portion. He supports infill development and the Planning Commission will have to start rethinking of how to continue to grow the City of Tulsa. If the Planning Commission continues to deny quality infill then the city will not grow. This proposal abuts an expressway and he doesn't see anything wrong with it. It is in keeping with what is on that side of the street. It would be a great injustice to not move this forward, especially since the applicant has agreed to reduce the number of units.

In response to Ms. Wright, Mr. Midget stated that "quality" is in the eye of the beholder. He explained that Ms. Wright's quality may be different from his and

he believes that this is a quality development. He will stand with saying that it is compatible and keeping with that part of the street is being developed in.

Mr. Sparks stated that he doesn't have a problem with the zoning portion, but he does believe that there are ways to make this a better project. If the zoning were to be approved will the Planning Commission be tied to this design or concept? Five units allow more opportunities than having seven units.

Ms. Matthews stated that if the OL zoning were approved and the PUD denied, then the applicant could build an office on the subject property.

Mr. Midget stated that with another OL zoning and no PUD, then another dentist could move in and that is compatible.

Ms. Wright stated that the current dentist office is a renovated gorgeous building and has architecturally enhanced the neighborhood.

Mr. Midget stated that the other existing home on the subject property is not renovated. In response, Ms. Wright stated that she wished it could be because it is a beautiful building. She further stated that when you lose good bones and replace it one loses the architectural character and it is next to a historical district and out of respect to the surrounding neighborhoods to be consistent. Ms. Wright commented that she is not against infill. In response, Mr. Midget stated that he understands Ms. Wright's comments, but the subject property abuts an expressway.

Mr. Ard stated that at first he had some concerns but with the amendments he could support this application. The Planning Commission needs to look to good infill and at 35 feet in height it is the same as a maximum allowable as single-family residential. This hasn't been proposed by anyone and he is not suggesting he make that motion, but he agrees with Mr. Midget that the City will live and die by infill in this community.

TMAPC Action; 7 members present:

On **MOTION** of **PERRY**, TMAPC voted **3-4-0** (Ard, Midget, Shivel, Sparks "aye"; Marshall, Perry, Wright "nays"; none "abstaining"; Cantrell, Carnes, McArtor, Walker "absent") to recommend **DENIAL** of the OL zoning for Z-7096.

Motion failed.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **4-3-0** (Ard, Midget, Shivel, Sparks "aye"; Marshall, Perry, Wright "nays"; none "abstaining"; Cantrell, Carnes, McArtor, Walker "absent") to recommend **APPROVAL** of the OL zoning for Z-7096.

Motion passed.

Mr. Midget moved to recommend **APPROVAL** of PUD-757 per staff recommendation, subject to the following amendments: 1) remove permitted Use Unit 8; 2) reduce the number maximum of dwelling units from seven to a maximum number of permissible dwelling units to five; 3) reduce the overall permissible height from 45 feet to 35 feet; 4) off-street parking as applied by the applicable Use Unit would be stricken and add three parking spaces per dwelling unit.

Discussion on the motion:

Mr. Perry stated that he still has a hard time supporting this with five units.

TMAPC Action; 7 members present:

On **MOTION** of **PERRY**, TMAPC voted **4-3-0** (Ard, Marshall, Perry, Wright "aye"; Midget, Shivel, Sparks "nays"; none "abstaining"; Cantrell, Carnes, McArtor, Walker "absent") to **AMEND** recommendation of **APPROVAL** for PUD-757 per staff recommendation, subject to the following amendments: 1) remove permitted Use Unit 8; 2) reduce the number maximum of dwelling units from seven to a maximum number of permissible dwelling units to four; 3) reduce the overall permissible height from 45 feet to 35 feet; 4) off-street parking as applied by the applicable Use Unit would be stricken and add three parking spaces per dwelling unit.

Amended Motion passed.

TMAPC Action; 7 members present:

On amended **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Midget, Marshall, Perry, Shivel, Sparks, Wright "aye"; no "nays"; none "abstaining"; Cantrell, Carnes, McArtor, Walker "absent") to recommend **APPROVAL** for PUD-757 per staff recommendation, subject to the following amendments: 1) remove permitted Use Unit 8; 2) reduce the number maximum of dwelling units from seven to a maximum number of permissible dwelling units to four; 3) reduce the overall permissible height from 45 feet to 35 feet; 4) off-street parking as applied by the applicable Use Unit would be stricken and add three parking spaces per dwelling unit. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7096/PUD-757:

LEGAL FOR Z-7096: A TRACT OF LAND THAT IS PART OF LOTS ONE (1), TWO (2), THREE (3) AND A PORTION OF THE EAST HALF OF A 20' WIDE ALLEY, BLOCK THIRTEEN (13) OF "BROADMOOR ADDITION" TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF, SAME BEING THAT TRACT OF LAND DESCRIBED IN QUIT CLAIM DEED RECORDED IN BOOK 6655, PAGE 2137 OF THE DEED RECORDS OF SAID TULSA COUNTY. BEGINNING AT THE

SOUTHEAST CORNER OF SAID LOT 2, SAME BEING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED RECORDED IN BOOK 5590, PAGE 840 OF SAID DEED RECORDS; THENCE ALONG THE NORTHEASTERLY LINE OF SAID TRACT OF LAND THE FOLLOWING TWO CALLS: SOUTH 88° 30' 08" WEST (PREVIOUSLY DESCRIBED AS WEST) A DISTANCE OF 75.06 FEET (PREVIOUSLY DESCRIBED AS 75.00 FEET); THENCE SOUTH 54° 47' 13" WEST A DISTANCE OF 90.15 FEET (PREVIOUSLY DESCRIBED AS 90.23 FEET) TO THE WEST LINE OF THE AFOREMENTIONED EAST HALF OF A 20' WIDE ALLEY; THENCE NORTH 01° 26' 10" WEST (PREVIOUSLY DESCRIBED AS NORTH) ALONG THE WESTERLY LINE OF SAID EAST HALF OF A 20' WIDE ALLEY, A DISTANCE OF 78.00 FEET TO THE SOUTHERNLY RIGHT-OF-WAY LINE OF THE BROKEN ARROW EXPRESSWAY; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO CALLS: NORTH 54° 47' 13" EAST A DISTANCE OF 129.93 FEET; NORTH 88° 32' 59" EAST (PREVIOUSLY DESCRIBED AS EAST) A DISTANCE OF 42.00 FEET TO THE EASTERLY LINE OF THE AFOREMENTIONED LOT 1; THENCE SOUTH 01° 26' 10" EAST ALONG THE EASTERLY LINE OF SAID LOTS 1 AND 2, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING,

LEGAL FOR PUD-757: A TRACT OF LAND THAT IS PART OF LOTS ONE (1), TWO (2), THREE (3) AND A PORTION OF THE EAST HALF OF A 20' WIDE ALLEY, BLOCK THIRTEEN (13) OF "BROADMOOR ADDITION" TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF, SAME BEING THAT TRACT OF LAND DESCRIBED IN QUIT CLAIM DEED RECORDED IN BOOK 6655, PAGE 2137 OF THE DEED RECORDS OF SAID TULSA COUNTY AND THAT TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED RECORDED ON BOOK 5590, PAGE 840 OF SAID DEED RECORDS. BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, SAME BEING THE SOUTHEAST CORNER OF THE SECOND REFERENCED TRACT OF LAND; THENCE SOUTH 88° 28' 13" WEST (PREVIOUSLY DESCRIBED AS WEST), ALONG THE SOUTHERLY LINE OF SAID LOT 3, PASSING AT 140.00 FEET THE WESTERLY LINE THEREOF, IN ALL A DISTANCE OF 150.00 FEET TO THE WESTERLY LINE OF THE AFOREMENTIONED EAST HALF OF A 20' WIDE ALLEY, SAME BEING THE SOUTHWEST CORNER OF THE FIRST REFERENCED TRACT OF LAND. THENCE NORTH 01° 26' 10" WEST (PREVIOUSLY DESCRIBED AS NORTH), ALONG SAID WESTERLY LINE, A DISTANCE OF 78.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BROKEN ARROW EXPRESSWAY; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO CALLS: NORTH 54° 47' 13" EAST A DISTANCE OF 129.93 FEET; NORTH 88° 32' 59" EAST (PREVIOUSLY DESCRIBED AS EAST) A DISTANCE OF 42.00 FEET TO THE EASTERLY LINE OF THE AFOREMENTIONED LOT 1, THENCE SOUTH 01° 26' 10", ALONG THE EASTERLY LINE OF SAID LOTS 1, 2, AND 3, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING, **From: RS-3 (Residential**

Single-family District) To: OL (Office Low Intensity District/Planned Unit Development [PUD-757]).

31. **Z-7097/PUD-758 – Roy D. Johnsen** **RM-1/RM-2 to RM-3/PUD**

East of the southeast corner of South Peoria Avenue (PD-6) (CD-9) and East 39th Street (PUD for 240 dwelling units of one and two bedroom units.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: RM-3/PUD **PROPOSED USE:** Apartments

RELEVANT ZONING HISTORY:

PUD-744 September 2007: All concurred in approval of a proposed Planned Unit Development on a 1.98± acre tract of land for 25 unit townhouse development on property located east and south of southeast corner of East 41st Place and South Peoria Avenue.

BOA-20192 January 24, 2006: The Board of Adjustment approved a Variance of the minimum lot size for an office use lot in an RM-2 district from 12,000 square feet to 9,000 square feet, finding the literal enforcement of the terms of the code would result in an unnecessary hardship; per plan submitted on property located east of the southeast corner of East 41st Street South and South Peoria Avenue.

BOA-19931 October 26, 2004: The Board of Adjustment approved a Special Exception to permit Offices, Studios and Support Services in an RM-2 District; a Variance of the frontage requirement on a public street for each lot; and a Variance to reduce the landscaped area from the perimeter driveways and parking areas from 5 feet in with to 2 feet in width, subject to development standards, finding this would be less intrusive and less density in the neighborhood than the previously planned townhouse development; on property located at 4106 South Rockford Avenue.

PUD-535 July 1995: All concurred in approval of a proposed Planned Unit Development on a 1.05± acre tract of land for a movie rental store on property located on the southwest corner of East 39th Street South and South Peoria Avenue.

PUD-480 April 1992: All concurred in approval of a proposed Planned Unit Development on a 5.35± acre tract of land for a grocery store and restaurant (Albertson's) subject to no access from 39th Street on property located north and east of northeast corner of East 41st Street and South Peoria Avenue.

Z-6338/PUD-476 November 1991: All concurred in approval of a request for rezoning a .4± acre tract of land from RM-2 to CS on the for a parking lot and mini storage on property located east of northeast corner of East 41st Place South and South Peoria Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 6.35± acres in size and is located east of southeast corner of South Peoria Avenue and East 39th Street. The property appears to be apartments and is zoned RM-1/RM-2.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 41 st Street South	Urban Arterial	70'	4
East 39 th Street South	N/A	N/A	2
South Rockford Avenue	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential uses, zoned RS-3; on the north by multifamily residential uses, zoned RM-1; on the south by mixed office, commercial and multifamily residential uses, zoned CS/OM/RM-2; and on the west by multifamily residential uses, zoned RM-2/PUD-480.

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 within the Brookside Infill Development Design Recommendations study/Northern Business Area and Northern Residential Area. According to the Zoning Matrix, the requested RM-3-PUD zoning **may be found** in accord with the Plan because of its location within a Special District.

STAFF RECOMMENDATION FOR ZONING:

A portion of this site lies within the Northern Residential Area of the Brookside Plan. However, study policies (Page 5, Item 8) encourage residential, office and commercial infill development, and (Page 7, Item B-(2) states that, "Residential development or redevelopment along the boundary of the Residential Areas and Business Areas may be developed at higher densities if (a) appropriate design elements and improvements are provided in conformance with area design

guidelines to enhance the value, image and function of area properties". Staff believes that the guidelines specified in the Brookside study are accurately reflected in the PUD standards in this application.

The Brookside study also recommends that free-standing parking structures be no taller than two stories. It is staff's interpretation that this refers only to free-standing structures and not to parking garages accessory to multifamily residential uses, as this is. Provision of adequate and accessible parking has long been an issue in the Brookside area and staff believes that this accessory use will mitigate any effects of increased density that result from the multifamily residential use in this case.

Therefore, staff recommends **APPROVAL** of Z-7097, subject to the TMAPC's recommendation for approval of the accompanying PUD-758 or some variation thereof.

STAFF RECOMMENDATION FOR PUD:

PUD-758 is a 6.35 acre tract located approximately 600' east of the southeast corner of the intersection of Peoria Avenue and East 39th Street South. The Site is L-shaped with approximately 625 lineal feet of frontage on 39th Street (the north boundary) 587' of frontage on Rockford Avenue (the east boundary) and 150' of frontage on 41st Street (the southernmost boundary).

The subject property has two existing apartment projects containing 108 dwelling units which will be removed. Immediately adjacent along the west boundary of the subject property is CS zoned property, across 39th Street to the north is the Shannonwood Park residential condominiums, across Rockford to the east are detached single family residences and to the south are various retail and office establishments.

The applicant proposes 240 dwelling units of an approximately equal mix of one and two bedroom units. The Site is presently zoned RM-2 (3.69 acres/160,916 SF gross) and RM-1 (2.66 acres/115,955 SF gross) which would permit 202 dwelling units. Concurrently application Z-7097 has been filed to rezone 34,000 square feet of the RM-2 to RM-3 at the interior southwest corner of the Site (see Exhibit E - Existing and Proposed Site Zoning). The resulting RM-1 (2.66 acres/115,955 SF gross), RM-2 (2.91 acres/126,916 SF gross) and RM-3 (.78 acres/34,000 SF gross) would permit 241 dwelling units.

Please note that page 7, item B-2 of "The Brookside Plan" (The Brookside Infill Development Design Recommendations, A Component of the Brookside Infill Neighborhood Detailed Implementation Plan), states; "Residential development or redevelopment along the boundary of the Residential Areas and Business Areas may be developed at higher densities. Staff believes that the guidelines specified in the Brookside Plan adequately reflected in the PUD development standards of this application.

The apartment buildings are proposed for four stories in height or 48' of maximum height. However, any building located within the east 45 feet fronting Rockford Avenue will be limited to three stories in height, or 35' maximum height as permitted by the Zoning Code in the R District. Off-street parking is proposed for a five-parking level structure which will not exceed the height of the four story apartment building.

The Brookside study also recommends that free-standing parking structures be no taller than two stories. It is staff's interpretation that this refers only to principal use, free-standing structures and not to parking garages accessory to multifamily residential uses as this structure is proposed. Provisions for adequate and accessible parking have long been an issue in the Brookside area and staff believes that this accessory use will mitigate any effects of proposed increased density that may result from the multifamily residential use in this case.

Access to and from the subject tract and the parking structure will be derived from 39th Street and Rockford Avenue which would be designated as an exit only. Sidewalks will be constructed along Rockford and 39th Street and will be included in a pedestrian circulation plan. Landscaping and screening will be provided per the Zoning Code where applicable. Included herewith are the Conceptual Site Plan (Exhibit A) and Conceptual Elevations (Exhibit C). The entire site will be re-platted and will be subject to detail site plan review.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-758 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-758 subject to the following conditions and as modified by the TMAPC (items with strikethrough have been removed, underlined items have been added in):

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

Net Land Area:	5.44 acres
Permitted Uses:	Multifamily dwellings and

	customary accessory uses.
Maximum Number of Dwelling Units:	240
Minimum Livability Space per Dwelling Unit:	258 sq. ft.*
Minimum Perimeter Landscaped Open Space:	10 % of net lot area
Minimum Interior Landscaped Open Space:	20 % of net lot area
Minimum Masonry Exterior Finish:	100% of exterior walls visible from public streets excluding windows, doors and breezeways**
Maximum Building Height:	48' — provided that, within 45' of Rockford Avenue, building height shall not exceed 35' <u>49'4" (parapet height), provided that, within 45' of Rockford, parapet heights shall not exceed 38'8".</u>
Maximum Stories:	4 — stories (apartment buildings); 5 levels - parking garage
Minimum Building Perimeter Setbacks/Yards:	
From 39 th Street	25'
From Rockford	16'
From 41 st Street	25'
From other boundaries	15'
Minimum Off-street Parking Spaces:	
Surface parking spaces	11
Garage parking spaces	<u>407</u>
Total	417 spaces

Other Bulk and Area Requirements:

As established
within the RM-2
District.

**Livability Space as defined by the Tulsa Zoning Code is open space not allocated to parking or drives and was calculated proportionately for the underlying zoning districts.*

***Masonry shall include stone, stucco and cementious fiber board such as Hardie Plank.*

Building Design Limitations

The building elevations submitted herein as Exhibit C are conceptual in nature. Minor variations in building orientation and footprint may occur pursuant to finalization of the detail site plan. However, the buildings shall be constructed in substantial accordance with the concepts depicted within the submitted building elevations which shall include architectural style and exterior finish.

Landscaping and Fencing

Landscaping throughout the PUD, shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code. In addition thereto, a minimum landscape perimeter shall be maintained along the public street frontages of the PUD, excepting points of access, of not less than 25 feet in width along 39th Street, 16' in width along Rockford and 25' in width along 41st Street. The required perimeter landscaping shall include berms and plant materials designed to achieve an attractive street view and screening for nearby residential areas. Fencing other than security fencing and gating of access to the parking garage shall not be required.

Signs

Signs shall be limited to two signs identifying the apartment complex, either monument or wall signs, each not exceeding 48 square feet of display surface area.

Site Lighting

Exterior lighting shall be limited to shielded fixtures designed to direct light downward and away from adjoining and nearby residential properties, provided that decorative lighting directed from ground level toward a building shall be permitted. Shielding shall be further designed to prevent the light producing element or reflector of the light from being visible to a person standing within a residential district. No light standard nor building mounted light, except balcony low wattage shielded lights, shall exceed 16 feet in height. Conformance with these standards shall be subject to application of the Kennebunkport formula at Detail Site Plan approval.

Access and Circulation

The principal vehicular access to and from the development/parking garage, shall be provided by a private gated drive extending south from 39th Street, commencing at the west boundary of the Site. Setback space for entering vehicles shall be provided on-site. A second point of access, limited to exiting vehicles, shall be provided at Rockford Avenue.

Pedestrian circulation is to be provided by exterior sidewalks located along the 39th Street, Rockford Avenue and 41st Street frontages.

Utilities and Drainage

Utilities are at the site or accessible by customary extension. Site storm water will be collected and conveyed to a point of connection to the public storm water system located along 41st and extending to the Arkansas River. A fee in lieu of detention shall be provided for any increase in on-site impervious area. Per TAC recommendation much of the site is located in a City of Tulsa Regulatory Shallow Flooding Area. The development will be required to meet City of Tulsa ordinances for development within the floodplain.

3. 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.
4. No building permit shall issued until a detailed site plan (including landscaping) has been submitted to the TMAPC and approved as being in compliance with the development concept and the development standards. No certificate of occupancy shall be issued for a building until the landscaping of the applicable building has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by the Tulsa Metropolitan Area Planning Commission.
5. 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.
6. 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/or detention areas serving the development have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

8. Entry gates or 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.
9. 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: No Comments.

Fire: Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, except for approved security gates, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

Stormwater: Narrative or conceptual plan describing existing and/or proposed stormwater drainage patterns or systems have not been provided. Much of the site is located in a City of Tulsa Regulatory Shallow Flooding Area. The development will be required to meet City of Tulsa ordinances for development within the floodplain.

Wastewater: Sanitary Sewer Service must be provided to all proposed Lots within the PUD area. According to the Sewer Atlas, there may be some problems with the depth of the existing sewer mains in the area.

Transportation: Sidewalks required along 41st St. and Rockford.

Traffic: 41st Street is an Urban Arterial and will require a minimum 35 feet of right of way. Both intersections will require radii per the Major Street Plan.

GIS: No Comments.

Street Addressing: No Comments.

County Engineer: No Comments.

TMAPC COMMENTS:

Mr. Marshall asked Mr. Sansone if he considered any affordable housing for this. In response, Mr. Sansone stated that he did not make the application for the development he just simply reviews the applications that are submitted. Mr. Marshall read the Brookside Plan and indicated that B.4 should be considered in the recommendation as well. In response, Mr. Sansone stated that his logic behind this is where two zoning districts adjoin in a public street are not technically abutting districts, which was laid forth by the BOA in 1970 after the approval of the Zoning Code in a BOA case where they deemed that any zoning districts where they adjoin at an abutting street are not technically abutting.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, representing the Bomasada Group, Inc., stated that this is a development entity that is based in Houston, Texas and nationally known for their quality of their apartment projects. This group specializes in higher density and upscale apartments. Mr. Johnsen stated that this is a significant infill project.

Mr. Johnsen cited the zoning of the subject tract and current uses on the subject tract. He is proposing 240 units with a four-story structure, including a garage that has five parking levels or four levels with parking on the roof as the fifth level. The proposal was originally for five stories, and after some input, it was reduced to four stories. The units along the east boundary that are adjacent to Rockford will limit the first 45 feet to 35 feet in height. He is proposing to change a portion of the RM-2 to RM-3 to reach what is necessary density for the subject project. He requested the Planning Commission to keep in mind the nature of the surrounding zoning. To the south is zoned OM and abuts part of the subject property and CS, which abuts the subject property. Both of these districts have no height limitation and they are not presently multi-rise buildings. Currently there is a one-story commercial building and an office building. It is relevant to consider what the nature of nearby zoning is in an area and trying to balance it, which is required in evaluating these infill projects. Additionally, note the CH zoning, which is prevalent in the subject area along Peoria. CH has no height limitation and this is relevant to establishing the suitability of the subject zoning that is being requested. There is a combination of zoning to the west that is commercial and multifamily, but was a PUD and is the site of Pyramid Foods (previously known as Albertson's). Mr. Johnsen submitted photographs of the surrounding properties and the subject property (Exhibit D-2). There are seven significant trees and efforts will be made to reserve those and he believes this can be done except for one tree due to the access.

Mr. Johnsen stated that when there is a new project, it is subject to the new drainage requirements and they will resolve the existing problem on the subject property.

Mr. Johnsen stated that he has identified a small area for RM-3 at the very corner of the subject property where it abuts higher intensity uses and it forces a PUD. This keeps the RM-1 as it is on the east boundary of the subject and it all ties together into the PUD so that the appropriate conditions can be imposed. RM-2 property to the west of the subject property is actually commercial properties.

Mr. Johnsen stated that the Bomasada Group, Mr. John Gilbert, Senior Vice President especially, when this process first began and before the application was filed, made a diligent effort to meet with the Brookside people and merchant association, neighborhood association and the homeowner's association for Shannonwood Park Condominiums. Mr. Gilbert met with three residential boards and had two residential meetings and a meeting with the merchants association to explain the subject project. Obviously there is some objection, but it is interesting to note on this project that there has been very significant support. Several of the supporters had to leave to take care of their children and obligations. Mr. Johnsen submitted a petition in support of the subject project (Exhibit D-4).

Mr. Johnsen submitted a site plan (Exhibit D-1) and explained the layout of the proposal. Mr. Johnsen explained that he is proposing a modification for a maximum building height of 49.4' rather than the 48', provided that within 45' of Rockford parapet heights shall not exceed 38.8'. This has been submitted to staff. The air-conditioners are located on top of the building and the parapet will screen from street view or any other view. There will be varying parapet heights and there is relief on some of the units where they come out and go in. He indicated that the smallest units will rent for approximately \$800.00 and \$2,000.00 for the largest two-bedroom units with a mix of 50/50. The subject location gives this project vitality where there is pedestrian movement, entertainment and recreation, which is important, as well as a short commute to work. One can drive from the subject location to downtown Tulsa in ten minutes and walk to the River Parks in less than ten minutes at 41st Street. Mr. Johnsen stated that this type of project is popular with the young professionals and empty nesters. This is estimated to be a thirty-million dollar project, which will be approximately \$300,000.00-plus in ad valorem taxes. There is a positive influence tax-wise and the residents become patrons of the various businesses in the subject area.

Mr. Johnsen stated that this is a unique property with the location next to the intersection and the type of zoning that is adjoining it and the multifamily to the north. Infill should be considered case-by-case because there will be unusual circumstances. Staff has concluded that because this is within the special consideration area, then this type of zoning may be found in accordance. He indicated that he discussed this proposal with two people involved with the Brookside Plan and there are two important points that were emphasized in that: 1) bring the buildings up close to the street; 2) heavy landscaping and putting the parking in the back. The subject property will be encircled by sidewalks that are consistent with the Brookside Plan concepts. Mr. Johnsen concluded and asked the Planning Commission to approve this application as recommended by staff with the height modifications that has been outlined.

TMAPC COMMENTS:

In response to Mr. Ard, Mr. Johnsen stated that residents would park in the garage and then walk across to an elevator with interior entries. There will be security passes to enter the structures.

Mr. Marshall asked if affordable housing was considered and what does one have to do to get some units that people can afford around \$400.00 or \$500.00? In response, Mr. Johnsen stated that he doesn't believe that is possible with a redevelopment of a tract like this. There are affordable apartments that are available in the Brookside area.

Mr. Marshall asked if the owners of the subject property tried to find other apartments for the people who are going to be displaced. In response, Mr. Johnsen stated that he doesn't know the current property owner personally and

he representing the purchaser of the subject property. If the zoning and transaction closes, then he believes that the current property owner is in that type of business and would find other housing for his tenants. Mr. Marshall stated that this should be happening right now.

Mr. Marshall compared existing commercial building heights to the requested height for the proposed apartments and guessed that there would be approximately 18 feet that will be higher than existing buildings. He believes that the proposal will be very high and noticeable. In response, Mr. Johnsen agreed and stated that this is a matter of the concept of infill and higher densities. If one wants to do higher density it is almost necessary to go up. Mr. Johnsen stated that the existing zoning in the subject area allows buildings to be built with no height limits and that could happen. It is not unusual to have high buildings near single-family areas, particularly in transitional areas, which he considers this to be. Some of the best areas in Tulsa have large buildings near single-family areas, for example 21st and Utica, 22nd and Utica (Utica Place One), and the St. John Hospital is near single-family homes. The fear of high buildings is inaccurate and it is actually happening across the city. He doesn't believe that this proposal will negatively impact the subject area.

Mr. Marshall asked Mr. Johnsen if he met with the single-family residents across the street. In response, Mr. Johnsen stated that he didn't meet with them separately, but they probably were present at the Brookside Neighborhood meetings.

Mr. Marshall read the Brookside Plan regarding appropriate and inappropriate infill. He spoke about scale, height and massing and he believes that the proposal is massive. In response, Mr. Johnsen stated that it is large and so are hospitals, universities, school facilities and office buildings that could be built on the adjoining property. The illustration that Mr. Marshall used is a good example with a single-family house, a lot and then another single-family house. This is not the situation for this proposal at all. This proposal is not going onto the Rockford side of this and taking out a lot and building a four-story building. There is street separation and there is zoning separation. The subject property is presently zoned and 202 units are possible without any more zoning, which would probably be three stories with a pitched roof and they will be massive. In the context of what is proposed, he doesn't believe it is a bad thing. The street environment is important and that is where the landscaping comes in and when someone is walking down the sidewalk they are not looking up at the four stories, but just simply walking down the street. This has been proven in the infill areas in several cities.

In response to Mr. Marshall, Mr. Johnsen stated that the building will have masonry, stone and stucco. In this PUD he has made specific reference that the elevations that have been submitted have to be consistent with the actual

concepts at final detail site plan approval. This will be an expensive construction project and will be a plus for the City of Tulsa.

TMAPC COMMENTS:

Mr. Marshall asked Mr. Johnsen if he stated that this project is in the Tulsa Regulatory Floodplain. In response, Mr. Johnsen answered affirmatively. Mr. Johnsen stated that the height is measured from the grade to the building wall. Mr. Johnsen stated that he would not be increasing the height to go the 12 inches higher to take care of the floodplain. Mr. Johnsen further stated that the City of Tulsa has a great Stormwater Management Department and he will have to meet those requirements.

In response to Mr. Marshall, Mr. Johnsen stated that the rezoning is necessary to reach the density needed to make the economics work.

Commissioner Perry asked Mr. Johnsen if they will be building this up above the floodplain to get the elevations necessary and if so, does the height of 49 feet start after it is built up? In response, Mr. Johnsen stated that he is not really sure, but he would think there would be some grade changes. The drainage issues affect half of the subject property and the height would be measured from the grade changes.

In response to Ms. Wright, Mr. Johnsen explained where the access points are located and where the gates are located.

Ms. Wright asked Mr. Johnsen where he sees young families being, playgrounds, courtyards and she supposes young professionals in this wild and crazy place will have babies occasionally. Shannonwoods has young families and now this project is replacing affordable housing with something that is going to be grossly out of reach for those people. Where the families with children will be located and the affordability issues, is this a good mix for the neighborhood? She believes that this follows Mr. Marshall's question of where is the affordable housing. Ms. Wright asked if there is a certain market niche here of single people and older single people or what. In response, Mr. Johnsen stated that lifestyles are changing and there is a market for this type of living and the Brookside Plan provides for diversity. There should be various types of housing and various styles, various densities. The subject property is in very poor shape and it is great infill to take a project that has become functionally obsolete and replace it with something that is high quality. He can't imagine that Ms. Wright wouldn't consider this appropriate. There are several other projects in town that are affordable and there are available spaces. Ms. Wright indicated that this is in the Brookside area.

Ms. Wright asked Mr. Johnsen how the Fire Department would fight fires in the subject project. In response, Mr. Johnsen stated that they would come up Rockford and jump out. Ms. Wright asked what the red lines on the concept plan

were for and if they are walls. In response, Mr. Johnsen stated that the red lines represent the property lines. Ms. Wright stated that the literature shows this to be a walled environment. In response, Mr. Johnsen answered affirmatively. In response to Ms. Wright, Mr. Johnsen stated that this project will have to meet the Fire Codes and they are very restrictive. The building will be sprinkled and there will be necessary access points and the experts will make sure that this is fire safe. Mr. Johnsen again cited the access points and stated that if he can't solve the fire issues, then this project will not be built.

Ms. Wright asked if there was some way to make all of the access off of 41st and not infringe on the neighborhood. In response, Mr. Johnsen stated that he doesn't believe that can be done. The idea is to tuck the garage in as it is suggested in the Brookside Plan. He doesn't view the traffic being heavy in the subject area.

Ms. Wright stated that Mr. Johnsen used the Brookside Study on one hand and disregarded it on other. "The Brookside Study was kind of clear about pre-standing parking structures no taller than two stories, but this will be five stories." Ms. Wright commented that she wanted to follow up on Mr. Marshall's comments about appropriate infill, and especially given that this particular study was a result of a lot of labor and a lot of hard work and this is their concept of what good infill looks like. Ms. Wright listed the following from the Brookside Study: smaller scaled, more approachable, friendlier to the neighborhood, whereas she is kind of seeing a lot of relationship to the Camelot here. Ms. Wright commented that the proposal looks like a hospital. Ms. Wright asked how the proposal relates to the Brookside Plan. In response, Mr. Johnsen stated that if one is talking about going into single-family lots putting up structures this would not be appropriate, but the subject site is not a neighborhood as depicted in the Brookside Plan. It is a multifamily-zoned property that would permit 202 units, 35 feet in height, and could be one building if they chose to build it that way and that wouldn't be consistent with the picture in the Brookside Plan, which illustrates a different situation in his opinion. The subject site is in the fringe area of the Brookside Plan and higher densities are appropriate, and that is what the document states.

In response to Ms. Wright, Mr. Johnsen stated that the Infill Study addressed the entire City and that the infill issues would have to be dealt with. Infill development is essential for the City of Tulsa to continue to grow. Ms. Wright stated that she is not debating that. Ms. Wright continued to address the size and scope of the subject property. Ms. Wright asked if she could hear from some of the neighbors because she believes they will disagree with Mr. Johnsen's proposal. She heard Mr. Johnsen state that this is upscale and has worked in other cities and she is not looking at an economic comparison of a city the size of Tulsa, so she can't make that judgment based on Mr. Johnsen's recommendation. Ms. Wright said that fire and flooding are issues and not being in line with the Brookside Plan.

Interested Parties Opposing Z-7097/PUD-758:

M. Joy Avery, 1504 E. 37th Street, 74105; **John Faires**, 4166 S. St. Louis, 74105; **Laura Collins**, 3903 S. Rockford, 74105; **Herb Beattie**, 3474 S. Zunis, 74105; **Chip Atkins**, 1638 E. 17th Place, 74120; **Barbara Van Hanken**, (Brookside Neighborhood Association Board Member) 2212 E. 38th, 74105.

INTERESTED PARTIES OPPOSING Z-7097/PUD-758 COMMENTS:

100 percent against it; electrical strain on the whole neighborhood; no traffic study; storm sewers; flooding; size of building is not appropriate for neighborhood; inappropriate infill development; some of the residents were never consulted about this proposal; disappointed that this can be built and devalue homes; disappointed to hear that zoning can be changed ten years after purchasing a home in the subject area and making that home obsolete; Brookside looks like a village, which makes it desirable for people to live there; the proposal looks like a hospital; there has never been a time when there weren't apartments on the subject property, but the issue is that the proposal doesn't fit the neighborhood due to size and scope; asked for models several times and were never given any; submitted a petition opposing the subject development (Exhibit D-5); read Chapter 4 of the Residential Provisions from INCOG; size of development is overpowering; infill is great but this proposal is out of bounds; too close to smaller homes; this will set a precedent and the developers will use it for more development in the subject area; there are plenty of places along Peoria where this could be built and do not need to place into the neighborhood; the Brookside Infill Plan clearly addresses appropriate buffering between commercial and houses and this does not fit the plan; the Brookside Plan never mentioned apartments being appropriate, but rather townhouses at 35 feet in height; no three dimensional scale provided for the subject proposal; proposal compared to Stillwater National Bank; Mr. Atkins stated that Mr. Norman use to use pornography against the residents in order to get his zoning; he appalled by the rumors that developers try to put on residents that do not know zoning; there are setbacks requirements for all zoning and that restricts the building height; Brookside is a delicate area as far as scale and the highest building is the fitness center, which is two stories; not a problem with putting denser usage on the subject site but it doesn't have to go sky high; it would be better to have a smaller, less dense, one less story and meet the height restrictions like the other buildings; stucco and block or stone like that is really the building blocks of current infill trend in the Brookside area and if one would look at these homes they are stucco and stone; nothing in the proposal blends with the immediate neighborhood around it.

STAFF COMMENTS:

Mr. Alberty stated that he would like to set the record straight regarding straight CH zoning. It is either non-applicable or zero in setbacks, frontage, height, etc. There are no setback requirements.

Interested Parties Supporting Z-7097/PUD-758:

Amy Tidwell, (Brookside Business Association Board Member and Realtor) 1052 East 33rd Place, 74105; Ms. Tidwell submitted and read a letter of support from Karen Keith (Brookside Business Association Board Member and Janine Morales (President of Brookside Business Association) (Exhibit D-3); **Janene Brown**, (Property Manager of Shannon Wood Park Condominiums and spokes person for the Shannon Wood Association) 1340-B. East 38th Place, 74105; **Lex Heidenreich**, NAI Commercial Properties, 4714 S. Toledo Ave. (submitted a petition in support (Exhibit D-4), **Tim Clark**, 4129 S. Peoria, 74105.

Interested Parties Supporting Z-7097/PUD-758 Comments:

Support the project 110 percent; plenty of average and below average apartments are available for affordable housing, but there are no high-end apartments to offer; property values will increase due to the development; it would be an injustice if anything less than the proposal is accepted that will pack such a punch; there are people transferred to Tulsa for one to three years and do not want to purchase a home, but would like to rent a nice apartment or home in Brookside; the submitted renderings do not do the project justice; in the past there have been complaints about developments, but once they are developed they end up complimenting them; excited to see the existing apartments to go away and have this new development; the new development will be bring security and safety to the surrounding properties; Brookside represents an eclectic individualism across the board; there is a broad arrange of different architectural styles and there is stucco and stone in the subject area; it is not appropriate to state that the subject proposal doesn't fit because it is just another growth and dimension of what Brookside can be; businesses are excited about the subject proposal and the economic implications that this will bring to the small businesses in the subject area; excited about the development and it will fit into the area; this project will encourage other property owners to invest into their properties and make them look nicer as well; Brookside needs an upscale project and it is not very often that someone is willing to spend thirty million dollars in your neighborhood; the Brookside Plan example that has been shown is a misrepresentation of the subject project because this project is separated by uses by right and by a major street; disappointed by the exchange by several Planning Commission members tonight and innuendoes and unprofessional antagonism is not the place for this Planning Commission or for this City; INCOG and the developer are stewards of the City's real estate and they want the projects to be well performed and in good stead; one wouldn't go to their bank and argue and call names or make wild accusations and they don't carry on in an antagonistic manner; everyone is still at this meeting past 10:00 p.m. because of those issues and hope that the Planning Commission can find a way to approve the proposal and dispense with the innuendoes and unprofessional behavior.

TMAPC COMMENTS:

Mr. Midget asked Ms. Avery if she was aware that the property adjacent to the subject property has no height limitation. In response, Ms. Avery stated that she

thought 35 feet was the height restriction. Mr. Midget stated that this is why he is bringing it to her attention because where there is presently OM and CS, there are no height limitations. If someone came in and tore down the existing buildings they could build something higher. In response, Ms. Avery stated that she would hope the residents would have some say-so. In response, Mr. Midget stated that the point is that the residents wouldn't have any say because of the existing zoning. Ms. Avery stated that this is not discussing changing the zoning. In response, Mr. Midget clarified that the adjacent property to the subject property could have a tall building on it due to the existing zoning whether this project is approved or not.

Ms. Wright stated "...Ms. Avery brought up an excellent point and this confronts many residents in Tulsa today, which is that when they move into a stable, well-developed neighborhood that it is not in any way shape or form disclosed to them that they have moved across from a potential high rise. If that were disclosed to the resident in the real estate contracts that someday down the road in the future one may be living next to a mini-high rise and would she have chosen to live there." Ms. Avery stated that it would have influenced her decision. Ms. Wright further stated "...that so predictability and confidence in buying into an older neighborhood, in other words there is no guarantee is what basically she is hearing this Board say is that one is open to any decision that is made and we are not going to respect their home rights."

Mr. Midget and Mr. Ard both stated that Ms. Wright's statement is not a fair statement.

Mr. Sparks asked Mr. Faires to give more detail of his definition of what would fit the neighborhood. In response, Mr. Faires stated that it is too big and it will be stucco and stone and there is nothing in Brookside area that is stucco and stone. Condominiums are fine and townhouses would be great or something like the development across 41st Street. There are no objections as long as it fits the neighborhood and style of Brookside. The development looks like a hospital and it shouldn't be in the middle of a residential neighborhood area. The subject proposal looks like something that would be built in Los Angeles. The city of Tulsa would be happy to have this proposal downtown on one of the numerous parking lots, but not in the middle in a nice, simple village known as Brookside.

Ms. Wright thanked Ms. Collins for again bringing up the scope, size and scale of the subject proposal. In response, Ms. Collins stated that the surrounding homes are all two bedroom homes and three bedroom if the attic space is converted. Ms. Wright stated that the corner perspective of it in that this doesn't even complete the whole perspective of size, scope and scale because it is basically one city block. In response, Ms. Collins stated that it is one-half the perimeter of the block. Ms. Collins commented that she is calling it the "great-wall of Brookside" or "zoning gone wild in Tulsa".

Ms. Wright asked Ms. Tidwell how long it took Place One to become a HUD-owned development. In response, Ms. Tidwell stated that it took about 1 ½ years. Ms. Wright stated that Place One was built in the 60's and was considered very high quality and then it was allowed to fall into ruin. In response, Ms. Avery stated that try to imagine if the proposed project was allowed to start out as average, then it would have a shorter timeframe to become deteriorated. In response, Ms. Wright asked Ms. Tidwell how long she thought it would take for the subject proposal to become a HUD project. In response, Ms. Tidwell stated that it wouldn't happen in her lifetime because she doesn't think it will happen since Brookside is in an upward. Mr. Midget stated that Ms. Wright is requesting Ms. Tidwell to speculate on something that she couldn't give a real honest answer and he believes it is an unfair question to ask of Ms. Tidwell.

Ms. Wright stated that the other night she attended a neighborhood association meeting at Wright Elementary and someone asked a question "...would this development have a gate access so that people could walk over to the shopping center" and the developer said "...no we are going to keep those people out and we don't want people wandering through the complex." So therefore it is going to be a walled minimum security unit. Mr. Ard stopped this line of comments and asked Ms. Wright to ask questions of Mr. Beattie and not have people from the gallery yelling things up to the front. In response, Ms. Wright stated that they did talk about a wall around and there wouldn't be any walkable access to the shopping area from the subject property. In response, Mr. Beattie stated that he understood that it would be walled and no access. Mr. Beattie further stated that the applicant didn't want to attend the meeting that Ms. Wright is speaking of, but they did come and refused to give meaningful information, such as three dimensional modeling of the project.

Mr. Ard asked Ms. Van Hanken if she would prefer brick. In response, Ms. Van Hanken answered affirmatively.

Ms. Wright stated that Ms. Van Hanken brought up a good point that she had been asking for updated renderings and have never received them. Ms. Van Hanken indicated that she has had the same rendering that is before the Planning Commission for about three to four weeks. Ms. Wright stated that due to the lateness of the hour and there doesn't seem to be elevations from the other sites. In response, Ms. Van Hanken stated that they haven't done anything like a site plan.

Mr. Midget requested that Steve Carr come forward because he is a Chief Planner for the City of Tulsa and he worked on the Brookside Plan. Mr. Midget would like Mr. Carr to clarify the illustration that is being used from the Brookside Plan and the proposal.

Steve Carr, City of Tulsa, stated that he worked on the Brookside Plan for 2 ½ years. Mr. Carr cited the diversity of Brookside and the many different styles of housing and buildings in the subject area. The illustration used is showing a multi-story apartment unit in the middle of a single-family development and the idea was to obviously show that it is not in scale. The illustration was not intended to show anything specific, but to convey some ideas.

Mr. Perry asked Mr. Carr what his job is at the City of Tulsa. In response, Mr. Carr stated that he is the Senior Planner with the Planning Department. In 1999 there was an infill study done for the City of Tulsa recognizing that Tulsa is surrounded by suburbs and there is a transition of how things are taking place in terms of development, energy cost, etc. The administration at that time decided to do a pilot study of areas of which where there are pressures for redevelopment. Rather than picking one neighborhood it was decided to pick Brady Village, Sixth Street Corridor or Pearl District, and the Brookside area.

Mr. Perry asked Mr. Carr what his opinion after seeing the proposal and staff's recommendation. In response, Mr. Carr stated that he supports the recommendation of the staff. He sincerely believes that this is the type of infill development that was conceived of. Infill development is unique in many ways and time and again one has to look at the specific area in which locating. This particular piece of property is at a corner of a major intersection and the zoning patterns that the Planning Commission has had for years and the Board of Adjustment have tried to respect and consistently respect the boundary between the business areas and the neighborhood areas. The two special districts in Brookside are the northern and southern business areas. The area that has always been a rub and a bit of difficult one has been that boundary between those areas for 35 years and that boundary has been respected and only modified somewhat in the study. We have a situation where there is existing multifamily zoning across the street from single-family zoning, but immediately adjacent to office and higher intensity commercial and medium intensity commercial developments. This is one of those unique opportunities where one actually sees an underperforming property to develop in a different manner. This is specifically these design guidelines were designed to assist.

Mr. Perry stated that personally he likes the look of stucco and stone. He is struggling with the size of the proposal. Mr. Perry asked Mr. Carr if he believes the size of the whole complex and the heights are an issue. In response, Mr. Carr stated that he does know that the site was originally for five stories and taste is a matter of taste. There is a mixture of materials and styles and housing types throughout Brookside and it is an urban village. The diversity of the housing types and the businesses allow work, play, worship in Brookside and recreate, etc. This particular elevation does look similar with regard to materials and the character of the structure does appear to be one story lower than the previous proposal. Mr. Carr stated that he believes that this is a type of development that is appropriate and consistent. When looking at an elevation one of the things

that would be of some value is to show from the plan view the interior courtyards. There is variation of street frontage, materials, setbacks, extrusions and a number of urban design considerations that breakup what might be seen as a massive saltine box and this is very much different from that in his interpretation of what they have proposed.

Ms. Wright stated going back to the schematic reminds her of what use to be along Cherry Street and that is what it depicts right. In response, Mr. Carr stated that it is very much like Cherry Street and there are some existing along Cherry Street today. Ms. Wright stated that her interpretation of the Brookside Infill Plan was things that were scaled more moderately or took up less space consuming, not just a wall and could see around the building and she did not get from reading the Brookside Infill Plan that something of this size, scope and scale would be appropriate. Volume wise it takes up a lot of mass basically and she is new to this and has only read the infill plan a couple of times and doesn't know all of the details of it, but she is wondering how this would fit with that Brookside Infill Plan and she is going to say that where in that infill thing it discussed other areas that are in need of development and if it is the buffer zone between the different family structures that have been an issue all of these years would something like this be more suited a little further down Peoria where there is more land available for something like this. In response, Mr. Carr commented let him try to answer, he thinks Ms. Wright had several questions there. There were several examples of what might be appropriate infill areas, but it was no attempt to be comprehensive in that solution. One example that stands out in most people's minds is the Camelot Hotel and suggestions of how that might be reused and another example is what is called a "Select Area" at 45th and Peoria where there is now the Neighborhood Wal-Mart and the development that is in there actually saved with the input from the neighborhood and the business some of the older typically street frontage type from the 1970's. The sites that were noted in the Plan were just to show this is an opportunity, and in most of those instances, he couldn't think of any that were looked at in Brookside that were not adjacent to the business development. Pressures were already beginning to develop as to how the area might be redone to make it something that was performing well for the community. Would it fit further south, there are probably other areas in Brookside that this similar type of development could be found to be appropriate. Mr. Carr gave an example of a nursing home facility then it transitioned into townhouses and now it is going into an apartment type of development with stone and brick facades. A lot of these things do develop and evolve, which very representative of Brookside. The far north of Brookside is very walkable, with street frontage right on Peoria and working down south there is a restless ribbon and how things change from the 50's, 60's, 70's, 80's and 90's. It is constantly in stage of evolution in the urban environment and this is one of the near-downtown neighborhoods that are going to continue to experience that type of consideration and change. The guidelines that were developed will try to make that easier, but at least give the Planning Commission and the City Council and the community specify in general a couple of things: 1)

understand that there are some guidelines that he would like to see respected; 2) try to give some understanding of what could be expected from developers and from neighborhoods as to what they might have continue or might have change, predict that and particular the plan was designed to accommodate what might take place in the business areas, special districts, the conservation areas and the residential areas. This is a difficult decision that the Planning Commission is facing, but in his professional opinion, in terms of what was put together for the 1999 study and Brookside, this is something that was designed specifically and this project meets those guidelines and it is an appropriate type of development.

Ms. Wright asked for a point of clarification and she believes that there are some people in the audience who can answer this. She has heard references to the Brookside Neighborhood Association and the Brookside Business Association and could some please explain the difference? Are the neighbors strictly the neighborhoods and are the business people strictly business interests who may not necessarily live in the neighborhood?

Ms. Tidwell, Vice President of the Brookside Neighborhood Association, stated that the BNA represents the neighborhood and she understands that the BNA has decided to remain neutral about this development. Mr. Ard asked Ms. Tidwell to explain the difference between the two groups. In response, Ms. Tidwell stated that the neighborhood association represents the residents and the business association represents the businesses in Brookside.

Mr. Midget stated that both the Brookside Neighborhood Association and the Business Association worked together on the Brookside Plan. It was a joint effort and was not one against the other on that Plan.

Applicant's Rebuttal:

Mr. Johnsen stated that some of the differences on the height come from if one applies the Building Code definition as to roof height, then one would measure height basically to the roof, but if the Zoning Code is applied, one would measure to the top of the highest structure, which includes the parapet. He attempted to clarify this specifically to what the heights would be and submitted it recognizing parapet height.

Mr. Johnsen commented that there is some misunderstanding by Mr. Beattie on what the Code states regarding CH zoning, which does not have a setback except that the structure has to be kept out of planned right-of-way, but other than that, it can be built right to the street right-of-way. There is no setback from abutting residential and there is no height restriction and there is no floor area requirement. In the CS and OM districts there are floor area limitations, but one can build up to and include ten stories or two bigger floor plates. There are some setbacks if there are adjoining RS districts, but if there are adjoining multifamily designation, as in the case here, there are no setbacks and no height limitations. Mr. Johnsen further stated that the plain facts are the Planning Commission has

to consider what other zoning districts are in the subject area and what would they permit. The fact is that the properties to the south can go up should they ever redevelop.

Mr. Johnsen stated that he had some other points, but he will pass on them because Mr. Carr's comments were so interesting. What he heard and what he believes to be most significant was that these are guidelines, but all situations were not documented or drawn in that plan and that this site is more or less an intersection complex of commercial, multifamily and then single-family. Given these circumstances this is a very unique site and "opportunity" is the word Mr. Carr used for infill development that he believes the City is looking for. It will be taking out a project that is existing, and is not very good and poorly maintained and this is healthy for the community to take this very valuable asset in the community, land in a good location near the Brookside entertainment district, near the river, nine minutes from downtown Tulsa and do something significant and high density is part of that and height is part of that. Mr. Carr was instrumental in developing that plan and Mr. Alberty and his staff have a collective of over 50 years experience and all have reached the conclusion that this is an appropriate project and a rare opportunity, which is the one thing that needs to be kept in mind. He believes that this project will enhance property values in the subject area and is a great improvement of what is existing on the subject property and substantially better than a typical suburban apartment was to be built on it. Mr. Johnsen concluded and asked that the staff recommendation be approved with the height modifications he presented.

TMAPC COMMENTS:

Mr. Perry explained the rebuttal process to the gallery.

Mr. Ard stated that he is in support of this development. It is a good redevelopment of a situation that is close to blight. He knows that there are some concerns and valid ones for properties that are close and adjacent; however, he believes that some of the height issues have been offset by the front side on the east being lower to story and he likes the position of the garage in the back corner adjacent to the commercial. He believes that this is a good transition from the commercial. Mr. Ard compared the project to other projects currently developing in Tulsa. He appreciated Mr. Carr's comments regarding this being an evolution of something that is new for the subject area.

Mr. Shivel, Mr. Midget, and Mr. Sparks cited their support of the subject proposal.

Mr. Marshall and Ms. Wright cited their opposition to the subject proposal. Mr. Marshall believes that the proposal is overpowering, the height, mass and scale is out of line with the neighborhood and the other businesses. Mr. Marshall apologized to Mr. Gilbert for not support his proposal. Both Mr. Marshall and Ms. Wright cited that the project belongs downtown or where there is more breathing room. Ms. Wright commented that she wonders if there is something to hide with

the lack of modeling provided. Ms. Wright stated that the materials are not appropriate for Brookside area and should have more blending of them.

TMAPC Action; 7 members present:

On **MOTION** of **SPARKS**, TMAPC voted **5-2-0** (Ard, Midget, Perry, Shivel, Sparks "aye"; Marshall, Wright "nays"; none "abstaining"; Cantrell, Carnes, McArtor, Walker "absent") to recommend **APPROVAL** of the RM-3 zoning for Z-7097 per staff recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **5-2-0** (Ard, Midget, Perry, Shivel, Sparks "aye"; Marshall, Wright "nays"; none "abstaining"; Cantrell, Carnes, McArtor, Walker "absent") to recommend **APPROVAL** of PUD-758 per staff recommendation, subject to the modifications to height as presented by the applicant. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7097:

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER (SW/4), SECTION 19, TOWNSHIP 19 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF ALBERTSONS NO. 2233, AN ADDITION TO THE CITY OF TULSA, PLAT NUMBER 4939; THENCE S 00°11'32" W AND ALONG THE EAST LINE OF SAID ADDITION A DISTANCE OF 215.26 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 00°11'32" W AND ALONG THE EAST LINE OF SAID ADDITION A DISTANCE OF 146.30 FEET TO A POINT ON THE NORTH LINE OF OLDE VILLAGE SHOPPES, AN ADDITION TO THE CITY OF TULSA PLAT NUMBER 2613; THENCE S 89°45'31" E AND ALONG SAID ADDITION A DISTANCE OF 68.43 FEET; THENCE N 00°03'29" E AND ALONG SAID ADDITION A DISTANCE OF 56.30 FEET; THENCE S 89°45'31" E AND ALONG SAID ADDITION A DISTANCE OF 266.72 FEET; THENCE N 00°11'32" E A DISTANCE OF 90.00 FEET; THENCE N 89°45'31" W A DISTANCE OF 335.02 FEET TO THE POINT OF BEGINNING. **From: RM-1/RM-2 (Residential Multi-family District) To: RM-3/PUD (Residential Multi-family District/Planned Unit Development [PUD-758]).**

Legal Description for PUD-758:

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER (SW/4), SECTION 19, TOWNSHIP 19 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SOUTH BROOKSIDE ANNEX NO.2, AN ADDITION TO THE CITY OF TULSA, PLAT NUMBER 1400; THENCE S 89°35'13" E,

PARALLEL TO, AND 50.00 FEET FROM THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19 A DISTANCE OF 25.00 FEET TO THE CENTERLINE OF ROCKFORD AVE. AND THE POINT OF BEGINNING; THENCE N 00°00'52" E AND ALONG SAID CENTERLINE A DISTANCE OF 612.66 FEET TO THE CENTERLINE OF EAST 39TH STREET SOUTH; THENCE N 89°43'32" W AND ALONG SAID EAST 39TH STREET CENTERLINE A DISTANCE OF 650.27 FEET; THENCE S 00°11'32" W A DISTANCE OF 25.00 FEET TO THE NORTHEAST CORNER OF ALBERTSONS NO. 2233, AN ADDITION TO THE CITY OF TULSA, PLAT NUMBER 4939; THENCE CONTINUING S 00°11'32" W AND ALONG THE EAST LINE OF SAID ADDITION A DISTANCE OF 361.56 FEET TO A POINT ON THE NORTH LINE OF OLDE VILLAGE SHOPPES, AN ADDITION TO THE CITY OF TULSA PLAT NUMBER 2613; THENCE S 89°45'31" E AND ALONG SAID ADDITION A DISTANCE OF 68.43 FEET; THENCE N 00°03'29" E AND ALONG SAID ADDITION A DISTANCE OF 56.30 FEET; THENCE S 89°45'31" E AND ALONG SAID ADDITION A DISTANCE OF 408.00 FEET TO A POINT ON THE WEST LINE OF SAID SOUTH BROOKSIDE ANNEX NO. 2; THENCE S 00°00'52" W AND ALONG SAID ADDITION A DISTANCE OF 282.25 FEET TO THE SOUTHWEST CORNER OF SAID ADDITION; THENCE CONTINUING S 00°00'52" W A DISTANCE OF 50.00 FEET TO THE CENTERLINE OF EAST 41ST STREET SOUTH; THENCE S 89°35'13" E AND ALONG THE CENTERLINE OF EAST 41ST STREET SOUTH A DISTANCE OF 175.00 FEET TO THE INTERSECTION OF THE CENTERLINE OF EAST 41ST STREET SOUTH AND THE CENTERLINE OF ROCKFORD AVE.; THENCE N 00°00'52" E AND ALONG THE CENTERLINE OF SAID ROCKFORD AVENUE A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING. **From: RM-1/RM-2 (Residential Multi-family District) To: RM-3/PUD (Residential Multi-family District/Planned Unit Development [PUD-758]).**

* * * * *

OTHER BUSINESS:

Mr. Ard thanked everyone for their commitment to the process.

Mr. Perry expressed concerns with voting on Item 30. After discussion it was determined that the voting was correct.

* * * * *

There being no further business, the Chair declared the meeting adjourned at 10:44 p.m.

Date Approved:

7/2/08
[Signature]
Chairman

ATTEST: [Signature] 7-2-08
Secretary

