

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2516

Wednesday, June 4, 2008, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 29, 2008 at 4:08 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, 2nd Vice Chair Shivel called the meeting to order at 1:33 p.m.

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

REPORTS:

Chairman's Report:

Mr. Shivel recognized Darryl French and congratulated him on his retirement from the City of Tulsa.

Mr. Shivel presented Mr. Harmon with a certificate of appreciation for his ten years of service on the Planning Commission and thanked him for serving. (Applause)

Mr. Harmon thanked the Planning Commission for the Certificate of Appreciation. Mr. Harmon stated that he learned to respect and admire the INCOG staff and other people with whom he has served over the past ten years on the Planning Commission. He has determined that everyone comes to the Planning Commission with the right attitude and desire to do what is best for the City. We

don't always agree, but are always working for the betterment of the community. He recognized that Mr. Carnes is the only one still serving on the Planning Commission prior to his arrival and he learned a lot from Mr. Carnes. Mr. Carnes is a 20-plus-year Planning Commissioner and really has a lot of influence on many members. He enjoyed his time with the Planning Commission and wishes everyone well as they go forward. (Applause)

Director's Report:

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

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Mr. Midget in at 1:40 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.

1. **LC-94** – Jeff Darr (8406)/Lot Combination (PD 18-C) (CD 7)
Southeast corner of South Mingo Road and East 63rd Street
3. **LS-20219** – Crafton Tull Sparks (9325)/Lot-Split (PD 17) (CD 5)
Northwest corner of South Mingo Road and the Broken Arrow Expressway
4. **Boatmen's Bank Addition, Lot 1, Block 1**/Change of Access (PD 18) (CD 8)
South of East 91st Street, west of South Sheridan

STAFF RECOMMENDATION:

This application is made to allow a change of access along South Sheridan Road. The property is zoned PUD-206.

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.

5. **Sonoma Grande** – (8312) Final Plat (PD 18) (CD 8)
North of northwest corner of East 81st Street and Mingo Road

STAFF RECOMMENDATION:

This plat consists of two lots in two blocks on 25.6 acres.

Staff recommends **APPROVAL** of the final plat All release letters have been received.

6. **PUD-276-5 – Gary Larsen** (PD-6) (CD-7)

East of the northeast corner of South Hudson and 41st Street South (Minor Amendment to increase the aggregate display surface area of wall signs permitted on the east elevation of a ten story office building.)

STAFF RECOMMENDATION:

This minor amendment proposes to increase the aggregate display surface area of wall signs permitted on the east elevation only of a 10-story office building in Development Area B of PUD-276. The subject tract is zoned PUD/CS.

On September 17, 2003 minor amendment PUD-276-4 was approved by the TMAPC permitting 335 SF of wall signs on the south elevation of the subject building. Approval of minor amendment PUD-276-4 increased the over-all permitted wall signage for Development Area B to 775 SF.

This request is seeking an over-all increase of 73.25 SF in display surface area (DSA) permitted on the east elevation only, from 210 SF, to 283.25 SF to allow for the installation of a 143.25 SF wall sign. There is an existing 140 SF wall sign on the east elevation. The underlying CS zoning on the lot would permit 630 SF of wall signs on the east elevation alone. The additional square footage is a .69 SF increase above the 2.0 SF of DSA permitted by section 1103-B, 2a of the Zoning Code.

On May 13, 2008 the City of Tulsa Board of Adjustment (BOA) approved case #20675, granting a "variance of 2 sq. ft. per lineal ft. of wall for a wall sign in a PUD from 210 to 335 sq. ft. to add an additional sign on the east elevation (Section 1221.D)" to permit this additional signage.

Because of the height of the building (ten stories, 125 feet) the approval of BOA case 20675 and the immediate surrounding areas staff finds this request to be minor in nature. Therefore, staff recommends **APPROVAL** of minor amendment request PUD-276-5 per the following conditions:

Per PUD-276-3, no new wall signs permitted on the north elevation of the subject building.

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

7. **PUD-579-A – Pheland Lucas** (PD-18c) (CD-7)

Northwest of the northwest corner of U. S. Highway 169 and 81st Street South (Detail Site Plan for construction of a 5,200 SF multiple tenant office building.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for construction of a 5,200 square foot multiple tenant office building at the above described location. The proposed use, Use Unit 11 – Office, Studios and Support Services is a permitted use by PU-579-A.

The submitted site plan meets all applicable building floor area, lot coverage, building height and setback limitations. Parking has been provided per the Zoning Code and a trash enclosure is provided per PUD standards. Landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. Any proposed sight lighting must be directed down and away from adjoining properties per application of the Kennebunkport Formula and will be subject to a detail review.

Therefore, staff recommends **APPROVAL** of the detail site plan for Lot 6, Block 1 – Tract A – Tallgrass Office Park pending the receipt of revisions as requested and depicted on the enclosed Exhibit A.

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

8. **Z-7008-SP-1 – Cracker Barrel** (PD-8) (CD-2)

South of the southwest corner of West 71st Street South and South Olympia Avenue (Corridor Detail Site Plan for construction of a 10,101 SF Cracker Barrel restaurant.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for construction of a 10,101 square foot (SF) Cracker Barrel restaurant. The proposed use, Use Unit 12, Eating Establishments Other than Drive-ins is a permissible use within the approved Corridor District.

The proposed site plan meets all applicable building floor area, height, parking, and setback requirements. Landscaping is provided per adopted Corridor development standards and Chapter 10 of the Zoning Code. All site lighting including building mounted, meets applicable development standards and will not exceed a maximum height of 35'. All light will be directed down and away from the western boundary and abutting property per Corridor standards and has been

verified by application of the Kennebunkport formula. Pedestrian circulation is provided as required, and sidewalks will be constructed along Olympia Avenue per development standards if not already in place. A trash enclosure is proposed and all mechanical equipment including roof mounted, will be screened from a person standing at ground level.

Therefore, staff recommends **APPROVAL** of detail plan for Cracker Barrel, Lot 2, Block 1 – Tulsa Hills.

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

TMAPC COMMENTS:

Mr. Shivel stated that Item 2 should be stricken from the agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Marshall, Midget, Perry, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Ard, Cantrell, McArtor, Sparks "absent") to **APPROVE** the consent agenda Items 1, 3 through 8 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

- 2. **LS-20221 – Cook & Associates Engineering, Inc (PD 18) (CD 7) (8302)/Lot-Split**

West of South Memorial Drive and north of East 63rd Street

STRICKEN.

Mr. Shivel stated that there are several items requesting a continuance:

- 12. **Peoples Bank of Carbondale** – (9234)/Minor Subdivision Plat (PD 8) (CD 2)

Southeast corner of South 33rd West Avenue and West Interstate 44
(Continuance requested to 6/18/08 for further TAC review)

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Carnes, Marshall, Midget, Perry, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Ard, Cantrell, McArtor, Sparks "absent") to **CONTINUE** the minor subdivision plat for People's Bank of Carbondale to June 18, 2008.

- 13. **Brook West** – (8213)/Minor Subdivision Plat (PD 8) (CD 2)

North of the Northwest corner of 91st Street and South Peoria
(Continuance requested to 6/18/08 for further TAC review)

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Marshall, Midget, Perry, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Ard, Cantrell, McArtor, Sparks "absent") to **CONTINUE** the minor subdivision plat for Brook West to June 18, 2008.

- 16. **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, 5/21/08)

TMAPC COMMENTS:

Mr. Shivel stated that this item has been continued before and the Planning Commission stresses that everyone should come prepared to discuss their case in a timely manner. However, in this particular case he has received enough

information that indicates that there is a very productive discussion ongoing between the homeowners and the developer. The applicant is requesting a continuance to June 18, 2008.

Ms. Wright stated that, concerning this PUD, when looking at the plans and maybe Mr. French can address this, is there enough room for the easement for expansion of that road.

Mr. Alberty called for a point of order and explained that when there is a motion for continuance one doesn't discuss the project and it will be done at the hearing. Ms. Wright agreed.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Carnes, Marshall, Midget, Perry, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Ard, Cantrell, McArtor, Sparks "absent") to **CONTINUE** Z-6051-SP-2 to June 18, 2008.

Mr. Shivel recognized Mr. French.

Mr. French stated that for education sake and since he will not be here any longer representing TAC, the question he would have is that in the technical portion of the platting. This is still at the PUD stage and TAC will have the opportunity to review and evaluate those types of questions at the next step.

19. **Z-7089/Z-7089-SP-1 – Roy D. Johnsen**

AG to CO

Northeast corner of West 61st Street South and Highway 75 South (Corridor Plan to designate development areas; allocate permitted uses and intensity of uses, development standards and conditions.) **(Applicant is requesting a continuance to July 2, 2008 to permit continued discussion with the YMCA.)** (Continued from 3/5/08, 3/26/08, 4/16/08, 5/7/08) (PD-8) (CD-2)

TMAPC COMMENTS:

Mr. Shivel stated that this represents the fifth continuance and obviously the last time the Planning Commission had this discussion Mr. Ard asked to make sure that there was sufficient time allowed so that when this came back it would be ready to be heard. Evidently this is an exception to the rule.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, stated that he thought it would be resolved by today's hearing date. The difficulty he is experiencing is trying to resolve two key issues with the YMCA. There have been a series of meetings and it is going forward. One of the issues that make this difficult is the topography on the subject property. He assured the Planning Commission that his client is working hard to reach a solution.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **PERRY**, TMAPC voted **6-1-0** (Carnes, Marshall, Midget, Perry, Shivel, Walker "aye"; Wright "nay"; none "abstaining"; Ard, Cantrell, McArtor, Sparks "absent") to **CONTINUE** Z-7089/Z-7089-SP-1 to July 2, 2008.

PUBLIC HEARING

- 10. **Stonegate Estates** – (8328)/Preliminary Plat (PD 26) (CD 8)
 Southwest corner of 106th Street South and South Yale Avenue

STAFF RECOMMENDATION:

This plat consists of six lots, one block, on 3.54 acres.

The following issues were discussed May 15, 2008 at the Technical Advisory Committee (TAC) meeting:

- 1. **Zoning:** The property is zoned PUD 754. All PUD standards must be met and shown in the covenants.
- 2. **Streets:** Please include specific language to allow access along 106th Street for the two residential owners to the west. Add note on face of plat "Sidewalks required on all streets per subdivision regulations." 106th is shown as a collector on the major street and highway plan. Therefore, the street should be public, but because of the PUD approved private street the covenants need to be modified to allow public access once the roadway is extended per the Development Services Department.

3. **Sewer:** A sanitary sewer mainline extension must be provided for all proposed lots within the development. The line must be on a minimum grade so it can be extended to provide service to surrounding unsewered properties. Any retaining walls must be constructed without conflict with the proposed sanitary sewer system.
4. **Water:** The extension of a water main line is required.
5. **Storm Drainage:** Please remove the unreadable contour lines and elevations from the face of plat and place readable ones on the conceptual plan. Off-site drainage flowing onto the site is public drainage, and must be collected and conveyed to Reserve A in an easement. If this conveyance is overland, then it must be conveyed in an overland drainage easement, outside the limits of the utility easement; or it may be collected with inlets and thence be piped to Reserve A in the proposed utility easement. If an ODE is used to convey the public drainage then that standard language must be added to the covenants. Add a subsection for roof drainage to state that, "all roof drainage will be conveyed to Reserve A. Add language to the Reserve subsection in both Sections I and II to state that one of the uses for Reserve A is stormwater drainage collection and conveyance. The existing contours do not indicate that the off-site drainage from Yale Avenue will flow northward, in the street rights-of-way, to an inlet located immediately south of 106th Street.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional wider easements may be necessary. Put proper language in covenants for overhead power on east side of the addition.
7. **Other: Fire:** No comment.

GIS: Change "Date" to "Date of Preparation". Include a point of commencement and point of beginning that will need to be shown corresponding to the bearings and distances in the legal description in the covenants. Location map is missing the unplatted descriptor for some of the surrounding properties. Include complete dimensions for Winston Court. Include in the legal a metes and bounds description matching the bearing and distances shown on the face of the plat. Clarify location and dimensions of fence easements.

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. A sidewalk waiver is 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; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Marshall, Midget, Perry, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Ard, Cantrell, McArtor, Sparks "absent") to **APPROVE** the preliminary plat for Stonegate Estates and waiver of Subdivision Regulations for a sidewalk waiver, subject to special conditions and standard conditions per staff recommendation.

11. **Garnett North** – (0432)/Minor Subdivision Plat (PD 16) (CD 6)
South of East Newton Place and east of North Garnett Road

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 8.14 acres.

The following issues were discussed May 15, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL.
2. **Streets:** Call out plat # for Cooley's Subdivision for right-of-way dedication. Add note on face of plat "sidewalks required on all streets per subdivision regulations." Standard sidewalk language required. Continue the LNA (limits of no access) to the north property line and assure that the sum of all the LNA dimensions equal the total arterial frontage.
3. **Sewer:** No comment.
4. **Water:** A water main extension installed inside a 20-foot restrictive waterline easement may be requirement to serve this lot.
5. **Storm Drainage:** Overland drainage easements (ODE) conveying public drainage cannot be placed in the utility easements (U/E). ODE's outside the limits of the U/E's will be required. Add standard language for ODE's. Add ODE for the off-site drainage flowing onto the northern portion of the property.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.

7. **Other: Fire:** Location map should read T 20 N. 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. Provide a fire hydrant within 400 feet of the proposed building. If future buildings are constructed to the east a water main extension with hydrants will be required.

GIS: Location map is missing a north arrow. Point of commencement should be labeled and the text should read northeast corner of NE/4 of the SE/4 of Section 13, T 18 N, R 12 E. Subdivision statistics should read as subdivision contains 1 lot and 1 reserve in 1 block. Some of the text on the right hand side of the plat needs to be moved so as not to overwrite the contour lines. Incorrect spelling of covenant on the face of the plat. The first line of the 2nd paragraph of the covenant should read Commencing at and the rest of the line should match the description given on the face of the plat updated with the changes above.

Staff recommends **APPROVAL** of the Minor 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.

Mrs. Fernandez stated that Ms. Yarbrough has spoken with her several times and they met before today's meeting. Her major concern is with a variance that was granted in the past regarding a setback on the IL-zoned property.

Applicant's Comments:

Valerie Rodgers, Rodgers Engineering, 6035 South Industrial Drive, Chelsea, Oklahoma 74016, reported that her client wants to construct another building and is platting the property.

Interested Parties Comments:

Ms. Yarbrough, 1225 North Garnett Road, 74116, stated that she lives immediately south of the subject property. She is not opposed to the plat because it is a formality in order to allow the applicant to build his building. She is concerned that the variance of the setback be abided by and Ms. Rodgers has assured her that it will be. Ms. Yarbrough explained that past history has made her leery of the development on the subject property.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Marshall, Midget, Perry, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Ard, Cantrell, McArtor, Sparks "absent") to **APPROVE** the Minor Subdivision Plat for Garnett North, subject to special conditions and standard conditions per staff recommendation.

* * * * *

14. **Z-7098 – Hector Del Bosque**

AG to IL

East of northeast corner of East 11th Street South and South 145th East Avenue (PD-17) (CD-6)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11818 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: IL

PROPOSED USE: Stone Company shop & warehouse

RELEVANT ZONING HISTORY:

Z-7027 March 2006: All concurred in approval of a request for rezoning a 9.81± acre tract of land from RS-3 to IL on property located east of the southeast corner of East Admiral Place and South 145th East Avenue.

Z-7014 March 2006: All concurred in approval of a request for rezoning a 2+ acre tract of land from CS to RS-3 for housing on property located the southeast corner of East 11th Street South and South 145th East Avenue.

Z-6875/PUD-679 June 2003: All concurred in approval of a request for rezoning a 15 acre tract of land from AG/SR/CS/IL to IL/PUD for Auto Auction and storage, located on the southwest corner of East Admiral Place and South 161st East Avenue and east of subject property.

Z-6661 January 1999: A request for rezoning a 20-acre tract from AG to CS/IL was recommended for denial by staff. However, all concurred in the approval of rezoning a 4+ acre tract from AG to CS for commercial use located on the northeast corner of East 11th Street South and South 145th East Avenue.

Z-6644 August 1998: All concurred in approval of rezoning a 119-acre tract from AG to IL located northwest of subject property and located on the southwest corner of East Admiral Place and South 145th East Avenue for warehouse and distribution center.

Z-6587/PUD-560 May, 1997: All concurred in approval of a request for rezoning a 12.5-acre tract of land from AG to IL/PUD-560 west of the southwest corner of East Admiral Place and South 161st East Avenue per staff recommendations and including a 100' drainage way in Development Area 4, on the west side of the tract.

Z-6585/PUD-556 February 1997: A request to rezone a 4.5-acre tract located on the south side of Admiral Place and west of 161st East Avenue, east of the subject property, from SR to CS or IL. Approval was granted for IL zoning to a depth of 350' fronting East Admiral Place with the balance of the tract to remain as SR zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 20± acres in size and is located east of the southeast corner of East 11th Street and South 145th East Avenue. The property appears to be vacant and is zoned AG. The site is wooded.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 11 th Street	Secondary arterial	100'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land and possibly large lot residential/agricultural land, zoned AG; on the north by vacant land, zoned AG; on the south by large power lines and vacant land, zoned AG; and on the west by vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being in a Special District. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Plan by virtue of its location within a Special District. Plan provisions (Section 3.10) indicate this area is generally suited for low intensity development, but that some medium intensity uses may be appropriate if accompanied by a PUD.

STAFF RECOMMENDATION:

This appears to be a case of spot zoning and staff cannot support the requested rezoning. No PUD has been submitted to accommodate the proposed medium intensity use. Therefore, staff recommends **DENIAL** of IL zoning for Z-7098.

Applicant was not present.

Interested Parties Opposing Z-7098:

Debbi Waid, 14677 East 11th Place, 74108; **Marcia Clements**, 1815 W. Easton St., 74127 (Representing All Tribes Community Church); **Christy Boggs**, 1127 S. 157th East. Avenue, 74108 (submitted and read letters of opposition (Exhibit A-1, submitted petitions and court documents for an older rezoning case A-2); **Cathy Anthony**, 908 S. 156th East Avenue, 74108.

Interested Parties Comments:

Concerned with noise; traffic on a two-lane road; this proposal wouldn't complement the Comprehensive Plan; all interested parties expressed opposition to IL zoning in the subject area; this would spot zoning.

TMAPC COMMENTS:

Mr. Midget stated that he agrees with the staff recommendation that this is spot zoning and he would make a motion to deny this case. He explained that if the interested parties wished to speak, then he would be agreeable to that.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Carnes, Marshall, Midget, Perry, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Ard, Cantrell, McArtor, Sparks "absent") to recommend **DENIAL** of the IL zoning for Z-7098 per staff recommendation.

15. **PUD-641-A-1 – Roy Johnsen** (PD-18) (CD-7)

North side of 71st, approximately 100 feet west of Sheridan Road (Minor Amendment to increase the number of dwelling units allowed in Development Area A from 30 to 34 units and to allow 12 of the 34 units to be constructed as two-unit structures.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the number of dwelling units allowed in Development Area A of PUD-641 from 30 to 34 units, and to allow 12 of the 34 units to be constructed as two-unit structures (see Exhibit A-2).

The request of an additional four (4) dwelling units above the approved 30 units is well within the 112 dwelling units that is allowed by the intensity of the underlying RS-3 zoning district. The intensity analysis submitted in 2000, as part of the approval of PUD-641 and as modified by PUD-641-A-1, remains applicable and is repeated herein as Exhibit A with modification for the additional 4 dwelling units.

Staff finds the requested increase of four units to be negligible with respect to the number of units that straight underlying zoning would permit. Therefore, staff recommends **APPROVAL** of minor amendment PUD-641-A-1 allowing an increase the number of dwelling units permitted in Development Area A of PUD-641 from 30 to 34 units, and to allow 12 of the 34 units to be constructed as two-unit structures.

All other PUD development standards of PUD-641 remain effective unless reiterated below (items with ~~strikethrough~~ and in **BOLD** are reflective of this minor amendment. Items in *italics and underlined* are the result of prior minor amendments, the amendment numbers for which are reflected herein):

2. **Development Standards:**

DEVELOPMENT AREA A

Net Land Area:	49.74 AC
Permitted Uses:	Nursing Home as included within Use Unit 2; <u>Cell Towers as permitted in Use Unit 4 – Public Protection and Utilities (permitted by major amendment PUD—641-A)</u> ; Single-Family Dwellings as included within Use Unit 6; and Apartments, Assisted Living Facility, Elderly/Retirement Housing and Life Care Retirement Center as included within Use Unit 8.
Maximum Single-Family Dwelling Cottage Units:	30 34*
	<i>*22 one unit structures and 6 – two unit structures for a total of 34 permitted dwelling units.</i>
Maximum Multifamily Dwelling Units:	346
Maximum Building Floor Area of Assisted Living/Nursing:	158,000 SF
Maximum Land Coverage of Buildings:	30%
Livability Space per Dwelling Unit:	As required by the underlying zoning.
Maximum Building Height:	six <u>eight stories</u> (permitted by minor amendment PUD-641-2)
Minimum Building Setbacks:	

One-story Buildings
From Development Area Boundaries 50 FT

Two or More Story Buildings
From Development Area B 50 FT
From other boundaries of the Dev. Area 135 FT

Maximum Number of Lots: one*

Off-Street Parking: As required by the applicable Use Unit.

*More than one lot may be permitted if the standards for each lot are approved by TMAPC during the platting process.

Minimum Landscaped Area: 30% of Net Area.

Signs: As allowed in the RM-2 district.

DEVELOPMENT AREA B

Net Land Area: 6.75 AC

Permitted Uses:

Uses included within Use Unit 11 Office, Studios and Support Services, including drive-in banking facilities; and uses customarily accessory to permitted principal uses.

Maximum Floor Area Ratio Per Lot: .50

Maximum Building Height: ten stories

Minimum Building Setbacks:

From Centerline of East 71st Street 110 FT

From the North Development Area Boundary Ten feet plus two feet for each one-foot of building height exceeding fifteen feet.

From Other Development Area Boundaries	25 FT
Maximum Number of Lots:	one*
Off-Street Parking:	As required by the applicable Use Unit.
Minimum Landscaped Area:	15% of Net Lot Area.
Signs:	As allowed in the OL district.

* More than one lot may be permitted if the standards for each lot are approved by TMAPC during the platting process.

3. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for 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 issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas.
8. The Department 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. Within a residential area a homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly-owned structures within the PUD.
10. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
11. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
12. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. 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.

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Marshall, Midget, Perry, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Ard, Cantrell, McArtor, Sparks "absent") to **APPROVE** the minor amendment for PUD-641-A-1 per staff recommendation.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, wanted to make sure that this was considered as a minor amendment and hoped in the future that it would be on the consent agenda. Mr. Johnsen complimented staff for the new formatting regarding staff recommendations.

- 17. **Z-7086 – Kamlesh Aggarwal** **OM/CS to CS**
 Southwest corner of East 21st Street and South 109th East Avenue (Continued from 2/6/08, 4/2/08, 5/7/08) (PD-17) (CD-5)
 (Related to Item 18.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11817, dated June 26, 1970, established OM zoning for the subject property. The PUD overlay and CS underlying zoning were established by ordinance number 20675, dated September 17, 2003.

PROPOSED ZONING: CS (*if approved, this application will necessitate abandonment of the overlaying PUD) **PROPOSED USE:** Retail services

RELEVANT ZONING HISTORY:

Z-6903 September 2003: All concurred in approval of a request for rezoning a .39+ acre tract of land from OM to CS/PUD for computer store and repair with internet coffee shop on property located southwest corner East 21st Street South and South 109th East Avenue.

PUD-689 September 2003: All concurred in approval of a request for rezoning a 1.15+ acre tract of land for computer store and repair with internet coffee shop on property located southwest corner East 21st Street South and South 109th East Avenue.

BOA-17575 November 1996: The Board of Adjustment approved a request for a special exception to allow a mini-storage facility on the tract abutting the subject tract on the west, subject to approval of a site plan by the Board prior to issuance of a building permit.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.13+ acres in size and is located southwest corner of East 21st Street and South 109th East Avenue. The property appears to be vacant with some residential and is zoned OM/CS/PUD-689.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 21 st Street South	Primary arterial	120'	4+ turn lanes
South 109 th East 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 across South 109th East Avenue by commercial and mixed uses, zoned CS; on the north by single-family residential uses, zoned RS-3; on the south largely by single-family residential uses, zoned RS-3, and some multifamily mixed uses, zoned RM-1; and on the west by single-family residential uses, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates the OM-zoned portion of this area as being Medium Intensity-Office land use and the CS-zoned portion as being Medium Intensity-No Specific land use. According to the Zoning Matrix, the requested CS zoning **is** in accord with the area designated by the Plan as Medium Intensity-No Specific land use and **is not** in accord with the area designated by the Plan as Medium Intensity-Office land use.

STAFF RECOMMENDATION:

Based on the District Plan and the majority of surrounding uses, staff cannot support the requested CS zoning. The location, moreover, does not meet the Development Guidelines requirements for a medium intensity node, which requires location at the corner of an arterial/arterial intersection. Therefore, staff recommends **DENIAL** of CS zoning for the portion currently zoned OM on Z-7086.

Mr. McArtor in at 2:21 p.m.

Applicant's Comments:

Nicole Peltier, 10830 East 45th Street, Suite 204, stated that she is representing the applicant and would like to withdraw this application and the abandonment of PUD-689-A. She explained that she is currently in discussion with some other land surrounding the subject property and try to work out what will be needed. Ms. Peltier indicated that she would return once she is certain what is needed for the subject property.

TMAPC COMMENTS:

Mr. Shivel stated that a cleaner way to handle this would be to deny the zoning and approve the PUD, which would allow the applicant the freedom to come back and re-establish what they want to do.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-1** (Carnes, Midget, Marshall, Perry, Shivel, Walker, Wright "aye"; "nays"; McArtor "abstaining"; Ard, Cantrell, Sparks "absent") to recommend **DENIAL** of the CS zoning for Z-7086 per staff recommendation.

18. **PUD-689-A – Kamlesh Aggarwal** (PD-17) (CD-5)
Southwest corner of East 21st Street and South 109th East Avenue (PUD Major Amendment to abandon PUD-689) (Continued from 2/6/08, 4/2/08, 5/7/08) (Related to Item 17.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 20675 dated September 17, 2003, and 11817 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: CS/PUD-689-A **PROPOSED USE:** Retail services

RELEVANT ZONING HISTORY:

Z-6903 September 2003: All concurred in approval of a request for rezoning a .39± acre tract of land from OM to CS/PUD for computer store and repair with internet coffee shop on property located southwest corner East 21st Street South and South 109th East Avenue.

PUD-689 September 2003: All concurred in approval of a request for rezoning a 1.15± acre tract of land for computer store and repair with internet coffee shop on property located southwest corner East 21st Street South and South 109th East Avenue.

BOA-17575 November 1996: The Board of Adjustment approved a request for a special exception to allow a mini-storage facility on the tract abutting the subject tract on the west, subject to approval of a site plan by the Board prior to issuance of a building permit.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.13± acres in size and is located southwest corner of East 21st Street and South 109th East Avenue. The property appears to be vacant with some residential and is zoned OM/CS/PUD-689.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 21 st Street South	Primary Arterial	120'	4
South 109 th East Avenue	Residential Collector	60'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by Garnett Acres Addition, zoned CS; on the north by 21st Street and Magic Circle Addition, zoned RS-3; on the south by Magic Circle Second Addition, zoned RS-3/RM-1; and on the west by Mesa Park, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being medium intensity. According to the Zoning Matrix, the underlying OM/CS zoning is in accord with the Plan. Also, the applicant has requested to rezone the subject property to CS under rezoning application Z-7086 which is also on the February 6, 2008 agenda. The requested CS zoning is also in accord with the Plan.

STAFF RECOMMENDATION:

This property is currently zoned OM/CS/PUD-689 and is located on the south side of 21st Street South on the west side of 109th East Avenue. The applicant is requesting abandonment of PUD-689 and has a pending rezoning application, Z-7086 requesting removal of the OM portion of the site and extending the underlying CS zoning to the remainder of the tract.

According to the Zoning Code upon abandonment of the PUD and approval by the City Council, the zoning of the tract reverts back to the underlying zoning. Staff finds that the OM zoning on the west and south of this parcel provides an adequate buffer for the residential areas located south and west of this site.

Upon abandonment of the PUD and approval by the City Council, the City Council upon an applicant's request may amend the underlying zoning of the tract. Should the rezoning request for the tract be approved the new CS zoned lot would also be buffered from the residential lots immediately to the south and west by intermediary OM zoned tracts.

Based on the aforementioned, staff recommends **APPROVAL** of major amendment PUD-689-A, with the condition that the PUD revert to the underlying CS and OM zoning subject to the conditions recommended by the Technical Advisory Committee during the PUD abandonment process which are approved by TMAPC.

TAC comments from 1/17/08:

PUD-689-A – Southwest corner East 21st Street and 109th East Avenue

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: Will there be a new PUD for this site?

Wastewater: No comments.

Transportation: No comments.

Traffic: No comments.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-1** (Carnes, Midget, Marshall, Perry, Shivel, Walker, Wright "aye"; "nays"; McArtor "abstaining"; Ard, Cantrell, Sparks "absent") to recommend **APPROVAL** of the major amendment for PUD-689-A to abandon PUD-689 per staff recommendation.

Legal Description for PUD-689-A:

Lot 1, less the south 50 feet, Block 3, Tiffany Park Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; **From OM/CS/PUD (Office Medium Intensity/Commercial Shopping Center District/Planned Unit Development [PUD-689]) To OM/CS (Office Medium Intensity/Commercial Shopping Center District/Planned Unit Development PUD-689-A).**

OTHER BUSINESS:

Commissioners' Comments

Mr. Midget asked Mr. French if he knows who will be taking his place at the City. In response, Mr. French answered negatively.

There being no further business, the Chair declared the meeting adjourned at 2:25 p.m.

Date Approved:

7/16/08
[Signature]

Chairman

ATTEST: [Signature]
Secretary