

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2517

Wednesday, June 18, 2008, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, June 13, 2008 at 1:38 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:**

#### **Chairman's Report:**

Mr. Ard announced that the June 25<sup>th</sup> worksession will be held on July 16<sup>th</sup> in order to allow the Planning Commissioners to attend an OKAPA Audio Conference.

Mr. Ard reported that staff has placed an email regarding cell phones interfering with the sound system and requests that all cell phones be turned off. Silent mode also interferes with the sound system.

#### **Comprehensive Plan Report:**

Ms. Cantrell reported that there was a meeting last Monday with the advisors and stakeholders to go over the initial information that the consultant has discovered. It was informative and September is when the city-wide efforts for planning will begin.

**Director's Report:**

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

Mr. Alberty reported that the TMAPC receipts for the month of May 2008 are up from this time last year. This is the third month in a row where receipts have exceeded the previous year. The receipts are about to catch up with the total of last year as well.

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

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**Mr. Midget in at 1:40 p.m.**

Mr. Ard announced that the following have requested a continuance:

- 21. **Saint Francis South** – (8418) Preliminary Plat (PD 18) (CD 5)  
 Northeast corner of 91<sup>st</sup> Street and South Highway 169 (Item has reverted to Sketch Plat and will be resubmitted as a Preliminary Plat at a later date.)

**STAFF RECOMMENDATION:**

This will be resubmitted and should be stricken from today's agenda.

**STRICKEN.**

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- 22. **Brook West** – (8213) Minor Subdivision Plat (PD 8) (CD 2)  
 North of the northwest corner of 91<sup>st</sup> Street and South Peoria  
 (Continuance requested until July 2, 2008 for further TAC review.)

**STAFF RECOMMENDATION:**

This application will be having further TAC review and therefore should be continued to July 2, 2008.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **CONTINUE** the minor subdivision plat for Brook West to July 2, 2008.

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23. **Plantation Apartments** – (7913) Minor Subdivision (PD 18 B) (CD  
Plat 7)

Northeast corner of East 47<sup>th</sup> Place and South Fulton Avenue  
(Continuance requested until July 2, 2008 for further TAC review.)

**STAFF RECOMMENDATION:**

This application will be having further TAC review and therefore should be continued to July 2, 2008.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **PERRY**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **CONTINUE** the minor subdivision plat for Plantation Apartments to July 2, 2008.

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24. **ABSO** – (2335) Minor Subdivision Plat (County)

South of East 76<sup>th</sup> Street North and west of North Memorial Drive  
(Continuance requested until July 2, 2008 for further TAC review.)

**STAFF RECOMMENDATION:**

This application will be having further TAC review and therefore should be continued to July 2, 2008.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **CONTINUE** the minor subdivision plat for ABSO to July 2, 2008.

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30. **Z-7099 – Lewis Engineering, PLLC** **OM to CG**

South of the southwest corner of East 51<sup>st</sup> Street (PD-18b) (CD-7)  
South and South Vandalia Avenue (**Staff requests a continuance to July 2, 2008 for new notice.**)

**STAFF RECOMMENDATION:**

The applicant didn't submit a legal description for the full amount of the property he wished to rezone and therefore it will have to be re-noticed.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **CONTINUE** Z-7099 to July 2, 2008.

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25. **BOA – 20689** (0225) Plat Waiver (PD 2) (CD 1)

Northeast corner of North Cincinnati Avenue and East Ute Place

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to July 2, 2008.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **CONTINUE** the plat waiver for BOA-20689 to July 2, 2008.

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33. **Z-7085 – John Moody**

**AG/RM-1/OL to CS**

North of northeast corner of East 31<sup>st</sup> Street North  
and North Cincinnati Avenue (Continued from  
3/5/08 and 5/7/08)

(PD-2) (CD-1)

**STAFF RECOMMENDATION:**

The applicant has some time constraints and he would like this application to be continued to August 8, 2008.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **CONTINUE** Z-7085 to August 8, 2008 as requested by applicant.

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32. **PUD-759 – Tanner Consulting, LLC**

**CS/RS-3 to CS/RS-3/PUD**

Northwest corner of East 121<sup>st</sup> Street South and South  
Sheridan Road (PUD proposes 24 single-family lots on  
the northern 2/3 of the site, with 21,000 SF of  
commercial floor area on the southern 1/3 of the site.)

(PD-26) (CD-8)

**STAFF RECOMMENDATION:**

The applicant would like to continue this application to June 25, 2008.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **CONTINUE** PUD-759 to June 25, 2008 as requested by applicant.

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**TMAPC COMMENTS:**

Ms. Wright expressed concerns with the schedule for next week since there is an audio conference next week.

Ms. Matthews stated that generally the third meeting of each month is light; however, several cases have been continued and she isn't sure the number of cases for next week's meeting.

Mr. Ard suggested that the applications be continued as requested and then when staff gets back to the office, they can review the agenda. If the applications need to be pushed back next week, then we can push them back. Recently there have been more controversial issues coming up and more agenda items than the Planning Commission can handle reasonably in a single meeting. The Planning Commission is going to start asking for items to be continued just to keep the meetings at a reasonable length.

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35. **PUD-559-B/Z-5888-SP-5 – John Moody** (PD-18) (CD-8)

North and east of the northeast corner of East 91<sup>st</sup> Street and South 101<sup>st</sup> East Avenue (Major Amendment to allow a second outdoor advertising sign within the southern half of Development Area A.)

**STAFF RECOMMENDATION:**

The applicant has time constraints and would like a one-week continuance.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **PERRY**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **CONTINUE** the major amendment for PUD-599-B/Z-5888-SP-5 to June 25, 2008 as requested by the applicant.

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## CONSENT AGENDA

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

1. **L-20221** – Cook & Associates Engineering, Inc (PD 18) (CD 7)  
(8302)/Lot-Split  
Southwest corner of Memorial and 61<sup>st</sup> Street (Related to Item 17.)
2. **L-20223** – Sisemore Weisz & Associates (9328)/Lot- (PD6) (CD7)  
Split  
East of South Harvard Avenue and South of East 46<sup>th</sup> Street South,  
3324 East 46<sup>th</sup> Street South
3. **L-20226** – Brooke Hamilton (9320)/Lot/Split (PD 6) (CD 9)  
South of East 31<sup>st</sup> Street and West of South Delaware Place, 2814  
East 31<sup>st</sup> Street South
4. **L-20227** – Travis Butler (9329)/Lot-Split (PD 6) (CD 9)  
South of East 45<sup>th</sup> Street and West of South Gary Avenue, 4548  
South Gary Avenue
5. **L-20228** – Sack & Associates (0329)/Lot-Split (PD 3) (CD 3)  
Southwest corner of Apache Street and Harvard Avenue
6. **LC-99** – Sisemore Weisz & Associates (8406)/Lot (PD 18-C) (CD 8)  
Combination  
West of US Highway 169 and North of East 69<sup>th</sup> Street, 6812 South  
105<sup>th</sup> East Avenue (Related to Item 15.)
7. **LC-100** – Tanner Consulting, LLC (9330)/Lot (PD 6) (CD 9)  
Combination  
South of East 41<sup>st</sup> Street and East of South Quincy Avenue, 4106  
South Rockford Avenue
8. **LC-101** – William Jones (9223)/Lot Combination (PD 9) (CD 2)  
Northeast corner of West 35<sup>th</sup> Street and South Rosedale Avenue,  
3347 South Rosedale Avenue West
9. **LC-102** – Bob Kirk (9213)/Lot Combination (PD 6) (CD 9)  
South of East 28<sup>th</sup> Street and West of Woodward Boulevard, 232 East  
28<sup>th</sup> Street
10. **LC-103** – Curtis J. Biram (8328)/Lot Combination (PD 26) (CD 8)  
East of South Louisville Avenue and South of East 109<sup>th</sup> Street

11. **Tulsa Hills** – CO/Revision to Restrictive Covenants (PD 8) (CD 2)  
East of U.S. 75 between West 71<sup>st</sup> and West 81<sup>st</sup> Streets
12. **Go-Fit** – (0421) Final Plat (PD 16) (CD 6)  
Northeast corner of East Apache and 129<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of two lots in one block on 25 acres.

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

13. **Memorial Commons** – (8326) Final Plat (PD 26) (CD 8)  
North of the northwest corner of East 111<sup>th</sup> Street South and Memorial Drive

**STAFF RECOMMENDATION:**

This plat consists of eleven lots in one block on 34.34 acres.

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

14. **Clarehouse** – (8307) Final Plat (PD 18) (CD 8)  
South of southeast corner of East 75<sup>th</sup> Street and Mingo Road

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 5.74 acres.

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

15. **PUD-595-B-2 – Sisemore Weisz & Associates** (PD-18C) (CD-8)  
North of the northeast corner of 71<sup>st</sup> Street South and 101<sup>st</sup> East Avenue (Minor Amendment to effectively combine Lots 7 and 8, Block 1 and create Tract A, Development Area D.) (Related to Item 6.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to effectively combine lots 7 and 8, Block 1 – Home Center Amended, and create Tract A, Development Area D within PUD-595-B (see Exhibit A). This minor amendment request is associated with lot combination application LC-99; also on the 6/18/08 agenda of the TMAPC (see Exhibit B).

The minor amendment and lot combination request will allow for construction of a 15,665 square foot (SF) Dave and Buster's Restaurant within Development Area D of PUD-595-B (see Exhibit C). Development Area D, comprised of Lots 5, 6, 7, and 8, Block 1 – Home Center Amended, permits 184,066 SF of floor area. Lots 5 and 6 are currently undeveloped. Approval of this minor amendment will leave 168,401 SF of available floor area left for lots 5 and 6.

The applicant is not requesting any changes to approved development standards of PUD-595-B. All development standards for PUD-595-B, Development Area D remain in effect.

Therefore, staff recommends **APPROVAL** of minor amendment PUD595-B-2, creating Tract A – Development Area D within PUD-595-B.

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

16. **PUD-704-1/Z-5620-SP-12a – Wallace** (PD-18C) (CD-8)  
**Engineering/CarMax**

South of the southeast corner East 91<sup>st</sup> Street and South Memorial Drive (Minor Amendment to modify the building mounted equipment screening requirement to allow three non-motorized roof vent caps to be located outside the roof screening.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to modify the building mounted equipment screening requirement of PUD-704 to allow three non-motorized roof vent caps only to be located outside the roof screening (see attached Exhibits A – C).

The language included in the original approval of PUD-704 requiring roof mounted equipment to be screened reads, "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". This is standard template language used in the "general" development standards section of every PUD approved by the TMAPC.

It is staff's interpretation that the intent of this requirement is that roof mounted equipment is meant to be screened from the view from a person standing, at a maximum, at the periphery of the property. The applicant is offering to provide camouflaging to blend the vents with the screening to which it will be visible against.

It is staff's belief that these three vents, if left unscreened and properly camouflaged, will not be visible from the periphery of the property in a manner that they create a nuisance.

Since the three vents are located greater than 300 feet from South Memorial Drive and approximately 750 feet from the nearest single-family development, staff recommends **APPROVAL** of minor amendment PUD-704-1/Z-5620-SP-12a, with the condition that the roof vents be camouflaged with paint or a similar treatment in a manner that they blend with the roof-top screening.

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

17. **PUD-585-4 – Cook & Associates Engineering** (PD-18) (CD-7)

South of the southwest corner of East 61<sup>st</sup> Street South and South Memorial Drive (Minor Amendment to decrease the required setback from the north boundary line from 45 feet to ten feet to allow a lot-split and create a new development area.) (Related to Item 1.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to decrease the required setback from the north boundary line of Development Area A from 45 feet to 10 feet to allow for a lot-split and the creation of new Development Area A-1 (see Exhibits A and B). Lot-Split application L-20221 has been submitted concurrently with this request. The lot-split and minor amendment request would allow for the construction of a 7,000 square foot office building.

The original approval of PUD-585 anticipated that Development Area A would be the site of a hotel/motel. This is because the hotel/motel use was specifically the only use from Use unit 19 – Hotel, Motel and Recreation approved as a permitted use for Development Area A. A detail site plan for a 59,000+ square foot (SF) hotel/motel was approved by the TMAPC on August 19, 1998 along with four minor amendments and an Alternative Compliance Landscape Plan. The hotel was never constructed, and a detail site plan for a 5,025 SF Steak and Shake Restaurant was approved by the TMAPC for Development Area A on July 7, 2004.

Staff finds that the requested reduction in setback would not substantially alter the character and intent of the PUD in that the 45' setback from an internal development area boundary was intended as a separation buffer between a 5 to six story hotel and the existing office complex on the corner of 61<sup>st</sup> Street and Memorial. A reduction in setback would leave approximately 60-foot separation between structures. Since Development Area A has now been shifted to lower-profile, seemingly less intensive uses, and there is no new access to Memorial Drive being requested staff can support the reduction in setback.

All other development standards for PUD-585, Development Area A will remain in effect and applicable to new Development Area A-1 unless modified herein as outlined below. Also, should the TMAPC be inclined to approve this request, the permitted use of Hotel, Motel and Recreation only from use Unit 19 would be eliminated. Any future proposal for a hotel/motel in Area A or A-1 would require a major amendment of the PUD development standards to permit the use. Excess floor area remaining after the construction of the new office building will be eliminated as well.

Staff recommends **APPROVAL** of minor amendment PUD-585-4 reducing the setback from the north development area boundary of Area A-1 as depicted on Exhibit B from 45' to 10' subject to the following conditions:

**1. Development Standards:**

**DEVELOPMENT AREAS A and A-1**

Net Land Area

Gross	2.09 Acres	91,080 SF
Net	1.71 Acres	74,520 SF

Permitted Uses:

Uses permitted as a matter of right in CS – Commercial Shopping Center District, except no Use Unit 12a uses.

Maximum Building Floor Area:

Development Area A:	5,025 SF
Development Area A-1:	7,000 SF

Maximum Building Height: One story not exceeding 25 FT

Off-Street Parking:

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

Minimum Building Setbacks **Development Area A:**

From the centerline of South Memorial Drive	110 FT
From the west boundary of Area A	30 FT
From the north boundary of Area A	45 FT
From the south boundary of Area A	45 FT

Minimum Building Setbacks **Development Area A-1:**

From the centerline of South Memorial Drive	110 FT
From the west boundary of Area A-1	30 FT
From the north boundary of Area A-1	10 FT
From the south boundary of Area A-1	5 FT

Minimum Landscaped Area in Each Lot\*:

A minimum of 10% of the lot area shall be improved as internal landscaped open space in accord with the provisions of the Landscaped Chapter of the Tulsa Zoning Code.

*\*Street yard landscaping for Development Area A and A-1 shall be similar in style and scope. See approved revised landscape plan for Development Area A dated 2/22/05 of which the approved street yard landscaping shall be applicable to Development Area A-1.*

Signs:

- A) One ground sign shall be permitted along the South Memorial Drive frontage with a maximum of 160 square feet of display surface area and 25 feet in height. Per section 1103, B-2b-3 of the Code, a minimum separation of 100' from any other ground sign in the PUD is required.
- B) Wall signs shall be permitted not to exceed 1.5 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. No wall signs are permitted on architectural elements of a hotel or motel, which exceed 38' in height.

Access:

No vehicular access shall be permitted directly to or from Memorial Drive for Development Area A-1. A mutual access easement from granting access from Development Area A will be required.

2. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and requiring parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

3. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. 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 that development area 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.

4. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

5. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

6. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an occupancy permit

7. No Building Permit shall be issued until lot combination L-20221 is approved and the requirements of Section 1170F of the Zoning Code has 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, making the City beneficiary to said Covenants.

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

**The Planning Commission considered the consent agenda.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **APPROVE** the consent agenda Items 1 through 17 per staff recommendation.

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## **PUBLIC HEARING**

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

Southeast corner of South 33<sup>rd</sup> West Avenue and West Interstate 44  
(continued from 6/4/08)

## **STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 1.78 acres.

The following issues were discussed April 17, 2008 and June 5, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CS.
2. **Streets:** No comments. The Engineer shall provide his/her Certificate of Authorization number and date per Subdivision Regulations.
3. **Sewer:** No comments.
4. **Water:** No comments.
5. **Storm Drainage:** No comments.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** N/A
7. **Other: Fire:** 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 if the building is not sprinkled.

**GIS:** No comments.

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.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **APPROVE** the minor subdivision plat Peoples Bank of Carbondale, subject to special conditions and standard conditions per staff recommendation.

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20. **Tradition Blocks 8-11** – (8327) Preliminary Plat (PD 26) (CD 8)  
West of the northwest corner of 111th Street South and Sheridan  
Road

**STAFF RECOMMENDATION:**

This plat consists of 45 lots, four blocks, on 26.97 acres.

The following issues were discussed June 5, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 741 (RS-2). All PUD conditions must be shown in the covenants and followed.
2. **Streets:** On face of plat add note: Sidewalks will be constructed on all streets per subdivision regulations. Show LNA on the arterial along Reserve B. Delete the "Block 7-11 Traditions" label west of Lot 12, Block 10, and page 3 and correct all other "Block 7-11" labels for the adjacent property to read "Block 1-7 Traditions".
3. **Sewer:** The existing plat for Tradition is mislabeled as Blocks 7-11. The existing easements for Augustus, and for The Gates at Forest Park, are not dimensioned. The proposed easement along the back lot of Lots 9 & 10 and the side lot of Lot 11, Block 10 is not large enough to accommodate a sanitary sewer line. The minimum acceptable size is 15 feet. In Block 11, the side lot easement for Lot 1 is too small. It must be a minimum of 15 feet total width. The back lot easements for Lots 1, 2, 4 & 5, must either be increased to a 17.5-foot perimeter easement, or provide an additional 11-foot easement within the Reserve B. The proposed side lot easement between Lots 3 & 4 must be increased to a minimum total width of 15 feet. Add dimensions for the easements within Lots 6 & 12, like you did for the easement in Lot 4, Block 8. Section I, C-2, omit the words "in excess of 3 feet". You must provide sanitary sewer service to Block 9. In addition, Lot 10, Block 10 does not have access to sanitary sewer service.
4. **Water:** Add restrictive waterline easement to the legend (R/W/E). Add standard covenant language for water lines. A 15-foot restrictive waterline easement around cul-de-sac will be required.
5. **Storm Drainage:** Drainage flowing onto this site from the north and the west is public drainage and must be conveyed across the site in a public drainage system and easements. Inlets and storm sewers which collect and convey drainage from multiple lots are public, and must be placed in storm sewer easements with minimum widths of 15 feet. The storm drainage system, from 109<sup>th</sup> Street South to Reserve B, is one example of this requirement. There must be continuous maintenance access around the

stormwater detention facility in Reserve B. Please use standard language for Section IC, E, and F. I did not see an Overland Drainage Easement either shown or labeled on the plat. It is difficult to see if all drainage systems have been placed in the appropriate easements.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed. Addresses need to be shown correctly.
7. **Other: Fire:** 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. The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Cul-de-sacs greater than two hundred and fifty feet in length shall have turn-around radius of not less than forty (40') feet of paving.

**GIS:** Include a scale for the reference map. Written representation of scale should appear above the graphic representation. "Prepared" should read as "Date of Preparation" on the face of the plat. Point of Commencement should be labeled, and described in the covenants. Parcel names on the face of plat and reference map should match County Assessors' data. Distances and bearings in the covenants should match those on the face of the plat. Please remove contours from the face of plat and place them on the conceptual plan. Please show all proposed easements on page 1 of the plat, and on the conceptual plan.

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:**

Ms. Wright stated that previously when the Planning Commission heard this, there were comments made concerning the original number of lots. She asked staff if they had any reference to that. In response, Mrs. Fernandez asked Ms. Wright if she was referring to the first phase and the number of lots in the first phase. In response, Ms. Wright stated that what she recalls is that originally there were fewer lots on this plat and fewer houses going in. They were going to

take livability space away from the allotted lots and form some reserves that were going to then be used as public space. Ms. Wright asked staff if this was correct.

**Applicant's Comments:**

**Ted Sack**, 111 South Elgin, 74120, stated that this preliminary plat for Phase II follows the major amendment to the PUD and it does comply with the major amendment of the PUD. The lots and the bulk and area requirements are in conformance with the major amendment that has been approved.

**TMAPC COMMENTS:**

Ms. Wright stated that what she recalls that earlier this was heard that acreage or square footage was taken from each lot and then consolidated into a public space area. In response, Mr. Sack stated that that is basically true and it was part of the major amendment. Ms. Wright stated that a gentleman had come forward and stated that these areas tend to be gaining a lot of water and there is no public space about it because it is used for drainage. Ms. Wright explained that she visited the site today and there was a large portion of these that were heavily flooded and her concern is in the original plat. She wondered if it followed more of the contours of the land and actually might not contribute to any potential flooding. In response, Mr. Sack stated that the runoff factor is the same and it has been addressed as far as the size of the detention ponds. The first phase has been submitted to the City and they have reviewed the drainage calculations for Phase I, and Phase II has also been reviewed and all calculations are in conformance with the stormwater management criteria. In response, Ms. Wright stated that she must not be making herself clear and she asked if this is land that needs to be used for drainage ponds, then how can it be considered public space or recreational use. In response, Mr. Sack stated that it is a reserve area and it was approved with the major amendment of the PUD, and since it has already been approved, the plat has nothing to do with that because it is already approved. The plat is simply in conformance with the major amendment that was approved. Customarily reserve areas, wet ponds or dry ponds, are and can be part of the common area for the benefit of the neighbors. In response, Ms. Wright stated that it was put forth as a potential soccer area or a picnic area and clearly one would be sitting in water if it is used in that fashion. Ms. Wright stated that she was just curious and thanked Mr. Sack for explaining this.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-1-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker "aye"; Wright "nay"; none "abstaining"; McArtor, Shivel "absent") to **APPROVE** the preliminary plat for Tradition Blocks 8-11, subject to special conditions and standard conditions per staff recommendation.

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26. **PUD-435** – (8303) Plat Waiver (PD 18) (CD 7)  
Southeast corner of East 66th Street and South Yale Avenue (Related to Items 27 and 31.)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a major PUD amendment.

**Staff provides the following information from TAC at their June 5, 2008 meeting:**

**ZONING:**

TMAPC Staff: This is for previously platted property.

**STREETS:**

No comments.

**SEWER:**

No comments.

**WATER:**

No comments.

**STORM DRAIN:**

No comments.

**FIRE:**

No comments.

**UTILITIES:**

No comments.

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:**

	<b>YES</b>	<b>NO</b>
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.	X	
10. Is this a Major Amendment to a P.U.D.?		
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

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nay"; none "abstaining"; McArtor, Shivel "absent") to **APPROVE** the plat waiver for PUD-435 per staff recommendation.

27. **PUD 435** – (8303) Authorization for Accelerated (PD 18) (CD 7)  
Release of Building Permit  
Southeast corner of East 66<sup>th</sup> Street and South Yale Avenue (Related  
to Items 26 and 31.)

**STAFF RECOMMENDATION:**

The property is zoned PUD 435. Full permits are requested. A plat waiver is on the TMAPC agenda for this project.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: See attached explanation.

**The following information was provided by the Technical Advisory Committee in its meeting June 5, 2006.**

**ZONING:**

TMAPC Staff: Full permits are requested.

**STREETS:**

Public Works, Transportation: No comments.  
Public Works, Traffic: No comments.

**SEWER:**

Public Works, Waste Water: No comments.

**WATER:**

Public Works, Water: No comments.

**STORM DRAIN:**

Public Works, Storm Water: No comments.

**FIRE:**

Public Works, Fire: No comments.

**UTILITIES:**

Franchise Utilities: No comments.

The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon “the benefits

and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permits with the conditions as commented by the Technical Advisory Committee.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **APPROVE** the authorization for accelerated release of building permit for PUD-435 per staff recommendation.

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31. **PUD-435-F – Wallace Engineering** (PD-18) (CD-7)

Southeast corner South Yale Avenue and East 67<sup>th</sup> Street South (Major Amendment to amend permissible floor area and maximum building height to permit construction of an eating disorder clinic.) (Related to Items 26 and 27.)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 19154 dated December 12, 1997, established zoning for the subject property.

**PROPOSED ZONING:** OL/OM/PUD-435-F      **PROPOSED USE:** Eating disorder treatment; increase floor area and building height

**RELEVANT ZONING HISTORY:**

**PUD-435-D July 2000:** All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 24.97+ acre tract of land, to revise statement of existing and proposed building floor areas (Total: 774,785 square feet); to add .94 acres to PUD; to delete approximately 2.37 acres; and to modify the perimeter setbacks, on property located on the northeast corner of South Yale Avenue and East 66<sup>th</sup> Street South and abutting north of subject property.

**PUD-435-C December 1997:** All concurred in approval to amend the boundaries of PUD-435-B and PUD-285-B into one PUD. The property is located on the south side of E. 66<sup>th</sup> Street, between S. Yale and Avenue and S. Fulton Avenue. The development standards were also modified for signage limitations.

**Z-6380 January 1993:** All concurred in approval of a request to rezone a ten-acre tract located east of the northeast corner of East 71<sup>st</sup> Street South and South Canton Avenue and west of the subject property, from AG to OL for a telephone switching and administration building.

**PUD-435-A July 1988:** All concurred in approval of a major amendment to PUD-435 for the following changes and additions. To relocate a public service substation within the PUD tract; to increase the hospital floor area from the initially-approved 150,000 square feet to 200,000 square feet; to increase the allowable height for hospital buildings to three stories; to allow the stormwater detention area on the property to be constructed in phases with the final phase being a permanent lake area and for an internal setback between the hospital and doctors office buildings.

**PUD-435 January 1988:** All concurred in approval of the request to rezone approximately 71 acres located on the southeast corner of East 66<sup>th</sup> Street South and South Yale Avenue from OM, OL and RS-3 to PUD for the development of a hospital and medical complex with the southeast portion of the PUD for single-family development.

**PUD-407 October 1985:** All concurred in approval, subject to conditions, of a request for a PUD on a 22 acre tract located on the northwest corner of E. 68<sup>th</sup> Street S. and S. Yale Avenue and across S. Yale Avenue from the subject property. The request maintained the existing OM zoning and was for the purpose of possible future sales of office units or complexes and construction of two new office buildings.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 12.8+ acres in size and is located southeast corner of South Yale Avenue and East 67<sup>th</sup> Street South. The property appears to be developed for medical research and is zoned OL/OM/PUD.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 67 <sup>th</sup> Street South	Commercial Collector	40'	2
South Yale Avenue	Primary Arterial	120'	5

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

**SURROUNDING AREA:** The subject tract is abutted on the east by Laureate Extended, zoned RS-3/PUD-435; on the north by Laureate Extended, zoned RS-3/PUD-435 and 66<sup>TH</sup> Street/The Warren Medical Research Center, zoned OM; on the south by Canyon Creek Office Park, zoned RS-3; and on the west by Willow Creek Resubdivision., zoned OM.

**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 Special District 2 – Development Complex, and states “intensities within the development complex will be the same as allowed within the proposed high intensity areas of the District”. According to the Zoning Matrix, the existing OL/OM/PUD zoning is in accord with the Plan and the recommendations found in section 3.1.2, page 18-7 of the District 18 Plan:

- Intensities within the development complex will be the same as allowed within the proposed high intensity areas of the District.
- Land activity will be limited to hospital-medical and related activities, office activities, commercial shopping activities, residential activities and cultural activities.
- Public facilities, utilities and transportation networks will be developed sufficient to accommodate future development.
- Form, design and function shall be reviewed by the District 18 Planning Team for every development proposal within the complex to ensure to the maximum extent possible compatibility, linkage and internal circulation, such that the full development will be totally integrated.
- Development Sensitive areas designated within the Special District will be given special attention during the review process and will be highlighted in all development proposals.
- High-rise development which limits ground coverage and provides meaningful open space will be encouraged within the Special District.
- Special consideration must be given to establishing an adequate building setback along the periphery of the Special District where it abuts residential areas.

**STAFF RECOMMENDATION:**

PUD-435-F is a 12.77 acre tract, zoned OL/OM, located on the southeast corner of 67<sup>th</sup> Street South and Yale Avenue. Today, proposed PUD-435-F is part of the 26 acre campus style PUD-435-C, comprised of three subdivisions, Laureate, Laureate Extended and Canyon Creek Office Park. This development is considered part of the over-all “Warren Medical Corridor”. PUD-435-F is currently Development Area B of PUD-435-C (see Exhibit A).

PUD-435-F seeks to amend the permissible floor area and maximum building height of the aforementioned Development Area B of PUD 435-C, to permit the

construction of an eating disorder clinic. The amendment would allow for the addition of three floors to an existing two (2) story building and increase the overall permissible height of the building from 70-feet to 80-feet. The increase in total height would include roof mounted equipment. All other development standards of PUD 435-C would remain applicable.

Existing development standards for the subject tract allow 85,000 square feet (SF) of total floor area. This is a Floor-to-Area Ratio (FAR) of .15 based on a 565,839 SF lot. The existing 2-story research building has 21,995 SF of floor area and the adjacent clinic has 40,800 SF, for a total of 62,795 square feet of previously approved floor area (an existing FAR of .11). There is 22,205 SF of unutilized floor area remaining within the subject tract.

The applicant is requesting an increase of permissible floor area including the existing buildings from 85,000 SF to 135,000 SF, an increase in floor area of 37% and the basis for this major amendment. Staff notes that the underlying OL/OM zoning would allow in excess of 170,000 SF of permissible floor area. With the three (3) story expansion the FAR for the site would be .23, well within the .3 FAR as allowed by the OL district and the .5 FAR as allowed by the OM district. Current plans will not significantly expand the footprint of the existing building(s).

The applicant's conceptual plans are attached as Exhibits B through F. There is currently enough parking to accommodate the existing floor area and proposed addition. No additional parking will be required under the Zoning Code although Saint Francis may elect to expand available parking on the site in the future to make extra accommodations for its patients, visitors and staff. These future site adjustments would be made subject to approval detail site plans. Existing landscaping far exceeds PUD development standards, however, the landscape plan will be updated if the applicability and exemptions of Section 1001 of the Code are not met.

Considering the varying slope and topography of the site, staff finds that the requested ten-foot increase in over-all permissible building height from 70 feet to 80 feet, to include roof mounted equipment to be negligible. The over-all interior location of the subject tract within the Laureate Campus, approximately 1,000 feet from Yale Avenue and 700 feet from the nearest single-family dwelling warrants the increase.

Given the campus style, medium-to-high intensity setting of the entire Laureate and Warren Clinic developments, and the interior setting of this proposal within the entire development, staff can support this application. Since this proposal is located within Special District 2 within District 18, staff can also base support on the recommendations of Section 3.1.2, Page 18-7 of the District 18 Plan as noted above in "relationship to the comprehensive plan.

Staff finds that these criteria are met by the applicant's proposed conceptual plan, and will recommend detail site plan approval from the District 18 Planning Team prior to detail site plan approval by the TMAPC.

Given the aforementioned, staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-435-F 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 the concept plan and development standards for PUD-435-F 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:

Permitted Uses:

Uses permitted by right in the OM District including medical clinics, laboratories, and research facilities as well as an electrical substation as previously approved.

Maximum Floor Area: 135,000 SF

Maximum Building Height: 80'

Maximum Stories: 5

Minimum Interior Landscaped Open Space:

15% of net area excluding landscaped right-of-way

Other Bulk and Area Requirements:

As required within the OM District\*

*\*No building shall exceed two levels above grade if located within 150' of the southern most boundary of the development area.*

Signs:

Limited to a monument style ground sign located at the entry from Yale Avenue; maximum 10' tall with no more than 102 SF of display surface area identifying Laureate Psychiatric Hospital and Clinic.

Minimum Building Setbacks:

From centerline S. Yale Ave.:	110'
From all other PUD boundaries:	20'

Open Space, Screening and Landscaping:

Electrical Substation:	The existing electrical substation shall be screened by a landscaping area of not less than ten (10) feet paralleling the south boundary of the substation site.
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Detail Site Plan Review:

No building permit shall be issued for the development area until a detail site plan, which includes all buildings, parking and landscaping areas, has been submitted to and approved by the District 18 Planning Team, prior to the TMAPC. The TMAPC will then review and approve the plans as being in compliance with the approved PUD development standards.

3. A detail landscape plan 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 development area, 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.
4. No sign permits shall be issued for erection of a sign within the development area until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. 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.

6. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving the development area are sufficient to support proposed expansion.
8. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the Corridor Site Plan conditions of approval and making the [City/County] beneficiary to said covenants that relate to Corridor Site Plan conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

**TAC Comments:**

**General:** Recommend approval.

**Water:** No comments.

**Fire:** No comments.

**Stormwater:** No comments.

**Wastewater:** No comments.

**Transportation:** No comments.

**Traffic:** No comments.

**GIS:** No comments.

**Street Addressing:** No comments.

**County Engineer:** No comments.

**TMAPC COMMENTS:**

Mr. Ard questioned if the parking lot would provide sufficient parking for the expansion. In response, Mr. Sansone stated that it would be in compliance, but if the applicant finds the need, after construction, to increase the parking garage they will do so and it would come back to the Planning Commission in a detail site plan.

In response, Mr. Sansone stated that he researched all of the previously approvals of the PUD and a pedestrian circulation plan was never included as an approval of the original PUD. The overall concept plans do appear to have adequate pedestrian circulation provided with the existing sidewalks in this particular development area of the PUD.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

**TMAPC Action; 9 members present:**

On **MOTION** of **PERRY**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to recommend **APPROVAL** of the major amendment for PUD-435-F per staff recommendation.

**Legal Description for PUD-435-F:**

Lot 2, Block 1, Laureate, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; **From OL/OM/PUD (Office Low Intensity District/Office Medium Intensity District/District/Planned Unit Development [PUD-435-C]) To OL/OM/PUD (Office Low Intensity District/Office Medium Intensity District/District /Planned Unit Development [PUD-435-F]).**

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28. **Z-5083** – (8312) Plat Waiver (PD 18 B) (CD 7)  
South of East 62<sup>nd</sup> Street and West of South Sheridan Road

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a previous rezoning.

***Staff provides the following information from TAC at their June 5, 2008 meeting:***

**ZONING:**

TMAPC Staff: The property has been previously platted.

**STREETS:**

Additional right-of-way of 5 feet required along 62<sup>nd</sup>.

**SEWER:**

No comment.

**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; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nay"; none "abstaining"; McArtor, Shivel "absent") to **APPROVE** the plat waiver for Z-5083 per staff recommendation.

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29. **PUD-190-G – T-Mobile, LLC** (PD-18) (CD-7)

Southwest corner of East 71<sup>st</sup> Street South and South Sheridan Road (Major Amendment to add Use Unit 4 – Protection and Utility Services for 120' monopole cell tower.)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 13755 dated December 28, 1976, established zoning for the subject property.

**PROPOSED ZONING:** RS-3/RM-0/CS/PUD-190-G

**PROPOSED USE:** Communications tower

**RELEVANT ZONING HISTORY:**

**PUD-641-A January 2007:** All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 50± acre tract to add Use Unit 4, for a communications tower, to permitted uses on property located northwest of the northwest corner of East 71<sup>st</sup> Street and South Sheridan Avenue.

**BOA-20004 March 8, 2005:** The Board of Adjustment approved a Variance of the required number of parking spaces for retail center from 805 spaces to 626 (existing spaces) (Section 1214.D), limited to the existing square footage used by restaurants; no more intense use by clubs or bars, finding adequate parking on property located on the southwest corner of East 71<sup>st</sup> Street and South Sheridan Road and the subject property.

**PUD-641 November 2000:** All concurred in approval of a Planned Unit Development on a 56+ acre tract to permit a retirement development including single-family, apartment, assisted living facility, elderly/retirement housing and nursing home uses subject to conditions and modifications by staff and TMAPC, on property located northwest of the northwest corner of East 71<sup>st</sup> Street and South Sheridan Avenue.

**PUD-190-F December 1996:** All concurred in approval of a proposed major amendment to the original PUD-190 to change the permitted use on a 30-acre tract located on the southwest corner of East 71<sup>st</sup> Street South and Lakewood Avenue and west of the subject property, from office use to an elderly assisted living center.

**BOA-16839 November 8, 1994:** The Board of Adjustment approved a Variance of the number of required parking spaces; per plan submitted, subject to a maximum of 6 tables, with a maximum of four chairs per table; and subject to approximately 70% of the restaurant business being carryout; finding that this type of restaurant will generate less traffic and require fewer parking spaces than a traditional restaurant and finding that the use, per conditions, will not negatively impact the surrounding area, on property located on the southwest corner of East 71<sup>st</sup> Street South and South Sheridan Road and the subject property.

**PUD-263-A January 1983:** All concurred in approval of a major amendment to the original PUD-263 which approved an office park on a seven-acre tract located east of the northeast corner of East 71<sup>st</sup> Street and South Granite Avenue and abutting the subject tract on the southwest, for a 178-unit multifamily development.

**PUD-190 December 1976:** All concurred in approval of a proposed Planned Unit Development on a 405± acre tract of land for a mixed use development on property located on the southwest corner of East 71<sup>st</sup> Street South and South Sheridan Road and a part of the subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 13.8± acres in size and is located southwest corner of East 71<sup>st</sup> Street South and South Sheridan Road. The property appears to be a shopping center and is zoned RS-3/RM-0/CS/PUD-190.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 71 <sup>st</sup> Street South	Primary Arterial	120'	4 + center turn
South Sheridan Road	Secondary Arterial	100'	4

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

**SURROUNDING AREA:** The subject tract is abutted on the east by Sheridan Road and Kirkdale Commerce Center, Blocks One and Two, zoned CS; on the north by 71<sup>st</sup> Street and unplatted property, zoned CS, OM, and OL; on the south by South Slope Condominiums – PUD-190, zoned RM-O/PUD-190; and on the west by Tulsa Sterling House No. 2 and Minshall Park V, zoned RS-3/PUD-190.

**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 to medium intensity. The requested additional Use Unit, Use Unit 4 – Protection and Utility Services, with no requested zoning change is in accord with the Plan.

**STAFF RECOMMENDATION:**

PUD-190-G is a 13.8 acre tract located at the southwest corner of 71<sup>st</sup> Street South and Sheridan Road. The topography of the site is quite “hilly”, with a mixture of residential, office and commercial uses.

This major amendment request is to add Use Unit 4 – Protection and Utility Services to the permissible uses of PUD-190, allowing for the construction of a 120’ mono-pole cell tower behind the strip plaza located immediately at the corner of 71<sup>st</sup> and Sheridan Road (see attached case map). The amended development standards and additional permitted use would be applicable to Lot 1, Block 1 – Summit Square only.

The applicant (T-Mobile) states that this location is required to cover the underserved area in the vicinity of 71<sup>st</sup> Street South and South Sheridan Road (see applicant’s attached propagation maps). The applicant notes there are no T-Mobile towers within one-mile of this site, and six existing T-Mobile sites within two miles of this proposed location. The nearest cell tower to this site is located approximately  $\frac{3}{4}$  of a mile east. The applicant does not feel that co-location on this tower is structurally a viable option. Ground space at this location is also very limited.

The proposed tower location is within the RM-O zoned portion of PUD-190. The tower is proposed to be set back 166-feet from the adjoining RS-3 zoned portion of the PUD directly to the west. According to Section 1204, C-3g-1 of the Zoning Code, the tower must be setback a minimum of 110% of the proposed tower height from any adjoining residential property. A 166-foot setback from the nearest RS zoned property meets the minimum 132-foot setback based on the setback being 110% of the proposed 120-foot tall tower.

Section 1204-C, 3b-1 of the Code states that, “towers and antennas shall be designed to blend into the surrounding environment through the use of color, galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation

Administration. Given the high visibility of this tower from the residential properties to the south and west, staff feels “camouflaging” should be required if the TMAPC is inclined to approve this request. Also, since ground mounted equipment is within 300-feet of residential property, screening will be required.

If this site were not within a PUD, the location within RM-O zoned property would require a special exception from the City of Tulsa Board of Adjustment (BOA) to allow the tower in the RM district. Section 1204-C, 5c of the Code requires any tower that requires a special exception to be landscaped to provide a higher level of screening. Staff is therefore recommending that in addition to screening, the perimeter of the lease area be landscaped to help further screen the ground mounted equipment from the residential districts to the south and west.

With proper camouflaging, landscaping and screening staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-190-G 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-190-G subject to the following conditions and as modified by the TMAPC (underlined language has been added, items with ~~striketrough~~ have been removed):

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards\* (**applicable to Lot 1, Block 1 - Summit Square only**):

*\*Development standards of PUD-190, Development Area S, shall remain in effect unless modifies herein*

**Permitted Uses:**

In addition to those permitted by PUD-190, Use Unit 4 – Protection and Utility Services, Antenna and Supporting structure only.

Maximum Structure Height: 120'

**Minimum Structure setbacks:**

From adjoining residential property to the south and west - 166'

Design:

The structure shall be designed for construction as a monopole to look similar to parking lot lighting, with a camouflaging architectural treatment, such as paint to match parking lot light poles. ~~The use of a flagpole encasement or similar camouflaging technique will be required to completely conceal any lattice visibility.~~ The design of such may be dictated by federal or state authorities such as the Federal Aviation Administration (FAA).

Screening:

A minimum 8-foot solid screening wall or fence shall be constructed to screen all equipment from view where the existing building does not provide screening. The screening wall or fence shall be made to blend with the architectural style and color of the abutting commercial building.

Landscaping:

The tower facility shall be landscaped with a continuously maintained buffer of plant materials that effectively screens the view of the tower compound from property within 300 feet used for residential purposes. The standard buffer shall consist of a landscape strip at least four (4) feet wide outside the perimeter of the compound.

Detail Site Plan Review:

No zoning clearance permit shall be issued for construction of the tower until a detail site plan been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

3. A detail landscape plan for the development area shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed by a specific date in accordance with the approved landscape plan for the development area, prior to final inspection approval. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of approval.
4. 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.

5. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
6. 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.
7. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Receptacle screening shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. Trucks or service vehicles may not be parked or block any access road.

**TAC Comments:**

**General:** Recommend approval.

**Water:** No comments.

**Fire:** No comments.

**Stormwater:** No comments.

**Wastewater:** No comments.

**Transportation:** No comments

**Traffic:** Recommend a Mutual Access Easement connecting to the Public Street.

**GIS:** No comments.

**Street Addressing:** No comments.

**County Engineer:**

**TMAPC COMMENTS:**

The Planning Commission discussed the possibility of collocation. Mr. Sansone pointed out where the other noticeable cell towers are located. The Planning Commission discussed the possibility of screening and camouflaging the cell tower. The Planning Commission and Legal discussed FCC rulings regarding cell phone towers.

**Applicant's Comments:**

**Greg Ferris**, P.O. Box 573, Wichita, KS 67201, representing T-Mobile, LLC, stated that the closest tower to the subject property is on a fire station and it is approximately  $\frac{3}{4}$  miles east. It currently has collocation on it and after review determined that T-Mobile would gain very little coverage from that tower. He explained that customers want their cell phones to work in the homes as well as their cars and more towers and coverage are necessary. Mr. Ferris assured the Planning Commission that his company tries to collocate when possible, and if no towers are available he then looks for buildings. In the subject area there are no towers in the close proximity or tall buildings.

Mr. Ferris stated that the RF perimeter for the subject site calls for a 150' tower and after reevaluating this he tried to do some things with the radios to bring the height down due to the proximity to the neighborhoods to the south. T-Mobile's goal is to be a good neighbor and try to cover their customers. He believes that he meets all of the requirements and is in agreement with all elements of the staff recommendation. T-Mobile will be installing a monopole rather than a flag pole because flag poles do not work properly. The monopole will give an appearance of a parking lot light standard. Mr. Ferris submitted photographs (Exhibit A-1) demonstrating the monopole. The monopole will be a 120' tower with canisters over the antennas and will allow three additional carriers if necessary.

**TMAPC COMMENTS:**

The Planning Commission asked what the wind strength of the monopole would be. In response, Mr. Ferris stated that the Code requires 100 mph for straight winds. There have been no known monopole failures in the U.S. Mr. Ferris explained that guy-towers fail and lattice towers have failed because they have sections. Monopoles are solid steel and anchored 30 feet into the ground. Mr. Ferris explained to the Planning Commission that he was unaware of a cell tower being located on Montereau and it wouldn't be obvious since it is located inside an architectural feature, nor was he told that there was a cell tower in that location. Mr. Ferris stated that Montereau must not be very tall or he would have looked at locating on their building as well, which is easier to do and more cost effective for T-Mobile.

**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, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Midget, Shivel "absent") to recommend **APPROVAL** of the major amendment for PUD-190-G per staff recommendation for a 120' monopole as amended by applicant. (Language with a strike-through has been deleted and language with an underline has been added.)

**Legal Description for PUD-190-G:**

Lot One (1), in Block One (1), of Summit Square, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Plat Number 4632 filed in records of the Tulsa County Clerk's office, being more particularly described as follows: A tract of land located in a part of the NE/4 of the NE/4, of Section 10, Township 18 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, Oklahoma, said tract being more particularly described as follows: Commencing at the Northeast corner of Section 10, Township 18 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, Oklahoma; Thence South 00°04'09" East along the East line of said Section 10, a distance of 97.99 feet; Thence South 89°55'51" West a distance of 50.00 feet to a point on the West right-of-way

line of South Sheridan Road and the point of beginning; Thence South 00°04'09" East along the West right-of-way line of South Sheridan Road a distance of 347.01 feet to a point of curve to the right on the West right-of-way line of South Sheridan Road; Thence along said curve to the right having a central angle of 90°00'00" a radius of 30.00 feet, a distance of 47.12 feet to a point on the North right-of-way line of East 72nd Street South; Thence South 89°55'51" West along the North right-of-way line of East 72nd Street South a distance of 71.15 feet to a point of curve to the left on the North right-of-way line of East 72nd Street South; Thence along the North right-of-way line of East 72nd Street South on a curve to the left having a central angle of 45°00'00", a radius of 180.0 feet, a distance of 141.37 feet; Thence South 44°55'51" West along the North right-of-way line of East 72nd Street South a distance of 26.68 feet to a point of curve to the right on the North right-of-way line of East 72nd Street South; Thence along the North right-of-way line of East 72nd Street South on a curve to the right having a central angle of 37°30'00", a radius of 275.00 feet, a distance of 179.99 feet; Thence South 82°25'51" West along the North right-of-way line of East 72nd Street South, a distance of 447.86 feet to a point of curve to the right on the North right-of-way line of East 72nd Street South; Thence along a curve to the right having a central angle of 62°06'31", a radius of 170.00 feet, a distance of 184.28 feet to a point on the East right-of-way line of South Lakewood Avenue; Thence North 35°27'38" West along the East right-of-way line of South Lakewood Avenue a distance of 231.99 feet to a point of curve to the right on the East right-of-way line of South Lakewood Avenue; Thence along the East right-of-way line of South Lakewood Avenue on a curve to the right having a central angle of 90°58'18", a radius of 100.00 feet, a distance of 158.78 feet to a point of reverse curve to the left on the East right-of-way line of South Lakewood Avenue; Thence along the East right-of-way line of South Lakewood Avenue on a curve to the left having a central angle of 55°33'37", a radius of 150.00 feet, a distance of 145.46 feet to a point on the East right-of-way line of South Lakewood Avenue; Thence North 00°02'57" West along the East right-of-way line of South Lakewood Avenue a distance of 71.24 feet to a point of curve to the right on the East right-of-way line of South Lakewood Avenue; Thence along said curve to the right having a central angle of 90°02'57", a radius of 30.00 feet, a distance of 47.15 feet to a point on the South right-of-way line of East 71st Street South; Thence South 90°00'00" East along the South right-of-way line of East 71st Street South a distance of 691.93 feet; Thence South 00°00'00" West along the South right-of-way line of East 71st Street South a distance of 10.00 feet; Thence South 90°00'00" East along the South right-of-way line of East 71st Street South a distance of 308.79 feet; Thence South 40°38'19" East along the South right-of-way of East 71st Street South a distance of 36.97 feet to a point on the West right-of-way line of South Sheridan Road and the point of beginning. **From RS-3/RM-0/CS/PUD (Residential Single-family District/ Residential Multi-family District/Commercial Shopping Center District/District/Planned Unit Development [PUD-190]) to RS-3/RM-0/CS /PUD (Residential Single-family District/ Residential Multi-family District/Commercial Shopping Center District/District /Planned Unit Development [PUD-190-G]).**

Mr. Midget in at 2:41 p.m.

34. **Z-5763-SP-2 – KJM Properties, LLC** (PD-17) (CD-6)

North of northwest corner of South 129<sup>th</sup> East Avenue and East 7<sup>th</sup> Street (Corridor Plan to divide the lot into two development areas and construct an approximately 3,200 SF office and storage/warehouse facility on the northern 107 FT of the subject tract.)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 15591 dated February 1, 1983, established zoning for the subject property.

**PROPOSED ZONING:** CO

**PROPOSED USE:** Office/storage for multi-use development

**RELEVANT ZONING HISTORY:**

**Z-7004-SP-1 June 2007:** All concurred in approval of a proposed Corridor Site Plan on a 1.06± acre tract of land to allow Use Units 11 and 23 for a heating a air conditioning service business on property located south of the southwest corner of South 129<sup>th</sup> East Avenue and East 7<sup>th</sup> Street and south of subject property.

**Z-7004 November 2005:** A request for rezoning a 1.06± acre tract of land from RS-2 to CG or CO on property located south of southwest corner of South 129<sup>th</sup> East Avenue and East 7<sup>th</sup> Street and the subject property. The TMAPC and City Council approved CO zoning for this tract of land.

**Z-6726/PUD-623 December 1999:** Approval was granted to rezone a 112' x 130' tract located on the southeast corner of East 5<sup>th</sup> Street South and South 129<sup>th</sup> East Avenue from RS-2 to CG with a Planned Unit Development for the proposed development for offices and commercial use.

**Z-6720/PUD-618 October 1999:** A request to rezone a 2.12-acre tract located south of the southwest corner of East Skelly Drive and South 129<sup>th</sup> East Avenue from CO to IL. TMAPC recommended approval of the requested IL and the PUD subject to conditions as recommended by staff.

**Z-5763-SP-1 July 1999.** A detail corridor site plan was approved to allow a 12,500 SF one-story building to allow a retail facility that sells truck parts and accessories, on the 2.1 acre tract that abuts the subject property on the north.

**Z-6691/PUD-609 May 1999:** The City Council denied a request to rezone a 112' x 130' tract located on the southeast corner of East 5<sup>th</sup> Street South and South 129<sup>th</sup> East Avenue from RS-2 to CG for a mixed commercial development (see Z-6726/PUD-623).

**Z-6577 January 1997:** A request to rezone a 1.2 acre tract located on the southwest corner of E. 4<sup>th</sup> Street and S. 127<sup>th</sup> East Avenue from CS to IL. Staff recommended denial of IL zoning as the Comprehensive Plan did not support the IL zoning. TMAPC recommended approval of IL zoning due to the adjoining tract on the north which is zoned IL. City Council concurred in approval of IL zoning.

**Z-6533 August 1996:** A request to rezone a 1.9 acre tract located on the southwest corner of E. 4<sup>th</sup> Street and S. 127<sup>th</sup> East Avenue from RS-2 to CS or IL. Staff recommended approval of CS zoning for the tract less the east 218' which would remain RS-2 and align with the existing RS-2 zoning to the south. TMAPC recommended approval of CS, less the east 175'. City Council approved CS zoning less the east 218'.

**Z-6485/PUD-537 July 1995:** A request to rezone seven lots located on the southeast corner of East 4<sup>th</sup> Street and South 129<sup>th</sup> East Avenue from OL and RS-2 to CG with a PUD for a proposed mini-storage facility on the tracts fronting South 129<sup>th</sup> East Avenue with the remaining eastern lots for residential. All concurred in approval of CG/PUD subject to conditions.

**Z-6439/PUD-509 May 1994:** Approval was granted to rezone a 1.7-acre tract located south of the southeast corner of East 5<sup>th</sup> Street and South 129<sup>th</sup> East Avenue from RS-2 to CG and a PUD for a proposed retail, warehouse and office development.

**Z-5763 January 1983:** All concurred in approval of a request to rezone an 18.4 acre tract located on the west side of S. 129<sup>th</sup> East Avenue and included the subject property, from RS-2 to CO.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.12± acres in size and is located north of northwest corner of South 129<sup>th</sup> East Avenue and East 7<sup>th</sup> Street. The property has two existing single-family structures and is zoned CO.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South 129 <sup>th</sup> East Avenue	Secondary arterial	100'	4 lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the east by 129<sup>th</sup> East Avenue and Meadowbrook Heights Addition, zoned CG and CS; on the north by Lot 2, Block 1 Plainview Heights Addition, zoned CO; on the south by Lot 4, Block 1 Plainview Heights Addition, zoned CO; and on the west by Plainview Heights Addition, zoned RS-2.

**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 Corridor and a Linear Development Area. According to the Zoning Matrix, the existing CO zoning is in accord with the Plan.

**STAFF RECOMMENDATION:**

This site is a 2.12 acre (108,464 gross square feet) tract located on the west side of 129<sup>th</sup> East Avenue, approximately 350 feet north of 7<sup>th</sup> Street South. There are two, single family residences currently on the southern 2/3 of the lot. The proposal is to divide the lot into two development areas and construct an approximately 3,200 square foot (so) office and storage/warehouse facility on the northern 107' of the subject tract (see Exhibit A-1).

There are no plans to expand the residential Development Area B at this time. Any proposed expansion and/or future subdivision of this area would be subject to the minimum bulk and area requirements of the RS-2 district as well as Corridor District detail site plan review. A lot split of the existing area is recommended for future conveyance purposes. Any future residential development will require the existing lot to be officially split.

The applicant's conceptual site plan meets applicable required land area, floor area, building height, parking, screening and landscaping requirements. Access to the office development (Development Area A) is from 129<sup>th</sup> East Avenue. Each residential structure is provided its own access from 129<sup>th</sup> East Avenue.

Based on the 1982 approval of re-zoning application Z-5763, re-zoning the property from RS-2 to CO, staff supports a waiver of the requirements of section 804 of the Zoning Code requiring primary access from a corridor collector street. This waiver is justified in that at the time of the approval of the rezoning, the TMAPC allowed for this by stating "commercial uses maybe considered appropriate for this area provided they meet the 200-foot building setback from 129<sup>th</sup>"(see attached Exhibit B). Given the over-all small size of the tract (2.12 net acres) and the 200' setback condition required as part of the original rezone, staff supports the waiver of the corridor collector requirement since there is direct access to an arterial street. Any future development will also need to provide direct access to 129<sup>th</sup> East Avenue and adhere to the 200' setback requirement.

Approval of this Corridor Plan is in concept only. Any construction proposed for Development Area A or future construction in Development Area B will require detail site plan review and approval from the TMAPC.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds Z-5763-SP-2 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 the concept plan and development standards for Z-5763-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:

**Land Area:**

Gross:	108,498 SF	2.49 AC
Net:	92,448 SF	2.12 AC

**Development Area A - Commercial**

**Land Area:**

Gross:	36,166 SF	.83 AC
Net:	30,816 SF	.7 AC

**Permitted Uses:**

Use Units 10 – Off-street Parking; 11 – Office, Studios, and Support Services; 23 – Warehousing and Wholesaling and uses customarily incidental to permitted principal uses.

**Maximum Permitted Floor Area:** 45,207 (1.25 FAR)

**Maximum Land Coverage of Buildings:** 30%

**Maximum Building Height:** 35 ft\*

*\*Architectural elements and business logos may exceed the maximum building height with detail site plan approval; however, roof signs shall be prohibited per Section 1221.C.10 of the Tulsa Zoning Code.*

**Off-street Parking:** As required by the applicable use unit within Chapter 12 of the Zoning Code.

**Minimum Building Setbacks:**

From Centerline of 129 <sup>th</sup> East Avenue	200 FT
From the north boundary Development Area A	20 FT

From south Boundary of Development Area A 20 FT

From West Boundary of Development Area B 10 FT\*

*\*Plus two-feet of additional setback for each foot of building height exceeding 15-feet*

**Landscaped Open Space:**

A minimum of 10% of the net lot area will be reserved for landscaping.

**Landscaping and Screening:**

An eight-foot solid screening wall or fence shall be erected along the west boundary of Development Area A. A 5-foot landscape buffer will be provided inside the screening wall or fence, along the west boundary. All trash, mechanical and equipment areas, including building and/or roof mounted within Development Area A shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

**Signs:**

1. One ground sign shall be permitted along the South 129<sup>th</sup> East Avenue frontage, not to exceed 8 feet in height and 64 square feet of display surface area.
2. Wall signs shall be permitted not to exceed two (2) square feet of display surface area per lineal foot of building wall to which attached. No wall signs are permitted on any west facing wall.

**Lighting:**

Light standards whether building mounted or free-standing shall not exceed 15 feet in height, and shall be hooded and directed downward and away from the west boundary of Area A. There will be no free standing lights permitted between the rear building wall, and the west boundary of Area A. The light fixtures shall be arranged so as to shield and direct the light away from the surrounding residential areas to the west and south. 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.

## Development Area B - Residential

**Land Area:**

Gross:	72,332 SF	1.66 AC
Net:	61,632 SF	1.41 AC

**Permitted Uses:** Those uses permitted as a matter of right in the RS district and those uses considered customarily accessory to single-family uses.

**Maximum Number of Lots:** 2

**Minimum Lot Width:** 107 FT\*

*\*Staff recommends a lot split for the two existing residential structures to provide a separate lot for each dwelling for future conveyance purposes. Any future new residential development (not including additions) will require lot splits, and amendment to this corridor plan to establish minimum lot standards.*

**Minimum Lot Size:** 9,000 SF

**Minimum Livability Space Required:** 5,000 SF/lot

**Maximum Building Height:** 35 FT

**Off Street Parking:** Minimum two (2) enclosed off-street parking spaces per dwelling unit.

**Minimum Yards:**

**Front:**

From the property line of abutting street 30 FT

**Side:**

One side yard 5 FT  
Other side yard 10 FT

**Rear:**

25 FT

**Other bulk and Area Requirements:** per the RS-2 District.

## BOTH DEVELOPMENT AREAS

3. No building permit for a new lot within the residential Development Area B shall be issued until a subdivision plat or plat waiver has been approved by the Planning Commission as being in compliance with the Corridor Plan

development concept and development standards. A re-plat would serve as the detail site plan for Development Area B only, and must be filed to record with the Tulsa County Clerk prior to the release of building permits if applicable.

4. No building permit shall be issued for the commercial Development Area A until a detail site plan for the development area, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved Corridor development standards.
5. A detail landscape plan for Development Area A 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.
6. No sign permits shall be issued for erection within the Development Area until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
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 the development have been installed in accordance with the approved plans prior to issuance of an occupancy permit or approval of the final plat.
9. Subject to conditions recommended by the Technical Advisory Committee during the Corridor Site Plan review process which is approved by TMAPC.
10. Any future entry gates, guardhouses, and crash gates must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the entry gates, guardhouses, screening walls and crash gates.
11. Approval of the Corridor Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review and/or the subdivision platting process.

12. In Development Area A, 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 Development Area except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage anywhere in the Corridor Plan development area.

**TAC Comments:**

**General:** Recommend Approval

**Water:** No comments.

**Fire:** No comments.

**Stormwater:** In the 2<sup>nd</sup> Floodplain paragraph in the "General Notes" the most current City of Tulsa Regulatory Floodplain Map Atlas should be referenced, not some June of 1998 version.

**Wastewater:** No comments.

**Transportation:** Driveways must be a minimum of 24' wide with 15' radius of return.

**Traffic:** No comments.

**GIS:** No comments.

**Street Addressing:** No comments.

**County Engineer:** No comments.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to recommend **APPROVAL** of the corridor plan for Z-5763-SP-2 per staff recommendation.

\*\*\*\*\*

**Mr. Carnes out at 2:50 p.m.**

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

South of the southeast corner of East 81<sup>st</sup> 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, and 6/4/08.)

**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 101<sup>st</sup> East Avenue and north of East 81<sup>st</sup> 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 81<sup>st</sup> 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 three 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 81<sup>st</sup> 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 East 81<sup>st</sup> Street South at the Mingo Valley Expressway to allow a mixed residential development that 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 81<sup>st</sup> 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 East 91st Street South and South 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 81<sup>st</sup> 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 East 81<sup>st</sup> Street South and South 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 East 81<sup>st</sup> Street South and South 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 of the southwest corner of East 81<sup>st</sup> 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 East 81<sup>st</sup> Street and South 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 81<sup>st</sup> Street South and South Mingo Road. The property appears to be vacant and is zoned CO.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
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 parcel is an unplatted 7.6 acre tract located on the east side of Mingo Road approximately 300' south of the south-east corner of 81<sup>st</sup> 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 82<sup>nd</sup> Place South. The MAE would be platted as part of Lot 4 (see Exhibit B-1).

The City of Tulsa Fire Marshall is requiring that 82<sup>nd</sup> 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. 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 8 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~~ eastern boundary 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-1) 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 82<sup>nd</sup> Place must be extended straight through to South Towne Square Extended. 82<sup>nd</sup> 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 8' solid screening wall or fence.

The 5/21/08 continuance of this case allowed the developer to negotiate alternative measures with the South Towne Square Extended Homeowners Association to help buffer this proposed development from the residential development to the east. Specifically these measures include:

- Using the proposed development in Development Area B as a buffer from the more intensive commercial uses immediately adjacent to the north and west of this development and South Towne Square Extended;
- Decreasing the permitted building height in Development Area B from the originally proposed 4 – stories not to exceed 55'; to ~~four~~ three-stories, not to exceed ~~47'~~ 38'. The ten-foot setback plus two (2) additional feet of setback for every foot over 15' in height requirement along any residential boundary is still the staff recommendation for setback requirement in Area B along the residential single-family boundary (modified to 39' by the TMAPC upon approval)
- The façade of any building in Development Area B will be comprised of masonry building materials.
- All windows on the south and east side of any Development Area B building will be for decorative purposes only and it will not be possible to see outside of the building from the south or east side.
- Any Use Unit 16 use will have gated entries and exits.
- Any Use Unit 16 use will be monitored with security cameras.

- Between the east boundary of Development Area B and any building in Development Area B and within the open-air storage area, lighting will not exceed eight (8) feet in height.
- No open-air storage of any kind shall be visible at ground level from South Towne Square Extended.

Based upon the proposed Concept Plan and revised Development 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 and as modified by the Planning Commission (items with strikethrough have been modified):

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, Shipping Goods and Services; and uses customarily incidental thereto.

\* The southern most lot of Development Area A, immediately north of the adjacent property to the south, depicted as “Lot 3” on the applicants conceptual site plan shall be limited to Use Unit 11, Offices and Studios, and Support Services only.

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

**Maximum Land Coverage of Buildings:** 30%

**Maximum Building Height:** Two stories, not to exceed 35’

**Parking:** Per applicable Use Unit

**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 <sup>nd</sup> Place South	35 FT

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

**Lighting:**

All lighting in Development Area A shall be limited to 25' in total height. All lighting, including building mounted, shall be hooded and directed downward and away from the boundaries of the PUD. 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 areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography shall be included in the calculations.

**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 limited to boats and automobiles only; and uses customarily incidental thereto.

**Maximum Building Floor Area (1.25 FAR):** 167,478 SF

**Maximum Land Coverage of Buildings:** 30%

**Maximum Building Height:**

38' – four stories: three stories above ground and 1 story below ground.

**Minimum Building Setbacks:**

From north boundary of Development Area B	10 FT
From the east boundary line of Development Area B	40 <u>39</u> FT*
From the west boundary line of Development Area B	10 FT

From the ROW boundary centerline of 82<sup>nd</sup> Place South 103 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.*

**Parking:**

Per applicable Use Unit. There shall be no parking of any kind on the east and south sides of the proposed building on the north side of 82<sup>nd</sup> Place, between the building and the east development area boundary.

**Landscaping:**

Along the entire east boundary of Development Area B, outside the eight-foot masonry wall, a minimum of 41, 12-foot tall (at the time of planting) evergreen trees will be planted at spacing intervals that will further obstruct the view of Development Area B from outside the PUD. A five-foot wide landscape buffer will also be provided along the outside of the eight-foot screening wall along the south and west boundaries of the open-air storage area and planted with trees to provide further screening of the open-air storage area.

**Building Façade:**

The façade of any building will be comprised of masonry building materials.

**Windows:**

All windows on the south and east side of the building will be for decorative purposes only and it will not be possible to see outside of the building from the south or east side.

**Gated Entry and Exit:**

Any Use Unit 16 use will have gated entries and exits.

**Monitors:**

Any Use Unit 16 use will be monitored with security cameras.

**Lighting:**

Within the east 20' of Development Area B, between the east boundary of Development Area B and any building in Development Area B and within the entirety of the open-air storage area, lighting will not exceed eight (8) feet in height. All other light standards in Development Area B shall be limited to 15 feet in total height.

**Visibility of Outside Storage:**

No open-air storage of any kind shall be visible at ground level from South Towne Square Extended. There shall be no permitted storage of recreational vehicles (RV's). Outside storage shall be limited to operable motor vehicles and boats only. No wrecked or inoperable motor vehicles permitted of any kind.

**Height Bar:**

The entrance/exit of the outdoor parking area will have a bar restricting entry into the parking area to eight feet or less.

**Hours of Operations – Indoor Storage:**

The indoor storage facility shall be open to all customers from 7:00 A.M. to 7:00 P.M., seven days a week. Twenty four hour entry will be limited to business customers with bona fide access requirements.

**Hours of Operations – Outdoor Storage:**

The outdoor parking area shall be open for business from 7:00 A.M. to 7:00 P.M., seven days a week.

**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 82<sup>nd</sup> 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 87 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.

**Access:**

In order that the traffic-carrying capacity of the transportations 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 eight-foot solid screened, emergency crash gate will be constructed across the entry from 82<sup>nd</sup> 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 eight-foot concrete panel screening wall or fence ~~and concrete panel~~ designed to match the existing concrete panel fence installed by the hotel with a minimum five-foot landscape buffer shall ~~extend along the rest of the boundary in common with the R District~~ entire eastern boundary of the PUD. Such eight-foot concrete panel screening wall or fence shall extend along the south and west boundaries of the open-air storage area of Development Area B. 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 plating 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 of 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 2ft 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 (82<sup>nd</sup> Place).

**INCOG Transportation:**

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

Mr. Sansone indicated changes to the proposal and they are indicated in the staff recommendation by ~~strikethroughs~~ and underlines.

**TMAPC COMMENTS:**

The Planning Commission asked various questions regarding the newest changes and Mr. Sansone answered to what is included in the staff recommendation.

Mr. Sansone reminded the Planning Commission that the application at this point is conceptual in nature and what is established today is what the applicant can and can not do and not necessarily looking at a picture and stating that this is the building. Mr. Sansone stated that when the applicant returns for detail site plan review the elevation plans will have to show the façade of any building comprised of masonry building materials. The details or specifics of the plan are really approved at the detail site plan review (example: where will trash cans be located, how tall will the fence be, etc.) Today the Planning Commission will not be approving what the building looks like.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21st Street, Suite 200, 74114, stated that there is an error in the staff recommendation and it involves screening. The eight-foot screening will wrap the outside storage area on the east, south and west. Mr. Reynolds clarified the lighting for the development areas.

Mr. Reynolds stated that his site plan will look like Exhibit C and it complies with staff's recommendation. He doesn't need any change in the setback. All of the accesses and open air, etc. are on the west side of the building away from the homes. The door is about 150 feet in a straight line from the nearest door of a house on the other side of the building. His client can meet all of the setback

requirements with the new height standards, and puts it back to the neighborhood and all activity to the front. This will provide a significant buffer.

Mr. Reynolds stated that Exhibit D shows the three-story building and it doesn't exceed past the front of the houses. The proposed building will be 33 percent lower than the existing hotel. Exhibit E shows the subject property looking to the west and there is a lot of topography at this end of the subject property. The east wall of the building will only be about 29 feet from the ground elevation and will not be sticking out in a great way. Exhibit F, G and H is a view from Mingo. The existing hotel is 57 feet in height and it was approved to be built 75 feet in height. The proposal is not greatly out of character with the surrounding uses and buildings. The photographs with the image of a six-foot person standing at the intersection of 82<sup>nd</sup> Place and 100<sup>th</sup> East Avenue, depict what this person would see with the 30-foot tall trees. Mr. Reynolds stated that the proposed buildings would not be visible from streets within the neighborhood. Mr. Reynolds stated that the homeowner closest to the subject building is his strongest ally (Mr. Anderson). Mr. Reynolds stated that two other neighbors also support this proposal. The three families most affected by this proposal have indicated that they like the proposal and support the proposal with a letter.

Mr. Reynolds stated that this project started on the wrong foot with the neighborhood and got down to what the issues were. The following issues were addressed: eliminating RV parking, reduced the height of the building and meets an OL setback from a residential and CS setback from residential, the façade will be a masonry siding rather than metal, traffic issues and worked with the City regarding this issue, there will be an access gate so that one can walk out of the neighborhood and connect to the subject property's sidewalks and walk up Mingo and 81<sup>st</sup> Street. If the trail is extended one could use the sidewalks to get to the trail also.

Mr. Reynolds stated that stormwater was an issue and the subject property is down grade from the neighborhood and all of the stormwater from the neighborhood will come through the subject property. Stormwater from the subject property will not get into the neighborhood. Where the stormwater crosses Mingo and goes into the golf course, the piping has been constructed by the City of Tulsa to exceed the 100-year urbanized capacity. The City of Tulsa has sent a letter stating that if the applicant can get a letter from the golf course, then they wouldn't be required to have detention because it would all come off and go to the golf course. Mr. Reynolds indicated that he is in the process of requesting a letter from the golf course. He stated that if he is unable to get a letter, his client will provide onsite detention for stormwater.

Mr. Reynolds stated that another issue that came up was to not cause any more traffic on Mingo because there are enough traffic problems on Mingo. He further stated that he can't think of anything that creates less traffic than mini-storage. He explained that the mini-storage is 100,000 SF plus building, and there are 21

parking spaces. If this were to be an office building it would require over 300 parking spaces. The similar facility that his client owns at 11<sup>th</sup> and Peoria has 41 to 42 visitors per day on average. That would be four an hour for the 12 hours that they are opened. Mr. Reynolds explained the hours of operation and the special security measures that are required after hours. Clients of the mini-storage are 75% residential furniture storage, 25% business and a little more than half will have 24-hour access because they are professionals, doctors, lawyers, accountants, etc. Of the 25% of business customers, they have approximately 25% of the space of the building and the regular customers will have about 25%. This is a very quiet operation and no noise and light. This will act as a buffer with landscaping (double of what the Code requires). There will not be any traffic problems due to this proposal. Height is measured at an average at ground level in the Zoning Code and right now the conceptual site plan shows the east wall of the subject building at 29 feet, which is six feet below of what is allowed in a residential district. The west side is approximately 33 feet and the Zoning Code defines the building height as being the building height and any structure. There is one structure on the roof that screens the elevator equipment so that it is screened from view. The wall sign brings this up to approximately 36 feet. This is well within something that belongs in proximity of a neighborhood. The proposal is the nicest looking storage facility in town.

**TMAPC COMMENTS:**

Mr. Walker asked if there would be an opportunity for boats or trailers to be stored on the outside like in other mini-storages. In response, Mr. Reynolds stated there is none here at all. He further stated where the outside storage area to the south will be limited to eight feet in height with a height-bar. There is also a limitation that it can't be seen from the residential areas back to the east. He commented that his client has tried to be a good neighbor and make this nice.

Ms. Cantrell stated that she understands that the applicant has met with the neighbors many times and she appreciates that. Ms. Cantrell asked if the applicant spoke to anyone from BrookDale, senior living facility. In response, Mr. Reynolds stated that he has spoken with the people from Sterling House. He indicated that they do not like the outside storage area. He explained that his client has worked this out the best that he can and even talked with them about selling them some land.

In response to Mr. Marshall, Mr. Reynolds stated that if the Planning Commission were to approve this application and state in their motion "per staff's recommendation and per the revised development standards submitted by the applicant," this would cover all of the agreements with the neighbors abutting the subject property. Mr. Marshall asked Mr. Reynolds if he would agree to extend the fencing to make the property look better and cleaner on the concrete panel portion. In response, Mr. Reynolds stated that his client would agree to extend the fence. He further stated that the agreement he made with his nearest neighbors was to create a fence in quality, material and look similar to the fence

that the hotel put along the south side of the hotel and north side of the neighborhood and also agreed to make it eight feet and he would be happy to extend it past the neighborhood.

Mr. Ard stated that there are about five people wishing to speak and requested that they keep their comments to four minutes.

**Interested Parties Comments:**

**Randy Pickard**, 1500 South Utica, Suite 400, 74104, representing BrookDale Senior Living/Sterling House, stated that the 7.5-acre tract is a medium intensity development with potential for three restaurants along Mingo with a warehouse and outdoor storage. Mr. Pickard cited the history of the subject property and surrounding properties and commented that the subject area is low intensity corridor. The corridor is non-specific when it is started, but as the corridor develops it begins to define itself and his position is that this corridor has defined itself as residential and separated itself from U.S. 169 and made this essentially as developed on Mingo. Mr. Pickard indicated that his client opposes the outdoor storage and it makes this a medium intensity development, which is inconsistent with how the corridor has defined itself.

**TMAPC COMMENTS:**

Mr. Ard asked Mr. Pickard what he thought would be consistent with the subject property. In response, Mr. Pickard stated that the Planning Commission should take into consideration the surrounding uses and what is going to happen on the other side of Mingo. He believes that an A and B site plan, placing the warehouse building next to the corner commercial and the area to the south having OL uses that would be consistent with the neighborhood and what will be developed across the street.

Ms. Cantrell stated that she understands that Mr. Pickard's main objection is the outside storage, which falls under general storage in the Zoning Code. In response, Mr. Pickard stated that there could be a drive-in restaurant right next to Sterling House. Ms. Cantrell reminded Mr. Pickard that the Zoning Code allows mini-storage in OL-zoned areas. The definition between what is light and what is medium is very subjective and she doesn't know if she would put mini-storage into medium intensity unless all office light is in medium intensity as well. In response, Mr. Pickard stated that mini-storage is a use that can be allowed by exception and he is not suggesting that it be rezoned to OL. This would still be in a corridor and there would be a site plan for site plan approval. He believes that the intense uses should be to the north.

Mr. Sparks asked Mr. Pickard to define "intense." In response, Mr. Pickard stated that the Zoning Code defines it. The land use zoning matrix defines as essentially residential and light office, low-intensity-corridor.

Ms. Wright asked Mr. Pickard if the easement is the reason the mini-storage was never considered being placed in the northern portion. In response, Mr. Pickard stated that an applicant tries to maximize as much as possible and as much that is allowed for every square foot of the land. There is nothing that says that there has to be outdoor storage. The adjacent PUD to the north totally excluded outside storage and approved mini-storage that is limited to 12 feet in height.

Ms. Cantrell stated that with Development Area A, if the Planning Commission were to limit any drive-through restaurants to the northern portion of the subject site would that give his client any ease. In response, Mr. Pickard stated that his client's concern is that they have seniors in a residential neighborhood, which by the way when his client came in with their site plan application staff didn't recommend it and thought it might be too intense. The Planning Commission allowed the senior facility with conditions, which is a residential use. Now they are looking at anything that can be done in a CS district and it is essentially extending the CS district all the way down for all intents and purposes. His client believes that these uses are inappropriate and object to the subject proposal.

**Interested Parties Comments:**

**Marilyn Ball**, 8518 S. 100<sup>th</sup> East Place, 74133; stated that she opposes the proposal for the mini-storage building and open-air parking for boats and cars. Ms. Ball indicated that previously she submitted a petition and a realtor survey. Ms. Ball stated that Ms. Anderson signed the petition opposing this application and she has never received any notice to remove Ms. Anderson's name from the petition. Ms. Ball questioned that the letters sent by the Andersons and Krietmeyers are still valid due to their attendance of the neighborhood meeting that opposes this proposal. She commented that she is trying to protect the value of her home and opposes this application. In 1985, the subject area was zoned CO, but the developer of SouthTowne Square was allowed to build single-family residential homes within the corridor zoning without a designated buffer zone to protect the future homeowners.

**TMAPC COMMENTS:**

Mr. Ard asked Ms. Ball what she would see being built on the subject property. In response, Ms. Ball stated that she acknowledges that it could be business of some sort. She indicated that single-story mini-storage has had a negative impact in various neighborhoods in Tulsa. She commented that she could more easily live with something in the manner of an office building, a florist shop, clothing store, etc. The applicant and staff keep referring to anything that can be seen from a single-story, but when one sells a home they sell both stories. There is no way the vision of the proposal can be protected from a two-story home that will look out at this project. Ms. Ball stated that she has faith that the Planning Commission to not allow this project to happen. The Planning Commission is not supposed to rubber-stamp anything that is proposed in corridor zoning or no one would bother to attend the meetings.

Ms. Wright asked Ms. Ball if there is something that she could summarize quickly in a nutshell. In response, Ms. Ball stated that she visited open-air parking at 13<sup>th</sup> and Sheridan and encouraged the Planning Commissioners to visit the site to see why she is concerned about open-air parking. She further encouraged the Planning Commission to visit the 11<sup>th</sup> and Peoria Cool Storage and drive behind it to see the deteriorating property that is behind it before making a decision.

Ms. Cantrell asked Ms. Ball if it is the look of the building or the use of the mini-storage building that she considers an eyesore. In response, Ms. Ball stated that it is the look and size and will cause more drainage issues. Ms. Ball submitted photographs of a property in Bixby located next to the new arena and how the current owner believes that it is affecting the value of the property to decrease (Exhibit B-1).

Ms. Wright stated that she has personally observed that when residential backs up to commercial, it very quickly turns to renters' creep because the houses do no sell. In response, Ms. Ball agreed.

**Interested Parties Comments:**

**Jack Connery**, 9814 East 83<sup>rd</sup> Place, 74133; stated that he is in opposition of the subject proposal and the homeowners association does not want a vehicle storage and a football field-sized mini-storage building in their neighborhood. Mr. Connery acknowledged that there have been many meetings and the applicant has made many concessions, but the building is too large. Mr. Connery requested the Planning Commission to deny the development in Area B (mini-storage and vehicle storage). Over 200 residents would be affected by the proposal.

**TMAPC COMMENTS:**

Mr. Marshall stated that he read an email that he thought indicated that Mr. Connery and Mr. Mitchell had an agreement. In response, Mr. Connery stated that there was never an agreement, but he has met with Mr. Mitchell and discussed some of his concessions. Mr. Marshall read the email dated June 9, 2008 from Danny Mitchell to Jack Connery. In response, Mr. Connery stated that Mr. Mitchell met with two or three members of the Board and they took this proposal back to a general membership meeting and they still opposed this proposal.

**Pam Beck**, 8502 South 98<sup>th</sup> East Avenue, 74133, stated that the homeowners association was never in support of the proposal. Do not believe that the mini-storage and open-air parking facility meet the obligation to preserve the value of homes in SouthTowne Square. The proposed plan doesn't allow for the separation of the commercial and industrial use from the residential area. She explained that there has never been an agreement with the homeowners and she believes that Mr. Reynolds misled the Planning Commission.

### **TMAPC COMMENTS:**

Ms. Cantrell stated that in terms of the view from the residential second-story windows, there is a hotel already in place that the residents can see. Would something like that be appropriate for the subject property? In response, Ms. Beck stated that they do not like the hotel either, but she wasn't living there when it was built.

Mr. Alberty explained that the process requires a subdivision plat, which would incorporate not only the conditions of the corridor plan, but also the subdivision requirements. Drainage is one of those issues that must comply with the City's development standards in the subdivision platting process. Although the Planning Commission itself does not get directly involved in the drainage issues, a City Department will and they will assure the Planning Commission by a letter after the project has been submitted for approval that they have been complied with. The applicant must receive all of the drainage that comes onto the property and discharge no more than what is through a historical flow.

In response to Ms. Wright, Mr. Alberty stated that he can't explain why there is flooding on the street. He further stated that all the hopes are that when this property develops, it will handle and perhaps alleviate or mitigate some of the existing problems. It could be acting as a barrier to drainage and when it is developed it will have to respond to the drainage that is coming onto the property other than providing a dam.

Ms. Beck stated that she has checked with Meadowbrook to see if there is a letter allowing the subject property to direct drainage to their property and there is no such letter.

Mr. Ard stated that the Planning Commission's purview is land use planning and all the issues regarding drainage has a process and procedure with the City of Tulsa to deal with these issues prior to anything happening on any particular piece of land. That doesn't mean that there are no drainage issues in different parts of town, but there are procedures and plans in place with Stormwater Management and Neighborhood Inspections that address these issues. Stormwater management is outside of the Planning Commission's purview.

### **Interested Parties Comments:**

**Omar Stiefer**, 10751 Bourn Drive, Tyler, Texas 75708, relocating to Tulsa to be the Regional Director of Operations for BrookDale Senior Living and representing Sterling House, stated that his customers pay high dollar to live in the senior facility. Mr. Stiefer opposes the outside storage and it will change the look of the subject area. Mr. Stiefer commented that the land slopes and it will reveal whatever is being stored behind the eight-foot fence. He expressed concerns with drainage and the possibility of having a pond next to the Sterling House facility. The north would be a better area for the uses proposed.

### **TMAPC COMMENTS:**

Mr. Midget stated that he is confused why Sterling House is in opposition to the outside storage when it looks like their parking lot would be facing the subject proposal, which is a parking lot for outside storage. Mr. Stiefer stated that he thought it would great if the applicant left the subject area a green area.

Mr. Marshall stated that he drove to the subject site and he doesn't believe any residents come out in the area where the outside storage will be located. The topography slopes east to west. With the height of the topography and an eight-foot fence, he doesn't believe the Sterling House will be able to see any cars. The applicant is eliminating RV parking. In response, Mr. Stiefer stated that the backend will be visible. Mr. Marshall asked Mr. Stiefer if the fence was the same height all the way down rather than following the lay of the land. Mr. Stiefer stated that his clients may not go outside but it is where their windows are located and they would be looking down at it.

Mr. Marshall asked Mr. Stiefer if Sterling House had any plans to expand. In response, Mr. Stiefer stated that most of their properties have a green space and considered purchasing some property, but he doesn't believe it will be properly zoned.

Ms. Cantrell stated that Mr. Stiefer made the comment that he would prefer the outside storage area remain a greenbelt and she wanted him to understand that the Planning Commission can't tell somebody that they can't develop their land. In response, Mr. Stiefer stated that he understands that and it was only a suggestion. In response to Ms. Cantrell, he suggested that there be a residential style home or doctor's office, etc.

Mr. Walker stated that the southeast corner has a pipeline and it can't have a structure over it, so a parking lot is the only thing that can be developed there.

Ms. Wright asked if the Sterling House was more than one story. In response, Mr. Stiefer stated that it is a single-story building. Ms. Wright asked if he would be looking level or down on the subject site. In response, Mr. Stiefer stated that it would be level and be looking at a wall. He expressed concerns that the outside storage would negatively impact his business.

### **Applicant's Rebuttal:**

Mr. Reynolds stated that there is topography to deal with and the topography favors this plan scheme, using the pipeline area with the eight-foot screening. Mr. Reynolds submitted photographs of different views of the subject property (Exhibit B-1). The Sterling House is topographically below the subject property because the property tapers toward the southeast. Viewing the subject property from 82<sup>nd</sup> Street looking back to the southeast, it is difficult to see Sterling House. An eight-foot fence around the outside storage facility will be substantial screening. Mr. Reynolds stated that he would agree to additional landscape with

similar type trees along the south boundary and in the west boundary put landscaping against the eight-foot fence. Topographically there is no view, but he would be willing to do the extra landscaping.

Mr. Reynolds explained that the neighborhood is actually flooding the subject property because their stormwater is running across the subject property without the benefit of an easement. It dams up on a dead-end street and that is the stormwater problem that they are talking about. They don't have an easement to bring their stormwater onto the subject property. When the subject property is platted, one of the platting technical comments is that his client will be required to accept all of the stormwater from all of the properties that it can physically flow from. The plat will both legally solve the excess stormwater problem and practically solve the excess stormwater problem in order to comply with the Stormwater Regulations. The subject property wouldn't create a stormwater problem for anyone in the neighborhood or anywhere else. The dead-end road in the neighborhood is slightly lower than the subject property. It drains to the west and hits the subject property line and dams up. The road will be extended with this development and it will be on the level to accept that stormwater and that is what all plats require. The new development will have to discharge the water in accordance with the law and therefore the new development will fix the stormwater problem that is existing. Currently there is a swale that runs through the subject property and this will be dealt with during the development.

Mr. Reynolds stated that it is important to know that there is 29 feet of building wall being proposed near the residential area and that is not very intense. There will only be 21 parking spaces and that is not very intense. The operation hours will be 7:00 a.m. to 7:00 p.m. and that is not very intense. His client is doubling the landscaping and has done everything possible to de-intensify this development. The development standards do not allow drive-in restaurants. There will not be any RVs allowed to park in the outside storage parking and there is limit of eight feet for any storage and it can't be seen from the neighborhood.

Mr. Reynolds stated that the petition that was signed and turned in stated to limit the height and size of the storage building and that is being done. Mandate a more attractive façade and that is being done. This will have the same façade as the Bixby Convention Center. The other issue was to disallow RV parking and that has been done. The inability to agree is not his client's fault and has been something that has been very elusive. Mr. Anderson has written more than one letter since the first letter he sent and he is still happy with the proposal. Mr. Prall and Mr. Kriemeyer have also agreed with the subject proposal and are not present today to oppose it. Some of the houses in the residential area are higher than 20 feet and they are behind a 57-foot hotel. There is a mini-storage that was approved for 25 feet in height on the other property near the residents.

### **TMAPC COMMENTS:**

In response to Ms. Wright, Mr. Reynolds stated that the pipeline didn't determine the use for outside storage. The overall project concept is using traditional standard Tulsa development pattern with these lot sizes along here. There is traditionally one acre with one and half-acre pad site type lots. Mr. Reynolds pointed out what lots have already been sold. The problem is what happens with the remainder here and this is an unusual shape for Tulsa at this depth and this indoor storage concept that came up will be very effective to deal with this depth. It will deal with it in an unobtrusive way and it deals with it in a nice looking way. There will be not traffic and it is a quiet use that doesn't require a lot of lighting, plus it is very secure.

Ms. Wright asked if anything else was considered other than the mini-storage. In response, Mr. Reynolds stated that they did consider an apartment development and under the Code there could be 248 three-story units on the subject property. Traffic would be a problem with an apartment development. The mini-storage is a better use and was intended when one looks at the overall site plan.

Ms. Wright asked Mr. Reynolds why the building had to be so large. In response, Mr. Reynolds stated that the size of the building is really not big in his opinion. It has 75,000 SF above the ground and he offices on 21<sup>st</sup> Street and Columbia next to a neighborhood and it has 75,000 to 80,000 SF and six stories high. To compare the subject building to a football field is very misleading when one looks at it in terms of how much of it affects the neighborhood. In response, Ms. Wright stated that it affects everyone who drives by the area. Mr. Reynolds demonstrated how the building would look from Mingo Road (Exhibit B-1).

Mr. Marshall stated that one of the issues is that the Fire Marshal is requiring that 82<sup>nd</sup> Place remain open.

Mr. Reynolds stated that above the ground the proposed building is on 10,000 feet more than what is out at the existing hotel. The vast majority of the building is north of the residential area. It will be a commercial area and screened by commercial buildings.

Mr. Perry stated that an office building or an apartment building would also be viewable from Mingo and would have a lot of windows and more parking. The subject proposal will be a brick façade and there will be minimal parking places along with open-air storage. RV's are excluded and limited to anything being stored there to be eight feet or less in height. The open-air storage will be screened with a masonry wall and additional landscaping.

Mr. Reynolds demonstrated a scaled picture of what the proposal will look like viewing from Mingo (Exhibit B-1). He commented that the proposed building will be 500 feet from Mingo and it is not unattractive. The vast majority of the

proposed building will be backing up to the existing hotel. It will not be blocking anyone's view of the golf course.

Ms. Cantrell asked Mr. Reynolds if he would limit Lot 3 to office uses only. In response, Mr. Reynolds stated that he would agree to limit it to office uses and delete the restaurant commercial use. Use Unit 11 would be the only allowable uses on Lot 3.

Mr. Boulden asked if there are any restrictions on the gas easement. In response, Mr. Reynolds stated that there are no restrictions except that he can't put any building improvements over it.

Mr. Boulden questioned Mr. Reynolds about the outside storage language and what does he believes encompasses accessory use to a mini-storage. In response, Mr. Reynolds stated that it is an accessory use to the mini-storage and parking is a use in there as well. The only storage will be cars and boats. There will be no Use Unit 23 storage at the open-air storage facility.

In response to Ms. Wright, Mr. Reynolds stated that the subject property has been for sale for years and nobody was interested in it because of the location, depth and the pipeline.

Mr. Marshall recognized Ms. Ball.

Ms. Ball stated that she wanted to clarify a couple of things regarding the petition. When the petition was originally prepared there had been one meeting with Mr. Mitchell and he basically told the residents that he could do anything he wanted to on the subject lot. Without legal counsel and strictly volunteers, they decided to try to limit the size and esthetics and that is how the petition was written. However, the neighborhood objects to the overall size and the footprint of the building. Ms. Ball demonstrated the location of drainage for SouthTowne Square and stated that SouthTowne Square have a drainage system. There is a lot of difference between cars that are parked in a parking lot from 8:00 a.m. to 5:00 p.m. everyday versus cars that are parked by the month and allowed to deteriorate.

**TMAPC COMMENTS:**

The Planning Commissioners summarized their reasons for support as follows:

The developer has tried to accommodate the interested parties and has made many concessions. The subject property is difficult to develop due to the topography and pipeline. The developer has agreed to additional screening and landscaping at the request of the Planning Commission and he has deleted uses at the request of the Planning Commission. This is a good plan and best use for subject property. There would be parking no matter what use is developed on the subject property. Part of what is

being seen is a real problem with corridor zoning and it is something that the Planning Commission should look at. The intent of corridor zoning is to develop intensely and that isn't what is happening because a lot of residential was allowed in the corridor. This subject area already has intense uses, the existing hotel, to the east of the residents and it would be unfair to the developer to state that he can do only office light. Only a small portion of the proposal of this is extending into the residential cutoff. The best the Planning Commission can do is to protect the residential and still allow to some extent what is allowed under corridor districts. The applicant has agreed to limit Lot 3 to office only and delete restaurants. A grocery store would likely never develop on the subject property because it is not a hard corner and the depth of the subject property raises issues for retailers. Do not see this proposal as an eyesore. Neighbors have more concern than they should have regarding property values with this type of development. It could be much worse if an apartment complex were being developed. When one purchases property near an intersection one would have to know that there is going to be development with commercial uses. Houses will sell no matter where they are located and houses will continue to sell in the subject area. Development has to take place if the City is going to grow and the tax base is needed for services.

Ms. Wright asked what the property taxes would be for the developer on the subject property. In response, Ms. Cantrell stated that she doesn't believe that is relevant. In response, Ms. Wright stated that she has heard this several times or refer to that it is a problem for the developer. The residents live there and pay property taxes and are vested. She has serious concerns when we weigh the right of the developer over the rights of the residents. She is looking at the surrounding uses and the impact to the neighborhood. There is possibly a more creative way to use the subject property and that could be more resident-friendly and make it a walkable neighborhood and not cause these people always getting into a car to go to the grocery store. She is concerned about the depth of the country rock there and there are drainage issues there. If one is building a building one floor below surface, it might make it worse. When asking about country rock there is overland surface and subsurface or the lateral flow based upon the depth of the country rock. This doesn't come up very often, but it is something that she is very concerned about. She liked what some fellow mentioned about how when these meetings happen and "what about this" and "what about that" and it leaves an assumptive agreement made. When one is a new in the whole process, it is very misleading. She is glad that the Citizen's Guide to dealing with this whole process was found useful and she will not be supporting this proposal at all. This property could be used differently and could be kinder to the neighborhood. There is concern about the length of the building and the massive footprint that it is consuming. If one had to compare a building to the size of the hotel it might be nicer and it would be less big. Sorry for

property owner and she is under the assumption that the developer doesn't own the property at this time and she agrees this is a difficult piece of property.

Ms. Cantrell stated that she would like to respond to Ms. Wright's comments. She doesn't find this as an either/or issue. The developer has rights and the Planning Commission is not zoning the developer but zoning the land. Is this compatible with the Comprehensive Plan and is it compatible with existing uses? The Planning Commission can't tell them to do things better because we would like to see it better. The Planning Commission can tell the property owner what they are allowed to do and she does appreciate the homeowners coming to the meetings. There are a lot of things that need to be changed with the Corridor zoning and zoning in general. Right now the Planning Commission has to stick with what they have and do the best possible. The developer has made many concessions to address the residents' issues. She reiterated that this is not choosing the developer over the neighborhood, but rather choosing what can be done within the confines of the Zoning Code and the Comprehensive Plan.

**TMAPC Action; 8 members present:**

On **MOTION** of **MARSHALL**, TMAPC voted **7-1-0** (Ard, Cantrell, Marshall, Midget, Perry, Sparks, Walker "aye"; Wright "nay"; none "abstaining"; Carnes, McArtor, Shivel "absent") to recommend **APPROVAL** of the major amendment corridor plan for Z-6051-SP-2 per staff recommendations, subject to the following modifications: 1.) Limit Lot 3 in Development Area A to Use Unit 11 only, Offices, Studios and Support Services; 2.) Development Area A: Maximum building height would include parking for the applicable use unit; 3.) additional language for Use Unit 16, mini-storage including open-air storage for boats and automobiles only; 4.) Per applicable Use Unit. There shall be no parking of any kind on the east and south sides of the proposed building on the north side of 82<sup>nd</sup> Place, between the building and the east development area boundary. 5.) No open-air storage shall be visible from ground level from SouthTowne Square Extended There shall be no permitted storage of recreational vehicles (RVs). Outside storage shall be limited to operable motor vehicles and boats only. No wrecked or inoperable motor vehicles permitted of any kind; 6.) Along the entire east boundary of Development Area B, outside the eight-foot masonry wall, a minimum of 41, 12-foot tall (at the time of planting) evergreen trees will be planted at spacing intervals that will further obstruct the view of Development Area B from outside the PUD. A five-foot wide landscape buffer will also be provided along the outside of the eight-foot screening wall along the south and west boundaries of the open-air storage area and planted with trees to provide further screening of the open-air storage area; 7.) An eight-foot concrete panel screening wall or fence designed to match the existing concrete panel fence installed by the hotel with a minimum five-foot landscape buffer shall extend along the entire eastern boundary of the PUD; 8.) There shall be no trash containers on the east and south side of the building in Development Area B; 9.) From the east boundary line of Development Area B shall be a minimum of 39 FT and from the centerline of 82<sup>nd</sup> Place South shall be 103 FT as modified by the

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

**Legal Description for Z-6051-SP-2:**

THE NORTH 62.5 FEET OF THE SOUTH 340 FEET OF THE WEST 555.72 FEET OF LOT ONE (1), IN SECTION EIGHTEEN (18), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. **AND** THE NORTH 588.08 FEET OF THE SOUTH 928.08 FEET OF THE WEST 565.72 FEET OF LOT ONE (1) SECTION EIGHTEEN (18) TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. LESS AND EXCEPT A PART OF THE TWO PREVIOUSLY DESCRIBED TRACTS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4) OF SAID SECTION EIGHTEEN (18); THENCE S 01°18'47" E A DISTANCE OF 391.92 FEET TO A POINT ON THE WEST SECTION LINE, THENCE N 89°03'16" E A DISTANCE OF 24.75 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY, SAID POINT BEING THE POINT OF BEGINNING, THENCE CONTINUING N 89°03'16" E ALONG THE NORTH PROPERTY LINE A DISTANCE OF 33.25 FEET, THENCE S 01°18'47" E A DISTANCE OF 45.71 FEET; THENCE S 89°03'16" W A DISTANCE OF 8.00 FEET; THENCE S 01°18'47" E A DISTANCE OF 542.37 FEET THENCE S 89°03'23" W A DISTANCE OF 25.25 FEET; THENCE N 01°18'47" W A DISTANCE OF 588.08 FEET TO THE POINT OF BEGINNING. ALSO DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U. S. GOVERNMENT SURVEY THEREOF, THENCE S 00°00'00" W, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 391.79 FEET, TO THE NORTH LINE OF THE NORTH 588.08 FEET OF THE SOUTH 928.08 FEET OF THE WEST 565.72 FEET OF SAID LOT 1, THENCE S 89°39'05" E, ALONG THE NORTH LINE OF THE NORTH 588.08 FEET OF THE SOUTH 928.08 FEET OF THE WEST 565.72 FEET OF SAID LOT 1, A DISTANCE OF 58.00 FEET, TO THE POINT OF BEGINNING, THENCE S 00°00'00" W, PARALLEL TO AND 58.00 FEET FROM THE WEST LINE OF SAID LOT 1, A DISTANCE OF 45.71 FEET; THENCE N 89°37'57" W A DISTANCE OF 8.00 FEET; THENCE S 00°00'00" E, PARALLEL TO AND 50.00 FEET FROM THE WEST LINE OF SAID LOT 1, A DISTANCE OF 542.37 FEET, TO THE SOUTH LINE OF THE NORTH 588.08 FEET OF THE SOUTH 928.08 FEET OF THE WEST 565.72 FEET OF SAID LOT 1, THENCE N 89°39'05" W, ALONG THE SOUTH LINE OF THE NORTH 588.08 FEET OF THE SOUTH 928.08 FEET OF THE WEST 565.72 FEET OF SAID LOT 1, A DISTANCE OF 50.00 FEET, TO WEST LINE OF SAID LOT 1, THENCE S 00°00'00" E, ALONG THE WEST LINE OF SAID LOT 1, A

DISTANCE OF 62.50 FEET, TO THE SOUTHWEST CORNER OF THE NORTH 62.5 FEET OF THE SOUTH 340 FEET OF THE WEST 555.72 FEET OF SAID LOT 1; THENCE S 89°39'05" E, ALONG THE SOUTH LINE OF THE NORTH 62.5 FEET OF THE SOUTH 340 FEET OF THE WEST 555.72 FEET OF SAID LOT 1, A DISTANCE OF 555.72 FEET, TO THE SOUTHEAST CORNER OF THE NORTH 62.5 FEET OF THE SOUTH 340 FEET OF THE WEST 555.72 FEET OF SAID LOT 1, THENCE N 00°00'00" W, ALONG THE EAST LINE OF THE NORTH 62.5 FEET OF THE SOUTH 340 FEET OF THE WEST 555.72 FEET OF SAID LOT 1, A DISTANCE OF 62.50 FEET, TO THE NORTHEAST CORNER OF THE NORTH 62.5 FEET OF THE SOUTH 340 FEET OF THE WEST 555.72 FEET OF SAID LOT 1, THENCE S 89°39'05" E , ALONG THE SOUTH LINE OF THE NORTH 588.08 FEET OF THE SOUTH 928.08 FEET OF THE WEST 565.72 FEET OF SAID LOT 1, A DISTANCE OF 10.00 FEET, TO THE SOUTHEAST CORNER OF THE NORTH 588.08 FEET OF THE SOUTH 928.08 FEET OF THE WEST 565.72 FEET OF SAID LOT 1, THENCE N 00°00'00" W, ALONG THE EAST LINE OF THE NORTH 588.08 FEET OF THE SOUTH 928.08 FEET OF THE WEST 565.72 FEET OF SAID LOT 1, A DISTANCE OF 588.08 FEET, TO THE NORTHEAST CORNER OF THE NORTH 588.08 FEET OF THE SOUTH 928.08 FEET OF THE WEST 565.72 FEET OF SAID LOT 1, THENCE N 89°39'05" W, ALONG THE NORTH LINE OF THE NORTH 588.08 FEET OF THE SOUTH 928.08 FEET OF THE WEST 565.72 FEET OF SAID LOT 1, A DISTANCE OF 507.73 FEET, TO THE POINT OF BEGINNING.

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## **OTHER BUSINESS:**

### **Commissioners' Comments**

Ms. Wright stated that she has been keeping track of it and at 2:30 p.m. today, the cell tower application was being heard and next week we will be doing the audio thing at 2:30 p.m. and just wants to keep in touch with what has been moved and postponed to next week.

Mr. Ard stated that the Planning Commission will have to wait and review the agenda when it is prepared.

Ms. Wright stated that she just didn't want people coming down here and then having to leave because we, I, want us to be on top of that a little bit more than normal.

Mr. Ard stated that he doesn't know if there is any way to do that ahead of time, but he will do his best to try to discuss it with staff.

Ms. Wright requested that Mr. Ard keep on top of it because today's cases were fairly easy and the last case started at 3:30 p.m., which was a good two hours.

There being no further business, the Chair declared the meeting adjourned at 5:41 p.m.

Date Approved:

7/16/08  


Chairman

ATTEST: Joshua A. Walker  
Secretary

