

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2519

Wednesday, July 2, 2008, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and amended agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 27, 2008 at 9:14 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Worksession Report:

Mr. Ard reported that at the next worksession the Planning Commission is going to discuss policy changes and procedural changes and requested ideas to be forwarded to Barbara Huntsinger.

Director's Report:

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

CONSENT AGENDA

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

2. **L-20229** – Breisch & Associates, Inc (9230)/Lot-Split (County)
West of South 65th Avenue and south of West Skyline Drive, 4340
South 65th West Avenue
3. **LC-104** – Sack & Associates, Inc. (9047)/Lot- (PD 18) (CD 7)
Combination
Northeast of South Mingo Road and East 65th Street, 6415 South
Mingo Road
4. **PUD-586-A-6 – Lou Reynolds** (PD-18C) (CD-8)
Northwest corner of South Garnett Road and East 91st Street South
(Minor Amendment to modify the existing development area boundary
between Development Areas A-1 and A-2 to allow construction of a
new medical office building and multi-level parking garage.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to modify the existing development area boundary between Development Areas A-1 and A-2 as previously approved by minor amendment PUD-586-A-1. The shift in development area boundary lines will allow for the construction of a new medical office building and multi-level parking garage. Existing development area boundaries can be seen on attached Exhibit A while proposed development area boundaries can be seen on Exhibit B.

There are no requested changes in any existing development standards for PUD-586 and associated minor amendments. All previously established development area standards for the PUD remain in effect. These standards are reiterated below incorporating the previously approved major amendment, and five approved minor amendments for convenience to staff in plan review.

Therefore staff recommends **APPROVAL** of minor amendment PUD-586-A-6/Z-5888-SP-4a subject to the following established development standards (note: approval of a minor amendment does not constitute detail site, landscape, or sign plan approval):

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards (All existing requirements of PUD-586 and 586-A shall continue unless modified herein):

Development Area A-1

LAND AREA (NET):

22 Acres (+/-) *

* The boundaries of the development areas are conceptual and minor modifications may be made pursuant to final platting; however, the acreage of the development shall not be altered by more than ten percent (10%). All minor modifications in development area boundaries would be subject to the approval of a minor amendment.

PERMITTED USES:

Hospital and uses included within Use Unit 2, Area-wide Special Exception uses but limited to Nursing Home, Residential Treatment Center, and helipad; Use Unit 4, Public Protection and Utility Facilities limited to ambulance services and antenna and supporting structures only; Use Unit 8, Multi-family Dwelling and Similar Uses limited to elderly/retirement housing, life care treatment center and community group homes; Use Unit 10, Off-street Parking Areas; Use Unit 11, Office, Studios and Support Services; Use Unit 12, Eating Establishments Other than Drive-ins; Use Unit 19 – Hotel, Motel and Recreation facilities, limited to hospital affiliated health club, fitness and wellness center and Hotel/Motel Use only within Use Unit 19; Use Unit 21, Business Signs and Outdoor Advertising Signs; Use Unit 22 and uses considered customarily incidental to permitted principal uses.

MAXIMUM FLOOR AREA RATIO PER LOT:

Nonresidential:	.6
Residential (except elderly/retirement housing):	.5

MAXIMUM LIVABILITY SPACE PER LOT:

Elderly Retirement Housing:	200 SF per dwelling unit
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MAXIMUM LAND COVERAGE OF BUILDINGS:

30%

MAXIMUM NUMBER OF DWELLING UNITS:

30 per acre

MAXIMUM BUILDING HEIGHT:

160 FT*

* *Architectural elements may exceed maximum building height with detail site plan approval.*

MINIMUM BUILDING SETBACKS:

From North Development Area Boundary:	25 FT
From Expressway right-of-way (ROW):	25 FT
From centerline of 91 st Street:	110 FT
From centerline of corridor collector:	55 FT
From other development area boundaries:	25 FT
<i>Other internal lot lines and street setbacks as established by detail site plan review.</i>	

OFF-STREET PARKING: As established by the applicable Use Unit*

* *Required off-street parking may be reduced as provided in section 1305 of the Zoning Code.*

MINIMUM LANDSCAPED OPEN SPACE AND STREET YARDS (NON RESIDENTIAL USES): 15% of net lot area.

SCREENING:

As required by the applicable Use Unit, excepting that compactors be fully sealed and self-contained and that no “over-top units” (typical dumpsters), trash bins, or dumpsters be allowed per approval of PUD-586-A-2*.

**Approval of PUD-586-A-2 was applicable to the cooling tower and compactor for the original hospital construction only. Future waiver of this requirement would require approval of a minor amendment).*

SIGNS:

Business signs shall be subject to the general use conditions of section 1103, B-2, and the following requirements:

1. The number of ground signs in Area A-1 shall not exceed*:
 - A. Four (4) along 91st Street (per PUD-586-A-4), two (2) along the internal collector, and one (1) along Mingo Valley Expressway.
2. Ground signs shall not exceed 12 feet in height when adjacent to a collector street or public or private minor streets.
3. Ground signs adjacent to 91st Street shall not exceed an aggregate display surface area of one square foot per lineal foot of arterial street frontage within the lot, and 25 feet maximum height.
4. Ground signs within the freeway sign corridor orientated toward the freeway shall (per PUD-586-A-5):
 - Will not exceed an aggregate display surface area of ~~150-SF~~ one foot of display surface area per lineal foot of freeway frontage;
 - Will not exceed a total height of 57 feet;
 - Be spaced at least 300 feet from any other ground sign.
5. Ground signs on lots abutting a public or private interior street shall not exceed an aggregate display surface area of 2/10 (.2) of one (1) square foot per lineal foot of street frontage.

6. For non-residential uses, wall or canopy signs shall not exceed an aggregate display surface area of two square feet per lineal foot of wall to which the sign is affixed.

** This does not include the etched stone sign installed as part of the retaining wall in Area A-1).*

Outdoor Advertising Signs:

There shall be a maximum of one (1) outdoor advertising sign in Development Area A-1, located no less than 575 feet nor more than 600 feet from the centerline of East 91st Street along the Mingo Valley Expressway/US 169.

Development Area A-2

LAND AREA (NET):

54 Acres (+/-) *

** The boundaries of the development areas are conceptual and minor modifications may be made pursuant to final platting; however, the acreage of the development shall not be altered by more than ten percent (10%). All minor modifications in development area boundaries would be subject to the approval of a minor amendment.*

Permitted Uses:

Hospital and uses included within Use Unit 2, Area-wide Special Exception uses but limited to Nursing Home, Residential Treatment Center, and helipad; Use Unit 4, Public Protection and Utility Facilities limited to ambulance services and antenna and supporting structures only; Use Unit 8, Multifamily Dwelling and Similar Uses limited to elderly/retirement housing, life care treatment center and community group homes; Use Unit 10, Off-street Parking Areas; Use Unit 11, Office, Studios and Support Services; Use Unit 12, Eating Establishments Other than Drive-ins; Use Unit 19 – Hotel, Motel and Recreation facilities, limited to hospital affiliated health club, fitness and wellness center and Hotel/Motel Use only ~~within Use Unit 19~~; Use Unit 21, Business Signs and Outdoor Advertising Signs; Use Unit 22 and uses considered customarily incidental to permitted principal uses.

MAXIMUM FLOOR AREA RATIO PER LOT:

Nonresidential:	.6
Residential (except elderly/retirement housing):	.5

MAXIMUM LIVABILITY SPACE PER LOT:

Elderly Retirement Housing:	200 SF per dwelling unit
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MAXIMUM LAND COVERAGE OF BUILDINGS:

30%

MAXIMUM NUMBER OF DWELLING UNITS:

30 per acre

MAXIMUM BUILDING HEIGHT:

160 FT*

* *Architectural elements may exceed maximum building height with detail site plan approval.*

MINIMUM BUILDING SETBACKS:

From North Development Area Boundary:	75 FT
From Expressway right-of-way (ROW):	25 FT
From centerline of Garnett Road:	100 FT
From centerline of corridor collector:	55 FT
From other development area boundaries:	25 FT

Other internal lot lines and street setbacks as established by detail site plan review.

OFF-STREET PARKING: As established by the applicable Use Unit*.

* *Required off-street parking may be reduced as provided in Section 1305 of the Zoning Code.*

MINIMUM LANDSCAPED OPEN SPACE AND STREET YARDS (NON-RESIDENTIAL USES): 15% of net lot area.

BUSINESS SIGNS:

Business signs shall be subject to the general use conditions of section 1103, B-2, and the following requirements:

1. The number of ground signs in Area A-2 shall not exceed*:
 - A) Three (3) along South Garnett Road, four (4) along the internal collector, and two (2) along Mingo Valley Expressway.
2. Ground signs shall not exceed 12 feet in height with an aggregate display surface area of 2/10 of one square foot for each lineal foot of street frontage when adjacent to a collector street or public or private minor streets.
3. Ground signs adjacent to Garnett Road and outside the freeway sign corridor shall not exceed an aggregate display surface area of one square foot per lineal foot of arterial street frontage within the lot, and 25 feet maximum height.

4. Ground signs within the freeway sign corridor in Area A-2 that are orientated toward the freeway shall:
 - Not exceed an aggregate display surface area of one square foot per lineal foot of freeway frontage;
 - Not exceed 40 feet in height; and
 - Be spaced at least 300 feet from any other ground sign.
5. For non-residential uses, wall and canopy signs will not exceed an aggregate display surface area of two square feet of display surface area per lineal foot of wall to which the sign is affixed.

OUTDOOR ADVERTISING SIGNS:

There shall be a maximum of one (1) outdoor advertising sign in Development Area A-2, located no less than 200 feet nor more than 250 feet from the north boundary of Development Area A-2 and shall comply with the requirements of section 1221-F, of the Code.

DEVELOPMENT AREA B

LAND AREA (Net): 25 acres*

** The boundaries of the development areas are conceptual and minor modifications may be made pursuant to final platting; however, the acreage of the development shall not be altered by more than ten percent (10%). All minor modifications in development area boundaries would be subject to the approval of a minor amendment.*

PERMITTED USES:

Uses included within Use Unit 8 Multifamily Dwelling and Similar Uses including but not limited to elderly/retirement housing, life care retirement center, and assisted living facilities; nursing homes, Use Unit 10 Off-Street Parking Areas; Use Unit 11 Office, Studios and Support Services; and uses customarily accessory to permitted principal uses.

MAXIMUM FLOOR AREA RATIO OF ANY LOT (Non-residential) .45

MAXIMUM LAND COVERAGE BY BUILDINGS WITHIN A LOT: 30%

MAXIMUM NUMBER OF DWELLING UNITS/LOT: 30 dwelling units per acre*

** The permitted intensity of residential/care facilities shall be determined by applying the floor area ratio of .45.*

MAXIMUM BUILDING HEIGHT:

Use Unit 11 Uses	60 feet
Other Uses	3 stories

MINIMUM BUILDING SETBACKS:

From the north development area boundary

Use Unit 11 Uses:	As required in the OM District
Other uses:	As required in the RM-1 District

From the centerline of Garnett Road:	100 feet
From Expressway right-of-way line:	25 feet
From other development area boundaries:	25 feet

MINIMUM LANDSCAPED OPEN SPACE PER LOT (NONRESIDENTIAL):

15% of net area

MINIMUM LIVABILITY SPACE PER DWELLING UNIT: 300 SF

OFF-STREET PARKING: As required by the applicable use unit.

SIGNS:

- A. Signage within Developmented Area B shall comply with the provisions of the RM-1 District in regard to residential or residential care facilities.
- B. Signs shall comply with the provisions of the OL district in regard to nonresidential uses subject to the following modifications and limitations:
 - (1) Permitted display surface area may be computed on private street frontage of the lot within which the principal uses is located.
 - (2) A ground sign shall not exceed 12 feet in height.
 - (3) No ground sign shall be located within 150 feet of the north boundary of the development area.

DEVELOPMENT AREA C

LAND AREA (NET): 30 acres (+/-)*

** The boundaries of the development areas are conceptual and minor modifications may be made pursuant to final platting; however, the acreage of the development shall not be altered by more than ten percent (10%). All minor modifications in development area boundaries would be subject to the approval of a minor amendment.*

PERMITTED USES: As permitted in the CS District

MAXIMUM FAR PER LOT: .3

MAXIMUM LAND COVERAGE OF BUILDINGS: 30%

MAXIMUM BUILDING HEIGHT: 45 FT*

** Architectural elements may exceed maximum building height with detail site plan approval.*

MINIMUM BUILDING SETBACKS:

From Centerline of 91 st Street:	120 feet
From the centerline S. Garnett Road:	108 ft
From Other Development Area Boundaries:	25 feet

OFF-STREET PARKING: As required by the applicable Use Unit*.

** Required off-street parking may be reduced as provided in Section 1305 of the Zoning Code.*

MINIMUM LANDSCAPED OPEN SPACE: 10% of net lot area

SIGNS:

- A. Ground signs shall be limited to ~~one per lot with~~ three (3) for each arterial street frontage, with a maximum of 160 SF of display surface area and 25 feet in height.
- B. Wall signs will not exceed an aggregate display surface area of two square feet of display surface area per lineal foot of wall to which the sign is affixed. The length of the tenant wall sign will not exceed 75% of the frontage on the tenant space.
- C. ~~One development tenant directory sign will be permitted along Garnett Road and one along 91st Street South. Each sign will be monument style, will not exceed 16 feet in height with a display surface area of 200 square feet. In addition to the ground signs permitted by A above, a monument style ground sign, identifying the development, shall be permitted, not to exceed 16' in height and 200 square feet of display surface area.~~

STORAGE:

There will be no outside storage of recyclable material, trash, (outside a screened receptacle) or similar material and trucks and trailers may only be parked in the PUD while they are actively being loaded or unloaded. Neither truck trailers, nor any other temporary structure shall be used for storage.

COMMERCIAL VEHICLE PARKING:

Parking of commercial vehicles shall not exceed 12 hours at any one time.

3. Prior to issuance of a building permit for any outdoor advertising signs a detail site plan must be approved by the TMAPC.
4. The principal access to all development shall be from a corridor collector street. A private collector must be a minimum of 24 feet wide. There shall be no parking on the private collector and no parking spaces shall access directly from the private collector. Collector streets, which are private, must be open to the public.
5. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings and requiring parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. A Detail Landscape Plan for each development area and or lot within a 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.
7. 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.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height and all such lights shall be set back at least 75 feet from a single-family dwelling.
10. 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 serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.

11. No Building Permit shall be issued until the requirements of Section 1170F 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.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

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; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Miller, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Sparks "absent") to **APPROVE** the consent agenda Items 2 through 4 per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

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Minutes:

Approval of the minutes of May 21, 2008 Meeting No. 2514

On **MOTION** of **CARNES**, the TMAPC voted 10-0-0 (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Miller, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Sparks "absent") to **APPROVE** the minutes of the meeting of May 21, 2008, Meeting No. 2514.

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Minutes:

Approval of the minutes of May 28, 2008 Meeting No. 2515

On **MOTION** of **MCARTOR**, the TMAPC voted 10-0-0 (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Miller, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Sparks "absent") to **APPROVE** the minutes of the meeting of May 28, 2008, Meeting No. 2515.

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TMAPC COMMENTS:

Mr. Ard stated that Commissioner Midget has requested that PUD-327-A be moved up in the agenda.

Ms. Cantrell stated that ordinarily she wouldn't object, but she knows that at the last meeting, several people requested that the agenda be moved around and the TMAPC declined their requests. She asked Mr. Midget if there was some sort of hardship that the applicant has that requires this. In response, Mr. Midget stated that the hardship is that he has to be at a meeting later today around 2:45 p.m. and he wanted to bring Item 20 up for reconsideration. This case has been lingering for some time and this is an opportunity for the TMAPC to get this resolved and move on. Ms. Cantrell stated that she doesn't mind accommodating Mr. Midget.

Mr. Ard stated that since this is Mr. Midget's item and he has a time constraint, he is personally okay with moving the agenda item forward.

Ms. Wright asked why the Planning Commission would move this forward to accommodate one person when there are many people in the audience who wish to speak and will be sitting through this case.

Mr. Ard stated that his position is that Mr. Midget was going to make a presentation and he does have some time issues. Right now there is one person signed up to speak on that particular agenda item. He doesn't see this as a problem and it is his agenda item and he will be presenting the idea behind the process to the Planning Commission. He would rather hear it from Mr. Midget than try to muddle through it on his own.

Commissioner Miller had no objection.

Mr. McArtor stated that he has no objection.

20. **PUD-327-A**

(PD-18)(CD-8)

7711 East 81st Street South (Discussion and action to reconsider request to waive sidewalk requirement and action taken on 10/3/07.)

STAFF RECOMMENDATION:

Mr. Alberty stated that staff has prepared a chronology for PUD-327-A.

Mr. Midget stated that he would first like to make a motion for a reconsideration of the earlier to decision to waive the sidewalk requirements for PUD-327-A.

Ms. Wright stated that she is not quite clear what the Planning Commission is voting on.

Mr. Ard stated that the Planning Commission is voting on whether to reconsider an item that was dealt with in 2007, which was a request to waive a sidewalk for PUD-327-A.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Miller, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Sparks "absent") to **RECONSIDER** the sidewalk waiver for PUD-327-A.

Mr. Midget stated that what he is asking the Planning Commission to do is to actually waive the sidewalk requirement for this particular PUD. The applicant has come to the Planning Commission and requested that the sidewalk requirement be waived. Discussion that ensued from this request was that the Planning Commission thought a policy that would allow the applicant to pay a fee in lieu of sidewalk was in place and discovered that the policy wasn't in place. This piece of property, while uniquely situated in an area where their sidewalk would have been the only sidewalk in the subject area with an understanding that the area along 81st Street has been identified as a capital project for expansion at some point and eventually the City would replace the sidewalks along that arterial street. There are no other properties along the subject street have sidewalks and this would be the only one required to have sidewalks. Initially the Planning Commission wanted to have the applicant pay a fee in lieu of and were advised by Legal that this would not be possible until there was an ordinance in place that would require an applicant to have that option. Now there is an ordinance in place and the Planning Commission can't go back and impose a fee in lieu of for this particular applicant. He asked the Planning Commission to consider approve the initial request to waive the sidewalk requirement for the subject property. He doesn't believe this would be setting a precedent for this because the subject property is uniquely situated and it is the last parcel along 81st that has been developed. No other piece of property around the arterial has a sidewalk. The Ordinance has finally been passed to charge a fee in lieu of if an applicant is not willing or there is some certain circumstance that puts them in a situation where they can't put a sidewalk in. Any application from this point forward now has the opportunity to install the sidewalk or pay the fee in lieu of to be considered on a case-by-case basis. Mr. Midget suggested that in the future if an applicant doesn't have the same or similar situation as Dr. Beller then they would be required to build a sidewalk or pay a fee in lieu of the sidewalk. Mr. Midget summarized the unique conditions as the following: 1) last property developed along an arterial street where development has already occurred; 2) no other sidewalks presently exist on properties in the subject area; 3) there are plans to widen the street. Mr. Midget concluded that he appreciates all of the dialogue that has taken place and it has given the Planning Commission an opportunity to address sidewalks in our community. He indicated that he is a strong sidewalk advocate and he believes that sidewalks are needed to build a

walkable community, but in light of what was discovered in this particular case, he believes this is a fair way to address this issue and move forward.

TMAPC COMMENTS:

Ms. Miller asked Mr. Boulden if the fee in lieu is in place now and if not, can it happen without being in place? In response, Mr. Midget stated that the fee in lieu is in place now and there is an ordinance that will allow fee in lieu of the sidewalk. This is a City policy to have sidewalks and it is the City's desire to make sure that sidewalks are built around this community to make it more walkable.

Mr. Ard requested staff to give the Planning Commission some history regarding this case.

STAFF COMMENTS:

Mr. Alberty reviewed the chronology for PUD-327-A.

PUD-327-A - Chronology:

1. The PUD chapter in the Zoning Code has had since July 1970 a requirement for "pedestrian circulation" as a requirement for detail site plan approval.
2. The original PUD-327-A was approved for an 8,000 SF one-story office, no sidewalk mentioned, in April 22, 1992.
3. Subdivision Regulations amended June 16, 2005 requiring sidewalks "on both sides of residential streets ... and on both sides of parkways, arterials and all collector streets."
4. The site plan for Dr. Beller's office (7711 East 81st Street) was approved on October 25, 2006, requiring sidewalks on 81st Street. Danny Mitchell, architect, representing Dr. Beller, objected to the sidewalk requirement of the staff but agreed to the sidewalk if it was a TMAPC requirement.
5. A July 24, 2007 Delise Tomlinson e-mail to Eric Randall (architect for Beller) stating the deficiencies on the site plan; one of which was no required sidewalk on 81st Street shown, also noting the proposed wall pack lighting not in compliance.
6. Letter dated August 23, 2007 from Eric Randall requesting sidewalk waiver.
7. Memo from Harold Tohlen, Development Services, dated August 29, 2007, stating sidewalk is required and that the Director of Public Works

agrees the construction be deferred and the applicant pay an estimated fee for the sidewalk construction of \$2,814.00.

8. The revised site plan, with requested sidewalk waiver, was denied by the TMAPC on October 3, 2007.
9. The TMAPC in the worksession on April 16, 2008 discussed the reconsideration of the denial of the sidewalk waiver for PUD-327-A.
10. The TMAPC endorsed the prepared fee in lieu of sidewalk ordinance on April 23, 2008 by a 9-0-0 vote.
11. Ordinance providing for the fee in lieu of constructing sidewalks approved by the City Council on May 15, 2008.

TMAPC COMMENTS:

Mr. McArtor stated that he doesn't remember why the waiver was requested in the first place.

Ms. Cantrell stated that there were several points discussed and one was that there are no sidewalks in the subject area. The Planning Commission determined as a policy matter that they do not waive requirements just because there are no sidewalks around. The other point was that the sidewalk would eventually, but not necessarily on Dr. Beller's property, go to the east where there was a ditch and there was difficulty about the terrain allowing the sidewalk to end safely. The other reason was the fact that the street was slated to be expanded at some point and the sidewalk would be torn up and the City would have to install new ones. Dr. Beller didn't see why she should install a sidewalk that didn't go anywhere and potentially could be hazardous. Some of the Planning Commissioners disagreed with the topography being too difficult for a sidewalk, but it was one of the issues that was raised.

Ms. Cantrell stated that she believes it is also important to remember that although there was no official policy for fee in lieu of it had been used before when a developer voluntarily paid the fee in lieu. Dr. Beller was asked to pay the fee in lieu and she declined, so there was no vehicle to enforce the fee in lieu.

Mr. McArtor asked if the Planning Commission couldn't require a fee in lieu, since the ordinance has now been passed. In response, Mr. Boulden stated that the fee in lieu ordinance makes it optional for the property owner and there has to be an agreement between Public Works Director, the Planning Commission and the property owner.

Mr. McArtor asked if the Public Works Director is in agreement with a fee in lieu on this application. In response, Mr. Midget stated that the Public Works Director is in agreement with the concept of a fee in lieu of and he can't say categorically

that he is in agreement with this particular case, but he knows he is in favor of the fee in lieu ordinance. During the first hearing on this the Public Works Director wrote a letter proposing a fee in lieu of, but it was not a policy at that time. Mr. Midget reiterated what he is asking the Planning Commission to do today is to waive the sidewalk requirement.

Mr. McArtor asked Legal despite this lengthy chronology prior to the fee in lieu ordinance being past and it is now affective, does that prohibit the Planning Commission from asking for a fee in lieu of. In response, Mr. Boulden stated that he believes that everyone is in agreement then the fee in lieu of could be done, but the property owner is not in agreement to do a fee in lieu.

Mr. Carnes stated that Mr. Midget brought up two things that will let him support his request to waive the sidewalk requirement: 1) there are no sidewalks on either side of 81st for an entire mile; 2) they've never asked anyone else in the entire mile to pay a fee in lieu of sidewalks and he doesn't believe the Planning Commission should now. He indicated that he would be supporting the waiver.

Ms. Wright asked if there was ever a determined date for the proposed widening of Memorial. In response, Mr. Midget stated that it is slated within the next funding cycle during the five-year capital improvements. Ms. Wright asked if, at this point, it could be widened or it may not be widened. In response, Mr. Midget stated that it will be widened, but it comes up as we move through each increment of the five-year capital plan. Ms. Wright asked if essentially there is no established date for the widening to begin. In response, Mr. Midget stated that he can't state for certain what date, but it could be sooner or later.

Interested Parties Comments:

Greg Jennings, 2260 South Troost, Tulsa, 74114, stated that the Planning Commission is in unprecedented territory at this point. There has never been a case that he is aware of in one year they ask for a waiver of the Subdivision Regulations in order to not have to put the sidewalks in, which was in 2006. The waiver was denied and it was determined that a sidewalk needs to go into this location. One year later, 2007, the applicant brought it back and specifically asked for a waiver of the Subdivision Regulations and it was again denied 7-0-0, as it was the year previously. He has never known a case to be reconsidered seven months after the vote took place. In his opinion this is extremely dangerous territory and essentially what is being asked is to usurp the whole process. If this applicant didn't like the outcome of the 2007 meeting, then her recourse is in Civil Court and not to take it up the chain of command to end up back at the Planning Commission again. This sets an extremely bad precedent.

Mr. Jennings stated that he spoke as an interested party in 2007, explaining why a sidewalk should be constructed and why it should be constructed throughout the City of Tulsa. This self-fulfilling prophecy that a sidewalk goes to nowhere just continues and continues. If someone is not made to put in a sidewalk at

some point in time, then there is no reason to put a sidewalk in ever. Now every developer is going to state that there are no other sidewalks on this block and therefore he shouldn't have to put one in either. Although these regulations have been in the Subdivision Regulations since the mid '70s, many developers have not followed the regulations, which doesn't make it okay to continue to ignore them. In 2007 the vote wasn't to allow a fee in lieu, but to require the sidewalk and in the alternate she could pay a fee in lieu. The fact that it wasn't codified at this time didn't stop this Planning Commission from making that same recommendation on other cases where the applicants gladly paid the fee.

Mr. Jennings stated that the street improvement is on the "blackmail list for District 8" to keep them from holding the rest of the City hostage so that we can get our streets fixed. The funding mechanism will not go into place until after 2011 or 2012. It doesn't mean that this project will be picked first, nor does it mean that it will begin on that date. Mr. Jennings concluded that this is unacceptable and he is infuriated that this is actually on the agenda today. This probably his sixth trip on this one case alone for the very same issue. Mr. Jennings asked if we are going to have a walkable city or not, are we going to be able to walk our children, and allow the handicapped accessibility without having to use the street.

TMAPC COMMENTS:

Mr. McArtor asked Mr. Jennings if he heard that this could be a sidewalk into a ditch and when the street is widened the sidewalks would be torn up. In response, Mr. Jennings stated that Public Works has stated that when a street is rehabilitated or widened doesn't mean that the sidewalk will come out and be destroyed. There are a lot of times that there are existing sidewalks and they will make every effort to not tear them out. When a sidewalk is put in, Public Works will make sure that they are put in a place where that wouldn't happen. Has Public Works changed their opinion about this case? In response, Mr. McArtor stated that he doesn't know and that is a really good question.

Mr. Midget stated that the chronology shows that Public Works agreed that the applicant could pay a fee in lieu, which at the time the City did not have in place. In response, Mr. Jennings stated that the memo from Public Works stated that they believe a sidewalk needs to go in the subject location; however, in lieu of the sidewalk going in, they were amenable to a fee in lieu. In response, Mr. McArtor stated that he reads it the same way as Mr. Jennings. Mr. McArtor further stated that the memo doesn't indicate that they were agreeable to deferring the sidewalk completely.

Commissioner Miller asked who determines the fee in lieu. In response, Mr. Ard stated that the Director of Public Works determines the fee. Commissioner Miller asked if an amount or fee has been determined. Mr. Ard stated that there was a quote and he believes that the City has a contractor who gives them quick bids. Commissioner Miller asked if something like this has ever been waived before.

Mr. Ard stated that there he only remembers one time when the Planning Commission allowed a fee in lieu of to be paid and it was actually brought to the Planning Commission by the property owner, which was at 62nd and Harvard, where the topography was steep.

Ms. Cantrell stated that she understands the reason for deferral. If the Planning Commission had more specifics in place at the time she believes that this would have been a good case for fee in lieu of. Ms. Cantrell further stated that Mr. Midget spoke to why there should be a waiver of the sidewalk, but she doesn't understand why there should be a waiver of the fee in lieu of. In response, Mr. Midget stated that he doesn't believe it should be imposed because at the time this issue was before the Planning Commission there was no vehicle for a fee in lieu of. Mr. Midget further stated that now is the time to position ourselves to move forward with the sidewalk requirements in the City, and particularly in this instance where there are situations like Dr. Beller's, which is a sidewalk to nowhere and we are in the process of widening the street. Mr. Midget commented that in this instance a waiver is what was requested and would have been the appropriate thing to do. He is asking for the waiver and for the Planning Commission to move forward with the process we now have established to address sidewalks.

Ms. Wright asked Mr. Midget if he is proposing, for this subject property, that there be no sidewalk or fee be imposed. In response, Mr. Midget answered affirmatively. Ms. Wright asked if the sidewalk requirement was enforced at the time the subject property came before the Planning Commission. In response, Mr. Midget stated that sidewalks were required. Ms. Wright stated that if the Planning Commission is going to be a point of order, then the prevailing regulation at the time this came before the Planning Commission should prevail, which means that they are responsible for the sidewalk. To state that the Planning Commission didn't have a vehicle in place at that time to address the issue is a point of chronological order. Ms. Wright stated that the issue that Mr. Jennings bringing up was that the decision had already been made, regarding this particular case, and she asked Legal why the Planning Commission is reconsidering it. Ms. Wright stated that the decision had been made and it did initiate looking at a fee in lieu perhaps because of the topography; however, at the time this case came before the Planning Commission the sidewalk was indeed a requirement. Because there is a potential that the street could be widened or worked upon, the fee in lieu was considered. If one is not going to adhere to what is a requirement at the time, and then one should offer a fee. Mr. Ard asked Ms. Wright if this is a question for Mr. Boulden. In response, Ms. Wright stated that this is a question for Legal for a reply.

Mr. Boulden stated that due to the fact that there was a motion to reconsider made by Mr. Midget, who was on the prevailing side, then the motion to reconsider is appropriate. The fact that the Planning Commission unanimously

has voted to reconsider it overrides that factor and is appropriately before the Planning Commission today.

Mr. McArtor stated that October 3, 2007 the Planning Commission voted to deny this waiver and he would question what has changed since October 3, 2007, especially since there is no offer to pay the fee in lieu. In response, Mr. Midget stated that one of the things that the Planning Commission was pushing for was to impose a fee in lieu and that couldn't be done at the time. Mr. Midget further stated that he believes that it was generally understood that after looking at the terrain and the situation the applicant found herself in, with no other sidewalk being constructed, it would have been appropriate to impose the fee in lieu and at the time there was no vehicle to this. Mr. Midget explained that what has actually changed is that the TMAPC has denied the request to waive the sidewalk requirement straight out and he wanted the Planning Commission to reconsider it and then ask for a waiver for the sidewalk. Mr. Midget concluded that the change is that the Planning Commission didn't have the tool or the mechanism in place at the time of initial request for a fee in lieu. In response, Mr. McArtor stated that the only thing that has changed since October is the fact that the Planning Commission and City Council passed an ordinance that permits a fee in lieu, but we are not requesting the applicant pay the fee in lieu of. Mr. McArtor further stated that he is happy to reconsider issues, despite what Mr. Jennings states, if there is a very good reason, a prevailing reason to reconsider, but without it he can't personally see why the reconsideration. In response, Mr. Midget stated this administration is a strong advocate for a walkable community. He commented that if one travels 81st Street, there are no sidewalks and the Planning Commission can't go back and make anyone on that street to put in a sidewalk. Now the Planning Commission wants to require Dr. Beller to put in a sidewalk that will go into a ditch, which doesn't seem reasonable to impose this requirement. In addition to the fact, that the City would be destroying that sidewalk in the near future to widen the street and then the city would install the sidewalk at that time. In this particular instance, he is asking for a waiver of the Subdivision Regulations requiring the sidewalk. Unless another application came in that was similarly situated as this piece of property he doesn't see where this would be setting a precedent. In response, Mr. McArtor stated that the Planning Commission has heard all of this on October 3, 2007 and there is nothing here that is new. Now the Planning Commission is being asked again to waive the sidewalk and there is nothing new. If this is done on every case, then the agendas will be five times as long as they are. Perhaps there was a mistake made, but he doesn't know, and unless there are new considerations, he doesn't see how this can be reconsidered for a waiver.

Mr. Ard stated that he is in agreement with Mr. McArtor. There is one difference here, which is that the Planning Commission was asking for fee when there wasn't a procedure in place to do that.

Mr. McArtor stated that now the Planning Commission can request a fee in lieu. In response, Mr. Ard stated that they could not according to Mr. Boulden.

Mr. Boulden stated that the Planning Commission can request it, but it doesn't comply with the ordinance unless the property owner agrees.

Ms. Wright stated that in absent of the applicant's agreement to pay the fee in lieu, then she would be required to put in a sidewalk. If the Planning Commission were to waive the sidewalk requirement then the burden of cost of putting in the sidewalk would lie on the City of Tulsa rather than the developer. There is a movement that the developer is responsible for the area they are developing. Just because someone previously developed the land doesn't excuse this current applicant.

Mr. Walker asked Mr. Midget if he was going to offer the fee in lieu in his motion.

Commissioner Miller asked if the applicant was present and whether we know if she is indeed against paying the fee in lieu.

Applicant or a representative was not present.

Mr. Marshall stated that in previous hearings it was stated that the applicant was not willing to pay a fee in lieu.

Mr. Midget stated that he would make a motion to waive the sidewalk requirement for PUD-327-A because this property is unique to the situation, being the last parcel to be developed and no other property along 81st Street has sidewalks installed. No new development can or will occur along 81st Street and the City can't enforce the requirement after the fact. The subject property would be the only development in the subject area required to construct a sidewalk and it would be a sidewalk to nowhere. Now that the ordinance for fee in lieu is in place the Planning Commission doesn't have to worry about any other applicant refusing to install the sidewalk or pay the fee in lieu of.

Mr. Carnes stated that he would second Mr. Midget's motion.

Ms. Cantrell stated that she is having a hard time with this request. One of the reasons she believes that the Planning Commission was in this in trouble in the first place is because of inconsistency. The reason for imposing the sidewalk was to be consistent and in this case had there been a fee in lieu and the applicant would have been amenable to it that would have been okay. The applicant wasn't willing to pay the fee in lieu and left the Planning Commission no other alternative but to impose the sidewalk requirement. She believes from this point on, with this ordinance, the Planning Commission doesn't have this issue any longer. The only thing that has changed is that the Planning Commission from this point forward can have a consistent provision that allows the Planning

Commission to look at things more carefully and determine if a sidewalk at that time is appropriate. She doesn't believe the argument that it is "a sidewalk to nowhere" is a good reason because they have to start somewhere. Given the topography, had there been another mechanism in place, she would have considered it. Ms. Cantrell reiterated that she is hesitant to waive the sidewalk requirement.

Commissioner Miller asked if there is any way the person involved could not afford to pay the fee. She explained that she is just curious and trying to justify some way that this can happen.

Mr. Marshall stated that he believes that if in the Subdivision Regulations it mentions topography and that it can be taken into consideration, then the Planning Commission could waive it.

Ms. Cantrell stated that she doesn't believe that this is what Commissioner Miller is saying. In response, Commissioner Miller stated that she meant in lieu of the \$28,000.00 fee in lieu due to a hardship of some type. If the applicant can afford it, then she is of the opinion that they need to abide by the ordinance.

Mr. Ard stated that the Planning Commission wasn't given any information regarding a hardship.

Mr. Shivel stated that he remembers that at the time the amount was mentioned, the applicant stated that she could install a sidewalk for less than the fee in lieu quoted by the City.

Mr. Ard stated that the applicant thought the fee in lieu cost was excessive and she could have a contractor come out and do it for quite a bit less.

Ms. Wright stated that at the time this application came before the Planning Commission and the sidewalk was a requirement, the fact that there was unusual topography or perhaps construction difficulties may have contributed to the forthcoming suggestion of why not do a fee in lieu and that was an option provided. The applicant had not wanted to, but it still obliges the applicant to comply with the sidewalk requirement.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **4-6-0** (Ard, Carnes, Midget, Shivel "aye"; Cantrell, Marshall, McArtor, Miller, Walker, Wright "nays"; none "abstaining"; Sparks "absent") to **APPROVE** waiving the sidewalk requirement for PUD-327-A.

MOTION FAILED.

* * * * *

PUBLIC HEARING

6. **Brook West** – (8213) Minor Subdivision Plat (PD 8) (CD 2)
North of the northwest corner of West 91st Street and South Peoria

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.28 acres.

The following issues were discussed June 5, 2008 and June 19, 2008 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned IL.
2. **Streets:** No comment.
3. **Sewer:** If the City of Jenks is to provide utility service to the property, then they should be included in the Deed of Dedication. The City of Tulsa will not be responsible for maintenance of the City of Jenks utilities. The plat can not be released until all utility issues have been resolved. The City of Tulsa's preference would be to extend the sewer main and tie into a gravity system. However, this system belongs to the City of Jenks, and they will determine if they can accept the additional flow. If Jenks can not accept the flow, then the City of Tulsa would permit either a septic, or an aerobic private system to serve the site. The City of Tulsa would require the developer to submit an approved ODEQ permit that includes the size needed to serve the development. The approved permit must state how many restrooms the system can handle and where the system should be placed on the property. ODEQ would also have to approve the location of the system in relations to the stormwater drainage system, utility easements, parking lots, etc. Add an easement for the treatment field.
4. **Water:** Jenks will provide water services for this development.
5. **Storm Drainage:** Standard covenant language was not used In paragraph IE3.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
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.

GIS: No comment.

Tulsa Airport: An aviation easement must be provided on the plat with the appropriate language in the covenants. An FAA "Notice of Proposed Construction" must be filed and any resultant restrictions from the FAA review must be followed by agreement by the developer.

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.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Miller, Shivel, Walker, Wright "aye"; no "nay"; none "abstaining"; Sparks "absent") to **APPROVE** the minor subdivision plat for Brook West, subject to special conditions and standard conditions per staff recommendation.

* * * * *

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

Northeast corner of East 47th Place and South Fulton Avenue (A continuance to 7/16/08 is requested for further TAC review.)

STAFF RECOMMENDATION:

This application should be continued to July 16, 2008 in order to allow further TAC review.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Miller, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Sparks "absent") to **CONTINUE** the minor subdivision plat for Plantation Apartments to July 16, 2008.

* * * * *

8. **ABSO Addition** – (2335) Minor Subdivision Plat (County)
South of East 76th Street North and West of North Memorial Drive

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 40 acres.

The following issues were discussed June 5, 2008 and June 19, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IM with a strip of AG zoning (technically within the City of Tulsa). This property is located in the County but will have City of Tulsa water service. Both the City Council and County Commission will approve the plat.
2. **Streets:** No comments.
3. **Sewer:** Use the standard language for the covenants. There are several restrictions in the covenants that are not acceptable to the City of Tulsa. Size the required sanitary sewer mainline extension to serve the entire drainage basin.
4. **Water:** The extension of a water main line along the property frontage on East 76th Street North will be required. Contact Janet Damron for the relocation of an existing fire hydrant at 596-9876.
5. **Storm Drainage:** Section IC should use standard covenant language for “water, sanitary sewer, and storm sewer service.”
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Out of City of Tulsa. Get with responding fire department for additional comments. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Exception: The fire code official is authorized to increase the dimension of 150 feet where: 1.) The building is equipped throughout with an approved automatic sprinkler system. 2.) Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided. Provide fire apparatus access roads to within 200 feet of all

portions of the building. Where apportion 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 water main extension and fire hydrants to satisfy this requirement.

GIS: Please include email address for surveyor on face of plat. Contours should be removed from face of plat. Label unplatted areas on the face of plat and location map. Correct street labels on location map. Add distance of referenced quarter corner to face of plat. Correctly label referenced quarter corner in covenants.

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 County Engineer must be taken care of to his satisfaction. The concerns of the Public Works staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).

4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.

17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Miller, Shivel, Walker, Wright "aye"; no "nay"; none "abstaining"; Sparks "absent") to **APPROVE** the minor subdivision plat for ABSO Addition, subject to special conditions and standard conditions per staff recommendation.

* * * * *

Mr. Midget out at 2:28 p.m.

9. **BOA-20689** (0225) Plat Waiver

(PD 2) (CD 1)

Northeast corner of North Cincinnati Avenue and East Ute Place

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Special Exception to allow playground equipment for the John 3:16 Mission.

Staff provides the following information from TAC at their May 15, 2008 meeting:

ZONING:

TMAPC: The property is zoned RS-3.

STREETS:

Sidewalk required along Ute Street. Arterial right-of-way shall meet the minimum standards for a secondary arterial per the major street plan (50-foot minimum or TMAPC partial waiver). Sight distance will likely be an issue due to the estimated location of the fence on the undimensioned sketch creating a view obstruction (even with spacing between wrought iron bars). Recommend review and approval of the sight distance by the Traffic Engineer.

SEWER:

Engineering wastewater design requests an additional 15-foot easement along the south property line. The existing 18-inch sanitary sewer line is approximately 17 feet deep and will require additional space for maintenance. Coordinate with Gary McColpin 596-9573 to get approval for the location of the proposed masonry columns and iron fence.

WATER:

No comment.

STORM DRAIN:

If the entrances into this site from the public streets require culverts, then a PFPI may be required.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver per the use approved by the Board of Adjustment.

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

* If use were to change in the future.

Applicant's Comments:

Kevin Coutant, 320 South Boston, Suite 500, 74103, stated that the Board of Adjustment has approved a special exception to all the use as an accessory to the church adjacent to the north, John 3:16 Mission Family and Youth Center. It is a playground facility and it has been approved as a use under Use Unit 5, limited to the very playground operation that is displayed in the agenda packet. This will be used by the children, who are a part of the ministry that is conducted by John 3:16 Mission.

Mr. Coutant stated that the proposed dedication of additional right-of-way on North Cincinnati is an issue he would like to discuss. There is nothing anticipated by way of improvements for North Cincinnati anytime soon. He requested relief from the 25 feet of additional right-of-way being asked to be dedicated. This is a very limited special exception that has been granted and it technically triggers the platting process.

Mr. Coutant stated that the other issue is the request for an additional sewer easement along Ute, which is the southerly boundary. This has been discussed with the City and they initially thought they would need it, but he has been advised that they do not need it and are not requesting that at this point. He suspects this has not been communicated to staff, and if the Planning Commission is inclined, he would request that this application be approved with that requirement in place, subject to the possibility of being advised by Engineering that it is no longer required.

Mr. Coutant addressed the sidewalk issue along Ute and requested a waiver. There is a sidewalk across the street and the area has been platted and developed with no sidewalks elsewhere except along Cincinnati.

TMAPC COMMENTS:

Mr. Ard stated that the Planning Commission is only being requested to consider a plat waiver. He asked if, within the bounds of the plat waiver the can Planning Commission consider a waiver for the sidewalk requirement. In response, Mr. Alberty stated that today the only being considered is strictly whether a plat is required or if they can waive the plat. If the Planning Commission waives the plat, then these other requirements have to be met. To his knowledge, this is first staff has heard about waiving these requirements.

Mr. Coutant stated that he has been in conversation with staff for the last couple of weeks on how this might be done and dealing with the engineering as well. If there is a formality deficiency, he would apologize and doesn't mean to be presumptuous about any of this. The right-of-way dedication is a matter of a great deal of dialogue, both with INCOG staff and the City.

Mr. Carnes asked Mr. Boulden if the Planning Commission waives the platting requirement wouldn't that make the other items mute. In response, Mr. Boulden stated that he was thinking along the same lines and he is checking the Subdivision Regulations to make sure. Mr. Boulden further stated that the sidewalk requirement is in the Planning and Design Subdivision Regulations and obviously there would not be a plat to show that sidewalk requirement on it. By waiving the plat, the Planning Commission may be there already with the waiver. Mr. Boulden commented that the sidewalk waiver is not on the agenda and hasn't been prepared for a waiver of the sidewalk requirements specifically. The Planning Commission may want to defer on the sidewalk issue.

Mr. Carnes stated that he would make a motion to waive the platting requirements.

Ms. Cantrell stated that if the plat is waived, then the Planning Commission is waiving the authority to do anything. She asked if there is anyone else who can enforce the requirements. In response, Mr. Boulden stated that he doesn't believe that there is a reason for it to come to TAC again.

Mr. Alberty stated that the process in the past has been that if the plat is waived, it is done sometimes with conditions. If the plat is waived with no conditions, then all of the platting requirements that would have been required in the platting would go away. Mr. Boulden agreed with Mr. Alberty's statement.

Commissioner Miller stated that she would second Mr. Carnes's motion because development is important in the subject area.

Ms. Cantrell stated that in the staff's report, it seems to indicate that the right-of-way dedication would be required if there is a change of use. Ms. Cantrell asked Mrs. Fernandez if that is what the columns with the checks indicate. In response, Mrs. Fernandez indicated that Ms. Cantrell's statement is true. Ms. Cantrell stated that she would like to see sidewalks, but she is okay with the right-of-way being waived since it is a playground.

Ms. Wright inaudible.

Mr. Coutant stated that his presentation to the Planning Commission presumed that because of the TAC report and staff report, the Planning Commission would consider waiving the plat subject to conditions, being those conditions that he spoke to regarding right-of-way dedication and sidewalks, and sewer easement. It is believed that if the Planning Commission simply votes to waive the platting requirement and if it is the Planning Commission's intent that those conditions are not to be imposed, then it is done.

Ms. Wright inaudible.

Interested Parties Comments:

James Alexander, 431 East Ute Street, 74106, stated that he is opposed to the playground being located on the subject property and believes it should be located behind the existing facility.

TMAPC COMMENTS:

Commissioner Miller asked if a fence would be required around the playground. In response, Mr. Coutant stated that there will be a fence around the playground. He explained that it is a requirement according to the site plan that was approved by the Board of Adjustment. He commented that neighborhood involvement is the keystone to what the John 3:16 Mission has done in the subject area. The Board of Adjustment action was recommended for approval by the Burroughs Elementary School and the Dunbar Neighborhood Association.

Ms. Cantrell asked Mr. Coutant if it would cause undue harm to install the sidewalk. This is a playground for kids and it seems to be a very appropriate place for a sidewalk. In response, Mr. Coutant stated that the Mission wants to be public-spirited and public-minded on these issues. If the Planning Commission views it as being appropriate and necessary he understands that.

In response to Ms. Wright, Mr. Coutant stated that the fencing would be a wrought iron-type fence and shouldn't cause any blind spots.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Miller, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Sparks "absent") to **APPROVE** the plat waiver for BOA-20689 per staff recommendation, subject to the condition that sidewalks shall be required along Ute as modified by the Planning Commission.

* * * * *

10. **CZ-392 – Kellogg Engineer, Inc.**

AG to RE

East of southeast corner of North Yale Avenue and East 136th Street North (County)

STAFF RECOMMENDATION:

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

PROPOSED ZONING: RE

PROPOSED USE: Single-family

RELEVANT ZONING HISTORY:

CZ-325 August 2003: A request to rezone a small 2.5-acre tract located south and east of the southeast corner of East 146th Street North and Highway 75 North and west across East 146th Street from the subject tract, from AG and OL to CS zoning. The request was denied.

CZ-324 August 2003: Approval was granted by TMAPC and the County Commission to grant RE from AG zoning on a 341-acre tract located south and east of the southeast corner of East 146th Street and Highway 75 and directly south of the subject property.

CZ-322/PUD-683 August 2003: Staff recommended denial of a request for rezoning and a proposed Planned Unit Development on a 1± acre tract of land from AG to IL/PUD for a propane distribution facility, on property located south of the southeast corner of East 136th Street North and North Yale Avenue. The TMAPC and County Commissioners agreed on approval of this request with some modifications.

CZ-160 December 1987: A request to rezone the northeast, southeast and southwest corners of East 146th Street North and Highway 75 from AG to CG for commercial development. All concurred in approval of CG zoning on 15 acres at each of the three corners with 100' OL buffering around each CG tract. In 1991 the tract located on the northeast corner was annexed into the Collinsville City Limits but later, by court order the annexation was reversed and the CG/OL zoning remained.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 160± acres in size and is located east of southeast corner of North Yale Avenue and East 136th Street North. The property appears to be vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 136 th Street North	Secondary arterial	100'	2

UTILITIES: The subject tract has water available through Rural Water District 3 in Collinsville and no sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by vacant land, zoned AG; on the north by vacant land, zoned AG; on the northeast by large-lot single-family residential uses, zoned RE; on the south by vacant land and a large-lot single-family residential use, zoned AG; and on the west by vacant land and the expressway, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Collinsville Comprehensive Plan Draft designates this area as being Low Intensity – Residential Land use. According to the Zoning Matrix, the requested RE zoning is in accord with the Plan.

STAFF RECOMMENDATION:

Based on the Collinsville Comprehensive Plan draft and development to the north, staff can support the requested zoning and recommends **APPROVAL** of RE zoning for CZ-392.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Miller, Shivel, Walker, Wright "aye"; no "nay"; none "abstaining"; Midget, Sparks "absent") to **APPROVAL** of RE zoning for CZ-392 per staff recommendation.

Legal Description for CZ-392:

E/2 NW/4 AND W/2 NE/4 OF SECTION 34, T-22-N, R-13-E IBM, TULSA COUNTY, STATE OF OKLAHOMA **from AG (Agriculture District) to RE (Residential Single-family Estate District).**

* * * * *

11. **PUD-599-E – Lou Reynolds** (PD-18) (CD-8)

West of southwest corner of East 61st Street South and South 104th East Avenue (Major Amendment to modify the signage allotment to allow two menu boards.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21437 dated December 28, 2006, established zoning for the subject property.

PROPOSED ZONING: OL/IL/PUD

PROPOSED USE: Car wash-amend
sign standards

RELEVANT ZONING HISTORY:

BOA-20611 December 11, 2007: The Board of Adjustment approved a Special Exception to permit public school accessory uses (Use Unit 5) in an RS-3/OL/OM District; a Variance of the building setback requirement in an RS-3 District from 55 feet to 38 feet; a Special Exception to permit required parking on a lot other than the one containing the principal use; and a Special Exception to modify the height of a fence located in the required front yard from 4 feet subject to

conditions on property located on southeast corner of East 61st Street South and South 99th Avenue and abutting west and south of subject property.

PUD-599-D-1 June 6, 2007: TMAPC and Staff concurred in approval of a Minor Amendment for a lot-split, allocating floor area and uses into Lot 2A and Lot 2B, and reducing the west building setback from 50 feet to 25 feet subject to conditions of TMAPC approval of change of access to cover the present driveway access onto East 61st Street South; and filing of mutual access easement on property located and a part of subject property.

PUD-599-D December 2006: All concurred in approval of a Major Amendment to a PUD on a 2.46+ acre tract of land to add Use Unit 17 for an Auto Wash and Use Unit 18 for Drive-In Restaurants on property located on the southwest corner of East 61st Street South and South 104th East Avenue and a part of the subject property.

PUD-599-C September 2001: All concurred in approval of a Major Amendment to a PUD to permit automobile body repair center and coffee shop on Lot 1 of PUD-599-A on a 1.52+ acre tract abutting the subject property to the east, subject to modifications and conditions as recommended by the TMAPC.

Z-6919 June 2001: All concurred in approval of a request to rezone a 1.23+ acre tract from OL to IL on property located on the southwest corner of East 61st Street and South 104th East Avenue and a part of the subject property

Z-6783 October 2000: A request to rezone two lots located on the southeast corner of East 59th Street and South 99th East Avenue from RS-3 to IL or PK for parking was filed. IL zoning was denied and all concurred in approving PK zoning for the two lots.

PUD-599-A August 1999: All concurred in approval of a major amendment a part of the subject property to allow a three-story, 49,600 square foot office building and a 61-room, three-story hotel.

PUD-599 February 1999: All concurred in approval of a request for a PUD to allow automobile sales, rentals and detailing subject to no retail sales and detailing of the automobiles to take place on the south 160' of the PUD on the subject property. Approval was granted for outdoor advertising to be allowed by minor amendment.

Z-6548 September 1996: A request to rezone the west 286' of the subject property from RS-3 to CH. CH zoning was denied and OL zoning was approved.

Z-6547 March 1997: A request to rezone a 1± acre tract from RS-3 to CS or IL. All concurred in denial of CS and IL and approval of OL zoning for a proposed daycare facility, on property located and abutting the subject tract on the south and east

BOA-16945 February 28, 1995: The Board of Adjustment approved a Variance of the required setback of 200' from an abutting R District to permit a 420 sq. ft. outdoor advertising sign per plan.

Z-5853 October 1983: All concurred in approval of a request for rezoning a 1± acre tract of land from RS-3 to IL on property located on the southwest corner of East 61st Street South and South 104th East Avenue and abutting east of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1± acre in size and is located west of southwest corner of East 61st Street South and South 104th East Avenue. The property appears to be vacant and is zoned OL/IL/PUD.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 61 st Street South	Secondary Arterial	100'	5

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

SURROUNDING AREA: The subject tract is abutted on the east by Fox Collision zoned IL/ PUD-599-C and a Credit Union, zoned OL; on the south by a three-story hotel, zoned PUD/OL; on the west by Union Junior High School zoned RS-3 ; and on the north by industrial and commercial uses zoned IL.

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 **Corridor, Low-Intensity, with No Specific Land Use**. There is no change in zoning proposed.

STAFF RECOMMENDATION:

PUD-599-E is a one acre tract located west of the southwest corner of 61st Street and 104th East Avenue, just west of US-169. In October of 2006 the TMAPC approved major amendment PUD-599-D, allowing "Auto Wash, as permitted in Use Unit #17 (Auto and Allied Activities)" permitting construction of the existing carwash in this location.

The applicant is requesting a major amendment to PUD-599-D for the purposes of modifying the signage allotment. Current development standards allow:

“One ground sign permitted on East 61st Street frontage not to exceed 25 feet in height or 150 square feet of display surface area. No other ground signs are permitted. No ground sign shall be within 100 feet of the west boundary of the PUD. Wall signs are permitted on the north and east-facing wall of buildings not to exceed 1 ½ square feet of display surface area for each lineal foot of building wall to which attached”.

In addition to the aforementioned, the applicant is now requesting, “two (2) menu boards not to exceed eighteen (18) square feet per board, which menu boards shall not be closer than 150 feet from the north property line (E. 61st Street). No ground sign will be within 70 feet of the west boundary of the PUD (see Exhibit A for proposed sign locations).

Staff finds that the sign standards as originally approved by major amendment PUD-599-D may not have adequately addressed the approved use of the lot. Full-service drive-thru car washes typically need to be able to communicate to their customers what services they offer and the prices for those services, in a manner which allows their customers to read them from their car. Existing sign standards of PUD-599-D do not allow for any ground signs in addition to the business identification sign along 61st Street.

Staff can generally support the request and therefore recommends **APPROVAL** of PUD-599-E subject to the following conditions as modified by the TMAPC (items w/ strikethrough are removed, underlined items added in by the TMAPC):

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

2. **Development Standards:**

LOT AREA:

Gross:	107,250 SF
Net:	98,064 SF

PERMITTED USES:

Use Unit 11, Offices, Studios and Services, including all accessory uses permitted in the OL district, including drive-in bank facilities; and Auto Wash, as permitted in Use Unit #17 (Auto and Allied Activities), and Drive-In Restaurants, as permitted in Use Unit #18 (Drive-In Restaurants).

MAXIMUM NUMBER OF LOTS: 2

MAXIMUM FLOOR AREA:

Auto Wash and Drive-In Restaurants	22,000 SF
Offices	26,000 SF

VEHICULAR AND PEDESTRIAN CIRCULATION:

Only one vehicular access shall be permitted to East 61st Street South. Each lot in the PUD shall have access to all other lots in the PUD through the use of mutual access easements. Drive-through stacking lanes shall be a minimum of sixty feet in length and shall not overlap or extend into access drives. Sidewalks are required along East 61st Street South and shall be replaced and maintained as needed to ensure safe pedestrian access.

BUILDING SETBACKS:

From centerline of East 61 st Street South	100 FT
From east boundary	25 FT
From west boundary	50 FT
From the south boundary	10 FT

MINIMUM PARKING AND ACCESS ROAD SETBACK:

From the west boundary	5 FT
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LANDSCAPING AND SCREENING:

A six-foot screening wall or fence shall be provided along the west boundary of the PUD. A five-foot wide landscaped buffer strip shall be provided immediately adjacent to and inside this required screening fence.

MINIMUM LANDSCAPED OPEN SPACE: 10%**SIGNAGE:**

- a. One (1) ground sign permitted on East 61st Street frontage not to exceed 25 feet in height or 150 square feet of display surface area. The sign shall be within 100 feet of the west boundary of the PUD.
- b. Two (2) additional "menu board" style ground signs not to exceed eighteen (18) square of display surface area each or eight feet in total height. The menu board ground signs shall not be closer than 150 feet from the north property line (E. 61st Street) and may not be within 70 feet of the west boundary of the PUD. These signs must be placed in the immediate vicinity of the payment booths.
- c. Per Section 225-B-3 of the Code, directional signs may not exceed three square feet of display surface area and must be warning or directional in nature. The directional sign on the north end of the carwash notifying people to exit the carwash is permitted and shall not exceed three square feet of display surface area.

- d. No other ground signs are permitted within the PUD. This includes signs along the access drive to and from the car wash, flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
- e. Wall signs are permitted on the north-, south- and east-facing wall of buildings only; not to exceed 1 ½ square feet of display surface area for each lineal foot of building wall to which attached.

LIGHTING:

Light standards shall be limited to a maximum height of 25 feet. All lights, including building mounted, shall be hooded and directed downward and away from residential district boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

- 3. 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 a person standing at ground level at the west and north boundary of the planned unit development.
- 4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
- 5. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to occupancy or at the soonest appropriate planting time. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
- 6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

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 a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

TAC Comments:

General: No comments.

Water: 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.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Miller, Shivel, Walker, Wright "aye"; no "nay"; none "abstaining"; Midget, Sparks "absent") to **APPROVAL** of the major amendment for PUD-599-E per staff recommendation and as amended by staff. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-599-E:

LOT TWO A (2A), BLOCK ONE (1), COMMERCE CENTER, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO-WIT; BEGINNING AT THE NORTHWEST CORNER OF BLOCK 1, LOT 2, COMMERCE CENTER PLAT #5562, LOCATED WITHIN SECTION SIX (6), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA; THENCE N88°43'42"E A DISTANCE 143.25 FEET, THENCE S88°15'10"E A DISTANCE OF 36.76 FEET, THENCE

S01°16'51"E A DISTANCE 262.06 FEET, THENCE N90°00'00"W A DISTANCE OF 180.00 FEET, THENCE N01°16'51"W A DISTANCE OF 260.00 FEET TO THE POINT OF BEGINNING.

From OL/IL/PUD (Office Low Intensity District/Industrial District/District/Planned Unit Development [PUD-599-D]) To OL/IL/PUD (Office Low Intensity District/Industrial District/District/Planned Unit Development [PUD-599-E]).

Mr. Ard announced he will be abstaining from Item 12, Z-7100.

12. Z-7100 – Sack & Associates

IM to RM-3

West of the southwest corner of East Apache Street (PD-3) (CD-3)
and North Harvard Avenue

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11809 dated June 26, 1970 established zoning for the subject property.

PROPOSED ZONING: RM-3

PROPOSED USE: Independent senior living

RELEVANT ZONING HISTORY:

BOA-20601 November 13, 2007: The Board of Adjustment approved a Special Exception to permit a Homeless Center (Use Unit 2) in an IM district; Special Exception to permit a Place of Worship (Use Unit 5) in an IM district; Special Exception to permit an Emergency and Protective Shelter (Use Unit 2) in an IM and PK district; and a Special Exception to permit a Homeless Center and an Emergency and Protective Shelter within ½ mile of one another (Section 1202.C.7) subject to the conditions: for a mutual access agreement from Harvard; no public access into the neighborhood to the south; the gated drive from Young Street be for emergency use only, otherwise gated and locked; construct and maintain sidewalks along Harvard to the extent of their property; also subject to the narrative supplemental to the BOA application, page 13.6, adding there shall be no more than twelve maximum adult pregnant women at any one time housed in the Catholic Charities facility; no more than fifteen apartment units for homeless families that in accordance with applicant statements, at least one adult of each homeless family in the apartments must be employed and all adults drug-free for at least one year; per development standards for Tract A and Tract B; and per the required platting, finding the special exceptions will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; on property located south of the southwest corner of East Apache Street and North Harvard Avenue and abutting south of subject property.

Z-6372 November 1992: A request for rezoning a 16.5+ acre tract of land from RS-3 to OL/IM for Oklahoma Fixture Company (OFIXCO). Staff recommended IM on the north 100 feet of the subject tract and PK on the north 170 feet of the south 200 feet of the tract providing a 30 foot strip of RS-3 zoning on the south side of the tract. The applicant came back with a proposal of IM on the north 150 feet, retain RS-3 on the south 21 feet, and PK on the remaining 129 feet. TMPAC and City Council concurred in approval of the applicant's proposal, on property located west of the northwest corner of North Harvard Avenue and East Young Street.

BOA-16204 November 24, 1992: The Board of Adjustment approved a Special Exception to modify the screening requirement, which abuts an R district, to approve the construction of a security fence 21 feet north of and parallel to the west 1600 feet of the south boundary; and to approve landscaping along west boundaries of the property; and to remove the screening requirement along the east 1050 feet of the south boundary until development occurs within the east 40 acres of property, per plan submitted; finding the proposed landscape screening and physical separation of the buildings to be adequate to buffer the residential area on property located east of the southeast corner of East Apache Street North and North Columbia Place and abutting the subject property to the west.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3.03+ acres in size and is located east of southwest corner of East Apache Street and North Harvard Avenue. The property appears to be vacant and is zoned IM. A new fire station, currently under construction, lies to the south and east of the subject site. The site is flat, grassy and adjacent to the former OFIXCO plant and diagonally across from the Tulsa Community College-Northeast campus.

STREETS:

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

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land, zoned IM; on the north by industrial and office uses, zoned IM; on the south by vacant land, zoned IM; and on the west by office and industrial uses, zoned IM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 3 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within Special District 1 – Medium Intensity-No Specific Land use-. According to the Zoning Matrix, the

requested RM-3 zoning **may be found** in accord with the Plan by virtue of its being within a Special District.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, staff can support the requested rezoning. It is staff's understanding that Catholic Charities is relocating its various services and facilities nearby and this use would be quite compatible. Therefore, staff recommends **APPROVAL** of RM-3 zoning for Z-7100.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-1** (Cantrell, Carnes, Marshall, McArtor, Miller, Shivel, Walker, Wright "aye"; no "nay"; Ard "abstaining"; Midget, Sparks "absent") to **APPROVAL** of the RM-3 zoning for Z-7100 per staff recommendation.

Legal Description for Z-7100:

A TRACT OF LAND THAT IS PART OF THE NE/4 OF THE NE/4 OF SECTION 29, T-20-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE NORTHEAST CORNER OF SAID SECTION 29; THENCE DUE WEST ALONG THE NORTHERLY LINE OF SECTION 29 FOR 50.00'; THENCE S 00°10'32" E PARALLEL WITH THE EASTERLY LINE OF SECTION 29 FOR 60.00' TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST APACHE STREET; THENCE DUE WEST ALONG SAID RIGHT-OF-WAY LINE AND PARALLEL WITH THE NORTHERLY LINE OF SECTION 29 FOR 723.79' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE S 00°10'32" E AND PARALLEL WITH THE EASTERLY LINE OF SECTION 29 FOR 367.00'; THENCE DUE WEST FOR 36.21'; THENCE S 00°10'32" E FOR 83.00'; THENCE DUE WEST AND PARALLEL WITH THE NORTHERLY LINE OF SECTION 29 FOR 314.48'; THENCE N 37°44'12" E FOR 20.75' TO A POINT OF CURVE; THENCE NORTHEASTERLY AND NORTHERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 37°44'12" AND A RADIUS OF 175.00' FOR AN ARC LENGTH OF 115.26' WITH A CHORD BEARING OF N 18°52'06" E FOR A CHORD DISTANCE OF 113.19' TO A POINT OF TANGENCY; THENCE DUE NORTH ALONG SAID TANGENCY FOR 326.49' TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST APACHE STREET; THENCE DUE EAST ALONG SAID RIGHT-OF-WAY LINE AND PARALLEL WITH AS MEASURED 60.00' PERPENDICULAR FROM THE NORTHERLY LINE OF SECTION 29 FOR 300.00' TO THE "POINT OF

BEGINNING" OF SAID TRACT OF LAND from IM (Industrial Moderate District) to RM-3 (Residential Multi-family District).

13. **Z-6327-SP-3/PUD-663-A – John W. Moody** (PD-18) (CD-7)

Northeast corner of East 81st Street South and U.S. Highway 169 South (Amend PUD-663 and Corridor Site plan for Z-6327-SP-2 to allow outdoor advertising signs within Use Unit 21 as a permitted use on Tract 4 only.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 20393 dated July 11, 2002, established zoning for the subject property.

PROPOSED ZONING: CO/PUD

PROPOSED USE: Add Use Unit 21

RELEVANT ZONING HISTORY:

Z-7024-SP-1 August 2006: All concurred in approval of a proposed Corridor Site Plan on a 20± acre tract of land for a private/gated single-family attached residential development of both duplex and triplex units, with each unit on its own lot, on property located south of the southwest corner of East 81st Street South and South Garnett Road.

Z-7024 June 2006: All concurred in approval for a request to rezone a 20± acre tract of land from AG to CO zoning on property located south of the southwest corner of East 81st Street South and South Garnett Road. Staff found that the legal published with notice an ordinance was incorrect and case had to be reheard to correct the legal description. A new ordinance was published, number 21700 on December 26, 2007.

PUD-716/Z-6989 July 2005: All concurred in approval for a request to rezone a 9.37± acre tract of land and a Planned Unit Development from CO to CS/PUD for commercial development and approved per staff recommendation, on property located west of the southwest corner of East 81st Street South and South Garnet Road.

PUD-666 August 2002: All concurred in approval of a proposed Planned Unit Development on a 10± acre tract for commercial development on property located on the northwest corner of East 81st Street and South 113th East Avenue.

PUD-663/Z-6327-SP-1 July 2002: All concurred in approval of a proposed Corridor Site Plan and Planned Unit Development on a 26± acre tract of land for a recreation and sporting goods store, boat sales, and other retail and office uses

on property located on the northeast corner of East 81st Street and U.S. Highway 169 South and the subject property.

PUD-569-A/Z-6054-SP-4 December 1999: All concurred in approval of a proposed Corridor Site Plan and Major Amendment to a Planned Unit Development on a 10.4± acre tract to add outdoor advertising signs (Use Unit 21) to permitted uses on property located on the northwest corner of East 91st Street South and South Garnett Road and abutting the subject property to the south across East 81st Street.

PUD-569/Z-6054-SP-3 October 1997: All concurred in approval of a proposed Corridor Site Plan and a Planned Unit Development on a 30.7± acre tract for a mixed use development on property located on the northwest corner of East 91st Street South and South Garnett Road and abutting the subject property to the south across East 81st Street.

Z-6054 July 1985: All concurred in approval of CO zoning on a 137-acre tract located at the southeast corner of East 81st Street South and Mingo Valley Expressway.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.17± acres in size and is located northeast corner of East 81st Street South and U.S. Highway 169 South. The property appears to be used as Arvest Bank and is zoned CO/PUD.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 81 st Street South	Secondary arterial	100'	5

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

SURROUNDING AREA: The subject tract is abutted on the east by an unplatted, un-manned utility tract owned by the Public Service Company of Oklahoma (PSO), zoned CO; on the north by Academy Sports and Outdoors 81st Street, zoned PUD-663/CO; on the south by 81st Street and then Phillips 66 Center No. 57348, zoned PUD-569-A/CO; and on the west by U.S. Hwy. 169, 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 within a Corridor designation and having some Development Sensitive areas within it, likely due to the presence of a flood drainage area on the north-east portion of the PUD-663, and not on this site. According to the Zoning Matrix, the existing CO zoning is in

accord with the Plan and is already in place. The request is to add Use Unit 21 - Business Signs and Outdoor Advertising to the PUD standards.

STAFF RECOMMENDATION:

PUD-663-A/Z-6327-SP-3 is a 1.17 acre tract located immediately adjacent to the north-bound on-ramp to U.S. Hwy. 169 along 81st Street South (see accompanying case map aerial photograph).

PUD-663-A seeks to amend PUD-663 and corridor site plan Z-6327-SP-2 to allow Outdoor Advertising Signs within Use Unit 21 as a permitted use on Tract 4 only of PUD-663/Z6327-SP-2. There are no requests to amend any other development standard of the PUD at this time. All other development standards of PUD-663/Z-6327-SP-2 would remain in effect.

Site visit indicates no other outdoor advertising signs within 1,200 lineal feet of this proposed location. This would need to be verified with a certified survey at a public hearing before the City of Tulsa Board of Adjustment and would subject to detail site plan review by the TMAPC.

Therefore, staff recommends **APPROVAL** of PUD-663-A/Z-6327-SP-3 subject to the following conditions applicable to Tract 4 only:

1. The applicant's Concept Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards (Tract 4 of PUD-663/Z-6327-SP-3 only):

TRACT 4

Lot Area: 1.164 Acres

Permitted Uses:

Bank only as in included within Use Unit 11 including drive-in bank facilities and Outdoor Advertising signs as permitted within Use Unit 21.

Maximum Number of Lots: One

Maximum Building Floor Area: 5,000 SF

Maximum Building Height: One story

Minimum Off-Street Parking:

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

Minimum Landscaped Area: 15% of net lot area.

Minimum Building Setbacks:

From US Highway 169 right-of-way	30 FT
From north boundary of Development Area:	
Bank Building	100 FT
Drive-in Bank and ATM Facility	10 FT
From the centerline of East 81 st Street South	100 FT
From the centerline of South 107 th East Avenue	80 FT

Signs:

Two ground signs shall be permitted. One ground sign, advertising the uses on Tract 4, shall be permitted along the US Highway 169 right-of-way with a maximum height of 25 30 feet and a maximum display surface area of 200 SF setback at least 57.5 feet from centerline of 81st Street South. One ground sign advertising the uses on Tract 1 shall be permitted at the northwest corner of East 81st Street and South 107th East Avenue with a maximum height of five feet and a maximum display surface area of 100 SF.

Wall signs shall comply with the provisions of Section 1103.2 of the Tulsa Zoning Code.

One Outdoor Advertising sign shall be permitted on Tract 4, subject to the provisions of Section 1221-F of the Zoning Code.

Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement are prohibited.

3. A landscaped open space area shall be established and maintained, which is not less than 25 feet in width and which extends along the entirety of the north boundary of the PUD. Landscaping throughout the PUD shall meet or exceed the requirements of the Landscape Chapter and PUD Chapter of the Tulsa Zoning Code.

4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards. Outdoor advertising signs shall comply with section 1221-F of the Zoning Code, and shall have spacing verified by the City of Tulsa BOA prior to the release of a construction permit/sign permit by the City of Tulsa.
7. All trash, mechanical and equipment areas, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from properties abutting the PUD. 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 properties abutting the PUD. No light standard nor building-mounted light shall exceed 40 feet in height.
9. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage 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.
10. 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.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

TAC Comments:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: No comments.

Wastewater: No objection if the sign can be placed without encroaching into the existing utility easements.

Transportation: No comments

Traffic: No comments.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

Applicant's Comments:

John W. Moody, 5610 East 76th Street, 74136, stated where the sign would be located in the northeast corner. Mr. Moody requested that Planning Commission to approve this application.

TMAPC COMMENTS:

Mr. Ard asked if this would be a normal-sized outdoor advertising sign. In response, Mr. Moody answered affirmatively.

Interested Parties Comments:

Greg Jennings, 2260 South Troost, Tulsa, 74114, stated that his only question is when there will be enough billboards. He commented that the 1,200-foot spacing is the minimum and not the maximum. The subject highway is littered with billboards.

Mr. Jennings commented on previous hearings and in his opinion the Sign Advisory Board's recommendation for billboards was "guttled." Mr. Jennings further commented that he felt his constitutional rights were stepped on during a previous meeting before the Planning Commission when he was held to a time limit to speak.

Mr. Jennings asked the Planning Commission if they thought the apartment residents will really enjoy a 672 SF television staring at them night and day.

TMAPC COMMENTS:

Mr. Marshall stated that there is an ordinance that allows this sign within 1,200 feet. In response, Mr. Jennings stated that perhaps putting a 672 SF television set at a major intersection could be a problem. In response, Mr. Marshall stated that the applicant has that right to do so. In response, Mr. Jennings asked if the applicant can do this by right, then why is he before the Planning Commission today?

Mr. McArtor stated that the applicant has the right to request the signage. Mr. McArtor further stated that he would like to take a little bit of an issue with Mr. Jennings regarding his statement that his constitutional rights were trampled on. He doesn't remember that happening and he remembers specifically asking Mr. Jennings if he had anything else to say and he did take the advantage of doing so. In response, Mr. Jennings stated that his presentation was much longer and was interrupted, which made it a little choppy. The outdoor billboard industry people received 4.5 hours to present their cases and he was only given ten or 20 minutes. He explained that he didn't get close to submitting all the information that he had.

Applicant's Rebuttal:

Mr. Moody stated that he doesn't really have anything to respond to except that the 1,200-foot spacing is a practical matter and the actual number of signs is not one sign every 1,200 feet. This proposal is not for a digital sign and it will not be a television screen as Mr. Jennings stated.

TMAPC COMMENTS:

Mr. Carnes stated that he would move to approve the corridor detail site plan. Ms. Cantrell seconded.

Ms. Cantrell stated that she will support this, but she would like to say that, as a PUD, she doesn't believe it has to be approved. She believes that this is an appropriate place for the outdoor billboard sign.

Mr. Ard stated that he agrees with Ms. Cantrell that there is a PUD in place and the Planning Commission has the ability to control what is allowed within a PUD. He commented that he doesn't like billboards and he can't support this motion.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-3-0** (Cantrell, Carnes, Marshall, McArtor, Miller, Shivel "aye"; Ard, Walker, Wright "nays"; none "abstaining"; Midget, Sparks "absent") to **APPROVE** to the corridor site plan for PUD-663-A/Z-6327-SP-3 to allow outdoor advertising signs within Use Unit 21 as a permitted use on Tract 4 only per staff recommendation.

14. **Z-7101/Z-7101-SP-1 – John W. Moody**

OM to CO

South of southeast corner of East 41st Street South and South 109th East Avenue (Corridor Plan to establish permitted uses and development standards within the corridor plan to allow for construction of an outdoor advertising sign on the northwest corner of the property.) (PD-17) (CD-6)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11825 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: CO

PROPOSED USE: Commercial/office/outdoor advertising sign

RELEVANT ZONING HISTORY:

BOA-19384 June 25, 2002: The Board of Adjustment approved a Variance to allow more than one sign per street frontage; and a Variance of the maximum display surface area, as the existing sign to allow for a Metropolitan College sign of 126 square feet on south wall of middle building, 10820 E 45th Street South, find the hardship to be the amount of street frontage on property located and a part of the subject property.

BOA-18507 September 14, 1999: The Board of Adjustment approved a Variance of the maximum sign display surface area from 56.9 square feet to 156 square feet per plan submitted on the subject property.

PUD-312-A July 1995: All concurred in approval of a request for a proposed Major Amendment to a PUD on an 80.94± acre tract of land to re-establish development standards and development areas for a mixed use development, not including the area used by the City of Tulsa for a storm water detention facility on property located northwest corner of East 51st Street and South Garnett Road and south of subject property across the Broken Arrow Expressway.

Z-5444-SP-3 November 1994: All concurred in approval of a proposed Corridor Site Plan on a 10± acre tract of land for a 200 unit apartment complex with the only access points directly off of Garnett Road which is in violation of Section 804 of the Corridor District Provisions. The Applicant went to the Board of Adjustment (BOA-16831) and was granted a Variance of Section 804 Access Requirements allowing primary access from an arterial street, on property located north of the northwest corner of South Garnett Road and East 45th Street South and northeast of subject property.

Z-5636-SP-2 October 1994: All concurred in approval of a proposed Corridor Site Plan on a 7± acre tract of land for an outdoor advertising sign which is 40 feet high and 10 feet from the south and east property lines of Lot 1, Block 2, Towne Centre II, on property located east of the northeast corner of the Broken Arrow Expressway and the Mingo Valley Expressway and abutting east of subject property.

BOA-12479 March 10, 1983: The Board of Adjustment denied a Variance to permit an outdoor advertising sign in an OM District on the subject property.

Z-5636 January 1982: All concurred in approval of a request for rezoning a 20± acre tract of land from OM/CS to CO to add additional buildings with multiple uses on property that had several new high-rise office buildings on property located west of the South Garnett Road and the Broken Arrow Expressway and abutting east of subject property.

BOA-10880 February 7, 1980: The Board of Adjustment approved a Special Exception to modify or remove the screening requirement where existing physical features provide visual separation of uses; and to modify the screening requirement where an alternative screening will provide visual separation of uses, per plot plan submitted, subject to the applicant installing the landscaping depicted on the plot plan on property located at Lot 2, Block 2, Towne Centre II Addition and a part of the subject property.

Z-5048 February 1978: All concurred in approval of a request for rezoning a tract of land from RM-3/OM/CS to AG/RM-2/OM/CS on property located on the southeast corner of East 41st Street South and U.S. Highway 169 South and a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 10.4± acres in size and is located south of southeast corner of East 41st Street South and South 109th East Avenue. The property appears to be used for office and is zoned OM.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 109 th East Avenue	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by Towne Center, zoned CO; on the north by Towne Center II, zoned RM-2; on the south by SH 51, zoned RS-3; and on the northwest by vacant land and a stormwater detention facility, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-No Specific Land use/Corridor. According to the Zoning Matrix, the requested CO zoning is in accord with the Plan. The Corridor designation was created in recognition that at some future date, all or most land within it would develop at Corridor intensity due to the nearby transportation access and visibility.

STAFF RECOMMENDATION FOR ZONING:

Based on the Comprehensive Plan and trends in the area, staff can recommend **APPROVAL** of CO zoning for Z-7101, provided that the TMAPC deems it appropriate to recommend approval of Z-7101-SP-1.

STAFF RECOMMENDATION FOR CORRIDOR SITE PLAN:

Corridor Site Plan, Z-7101-SP-1 is a two development area, 10.61 (+/-) gross acre tract (462,426 gross SF) located immediately adjacent to the northbound on ramp from the Broken Arrow Expressway (Hwy. 51) to U. S. Highway 169 (see attached case map and aerial photos). The property is developed with three (3) office buildings containing approximately 193,063 square feet of building floor area (.41 existing FAR) and is zoned OM. The applicant's Corridor Site Plan reflects the existing development, buildings, parking and landscape areas, as well as the proposed Outdoor Advertising use.

Rezone application Z-7101 and corridor site plan Z-7101-SP-1 seek to rezone the property from OM to CO, and establish permitted uses and development standards within the corridor plan to allow for the construction of an outdoor advertising sign on the northwest corner of the property, within the limits of Tract A only (see attached Exhibit A). The applicant is proposing to restrict the uses permitted on both tracts to use Unit 11 and Use Unit 21 only.

The existing development appears to meet all applicable building floor area, height and land coverage limits of the OM district. Existing landscaping and open space have been provided per the Zoning Code. The existing Certificates of Occupancy of each building are conditional upon the landscaping being maintained. The existing .41 FAR is well within the limits of the CO district requirements which permit a 1.25 FAR. There is no expansion or addition of buildings proposed on either Tract A or B at this time.

With a corridor district limit of 30% land coverage of buildings and the applicant limiting the allowable uses to Use Unit 11 and 21 only, staff can support the requested zoning change and proposed corridor development plan. The abutting properties immediately adjacent to the subject tracts are corridor district combined with the high intensity residential multi-family developments zoned CS and RM-2 to the north. Because of the aforementioned and the site being developed already, staff can support the applicant's request.

Staff finds the existing uses and intensities of development, as well as the proposed use to be in harmony with the spirit and intent of the Code. Staff finds Z-7101-SP-1 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 CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-7101-SP-1 subject to the following conditions and as amended by the TMAPC (items with strikethrough have been eliminated, underlined items added in):

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

DEVELOPMENT STANDARDS:

Land Area (net):	10.37 Acres/452,087 SF
Land Area (gross):	10.61 Acres/462,426 SF

PERMITTED USES:

Use Unit 11, Multi-story Offices and the accessory uses permitted in the OH-Office High Intensity District, as defined and regulated by Section 602 of the Tulsa Zoning Code; ~~and, Use Unit 21. Outdoor Advertising.~~

MAXIMUM HEIGHT OF BUILDINGS: 4 stories

MAXIMUM TOTAL BUILDING FLOOR AREA-ALL USES:
193,063 SF (.41 FAR)

MAXIMUM LAND COVERAGE OF ALL BUILDINGS: 30%

MINIMUM PARKING SPACES REQUIRED:

Existing Office Buildings:	588 spaces
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BUILDING SETBACKS:

East Boundary:	35 feet
West Boundary:	35 feet
Abutting Expressway Right-of-Way:	35 feet
From Center Line of East 45th Place:	100 feet
From interior Development Area Boundaries:	0 feet
Minimum Building Separation:	25 feet

MINIMUM OPEN SPACE AND LANDSCAPE AREAS: 15% of net lot area

Open Space Area in Reserve Area: 1.9577 acres
(does not include Landscaped Areas)
Landscape Areas: 1.5049 acres
Total Open Space and Landscape Areas: 3.4628 acres

SIGNS:

Outdoor Advertising Signs*:		
Maximum Number of Signs:	One (1)	
Maximum Display Surface Area:	672 sq. ft.	
Maximum Height:	50 feet**	
Setback from Expressway right of way:	10 feet	
Setback from AG District (Reserve "A"):	10 feet	

~~*Outdoor Advertising signs must verify the 1,200 foot spacing requirement with the City of Tulsa Board of Adjustment (BOA), prior to the issuance of a building/sign permit.~~

~~**Per section 1221, F 15 the height of the O/A sign may be increased to 60' with verification the highway ROW is greater than 10 feet higher than the location of the O/A sign. This will be verified at CO District detail sign plan review.~~

Business Signs:

Maximum Number of Ground Signs:
Fronting East 45th Place: 2 (one per Tract A and B)
Fronting Expressways: 2 (one per Tract A and B)

Maximum Display Surface Area of Ground Signs:

As Provided in Sections 1221 C and D of the Tulsa Zoning Code.

Maximum Height of Ground Signs: 25 feet

Maximum Display Surface Area of Wall Signs:

As provided in Sections 1221 C and D of the Tulsa Zoning Code

Minimum Sign Separation:

Business Signs: 50 FT
~~Setback between Outdoor~~
~~Advertising Sign and Business Signs:~~ ~~75 FT~~

LIGHTING:

All new lights, including building mounted, shall be hooded and directed downward and away from the boundaries of the development area. 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 AG, RS, or RM zoned areas.

Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography shall be included in the calculations.

SCREENING:

All new trash, mechanical, electrical, HVAC and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by a person standing at ground level at the periphery of the site.

3. No zoning clearance permit shall be issued for new construction until a detail site plan for the lot, which includes all buildings, parking, lighting and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved CO District development standards.
4. Per 1001 of the Code, a detail landscape plan for each 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 lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the CO Plan area until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved CO District development standards. ~~Outdoor Advertising signs must also verify the 1,200 foot spacing requirement with the City of Tulsa Board of Adjustment (BOA), prior to the issuance of a building/sign permit.~~
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. 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.
8. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied or a plat waiver granted and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the CO District conditions of

approval and making the City beneficiary to said covenants that relate to CO District conditions.

9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. 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 truck trailers may not be parked in the CO District except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the CO District.

TAC Comments:

General: No comments.

Water: A possible extension of a water main line inside a 20' water line easement maybe required.

Fire: Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least three means of fire apparatus access for each structure. Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet (11 520 m²) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus byway of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg). The Bridge structures shall be designed to meet this requirement.

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.

Provide a water main extension and fire hydrants to satisfy this requirement. The water system shall be designed to meet the fire flow requirements of Appendix B of the 2006 International Fire Code.

Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height; proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

Stormwater: No comments.

Wastewater: No comments.

Transportation: Sidewalk required along 45th Street and along bridge.

Traffic: No comments.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

Mr. Carnes out at 3:24 p.m.

TMAPC COMMENTS:

In response to Mr. Ard, Mr. Sansone stated that the lot is currently zoned OM and the applicant is requesting to rezone to CO. Staff has to present to the Planning Commission what the development standards, in theory, would be even though it is all built out. There are only office uses on the subject lot at this time and currently office use is the only use permitted on the subject lot. If the Planning Commission approves the rezoning to CO, the applicant is requesting that the lot, in turn, will be limited through the rezoning and the approval of the corridor plan to Use Unit 11 and the billboard. Approval of the billboard today does not necessarily constitute final approval becomes the applicant will have to come through with a detail sign plan. Mr. Sansone cited the existing billboards in the subject area. Mr. Sansone stated that the applicant would have to verify the spacing through the Board of Adjustment before a sign plan can be considered.

Ms. Cantrell asked if the sign would have to be 300 feet from the adjacent RM district. In response, Mr. Sansone stated that the applicant is requesting the use and the distances and where it is sited would be technically verified during the detail site plan review it is approved for the use. Ms. Cantrell expressed concerns that this would be too close to the residentially-zoned area, whereas the case previously was zoned all corridor. In response, Mr. Sansone stated that he visited the site and he would guess that the sign would be greater than 300 feet from the residentially-zoned area.

Mr. Marshall asked if the OM allowed Use Unit 21, Outdoor Advertising Signs. In response, Mr. Sansone answered negatively.

Mr. Boulden stated that Use Unit 21 allows digital signs and he wanted to make it clear in the record that they are only asking for a non-digital outdoor advertising sign. In response, Mr. Sansone stated that the applicant is requesting Use Unit 21, Outdoor Advertising Signs and doesn't believe that there has been an official request for LED at this time.

Applicant's Comments:

John W. Moody, 5610 East 76th Street, 74136, stated that originally he had proposed to add other Use Units to this application, but as the application developed and met with some of the other agencies they wanted to talk about the addition of either a bridge or other access or other roads into the property if other uses were going to be implemented. This was a surprise to his client and he amended the application to specifically eliminate all of those uses. There will not be any Use Units 14 or 15 uses, and if later it is determined to add these uses, it would require a major amendment. The Technical Advisory Committee (TAC) agreed that there is no reason to add a bridge or other accesses for an outdoor advertising sign.

Mr. Moody stated that there was a mention that the sign had to set back 300 feet from an R district, which is incorrect the Zoning Code specifies that it is 200 feet from an R district.

Ms. Cantrell stated that she disagrees that the Zoning Code requires 300 feet from an R district for a larger sign. Mr. Moody read Section 1221.F.4.a. from the Zoning Code, which states the setback would be 200 feet. He indicated that he definitely meets the 200-foot setback from an R district, as well as meeting the other spacing requirements, even if the other sign is relocated. Mr. Moody reminded the Planning Commission that the Board of Adjustment would verify the spacing.

Mr. Moody cited the surrounding zoning and the stormwater detention areas that are zoned AG. He commented that he is aware that some people do not like billboards and do not believe that they are attractive, but there is nothing here that will be visible because the building will screen it and it will be far enough

away. This interchange will be widened in the next five years substantially and the subject property will not be involved. There will be some signs affected to the south of the subject property when the interchange is widened.

Mr. Moody commented that more than 50 percent of the outdoor advertising signs are used by local businesses. Mr. Moody further commented on how important outdoor advertising signs are to local businesses and how it is one of the most effective tools they have. Mr. Moody requested that the Planning Commission approve this application.

TMAPC COMMENTS:

In response to Ms. Wright, Mr. Moody stated that the corridor district authorizes the filing of a corridor site plan, in which the Planning Commission specifies the uses that may be allowed in the corridor district. Corridor zoning only gives the applicant the right to make a request to the Planning Commission. In corridor zoning, the Planning Commission has very affirmatively denied uses requested. In this site plan he is requesting the existing Use Unit 11; Multi-story Offices and the accessory uses permitted in the OH-Office High Intensity District and Use Unit 21, Outdoor Advertising. If anyone requests another use, they would have to file another application and come before the Planning Commission.

Interested Parties Comments:

Greg Jennings, 2260 South Troost, Tulsa, 74114, questioned that local businesses use outdoor advertising signs and cited McDonalds, Burger King, etc. as being national chains that use the vast majority of billboards for advertising. Mr. Jennings reminded the Planning Commission of the discussion regarding digital billboards and the lack of locations for them. Mr. Jennings commented on his distrust of the outdoor business industry. Mr. Jennings asked what would prevent the applicant from installing a digital billboard if they went to the Board of Adjustment and verified the spacing.

Mr. Boulden stated that digital billboards are in the same use unit, but the use within the Use Unit has to be authorized as only an outdoor advertising sign. Mr. Jennings asked if the applicant is requesting that Use Unit, does that allow them to have that use. In response, Mr. Boulden stated that it would depend on the wording, but he believes the Planning Commission is being asked to approve only an outdoor advertising sign, non-digital. In response, Mr. Jennings stated that he believes that it should be specified in the motion.

Mr. Jennings stated that people entering and exiting the major exchange will be looking at three billboards and that doesn't count the ones on the other side of the highway. How much is enough regarding billboards and when does it become a safety problem?

TMAPC COMMENTS:

Ms. Cantrell stated that she couldn't support the outdoor advertising sign because it is too close to residential.

TMAPC Action; 8 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-1-0** (Ard, Cantrell, Marshall, McArtor, Miller, Shivel, Walker "aye"; Wright "nay"; none "abstaining"; Carnes, Midget, Sparks "absent") to **APPROVAL** of the CO zoning for Z-7101 per staff recommendation.

Mr. Alberty stated that what is actually before the Planning Commission is a corridor site plan, which recognizes the existing use and requested an additional use for outdoor advertising signs. If the Planning Commission denies the site plan, then basically now there are existing uses that become non-conforming. He suggested that if the Planning Commission wants to approve what is existing and eliminate Use Unit 21, and then they could approve the corridor site plan and delete Use Unit 21 to prevent the existing uses from becoming non-conforming.

Ms. Wright questioned why these same concerns were not raised with the previous application for a billboard. In response, Ms. Cantrell stated that she believes that on the subject site it is as close as 300 feet to apartments and a residentially-zoned area and there are apartments surrounding the subject area. The previous billboard is near a hospital, TCC, medical offices and it is a commercial area. She believes that there is a difference. In response, Ms. Wright stated that the LED issue didn't come up with the previous billboard application either, which she sees as an oversight.

TMAPC Action; 8 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-1-0** (Ard, Cantrell, McArtor, Miller, Shivel, Walker, Wright "aye"; Marshall "nay"; none "abstaining"; Carnes, Midget, Sparks "absent") to **APPROVAL** of the corridor plan for Z-7101-SP-1 per staff recommendation, subject to deleting Use Unit 21, Outdoor Advertising Signs as amended by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7101/Z-7101-SP-1:

Parts of Lots Two (2) and Three (3), Block Two (2), TOWNE CENTRE II, a Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, being more particularly described as follows, to-wit: BEGINNING at the Southeast corner of said Lot 2; thence N 56° 39' 34" W a distance of 334.94 feet; thence N 46° 16' 09" W a distance of 313.83 feet; thence N 37° 52' 32" W a distance of 489.96 feet; thence N 52° 07' 28" E a distance of 120.67 feet; thence N 17° 08' 29" E a distance of 130.00 feet; thence S 72° 51' 31" E a distance of 135.27 feet; thence Easterly along a curve to the left with a radius of 566.38 feet, a distance of 177.93 feet; thence N 89° 08' 29" E a distance of 10 feet; thence Easterly along a curve to the right with a radius of

482.98 feet, a distance of 189.56 feet; thence S 68° 22' 17" E a distance of 0.00 feet; thence N 38° 48' 42" E a distance of 21.10 feet; thence Southeasterly along a curve to the left with a radius of 651.73 feet, a distance of 2.32 feet; thence S 51° 22' 31" E a distance of 204.92 feet; thence S 00° 05' 29" W a distance of 774.40 feet to the Southeast corner of said Lot 2 and the point of beginning.
From: OM (Office Medium Intensity District) To: CO (Corridor District [Z-7101-SP-1]).

15. **Z-7089/Z-7089-SP-1 – Roy Johnsen**

AG to CO

Northeast corner of West 61st Street South and Highway 75 South (Corridor Plan to designate development areas; allocate permitted uses and intensity of uses, development standards and conditions.) (Continued from 3/5/08, 3/26/08, 4/16/08, 5/7/08, 6/4/08) (PD-8) (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: CO

PROPOSED USE: Mixed use

RELEVANT ZONING HISTORY:

PUD-375-E August 2007: All concurred in approval of a request for a proposed Major Amendment to a PUD on a 62.38± acre tract of land to add 30 acres to Development Area A and to establish permitted uses and standards for the expanded Development Area on property located west of the northwest corner of West 61st Street and South Union Avenue.

Z-6001-SP-2/PUD-648-A June 2007: All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with 6 development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner of West 71st Street South and Highway 75 South and south of subject property.

Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006: All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center know as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio. On property located east of US Highway 75 between West 71st and West 81st Streets and south of subject property.

PUD-375-D January 2005: All concurred in approval of a proposed Major Amendment to Planned Unit Development to add Use Unit 5 to allowed uses for church and church related uses including missionary housing on a 25± acre tract of land on property located on the northwest corner of West 61st Street South and South Union Avenue, subject to a screening fence or open landscaping along the north boundary being determined during the detail site plan review.

PUD-375-C December 2003: Approval was granted for a major amendment to delete office development areas, reduce and reconfigure commercial development areas and established multifamily development area on the remaining property.

PUD-375-B October 2003: A request for a major amendment to the PUD to add an additional 10± acre tract that abutted the PUD on the west, to the original PUD-375 in order to increase the school campus area. New development standards and approval to add school and accessory school uses was approved.

Z-6001-SP-1/PUD-648 May 2001: A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56 acre parcel located on the northeast corner of West 71st Street and U. S. High 75 South and south of the subject property. The original CO zoning for this parcel had been approved in 1984 from AG to CO.

Z-6633 June 1998: A request to request for rezoning a 27.5± acre tract of land from RS-3 to IL for industrial or commercial development on property located south of the southeast corner of I-44 and Highway 75 South and north of subject property, was approved for the north 330 feet.

PUD-375-A March 1989: All concurred in approval of a major amendment to PUD-375 to expand the existing Riverfield Country School located on the westerly 32.9± acres of the PUD. This was approved subject to conditions and amended development standards.

PUD-375 October 1984: Approval was granted for a Planned Unit Development on a 112± acre tract located on the northwest corner of West 61st Street and South Union. The PUD approved varied housing types, offices, commercial shopping and open space.

Z-4594 March 1974: A request for rezoning a 52± acre tract of land from AG to CG on the subject property located on the northeast corner of West 61st Street South and Highway 75 South was denied. However all concurred in approval of a 10+ acre node to be zoned CS with the north 50 feet and east 100 feet to be zoned OL on property located and abutting the subject property on the south and east.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 50.46+ acres in size and is located northeast corner of West 61st Street South and Highway 75 South. The property appears to be vacant and wooded and is zoned AG. The portion of the site to be developed is 37.13 acres with a 13.33 +/- acre undeveloped buffer area to be dedicated along the north and east boundaries.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 61 st Street South	Secondary Arterial	100'	2

UTILITIES: The subject tract will need to connect to existing municipal water and sewer as indicated on applicant's attached exhibits G and H.

SURROUNDING AREA: The subject tract is abutted on the east by vacant land and the Turkey Mountain Wilderness Area, zoned AG; on the north by vacant land and the Westside YMCA zoned RS-3; on the south by vacant land, zoned OL and CS, and 61st Street South; and on the west by U.S. Highway 75, zoned AG, and across the highway by a multifamily residential development, zoned RM-1, and Bales Park, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within a Special District and Corridor. According to the Zoning Matrix, the requested CO zoning **may be found** in accord with the Plan in the area designated as a Special District, as well as, the area designated as Corridor.

STAFF RECOMMENDATION FOR ZONING:

This area is rapidly developing and with appropriate guidelines, will meet the definition and intent of a corridor. Design of the development must include a Corridor Collector street and access will be important to Bales Park, the apartment development, the Turkey Mountain Wilderness Area and River Parks. Consideration should also be given to allowing opportunity for access to the YMCA facility to the north by the Corridor Collector Street. Staff recommends approval of the Corridor zoning.

If the TMAPC is inclined to approve the requested rezoning, staff should be directed to prepare a Plan map amendment to extend the corridor designation north to the I-44 collector Road and extending east a distance of approximately 1,320 feet.

STAFF RECOMMENDATION FOR CORRIDOR DEVELOPMENT PLAN:

This site comprises 50.46 acres of net land situated north and east of the northeast corner of the intersection of Highway 75 and West 61st Street South.

Immediately adjacent to the south of the development tract is 10.86 acres (identified as "existing zoned tract" on applicant's Exhibit A), which is located at the immediate corner of the intersection and is presently zoned CS (8.54 acres) and OL (2.32 acres). This parcel is intended for conventional retail development and is not included in this Corridor Development Plan proposal.

The tract is presently zoned AG Agriculture and concurrently an application Z-7089 has been filed to request the rezoning of the property to a CO, Corridor District designation.

The subject tract is abutted on the east by vacant land, zoned AG. The western boundary of the Turkey Mountain Wilderness Area is located $\frac{1}{4}$ mile, or 1,320 feet to the east of the subject tract. To the north is 28 +/- acre Westside YMCA zoned RS-3 and IL. Immediately south of the subject tract is vacant land, zoned OL and CS, and 61st Street South. The property is abutted on the west by U.S. Highway 75, zoned AG, and across the highway by a multifamily residential development, zoned RM-1, and Bales Park, zoned AG.

Corridor Development Plan Z-7089-SP-1 site as submitted is comprised of 50.46 acres. This development plan has been granted continuance by the TMAPC several times to allow the applicant and the adjacent property owner to the north, the Westside YMCA to address various issues, particularly buffering and access. Subsequently, the applicant is withdrawing this 13.33 acres along the east and north boundary of the subject tract from the application. These 13.33 acres will remain zoned AG and will provide a buffer and a means of access from 61st to the main campus of the YMCA tract (see Exhibit A) either through a mutual access easement or could be split from the subject tract and conveyed to the YMCA directly. In summary, the developable portion of the site will now be limited to 37.13 acres while the 13.33 acre buffer area is withdrawn from the application and will remain zoned AG.

Both tracts fronting 61st Street as depicted on applicant's Exhibit A are in common ownership and development will be coordinated. There is a planned collector street loop providing all tracts shared access to and from 61st Street as required. The proposed CO Tract and the CS/OL Tract together have approximately 2615 feet of frontage on Highway 75 and approximately 815 feet of frontage on 61st Street.

The proposed development concept is a mixed use development principally intended for retail and office uses, with provision for multifamily and office warehouse facilities as well. The proposed development is consistent with the development of other corridor properties in the vicinity and along Highway 75 at 71st Street and 81st Street, including Tulsa Hills and the Olympia Medical Park.

Given the steep natural topography of the northeastern corner of this site, special consideration should be given to how this portion of the site is developed. Any

proposed access from this site to the YMCA property to the north that traverses this area, should be coordinated and engineering attempts made to the greatest extent practical to minimize the impact to the natural slope of the site.

A frontage road along the Highway 75 ROW is planned by the ODOT for an unspecified date (see Exhibit K). While access will be provided to each lot from the interior collector street at each phase of development, special consideration will be given to coordinate efforts within Development Area A to include future access from the development tract to the proposed frontage road.

The applicant is submitting this Corridor Site Plan as a conceptual site plan to designate development areas, allocate permitted uses and intensity of uses, and development standards and conditions to be followed by review and approval of detailed corridor district site plans of each phase of development submitted to and approved by the Tulsa Metropolitan Area Planning Commission.

Contingent upon the TMAPC's recommendation for approval of the re-zoning application Z-7089 for CO zoning; their recommendation to amend the District Plan; and based upon the proposed Development Concept and Standards staff finds Z-7089-SP-1 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; and (3) consistent with the stated purposes and standards of the CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-7089-SP-1 as a conceptual plan with development standards, subject to the following conditions and as amended by the TMAPC (items with strikethrough have been deleted, underlined items added in):

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

Development Area A (Expressway Frontage Retail/Office)

Gross Land Area: 28.26 acres 1,231,005 square feet

Permitted Uses:

Uses permitted by right within Use Unit 10 - Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 -Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services;

Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area:

Use Units 11, 12, 13, 14 and 19
excepting hotel/motel use (.25 FAR): 307,751 sq. ft.

Use Units 19 limited to hotel/motel uses only;
not to exceed 10 site acres (.60 FAR): 61,360 sq. ft.

Maximum Building Coverage: 30 % of net lot area

Minimum Building Setbacks:

From right of way of corridor collector street	20 ft.
From north boundary of Area A	100 ft.
From south boundary of Area A	20 ft.
From east boundary Area A	20 ft.
From west boundary of Area A	50 ft.
From interior lot line	10 ft.

Maximum Building Height: 65 ft.

Off-street Parking:

As required by the applicable use unit.

Minimum Landscaped Area: 10% of net lot area

Use Limitations:

The north 100 feet of Area A shall be limited to open space use, maintained in a substantially natural state, provided however, the open space area may be used for storm water detention facilities and the west 150 feet of the north 100 feet of Area A may be used for surface off-street parking.

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from nearby residentially zoned properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent nearby residentially zoned area or street right-of-way. No light standard shall exceed 25 feet in height.

Signs:

Signs shall be limited to:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) Two project identification ground signs, to be located along the Highway 75 frontage not exceeding 35 feet in height and 500 square feet of display surface area.
- (c) Two center tenant directional signs along the frontage of the corridor collector street not exceeding 12 feet in height and 96 square feet of display surface area.
- (d) One monument sign for each lot having frontage on the corridor collector street not exceeding 8 feet in height and 64 square feet of display surface area.

Development Area B (Residential/Retail/Office-Warehouse)

Gross Land Area: 8.87 acres

386,377 sq. ft.

Permitted Uses:

Uses permitted by right within Use Unit 8 - Multifamily Dwelling and Similar Uses; Use Unit 10 - Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12. - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; Office/Warehouse uses which may include sales, service and warehousing of business products and household goods, provided that the exterior storage of materials and merchandise shall be prohibited and service activities shall be conducted within an enclosed building; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area:

Use Units 11, 12, 13, 14 and 19

excepting hotel/motel use (.25 FAR): 96,594 sq. ft.

Use Units 19 limited to hotel/motel uses (.60 FAR): 231,826 sq. ft.

Office warehouse uses not to exceed (.50 FAR): 193,188 sq. ft.

Multifamily uses: NA

Maximum Building Coverage: 30 % of net lot area

Maximum Number of Dwelling Units: 30 dwelling units per acre*

**The permitted intensity of residential/care facilities (Use Unit 8) shall be determined by applying a floor to area ratio (FAR) of .45 and a land area per dwelling unit (LA/DU) of 1000 square feet LA/DU.*

Minimum Livability Space per Dwelling Unit: 300 sq. ft.

Minimum Building Setbacks:

From centerline of 61 st Street	135 ft. *
From corridor collector street ROW	20 ft.
From north boundary of area B	10 ft.
From east boundary of area B	35 ft.
From interior lot line	10 ft.

**Warehouse buildings shall be setback 1 additional foot for every foot of building height exceeding 20-feet.*

Maximum Building Height: 65 ft.

Off-street Parking:

As required by the applicable use unit.

Minimum Landscaped Area:

Nonresidential uses	10% of net lot area
Residential uses	25% of net lot area

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from nearby residentially zoned properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an ~~adjacent~~ nearby residentially zoned area or street right-of-way. No light standard shall exceed 25 feet in height.

Signs:

Business and Residential signs shall be limited to:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of the main building wall to which affixed provided however, the aggregate length of wall signs shall not exceed 75%

of the wall or canopy to which affixed and no wall signs shall be affixed to the east building walls.

- (b) One project identification ground sign to be located along the 61st Street frontage, not exceeding 25 feet in height and 300 feet of display surface area.
- (c) One center tenant directory sign along the frontage of the secondary corridor collector street not exceeding 12 feet in height and 96 square feet of display surface area.
- (d) One monument sign for each lot having frontage on the secondary collector not exceeding 8 feet in height and 64 square feet of display surface area.
- (e) Residential use signs shall be limited to one identification sign for each residential development not exceeding 8 feet in height and 64 square feet of display surface area.

General Requirements Development Areas A & B

Landscaping

Landscaping throughout the Corridor District shall meet the requirements of the landscape chapter of the City of Tulsa Zoning Code.

Screening

Any use when located on a lot abutting an R District shall be screened from the abutting R District by the erection and maintenance of an 8' screening wall or fence along the lot line or lot lines in common with the R District.

Access and Circulation

Access is to be derived from an interior collector street system having one point of access to 61st Street. Each phase of the Corridor District development shall be provided access to the interior collector street system.

A frontage road along the Highway 75 ROW is planned by the ODOT. When applicable, special consideration will be given to coordinate efforts within Development Area A that will provide future access from the development tract to the proposed frontage road.

Parcelization

After initial platting setting forth the allocation of floor area, division of lots may occur by approved lot-split application, subject to the concurrent approval of a minor amendment to the Corridor Plan by the Tulsa Metropolitan Area Planning Commission of proposed floor area allocations and confirmation of the existence of any necessary cross parking and mutual access easements.

Transfer of Allocated Floor Area

Allocated floor area may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area is to be allocated. Such allocations shall not exceed 10% of the initial allocation to the lot to which the transfer of floor area is to be made and must be done by minor amendment to the Corridor Plan.

3. No zoning clearance permit shall be issued for a lot within the development area until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved 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 issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the 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, including building mounted (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers) shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

8. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent nearby residentially zoned areas and shall not exceed a height of 25'. 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 nearby residentially zoned areas or street right-of-way. 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.
9. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage 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.
10. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a commercial collector public street. The maximum vertical grade of streets shall be ten percent.
11. The City shall inspect all streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
12. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the Corridor Site Plan conditions of approval and making the City beneficiary to said covenants that relate to Corridor Site Plan conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. Approval of the Corridor Site Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
15. 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 Corridor Site Plan except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the Corridor Site Plan.

TAC Comments:

General: No comments.

Water: A water main extension line will be required. Option "B" of this proposal will require the approval of Public Works Engineering Services. A water line easement will be required on private property where a water main line is extended.

Fire: 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.

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.

Stormwater: This site has City of Tulsa Mooser Creek Regulatory Floodplain crossing it. The Floodplain and all other Stormwater Drainage issues must be addressed in this Corridor Plan.

Wastewater: Sanitary Main Line Extension must be provided to serve the entire project. The sewer line must have sufficient capacity to serve the entire basin. Contact Bob Shelton, 596-9572 to find capacity of 30" downstream that will be tied into. Also, contact Anthony Wilkens, 596-9577 about "option B" approval.

Transportation: Sidewalks must be provided in accordance with Subdivision Regulations Section 4.3.

TMAPC Transportation:

- MSHP: 61st St., between US-75 and Elwood Ave designated secondary arterial.
- LRTP: US-75, between I-44 and 61st St. S., planned six lanes. 61st St., between US-75 and Elwood Ave, existing two lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- TMP: Trail/Sidewalk/Bikeway is planned to ultimately connect Bales Park to Turkey Mountain. Request that Sidewalk along 61st be constructed to trail width, (10 FT)
- 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.

Traffic: The major entry of the unnamed Collector Street shall provide a minimum of two outbound lanes.

The curvilinear Collector Street shall intersect 61st Street at least 550 FT east of the center of the North Bound off-ramp (approximately as shown).

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

TMAPC COMMENTS:

Mr. Marshall asked staff to explain the 13.33 acres being donated to the YMCA from Development Area B. In response, Mr. Sansone stated that he understands that it is not necessarily donated to the "Y", but it could be held under the current ownership and limited by an approval today to AG and the uses could be restricted. However, he believes that there has been an offer made to the YMCA to purchase the land and if they decline the offer, the applicant intends to keep the 13.33 acres as a buffer area and limit the uses that would be permitted in the subject area as access only.

Ms. Cantrell stated that she received the Turkey Mountain Park Area Trails and she was curious if the area that is slated for potential park expansion is located in the designated area or outside the area. In response, Mr. Sansone stated that it is outside the area. The point of mentioning Turkey Mountain Park Area Trails is a quarter mile away and there is a substantial amount of trails system that is connected to the Turkey Mountain area and technically not a part of Turkey Mountain. There are some very large tracts of land that are privately held and people have been biking and hiking on them. If someone comes in to develop them, the trails are gone.

In response to Ms. Cantrell, Mr. Sansone stated that he doesn't believe that any public trails system is going to be eliminated with this proposal.

Ms. Wright asked staff to clarify for her when a stormwater detention area becomes necessary. In response, Mr. Sansone stated that it would all be verified through the platting process. Nothing can be built until the platting is completed. Ms. Wright stated that the reason for her question is because when she visited the location and was standing at the YMCA Lake it appears that the 13.33 acres that they are going to use as a buffer will drain into the lake. Everything drains down the hillside into this lake and she is very suspicious of this plan because the permeability of that land being replaced by asphalt and building will possibly cause severe environmental damage. Where do questions like this get addressed during the process? In response, Mr. Sansone stated that this is not necessarily in the purview of this review and the City of Tulsa is required to verify through the mechanism they currently have in place that no more water will be displaced from the subject property to the adjacent site as a result of the subject development. This type of review is not the purview of the Planning Commission and/or INCOG staff. In response, Ms. Wright asked if this is not putting the cart

before the horse, because if they can't guarantee some kind of stormwater detention plan, then the water will be spilling onto the surrounding properties. Would it even be appropriate to be looking at this conceptual site plan because the stormwater issue hasn't been resolved? In response, Mr. Sansone stated that Ms. Wright has a legitimate concern, but historically the development standards, corridor districts and PUDs have always been approved prior to the final plat being done. If the Planning Commission wants to deny the application or suspend it until the platting is done, he has never seen it happen or done in that fashion. He believes that the platting mechanism is done afterwards as a way to cover all of the technical aspects that neither this Planning Commission nor INCOG staff is equipped to handle because we are not engineers. In response Ms. Wright stated that the Planning Commission would be approving something that they are totally ignorant of. In response, Mr. Sansone stated that what Ms. Wright would be saying is that the City staff is incapable of certifying that the stormwater is not going to flow where it should not flow and not going to properly detain it. Stormwater Management will take care of this issue and that is their job. In response, Ms. Wright asked when is the correct time to ask for the environmental impact on this land. In response, Mr. Sansone stated that it would be during the TAC meeting. In response, Ms. Wright stated that the TAC meeting is not necessarily public. In response, Mr. Sansone stated that the TAC meetings are public. In response to Ms. Wright, Mr. Sansone stated that he would say that the TAC meetings are sufficiently advertised on our website and through other mechanisms.

Commissioner Miller stated that normally it is up to the applicant to prove that the water is being discharged correctly and there is some type of engineering done. The applicant knows that they have to provide a water flow analysis and hopefully that is a question that Ms. Wright could ask the applicant. In response, Ms. Wright stated that this is not virgin land and it has topographical issues that are going to cause problems to the land and surrounding properties. In response, Commissioner Miller stated that she doesn't believe it is the staff members' responsibility to do it.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, stated that he is representing the owners of the 60 acres that are located at the northeast corner of 61st Street and Highway 75. When the application was first filed the front portion was already zoned CS and OL. The property has not been platted as commercial and before getting a building permit, one has to plat the property and it is a very strong requirement in our Code and applied uniformly in corridor districts, PUDs and conventional zoning. This process was developed over time and recognized that all of this intensification of land use had to be followed by careful engineering. The City of Tulsa has a nationally recognized Stormwater Management Department and they are outstanding. When one takes the plat to be reviewed, it will be reviewed extremely closely. It is true that it will be difficult to handle the drainage on some of this site, but it will be required or it will not be

developed. He hopes that the Planning Commission recognizes how good those regulations are and how strictly they are imposed. It is on the applicant who seeks the building permit to first plat and then be under close scrutiny to make sure that those considerations are properly addressed. This Planning Commission and prior Planning Commissions have recognized that entity and they rely on the City (or County) to deal with these issues knowing that they in and of themselves would have a difficult time trying to make decisions on quantities and cubic feet per second and other matters that has to be dealt with on drainage detention. The plan as he sees it is within the part that will be developed there will be detention. The area to the north and to the east will remain natural.

Mr. Johnsen stated that he had ongoing dialogue with the "Y" and their representatives and one of the concerns that they felt very strongly about was having some form of buffer. The YMCA property is to the immediate north and is approximately 28 acres. There have been several continuances in order to attempt to discuss these issues with the "Y". The 13.3 acres were identified in the dimension running north to south at 200 feet and they excluded it from the application so it will remain zoned AG. AG is a very restrictive zoning category and if one tries to develop it with some sort of rural-type housing, it would still have the same requirements for platting and drainage addressed. To take out the 13.3 acres from the application was a very good approach and leave it status quo and continue to work with the "Y". He stated that he is pleased to advise the Planning Commission that he has a written agreement with the "Y". There are private restrictions that his applicant has agreed to: 1) 200 feet will remain in a natural state with one exception, which is for utilities, since the sewer will have to be extended to the north; 2) the first north 100 feet of the subject property, which is what is under application today (37.13 acres), is restricted to open space, but detention facilities are allowed if necessary; 3) the west 150 feet will be used for off-street parking, but no buildings; 4) a secondary entrance to the "Y" was access to 61st Street, but that wasn't the most important issue, and it has been left in an AG classification and the "Y" is not purchasing the property and the property will not be disturbed. He indicated that the restrictions will be made of record and implemented.

Mr. Johnsen stated that the subject property will be zoned CO and described the length of the corridor along U.S. 75. He explained that corridor is encouraged along expressway frontage. Accompanying the rezoning is the corridor site plan, and under the present process the applicant submits a conceptual site plan to establish the development areas, establish the uses that may be permitted, and the intensity of those uses with two basic requirements before development. The applicant has to come back with a detail site plan of any improvements made within the standards, then platting. Mr. Johnsen submitted a revised conceptual site plan E-A (Exhibit A-1) and cited the 13.3 acres that will remain AG and indicated the secondary drive and collector street. Mr. Johnsen explained the FAR and square footage measurements used for the proposed uses. He

explained that when adding up the square footage one adds up what is actually developed and it will be below what is permitted in a corridor district.

Mr. Johnsen stated that when he took out the 13.3 acres to remain AG and there is no residential classification abutting the "Y". The lighting standards will have the residential standards applied to it since the property abutting is AG and then the "Y". Mr. Johnsen indicated that Mr. Schuller is representing the YMCA and he would prefer the words "nearby residentially zoned property" rather than "residentially used property" because they do not have residences there.

Mr. Johnsen stated that the subject property is not a part of the Turkey Mountain Wilderness area and there are 80 acres separating the subject property from that area. The plans were made in the 1980's and it recognized that a corridor might be located along Highway 75 at 61st Street. It did not extend as far north, but they recognized that possibility and the line was drawn based on the topography as it then existed. He believes that this request is consistent with the Comprehensive Plan and this is an opportunity for Tulsa to have more retail tax-producing uses.

TMAPC COMMENTS:

Mr. Boulden stated that in essence Mr. Johnsen has over-advertised, since he is dropping the AG area out of the application. He asked Mr. Johnsen if he has a conservation easement agreement with the "Y." In response, Mr. Johnsen stated that it could be considered a conservation easement because it is an agreement that the 13.3 acres will stay substantially in its natural state except for necessary utilities. The ownership will remain in his client's ownership at this time.

Ms. Wright stated that she has several questions. She commented that she is dismayed because she thought that the 13 acres would be in one single piece of land between the edge of the subject property and the "Y", but actually there will be 200 feet. The elevation drops roughly 80 feet in those 200 feet. It isn't really buildable, unless one lives in the mountains of another state. The way this is coming across is that this is some kind of agreement between developer and the "Y", and that this will be a buffer zone and 200 feet when this is going to be a well-lit development on top of it with this being a camping area and people will be out there and there is light pollution to be considered. She knows that this has been continued over and over for all of these engineering studies and she is hoping that some of those are available to share with the Planning Commission today.

In response to Ms. Wright, Mr. Johnsen stated that on the basis of the engineering studies, the grades and vegetation of that area is how the 200 feet was derived, plus a 100-foot building setback. The "Y" thought that was acceptable and they had engineering done as well. He stated that he has pictures but one can't see much because it is heavily treed. In response, Ms. Wright stated that the trees will be gone because part of this development will

eliminate the tree coverage. In response, Mr. Johnsen answered negatively. In response, Ms. Wright asked Mr. Johnsen what one would see when looking up. In response, Mr. Johnsen stated that he is not sure one will see it, but up on the more flatter parts of the overall ground is where the buildings will be located, and given the separation, he not sure they will be visible. Ms. Wright asked Mr. Johnsen if he had engineering reports that he could share with the Planning Commission today. In response, Mr. Johnsen stated that he doesn't have a written report, but his engineers have walked it and this is what was concluded as being a very acceptable setback and the "Y" accepted it after having their engineers walk it. In response, Ms. Wright stated that she is confused because the applicant continued this application four or five times for engineering and yet there is no engineering available. In response, Mr. Johnsen stated that he does have engineering and they have visited the site to stake it so that they would know what the elevations are and have walked it, looked at the drainage and figured out... Ms. Wright interrupted Mr. Johnsen and stated that she understands what he is saying, but doesn't he have any reports. In response, Mr. Johnsen stated that this is a report in his mind, a verbal report. In response, Ms. Wright stated that the answer is "no" then.

Ms. Wright stated that the other question she had was concerning 61st Street, which is a narrow street with crumbling edges. She asked if the applicant plans to pay for a new street along 61st or how will that be handled. In response, Mr. Johnsen stated that it will be handled in accordance with the policies of this community, that zoning is approved based on planned facilities and that is the way the entire City has been done. He doesn't know of any instance where in a situation like this the developer was required to improve the arterial. This is considered to be normal expenses of the City to widen their arterial streets and it is policy.

Mr. Ard asked if there is a proposed plan to provide some widening between the highway access ramp and the entry to the subject property. In response, Mr. Johnsen stated that there is nothing planned, scheduled or funded that he is ware of.

Interested Parties Comments:

Steve Schuller, 111 Oneok Plaza, 74103, representing the YMCA, stated that he would like to express the YMCA's gratitude to the Planning Commission for the number of continuances that were granted, which permitted the "Y" and the developers to engage in very meaningful discussions and negotiations. He explained that he has been working closely with the developers for a number of weeks and consulted with his own professional engineers and has come to an agreement that Mr. Johnsen outlined previously. He believes that the developers have demonstrated a conscientious sensitivity to the neighboring properties and in particular with the YMCA's property to the north. This development plan with the buffer area will take advantage of the peculiar topography of the area and develops a project plan that preserves a meaningful open space for the subject

area. This makes the developer's project more attractive and helps protect the west side YMCA property. The "Y" has been there for about 54 years and serves hundreds of children every day. The YMCA fully supports the staff recommendation and the application as it has been presented today and modified.

TMAPC COMMENTS:

Ms. Wright stated that on the proposed plan there is a road that goes nowhere and she asked where the road will be going. In response, Mr. Schuller stated that if that collector street were ever extended northward, it would be extending north along the U.S. Highway 75 right-of-way all the way to Skelly Drive frontage road along the north side. Ms. Wright asked if that would cross the "Y" property. In response, Mr. Schuller stated that it would run along the western edge of the "Y" property.

Interested Parties Comments:

Kaye Price, 5815 South 31st West Avenue, 74107, representing W.O.R.T.H. Neighborhood Association, read the Comprehensive Plan and said she believes that the subject property is within the Turkey Mountain Special District. She expressed her concerns regarding Mooser Creek and the impact this development may have on the subject area. She commented that the existing roads could not handle the increase in traffic that this development will bring. She doesn't believe that this development is appropriate for the subject area.

TMAPC COMMENTS:

Ms. Cantrell stated that there appears to be a conflict between the written portion of the Comprehensive Plan and the actual map, which does designate this area as being corridor district. It is not necessarily as clear-cut as it some believe it might be.

Ms. Matthews stated that text and maps are not conflicting and there is some confusion on Ms. Price's part, in that she is confusing a special district with what is actually dedicated as Turkey Mountain Park. The special districts very often throughout the City will go as much as a quarter of a mile on either side of whatever is dedicated as a park or a school. The special district doesn't necessarily mean that it is Turkey Mountain Park. In response, Ms. Price stated that there is nothing else in the City of Tulsa that looks like Turkey Mountain. In response, Ms. Matthews stated that she is stating facts.

Applicant's Rebuttal:

Mr. Johnsen stated that the Turkey Mountain Special District Study, which was done in 1984, states that it is prepared by Dane Matthews, Principal Regional Planner and she is present today. The Comprehensive Plan is a guide and not a regulation, but it is a very important tool. He commented that he is not zoning property that the River Parks was planning to acquire. The south ten acres of the subject property is already zoned commercially. The experts tell you that this is

the way the matrix is crafted. The Code is written and it is a “may be found” in the Comprehensive Plan. This gives the Planning Commission discretion and they could find it otherwise if they chose to do so. This proposal is not in conflict with the Comprehensive Plan. It makes sense that when there is an arterial street and an expressway, it is an excellent place for high intensity development and not a very good place for wilderness area. He admits that 61st Street is not in great shape, but the key physical feature is that the subject property is at a full diamond interchange with an expressway. This has great regional accessibility and the use on 61st will be fairly limited to start with, but ultimately it will be widened, which is a pattern that happens throughout our City as the demand occurs. There isn’t any place where they build the streets and then say they are ready to zone.

Mr. Johnsen stated that the PUD provision is stated in the Comprehensive Plan, but he doesn’t believe that they had in mind, at the time, that corridor would equivalent to a PUD. It is site-plan-specific and there is control of the uses and how the property will develop. He understands that the present administration does want a PUD over a corridor. This proposal does come within the principles and the concept of the Plan. The emerging development patterns in the subject area and U.S. 75 are seeing some serious development and it is a great place for retail use. He requested that the Planning Commission approve this application in accordance with the staff recommendation and the modifications advised on the lighting to read “nearby residential uses” on the shielded lighting requirement.

TMAPC COMMENTS:

Commissioner Miller stated that she is very familiar with the subject area and expressed concerns with 61st Street and the traffic element present. She commented that it is dangerous and she questioned if there have been any traffic studies. In response, Mr. Johnsen stated that he hasn’t done any traffic studies and it is an arterial street. He further stated that a great amount of the traffic will access U.S. Highway 75. Commissioner Miller stated that the exits off of the highway onto 61st Street are very dangerous when trying to turn left. In response, Mr. Johnsen stated that he is not trying to be flippant, but Tulsa County has a great County Commissioner and sometimes they do take care of those places where there is present need. Mr. Johnsen stated that this property will not develop overnight and as demand in the subject area grows, he is assuming that improvements will be made to the streets. Mr. Johnsen stated that he doesn’t know of a City that can develop any differently. In response, Commissioner Miller stated that she agrees with that.

Ms. Cantrell stated that she thought that when this came before the Planning Commission previously, there was discussion about having to amend the Comprehensive Plan to accommodate the CO zoning. In response, Mr. Alberty stated that Ms. Cantrell might be referring to the properties to the south because the Comprehensive Plan was amended to the south of 71st Street. It has always shown the corridor north.

Ms. Wright asked Mr. Sansone if there is any conceivable way that there would be buses in the subject area. In response, Mr. Sansone stated that the TAC comments include Transportation comments that mention bus service. In response, Ms. Wright asked where the bus service would be located. In response, Mr. Sansone stated that he understands that it is on 71st Street. He further stated that MTTA would work with staff upon detail site plan review of where transit access would be provided.

Mr. Sansone stated that with respect to Commissioner Miller's concerns with 61st Street and trying to make a left-hand turn. The collector street will be required to intersect 61st Street at least 550 feet east of the center of the northbound off-ramp in an effort to eliminate traffic issues along 61st Street.

Ms. Cantrell asked if everything that this development includes is within a corridor designated district as shown on the map. In response, Mr. Sansone answered affirmatively.

Mr. Johnsen stated that he doesn't believe all of the subject property was designated in the corridor, but it is a generalized map. He doesn't believe that the northern part was designated. Trying to follow the topography is the reasoning and he believes his plan follows that topography.

Ms. Cantrell asked if a portion is outside of the designated corridor, will there have to be a map amendment. In response, Mr. Johnsen stated that he doesn't believe so because it says "may be found without map amendment".

Ms. Wright stated that there are gas lines that are crossing it. She commented that she is puzzled because there have been continuances and she doesn't feel that there have been substantial reasons presented for the number of continuances that we have seen on this property. Ms. Wright further commented that she is very concerned about all of this stuff that would normally be revealed in an engineering report and she is more than capable of understanding the topographical, water issues and potential flooding. The dam at the "Y" was at its flood point the day she visited the site. The water coming down off of the mountain at that elevation and if it floods that dam, it will wipe out the lower part of the "Y". Without the appropriate information for dealing with an unusual site that the Planning Commission would be misguided in approving this. There are many considerations for an area parcel that have so many topographical challenges. In terms of the traffic along 61st Street, the road is already crumbling as we speak, and given City of Tulsa's current street situation there are so many streets that have more traffic on them and this wouldn't be a priority on anyone's list. This would only be causing a serious situation.

Mr. McArtor stated that what one sees most times is that when development proceeds then infrastructure follows and it is not the other way around. It seems

that when there is a demand then leadership will step in or they will be removed when infrastructure is not put into place. He doesn't see this as a big problem. The continuances that Ms. Wright mentioned have been primarily to allow the YMCA and the applicant to work out the buffer zone. If Mr. Schuller weren't present today that might be one thing, but he is here representing the "Y" and is very satisfied with the proposal and so those concerns have been met. With regard to the storm drainage, it will be addressed at a later stage and if all of this was required up front, he believes all development is ruined because of the costs that are necessary. He commented that he doesn't know of anyone who put the cost into doing the engineering work unless the rezoning is approved first.

Mr. McArtor stated that he would move to approve the CO zoning and approve the corridor plan per staff recommendation with the amendments regarding the lighting.

Ms. Wright asked if the amendments to the lighting prevent light pollution. In response, Ms. Matthews stated that the lighting will have to meet the Kennebunkport Formula.

Ms. Wright asked if the lighting requirements could be more stringent. There are cities around the United States that have low illuminations so that if one were to star gaze one would not be subjected to light pollution. In response, Ms. Matthews stated that the City of Tulsa has not adopted those standards.

In response to Commissioner Miller, Mr. Schuller stated that he doesn't believe the lighting will be an issue for the "Y". With the excess buffer area, the lighting being shielded, the trees and the property remaining in its natural state, it should not be a problem.

Mr. Boulden asked Mr. Schuller if the covenant he has agreed to will also be covering the lighting. In response, Mr. Schuller answered affirmatively.

Commissioner Miller reiterated her concerns with traffic and 61st Street.

TMAPC Action; 8 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **7-1-0** (Ard, Cantrell, Marshall, McArtor, Miller, Shivel, Walker "aye"; Wright "nay"; none "abstaining"; Carnes, Midget, Sparks "absent") to **APPROVAL** of the CO zoning for Z-7089 per staff recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **7-1-0** (Ard, Cantrell, Marshall, McArtor, Miller, Shivel, Walker "aye"; Wright "nay"; none "abstaining"; Carnes, Midget, Sparks "absent") to **APPROVAL** of the corridor plan for Z-7089-SP-1 per staff recommendation as modified. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7089/Z-7089-SP-1:

THE E/2 OF THE SW/4 OF SECTION 35, T-19-N, R-12-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, LESS THE RIGHT-OF-WAY PREVIOUSLY GRANTED TO THE OKLAHOMA HIGHWAY DEPARTMENT. SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE E/2 OF THE SW/4 OF SECTION 35, T-19-N, R-12-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA; THENCE N-0°55'14"-W ALONG THE WEST LINE OF SAID E/2 SW/4 A DISTANCE OF 24.75 FEET TO A POINT; THENCE N-89°05'00"-E AND PARALLEL TO THE SOUTH LINE OF SAID E/2 SW/4 A DISTANCE OF 647.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75; THENCE N-45°55'00"-W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE 49.90 FEET TO A POINT; THENCE S-89°05'00"-W ALONG SAID RIGHT-OF-WAY LINE AND PARALLEL TO THE SOUTH LINE OF SAID E/2 SW/4 A DISTANCE OF 100.00 FEET TO A POINT; THENCE N-19°45'00"-W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 408.70 FEET TO A POINT; THENCE N-11°03'00"-W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 396.10 FEET TO A POINT; THENCE N-7°58'00"-E A DISTANCE OF 617.60 FEET TO A POINT; THENCE N-0°30'26"-W A DISTANCE OF 1197.78 FEET TO A POINT ON THE NORTH LINE OF SAID E/2 SW/4, SAID POINT BEING 414.20 FEET EAST OF THE NORTHWEST CORNER OF SAID E/2 SW/4; THENCE N-89°08'28"-E ALONG THE NORTH LINE OF SAID E/2 SW/4 A DISTANCE OF 911.98 FEET TO THE NORTHEAST CORNER OF SAID E/2 SW/4; THENCE S-0°52'14"-E ALONG THE EAST LINE OF SAID E/2 SW/4 A DISTANCE OF 2643.80 FEET TO THE SOUTHEAST CORNER OF SAID E/2 SW/4; THENCE S-89°05'00"-W ALONG THE SOUTH LINE OF SAID E/2 SW/4 A DISTANCE OF 1323.88 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE WEST 647.00 FEET OF THE SOUTH 24.75 FEET THEREOF; **AND** A PART OF THE E/2 OF THE SW/4 OF SECTION 35, T-19-N, R-12-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHWEST CORNER OF THE E/2 OF THE SW/4 OF SECTION 35, T-19-N, R-12-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA; THENCE N-0°55'14"-W ALONG THE WEST LINE OF SAID E/2 SW/4 A DISTANCE OF 2645.14 FEET TO THE NORTHWEST CORNER OF SAID E/2 SW/4; THENCE N-89°08'28"-E ALONG THE NORTH LINE OF SAID E/2 SW/4 A DISTANCE OF 264.20 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S-0°10'24"-W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 598.60 FEET TO A POINT; THENCE S-2°53'00"-E ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 1100.00 FEET TO A POINT; THENCE S-11°03'00"-E ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 112.00 FEET TO A POINT; THENCE N-7°58'00"-E A DISTANCE OF 617.60

FEET TO A POINT; THENCE N-0°30'26"-W A DISTANCE OF 1197.78 FEET TO A POINT ON THE NORTH LINE OF SAID E/2 SW/4; THENCE S-89°08'28"-W ALONG THE NORTH LINE OF SAID E/2 SW/4 A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING; **Less and Except** Beginning at a point on the south line of the east half of the southwest quarter (E/2, SW/4) of Section 35, Township 19 North, Range 12 East, in the City and County of Tulsa, Oklahoma, said point being 170' west of the southeast corner thereof; thence north 660' to a point; thence west to a point on the east line of U.S. Highway #75; thence in a southerly direction along said east line of Highway #75 to its intersection with the south line of the east half of the southwest quarter (E/2, SW/4); thence east along said south line to the point of beginning. **From: AG (Agriculture District) To: CO (Corridor District).**

Ms. Wright out at 4:50 p.m.

16. **PUD-619-C-1 – Charles E. Norman** (PD-26) (CD-8)

North of the northwest corner of South Memorial Drive and East 111th Street (Minor Amendment to establish development standards for a previously approved use within Lot 1, Block 3, Memorial Commons.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to establish development standards for a previously-approved use within Lot 1, Block 3 – Memorial Commons.

The February 6, 2008 TMAPC approval of PUD-619-C included the approval of the Hotel/Motel use only within Use Unit 19, anywhere within PUD-619-C. However, that TMAPC approval included setback standards which were specific to the hotel/hotel use being located on Lot 1, Block 2 – Memorial Commons, and did not consider the location of the hotel/motel use anywhere else within the PUD.

Specifically the 2/6/08 approval of PUD-619-C included the following as height and setback standards specifically for the hotel/motel use:

Hotel—Motel:	
From South Memorial Drive right-of-way	350 FT
From the west boundary	600 FT
From the north boundary	50 FT
From the south boundary	25 FT

Internal building setbacks shall be established by the detail site plan review.

Maximum Building Height:

Hotel—Motel

75 FT

Minor amendment PUD-619-C-1 proposes to establish the following building height and setback standards for the hotel/motel use on Lot 1, Block 3 – Memorial Commons. These standards affect the approved hotel/motel use only:

Hotel—Motel:

From South Memorial Drive right-of-way	850 FT
From the west boundary of the PUD	150 FT
From the north boundary of the PUD	850 FT
From the south boundary of the PUD	30 FT

Internal building setbacks shall be established by the detail site plan review.

Maximum Building Height:

Hotel—Motel

75 FT

This portion of PUD-619-C (Lot 1, Block 3) is abutted by unplatted, AG zoned property on the west owned by Alan Carlton. Mr. Carlton was instrumental in developing the applicable standards for PUD-619-C as his property is directly impacted by development within PUD-619. Staff understands that Mr. Carlton does not oppose this amendment.

The property immediately adjacent to the south is owned by the City of Tulsa and has been developed as a stormwater detention facility. The property to the immediate southeast is zoned RS-3 and is part of the multi-zoning district PUD-578-A (CS, RM-1, RS-3), platted as Lots 1 and 2, Wal-Mart Super Center #1597-03. PUD-578-A is currently limited to commercial uses and the tract in question is a “land locked” tract, with no access to a street. It is staff’s opinion that PUD-578-A, Wal-Mart Super Center #1597-03 will be developed commercially to the limits of PUD-619.

Therefore, staff recommends **APPROVAL** of PUD-619-C-1 subject to the following conditions (amended standards herein are underlined; all other development standards of PUD-619-C remain in effect and are listed below for convenience):

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

AREA:

Net:	34.3 AC	1,494,108 SF
Gross:	36.7 AC	1,597,533 SF

PERMITTED USES:

Permitted uses shall include the uses permitted as a matter of right in the CS --Commercial Shopping Center District, Use Unit 19, Hotel, Motel and Recreation for a Health Club/Spa and an enclosed swimming pool use only; Use Unit 20 – Recreation: Intensive for an unenclosed swimming pool only; and uses customarily accessory to permitted uses but shall exclude Use Unit 12A.

MAXIMUM PERMITTED FLOOR AREA:

Commercial	333,433.65 SF
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MAXIMUM BUILDING HEIGHT:

Commercial Buildings	35 FT
<u>Hotel—Motel</u>	<u>75 FT</u>
Health Club/Spa	
Parapet	42 FT
Skylight	57 FT

MINIMUM BUILDING SETBACKS:

Commercial Buildings:	
From South Memorial Drive right-of-way	70 FT
From the west boundary	100 FT
From the north boundary	50 FT
From the south boundary	25 FT
<u>Hotel—Motel:</u>	
<u>From South Memorial Drive right-of-way</u>	<u>850 FT</u>
<u>From the west boundary of the PUD</u>	<u>150 FT</u>
<u>From the north boundary of the PUD</u>	<u>850 FT</u>
<u>From the south boundary of the PUD</u>	<u>30 FT</u>

Internal building setbacks shall be established by the detail site plan review.

OFF-STREET PARKING: As required by the applicable Use Unit.

MINIMUM INTERNAL LANDSCAPED OPEN SPACE:

A minimum of 10% of the net land area shall be improved in accord with the Landscape Chapter of the Tulsa Zoning Code as internal landscaped open space, which shall include at least five feet of public street frontage landscaped area.

A landscaped open space not less than 75 feet in width shall be located along the west boundary of the planned unit development. A minimum of

57.5 feet of the 75 feet width shall be planted in trees as a buffer zone, on a spacing pattern as designated in the approval of PUD-619-C. Approved trees shall be southern magnolia, loblolly pine, bald cypress and Canarti juniper. All trees shall be one gallon or greater size when planted. The entire buffer zone shall have irrigation provided and any trees dying shall be replaced in a timely manner and at the expense of the then-property owner(s) of any adjacent lots and reserve areas within PUD-619-C. Trees shall be planted in not less than three continuous north to south rows. The westerly-most row shall be of southern magnolias spaced not more than 12 feet on center in the north/south direction. The center row shall be of a mix of loblolly pine trees and bald cypress spaced not more than 12 feet on center in the north/south direction and offset north to south from the westerly-most row spacing. The easterly-most row shall be Canarti juniper spaced not more than six feet on center in the north/south direction. The distance between rows in an east-west direction shall be approximately 20 feet. Where location of the easterly-most row is restricted by the pond, the third row shall be of bald cypress planted along the east bank of said pond.

For purposes of calculating the landscaping required under Section 1002 of the Tulsa Zoning Code, the South Memorial Drive street-yard shall be considered as 50 feet from the west right-of-way line.

SCREENING:*

A permanent, concrete, screening and security wall shall be constructed along the entire 1215 feet common property line between the Carlton property and Memorial Commons. All portions of said wall shall be maintained by the then owners of adjacent lots and reserve areas within Memorial Commons, and not be allowed to fall into disrepair or unsightliness. Fencing shall be Verti-Crete of Oklahoma pre-cast concrete by Liberty Pre-cast or equivalent. Fencing shall meet the following minimum standards:

- A. Footing design shall be site specific and adequate to meet all pertinent design standards or regulations incorporating reasonable safety factors, and
- B. Wall sections will have no gaps between the panel and ground, and
- C. Wall sections will have a minimum height from top to adjacent ground level of 7' 8", and
- D. All concrete will be minimum of 4000 psi compressive strength and contain not less than 7.5#/CY of Forta Ferro Fiber, and
- E. Wall sections will be painted by a manufacturer approved contractor using top-rated (per PDCA/MPI Architectural Painting Specifications Manual or equivalent) concrete paint in colors and design complementary to the adjacent buildings and the surrounding environment, and
- F. The wall shall be constructed to standards not less demanding than

those specified in that certain engineering drawing by Otis C. Courtright denoted as Project Number 27320-8A.

***Note:** *The applicant shall provide a certification from an engineer that the screening wall has been designed in accord with the specifications detailed in the letter of agreement dated 2/6/08 (Exhibit A-1)*

ACCESS AND CIRCULATION:

According to the Long-Range Transportation Plan, South Memorial Drive is scheduled to be widened to six lanes in 2008. Therefore, staff recommends that a Traffic Impact Study be performed by a Professional Consulting Engineer prior to the design stage (PFPI) in order to determine the best traffic control solutions. The Comprehensive Plan calls for an east-west collector street at approximately 106th Street South.

Mutual access shall be provided from the current Champions Athletic Complex to PUD-570-A (Sonic) via a mutual access easement as currently provided on the Champions Athletic Complex plat. Additional access easements to the south boundary in common with PUD-578-A (Wal-Mart) and also at the property's northeast corner (First Priority Bank) shall be provided. These mutual access easements shall be located so as to assure cross access would be possible if and when the adjacent property owners choose to open access on their properties.

PEDESTRIAN CIRCULATION:

- (a) Pedestrian circulation shall be provided by sidewalks along South Memorial Drive, on both sides of the major driveways and within the parking areas per letters c and d below.
- (b) Pedestrian access-ways through the parking lots to the buildings shall be separated by no more than 400 feet.
- (c) Pedestrian walkways shall be clearly distinguished from traffic circulation, particularly where vehicular and pedestrian routes intersect.
- (d) Sidewalks or walkways which cross vehicular aisles or driveways shall be distinguished as follows: by a continuous raised crossing, by using contrasting paving material and/or by using high contrast striping.
- (e) Pedestrian access shall be provided from sidewalks along South Memorial Drive to the entrances of buildings fronting South Memorial Drive.

SIGNS:

- 1) A maximum of four business ground signs permitted on the South Memorial Drive frontage, each not to exceed 80 square feet of display surface area and ten feet in height.
- 2) One center/tenant identification ground sign shall be permitted at the southern entrance on South Memorial Drive with a maximum of 240 square feet of display surface area and 25 feet in total height.
- 3) One center/tenant identification ground sign shall be permitted at the northern entrance on South Memorial drive with a maximum of 160 square feet of display surface area and 25 feet in height.
- 4) Wall signs shall be permitted not to exceed 2.0 square feet of display surface area per lineal foot of the building wall to which it is attached. The length of a tenant wall sign shall not exceed 75% of the frontage of the tenant space. No wall signs shall be permitted on the west-facing walls of the building within 650 feet of the west boundary of the PUD.
- 5) Building directories and occupant identity signs may be attached to building walls as permitted under the Zoning Code. Tenant signs on westernmost building shall not exceed one-half of a square foot in display surface area per lineal foot of wall.
- 6) One monument sign shall be permitted at the principal entrance to the Health Club/Spa lot (Lot 1, Block 1, Memorial Commons) with a maximum height of eight feet, a maximum length of 14 feet, and a maximum display surface area of 40 feet not including the masonry structure on which the display surface area will be located.
- 7) One monument sign shall be permitted on the north side of the northern entrance on South Memorial Drive for the identification of the principal entrance to the Health Club/Spa and the permitted hotel with a maximum height of 12 feet, a maximum length of 14 feet, and a maximum display surface area of 70 feet not including the masonry structure on which the display surface area will be located*.

Actual location and spacing will be determined at detail sign plan review.

LIGHTING:

Light standards within 200 feet of the west boundary shall not exceed 12 feet in height. Light standards within parking areas within the Health Club/Spa lot (Lot 1, Block 1, Memorial Commons) may be 25 feet high. Light standards within the remainder of the planned unit development shall not exceed 25 feet in height.

No outdoor lighting shall be permitted within the west 75 feet of the planned unit development.

All lights, including building mounted, shall be hooded and directed downward and away from the west and north 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 AG or RS zoned areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography shall be included in the calculations.

No decorative lighting, including but not limited to "wall wash" lighting shall be permitted on any west-facing building wall located within the western 200 feet of the PUD.

No building-mounted lighting on the west walls of any building within the west 200 feet of the PUD shall be mounted higher than 25 feet above ground level.

All lighting standards adjacent to any unenclosed swimming pool area within the PUD shall be limited to 12 feet maximum height.

EXTERIOR WALL MATERIALS:

All exterior walls of buildings within 300 feet of the west boundary of the PUD shall be constructed of similar materials as the side and front walls of such buildings and shall be of a color complementary with the side and front walls. All items affixed thereto shall be painted to match the building (this may exclude those portions of utility-owned meters prohibited from painting by the utility company).

TRASH, MECHANICAL AND EQUIPMENT AREAS:

Bulk and trash containers shall be set back from the west boundary of the PUD a minimum distance of 105 feet and shall be screened from view from the west. All screening materials shall be similar to the building materials and of a complimentary color. All screens shall be maintained by the owners of Memorial Commons and not be allowed to fall into disrepair or unsightliness.

Notwithstanding the screening fence along the west boundary of the PUD, all trash, mechanical, electrical, HVAC and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by a person standing at ground level adjacent at the west boundary of, or the west 300 feet of the north boundary of the PUD. All screens other than the screening fence along

the west boundary of the planned unit development shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. All screens and fences shall be maintained by the owners of Memorial Commons and not be allowed to fall into disrepair or unsightliness.

BUILDING REAR PARAPETS:

All walls facing west and all walls facing north within 300 feet of the west boundary of the PUD shall be built with a four- to six-foot parapet to conceal roof-mounted vents and equipment. Building rear (or side where applicable) parapets shall be constructed at a height equal to the height of a front wall parapet plus the roof elevation drop across the building. For the purposes of the calculation of the required height of the parapet, the height of the front parapet shall be assumed to be two feet and the roof drop shall be assumed to be three percent from the front to the rear of the roof depth. For example, a building with depth of 75 feet with an assumed two-foot high front wall parapet and a roof drop of three percent would require a rear parapet of 4.25 feet in height. Such building parapets shall be constructed on all buildings having their rear wall facing west or which are within 300 feet of the west boundary and facing north, provided, no such parapet shall be required to exceed six feet in height above the roof deck level immediately adjacent.

TEMPORARY SALES OFFICE FOR HEALTH CLUB/SPA:

A Temporary Sales Office for the Health Club/Spa containing not more than 2200 square feet may be located on the lot (Lot 1, Block 1, Memorial Commons) to be occupied by the Health Club/Spa subject to Detail Site Plan approval. The Temporary Sales Office may not be occupied longer than 6 months prior to the opening of the main health club/spa facility and shall be removed immediately after the issuance of a Certificate of Occupancy for the Health Club/Spa.

NOTICE:

Any future applications for use by exception or rezoning within the PUD, including lot splits/lot combinations will require advanced notice to all property owners within 300 feet of the Memorial Commons exterior boundaries plus the owners of the 46 acre property located at 10400 South Memorial Drive currently owned by Mr. A.J. (Tony) Solow. Such notice shall be given by both the owners of Memorial Commons and the TMAPC staff.

3. Other conditions of PUD-619-A not amended by PUD-619-C including reference to the agreement between Mr. Charles Norman and Mr. Alan W. Carlton, dated July 26, 2006 and noted as Exhibit 'A' to PUD-619-A, shall remain in full force and effect.

4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. A detail landscape plan for each 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 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 of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
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 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 PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

13. 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 truck trailers not 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.

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-1** (Ard, Cantrell, Marshall, McArtor, Miller, Shivel "aye"; no "nay"; Walker "abstaining"; Carnes, Midget, Sparks, Wright "absent") to **APPROVE** the minor amendment for PUD-619-C-1 per staff recommendation.

* * * * *

17. **Z-7099 – Lewis Engineering, PLLC**

OM/RS-2 to CG

South of southwest corner of East 51st Street South
and South Vandalia Avenue

(PD-18B) (CD-7)

Mr. Walker announced that he would be abstaining from this item.

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 20997 dated January 18, 2005, established zoning for the subject property.

PROPOSED ZONING: CG

PROPOSED USE: Hotel

RELEVANT ZONING HISTORY:

Z-6961 January 2005: All concurred in approval of a request for rezoning a 4+ acre tract of land from RS-3 to OM on property located south of southwest corner of East 51st Street South and South Vandalia Avenue and a part of the subject property.

PUD-284-A August 1992: A request for a major amendment to PUD-284 to increase the permitted number of dwelling units within the PUD from 168 to 176

was approved. The property is located on the northwest corner of East 53rd Street and South Urbana Avenue.

Z-5680/PUD-284 June 1982: Approval was granted to rezone a 1.5-acre tract located on the northwest corner of East 53rd Street and South Urbana Avenue and abutting the subject property on the south from RS-2 to RM-1 for the expansion of an existing nursing and retirement center.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.5± acres in size and is located south of the southwest corner of East 51st Street South and South Vandalia Avenue. The property appears to be vacant and is zoned OM and RS-2. This site is part of a former athletic club that was demolished by fire some years ago. It is currently vacant and grassy.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Vandalia Avenue	Residential	50'	2 lanes*

*It should be noted that the existing Vandalia Avenue south of the bank north of the subject site is without curb and gutter, is asphalt and very narrow. Moreover, it ends at 53rd Street. This is substandard according to current requirements. Although improvement of this street cannot be a condition of the rezoning recommendation, the issue should be addressed during the platting stage of development.

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

SURROUNDING AREA: The subject tract is abutted on the east by multifamily residential uses, zoned RM-1; on the north by remains of the former athletic facility, zoned CH; farther north by a bank, zoned CH; on the south by a nursing/retirement facility, zoned RM-2/PUD-284-A; and on the west by a mini storage facility, zoned CH and RM-2/PUD-284-A.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18b Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-Residential land use. According to the Zoning Matrix, the requested CG zoning **is not** in accord with the Plan.

STAFF RECOMMENDATION:

Although the requested CG zoning is not in accord with the Comprehensive Plan, the intended use, Hotel, is in keeping with the overall intensity and types of uses surrounding it. The CG zoning, furthermore, is a **may be found** in accord category with other Medium Intensity-designated uses. The property to the north is zoned CH and could be redeveloped much more intensely than it currently is.

The northern portion of the former athletic club site, now cleared and not subject of this request, is also zoned CH and potentially more intense than the requested CG. Therefore, staff recommends **APPROVAL** of CG zoning for Z-7099.

After a lengthy discussion it was determined that the Planning Commission would request a PUD be filed with this rezoning application. Mr. Bill Lewis, 6869 South Garnett and his client Mr. Patel, 5525 West Skelly Drive, 74107, agreed to continue this case to September 3, 2008 in order to file a PUD application.

TMAPC Action; 7 members present:

On **MOTION** of **MARSHALL**, TMAPC voted **7-0-0** (Ard, Cantrell, Marshall, McArtor, Miller, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Sparks, Wright "absent") to **CONTINUE** Z-7099 to September 3, 2008 in order to file a PUD application.

* * * * *

OTHER BUSINESS:

18. **PUD-411-C – Sack & Associates** (PD-26) (CD-8)

Northeast corner of 101st Street and South Memorial Drive (Detail Site Plan for a retail development.) (Related to Item 19.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a retail development at the northeast corner of 101st Street South and Memorial Drive. The proposal is for the construction of an 186,110 square foot (SF) anchor tenant (Target) and two tenants, one 10,000 SF and the other 38,116 for a total of 234,226 SF of floor area.

The submitted site plan meets all applicable building floor area, building height and setback limitations. Access to this portion of the site is from three access points along 84th East Avenue as limited by the PUD, one along 101st Street and one along Memorial Drive. The entire property is currently being platted as a seven lot, one block subdivision, South Town Market. No building permits may be released prior to final plat approval.

Parking has been provided per the Zoning Code, and an 8' screening wall will be constructed along the east boundary line per PUD development standards. Landscaping will be provided per the landscape chapter of the Zoning Code and adopted PUD development standards. Trash containers and mechanical equipment including building mounted, will be completely screened from view. Trash enclosures will be located greater than 60' from the 84th East Avenue ROW. Sidewalks are provided along 84th East Avenue, Memorial Drive and 101st Street per subdivision regulation.

All sight lighting, either building mounted or free-standing within the east 150' of the development area will be limited to 12' in height. Otherwise all lighting will be limited to 30-feet in height will be directed down and away from adjoining properties per application of the Kennebunkport Formula. All exterior walls along 84th East Avenue are masonry or masonry veneer as required by PUD-Development Standards.

Staff recommends **APPROVAL** of the detail site plan for Lots 5, 6 and 7, South Town Market subject to the following revisions as required per the TMAPC:

- Revise site plan to show north east, exit only to be angled more to the north reflecting changes required to detail gate plan approval, to further encourage left turn only.
- Revise language on site plan with reference to the gate at north-east exit only, to say: "Egress to be exit only and left turn only. Gate to be open only when trucks are exiting and gate is to be controlled from retail anchor loading dock. Gate shall remain closed and no access what-so-ever between 10 p.m. and 7 a.m."

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

TMAPC COMMENTS:

Mr. Ard stated that there is some concern from interested parties that the turn lane on the north edge where it comes out on 84th East Avenue is not being configured as discussed at the previous meeting. In response, Mr. Sansone stated that there are two plan reviews and the next case is for the gate and access point. The gate itself was the only item out of the approval of PUD-411-C-12 that the City Council requested that they see the plans as well. The structure itself, parking lot, lighting, etc. are not required to go back to the City Council. Staff decided to break out the reviews and include the gate plan in a theoretical detail gate plan review and not hold up the building, which meets all of the development standards. Mr. Sansone suggested that if the Planning Commission is inclined to approve the building, it could be subject to the final certificate of occupancy not being issued until the northeast access point has been finalized and approved by the City Council.

Mr. Alberty stated that the subject site plan is subject to the access being approved and if the Planning Commission approves the site plan the caveat would be that it is also subject to the access point on 84th Street being approved by the City Council.

Applicant's Comments:

Ted Sack, 111 South Elgin, 74120, stated that he is in agreement with the staff recommendation.

Interested Parties Comments:

Joseph Wallis, 8618 East 100th Place, 74133, expressed concerns regarding the gate and the hours of operation for the gate. He requested that this case be amended or continued.

TMAPC COMMENTS:

Mr. Marshall asked Mr. Wallis if he is in agreement with the 10:00 p.m. and 7:00 a.m. hours that were originally agreed to. In response, Mr. Wallis stated that what this states is that the gate will be closed from 10:00 p.m. to 7:00 a.m., which brings up an implied interpretation that the gate could be opened at other times. In response, Mr. Marshall stated that the Planning Commission can take care of that by stating that the gate will be closed in their motion. There is no need to continue this application.

Mr. McArtor asked Mr. Wallis what he would prefer that the detail site plan state. In response, Mr. Wallis stated that he would prefer that the wording be removed or state that the gate is closed 24 hours.

Ms. Cantrell stated that she is confused because she reads that the gate is controlled by a retail anchor and it doesn't say "closed", but that there is no access between 10:00 p.m. and 7:00 a.m. She doesn't see how this could be read any other way except that no one can go in and out between 10:00 p.m. and 7:00 a.m., and any other time it will be controlled by the anchor tenant. In response, Mr. Wallis stated that he doesn't share that interpretation, but that is fine. Ms. Cantrell stated that she wants to make sure that this is very clear and what the Planning Commission intended is that at no time the gate is opened and between 10:00 p.m. and 7:00 a.m. there will be no one going in and out and that is how she reads today and it does a very good job of stating that. Ms. Cantrell asked Mr. Wallis if he could think of a better way to word this. In response, Mr. Wallis stated that if it is going to show when access is not allowed, then it should at least put on the hours of when access is allowed. Ms. Cantrell asked Mr. Wallis if the Planning Commission stated "gated and controlled by retail anchor and allowed only between 7:00 a.m. and 10:00 p.m. and no access between 10:00 p.m. and 7:00 a.m."

Applicant's Rebuttal:

Mr. Sack stated that perhaps his wordsmithing is not accurate enough, but the intention was to indicate that the gate would be controlled at all times from the Target dock and only allowing their vehicles to go out and to the north. During the hours of 10:00 p.m. to 7:00 a.m., it would be closed and no vehicles would go out. He is agreeable to change the wording before sending this to the City Council.

Mr. Sansone reminded the Planning Commission that the detail site plan doesn't go to the City Council, but the gate site plan does go to the City Council. Mr. Sansone stated that the motion can state the change in the wording and staff will hold up the site plan until the wording is corrected.

Mr. Boulden suggested that the corrected language be on both site plans.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Ard, Cantrell, Marshall, McArtor, Miller, Shivel, Walker "aye"; no "nay"; none "abstaining"; Carnes, Midget, Sparks, Wright "absent") to **APPROVAL** of the detail site plan for PUD-411-C, Lots 5, 6 and 7, South Town Market per staff recommendation as amended by Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

TMAPC Action; 7 members present:

On amended **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Ard, Cantrell, Marshall, McArtor, Miller, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Sparks, Wright "absent") to **APPROVE** the detail site plan for PUD-411-C, Lots 5, 6 and 7, South Town Market per staff recommendation and subject to the following revisions as required per the TMAPC: Revise site plan to show north east, exit only to be angled more to the north reflecting changes required to detail gate plan approval, to further encourage left turn only. Revise language on site plan with reference to the gate at north-east exit only, to say: "Egress to be exit only and left turn only. Gate to be open only when trucks are exiting and gate is to be controlled from retail anchor loading dock. Gate shall remain closed and no access what-so-ever between 10 p.m. and 7 a.m." (Language with a strike-through has been deleted and language with an underline has been added.)

* * * * *

19. **PUD-411-C – Sack & Associates** (PD-26) (CD-8)

Northeast corner of 101st Street and South Memorial Drive (Detail Site Plan for approval of a detail gate plan for a retail development.)
(Related to Item 18.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail gate plan for a retail development at the northeast corner of 101st Street South and Memorial Drive.

The approval of PUD-Minor Amendment, PUD-411-C-12 by the Tulsa City Council included a condition with respect to the northeastern most access point

to the site. The approval was granted under the condition that when this access was proposed at detail site plan review, the gate required for this location, as well as, the design of the access point would be reviewed and approved by the TMAPC and the City Council.

The adopted PUD development standards state that the northeast access point is to be a one-way, exit only, and a left-turn only gated access point. The gate will have control from the anchor building's truck dock only.

Staff finds the proposed gated entry meets PUD development standards and therefore recommends **APPROVAL** of the detail gate plan for the northeast access point of Lot 5, Block 1- South Town Market, with the condition that a "left turn only" sign be included and the gate plan be approved by the City of Tulsa Fire Marshal and Tulsa Traffic Engineering, prior to ~~release of building permits~~ transmission to the City Council for approval for the gated entry. Also, the following revisions must be received by staff prior to transmission:

- Revise gate plan exit only to be angled more to the north reflecting changes required to detail gate plan approval, to further encourage left turn only.

- Revise language on gate plan to say: "Egress to be exit only and left turn only. Gate to be open only when trucks are exiting and gate is to be controlled from retail anchor. Gate shall remain closed and no access what-so-ever between 10:00 p.m. and 7:00 a.m."

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

Applicant's Comments:

Ted Sack, 111 South Elgin, 74120, stated that he is in agreement with staff recommendations.

Interested Parties Comments:

Joseph Wallis, 8618 East 100th Place, 74133, stated that the design doesn't meet what the City Council and Planning Commission asked the developer to do. The City Council asked the developer to engineer a left-turn only. He commented that when the gate is opened, it will be a four-way intersection and people will tailgate to go through the gate. This is counting on employees to make sure that no one is utilizing the gate other than the delivery trucks. He believes that the trucks will try to make a right turn to exit. The developer assured everyone that he could engineer something that would not allow a right-hand turn and not cut through the neighborhood, but this proposal doesn't do it. There is no curbing on the southeastern portion of the exit to prevent a vehicle from turning right or straight through the neighborhood. The only way to prevent the human element from using the access incorrectly is to introduce penalties.

TMAPC COMMENTS:

Mr. Marshall stated that he believes that Mr. Wallis is being unreasonable. There is a human element and there will be some people who do abuse the access, but it will be minimal. Mr. Marshall further stated that perhaps more signage could be implemented, but people will still abuse the situation and he believes it will be minimal in his opinion. He asked Mr. Wallis if he is requesting a center median to prevent the access. In response, Mr. Wallis stated that he understood that a truck couldn't maneuver the left hand turn if an island or median were installed and he doesn't buy that. Mr. Wallis described how he thought they could engineer the gate and turn. Mr. Wallis stated that the Planning Commission requested the applicant to engineer a solution and the City Council asked them to engineer a solution and all they have is a gate that is opened to a wide intersection. Mr. Wallis asked at what point the developer will be asked to honor his promises.

Interested Parties Comments:

Matt Hudspeth, 9536 South 85th East Avenue, 74133, read the minutes from February 20, 2008 regarding the access issue. Mr. Hudspeth stated that there is nothing physically available to stop right-hand turns, which was promised during the February 20, 2008 meeting. There is nothing before the Planning Commission today stating that the island can't be done. There is nothing on the site plan to prevent straight through traffic into the neighborhood except trust.

Applicant's Rebuttal:

Lou Reynolds, 2727 East 21st Street, 74114, stated that the big picture is that the anchor store has the ultimate control of the gate and that is what City Council directed his client to do. There are left-turn only markings and signage that was agreed to. There will be no one driving through the gate except Target Trucks exiting from Target and it is controlled by Target. This has been worked out with Traffic Engineering and they are very happy with this solution. Traffic Engineering prefers this over islands because they are inactive.

TMAPC COMMENTS:

Mr. Ard stated that he thought a gate would be a good alternative; however, at the end of the meeting it was very specific that there would be some sort of impediment in 84th Street that would force a left-hand turn. Today's proposal is clearly different from what was agreed upon. Did City Council give the leeway to come up with this alternative rather than the left-turn lane only? When the gate is opened, a truck could go through the neighborhood, although he doesn't know why they would want to. He does believe it would be very difficult for a truck to turn right, but he is not a traffic engineer. In response, Mr. Reynolds stated that the City Council gave his client the leeway to bring back something that would do the job and this is much more effective than islands. Mr. Ard asked Mr. Reynolds if the City Council gave him the directive to come up with a good alternative plan for the subject exit and this proposal is within the bounds of what they requested him to do. In response, Mr. Reynolds stated that the City Council wants to see

the best control that can be achieved and that is what they are looking for. This is what he has done with the gate and it is the ultimate control. There will be the human element to cut through if possible by following a truck through the gate, but it is absolutely negligible. In response to Mr. Ard, Mr. Reynolds confirmed that this plan has to go back to City Council for final approval.

Mr. Boulden asked for the specific language from the City Council's meeting. In response, Mr. Reynolds stated that Councilor Christiansen's amendment to bring plans back to show the northern access/exit on 84th for approval. Mr. Reynolds agreed to do this prior to final plat approval.

Mr. McArtor stated that there is nothing to keep trucks from going straight through to the neighborhood and that was one of the biggest concerns. In response, Mr. Reynolds stated that he doesn't remember there being anything said about trucks going through the neighborhood, but he does recall concerns about raceway traffic. Trucks are only permitted by law to turn left and Target would be subject to be fined if they were to violate that. Mr. McArtor asked Mr. Reynolds why there was discussion about islands. In response, Mr. Reynolds stated that the gated concept hadn't been discussed at the time and he wasn't aware that it would be an acceptable method of controlling the traffic for Target. In response, Mr. McArtor stated that he is not sure how the gate takes care of what the Planning Commission was considering at the time when they were considering that islands would be a barrier. In response, Mr. Reynolds stated that the only people who can use the gate are the trucks let out by Target. If a truck driver were to go straight they would be violating the law.

Mr. Shivel stated that it is a combination of things and a gate is good, but to facilitate that flow, he asked what damage would be created by having bumps, obstructions, etc., that would not prevail 84th Street traffic from going north or south. In response, Mr. Reynolds stated that the issue with the island was that it would prevent the neighbors from turning and heading back to the south on 84th Street.

Ms. Cantrell asked if the gate could be put at an angle to make a right turn more difficult and to deter trucks from the neighborhood streets. Mr. Sack stated that this could be done; however, he felt like the real concern was to prevent public traffic from the neighborhood from this access point and the gate has eliminated that.

Ms. Cantrell stated that there has been a good point made that the Planning Commission did want some type of mechanism to force left turns. If the gate was angled it would add more protection. In response, Mr. Sack stated that he has no problem with putting more of an angle on the gate.

Ms. Cantrell stated that this will be only Target trucks and she knows that there is always potential for people to violate what they are supposed to do. If Target

trucks are not following the left turn lane, then she would imagine that if there were enough complaints it would be dealt with. Target doesn't want to have a bad image. Ms. Cantrell believes that the angle and the gate would satisfy what was agreed to.

In response to Mr. Ard, Mr. Alberty stated that the plan would have to be revised before going to the City Council.

Ms. Cantrell stated that she would be comfortable with staff reviewing the revised plan before transmitting to City Council for their final approval. She would like to see as much angle as Traffic Engineering states is doable without creating a problem.

Mr. Sack stated that the only issue that he has with the angle is the line of sight for oncoming traffic. The trucks are elevated and he believes this type of angle will work. Mr. Shivel stated that large mirrors could be installed at the gates to improve the line of site for oncoming traffic.

Mr. Ard recognized Mr. Wallis.

Mr. Wallis stated that the angled gate opening is great and it is the direction it should be going. He expressed concerns that the original proposal would be sent rather than the revised proposal. Mr. Ard assured Mr. Wallis that a revised plan will have to be submitted and go through the appropriate Departments before going to the City Council for final approval.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Ard, Cantrell, Marshall, McArtor, Miller, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Sparks, Wright "absent") to **APPROVE** the detail gate plan for PUD-411-C, the northeast access point of Lot 5, Block 1- South Town Market per staff recommendation and with the condition that a "left turn only" sign be included and the gate plan be approved by the City of Tulsa Fire Marshal and Tulsa Traffic Engineering, prior to transmission to the City Council for approval for the gated entry. Also, the following revisions must be received by staff prior to transmission: Revise gate plan exit only to be angled more to the north reflecting changes required to detail gate plan approval, to further encourage left turn only. Revise language on gate plan to say: "Egress to be exit only and left turn only. Gate to be open only when trucks are exiting and gate is to be controlled from retail anchor. Gate shall remain closed and no access what-so-ever between 10:00 p.m. and 7:00 a.m." (Language with a strike-through has been deleted and language with an underline has been added.)

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Commissioners' Comments

Mr. Ard welcomed Commissioner Miller back to the TMAPC.

Mr. Boulden suggested that the Planning Commission change their motion for Item 18 since it has been changed to reflect staff review. (See Item 18 amended motion.)

There being no further business, the Chair declared the meeting adjourned at 6:10 p.m.

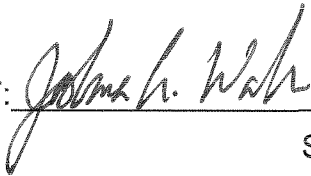
Date Approved:

8/6/08



Chairman

ATTEST:



Secretary

