

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2526

Wednesday, September 17, 2008, 1:30 p.m.

Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, September 11, 2008 at 1:35 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Comprehensive Plan Report:

Ms. Cantrell reported that Planitulsa workshops are scheduled for September 22 and 23rd. She encouraged everyone to register and take part.

Director's Report:

Ms. Matthews reported on the BOCC and City Council agendas.

Mr. Boulden reported that the City Attorney's office will be moving to the One Technology Center this weekend and will be in transition starting Thursday, September 18th and fully operational on Monday, September 22nd. Mr. Boulden

further reported that it is his understanding that the Council meeting room in the One Technology Center will not be ready until the end of October.

* * * * *

Minutes:

Approval of the minutes of August 27, 2008 Meeting No. 2524

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Sparks, Walker, Wright “aye”; no “nays”; none “abstaining”; Midget, Smaligo “absent”) to **APPROVE** the minutes of the meeting of August 27, 2008, Meeting No. 2524.

* * * * *

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

CONSENT AGENDA

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

2. **LC-118** – Tulsa Habitat For Humanity (9233)/Lot Combination (PD 8) (CD 2)
Northeast corner of South 37th West Avenue and West 55th Street, 3701 West 55th Street
3. **LC-126** Tanner Consulting (8316)/Lot Combination (PD 18 B) (CD 8)
South of East 89th Street South and East of South Toledo Avenue, 4609 East 91st Street South (Related to Item 6.)
4. **LS-20239** – Dallas Livingston (9203)/Lot-Split (PD 10) (CD 1)
South of Charles Page Boulevard and East of South 23rd Avenue, 2304 West Charles Page Boulevard
5. **PUD-641-4 – Roy Johnsen** (PD-18) (CD-7)
West of the northwest corner of 71st Street South and Sheridan Road (Minor Amendment to reduce the setback for structures two or more stories along the eastern boundary from 135' to 85'.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the setback for structures two or more stories along the eastern boundary of Development Area A from 135' to 85' (see exhibit A). Montereau in Warren Woods is a retirement,

senior care facility with dwellings that range from independent single-family residential to multi-floor, multi-occupancy residential to full care facilities.

Referring to attached Exhibit A, the request is specifically for “building 7”, located in the southeastern corner of the PUD. The property immediately adjacent to building 7, to the east is zoned OL. Additionally, this area has a sloping terrain that in staff’s opinion would not be developed as single-family residential. There is one easement located on this portion of the property – a 17.5 utility easement that would not be affected by a reduction in setback (see Exhibit B).

While the northern ½ of the PUD is zoned single-family residential and abuts directly to other single-family residential development, the southern portion of Montereau is zoned office, and is immediately adjacent to other office zoned property. Given the aforementioned, and the steep terrain of the property immediately adjacent to the east making residential development unlikely, staff recommends **APPROVAL** of minor amendment PUD-641-4, reducing the side setback for building 7 as depicted on attached Exhibit A from 135’ to 85’.

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

6. **PUD-693-5 – Tanner Consulting, LLC** (PD-18b) (CD-8)

South of East 89th Street South and East of South Toledo Avenue, 4609 East 91st Street South (Minor Amendment to combine Lots 8 and 9, Block 1 for the construction of a breezeway between two existing buildings.) (Related to LC-126, Item No. 3.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment for the purpose of combining Lots 8 and 9, Block 1 – Southern Woods Park III for the construction of a breezeway between the two existing buildings which are under common ownership. Concurrently, lot combination number LC-126 is on the September 17, 2008 agenda.

All the requirements of the original approval of PUD-693 and applicable minor amendments remain in effect.

Staff recommends **APPROVAL** of minor amendment PUD-693-5, combining Lots 8 and 9, Block 1 – Southern Woods Park III, creating Tract A, Lots 8 and 9, Block 1 – Southern Woods Park III.

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

7. **PUD-431-C-2 – Tanner Consulting, LLC** (PD-26) (CD-8)

Southwest of the southwest corner of 101st Street and Sheridan Road
(Minor Amendment to transfer 868 SF of floor area from Lot 5 to Lot 6 in
Block 1.) (Related to Item 8.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a minor amendment to transfer 868 square feet (SF) of floor area from Lot 5, Block 1 – Copper Oaks Office Park to Lot 6, Block 1 – Copper Oaks Office Park. The transfer of floor area will effectively reduce the permitted FAR on Lot 5 from .44 (permitted by minor amendment PUD-431-C-1) back to the original FAR of .39 (FAR permitted by PUD-431-C) and increase the Lot 6 FAR from .39 to .46 (see Exhibit A).

Since the .07 increase of permitted floor area on Lot 6 is accompanied by a .05 decrease of the FAR on Lot 5, and the underlying zoning would allow a .5 FAR on lot 6 per section 404, F-1 of the Zoning Code staff recommends **APPROVAL** of minor amendment PUD-431-C-2 increasing the permitted FAR of Lot 6 to .46, and decreasing the FAR of Lot 5 to .39, both in Block 1 – Copper Oaks Office Park. All other development standards of PUD-431-C and associated minor amendments remain effective.

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

8. **PUD-431-C – T.J. Enterprises** (PD-26) (CD-8)

Southwest of the southwest corner of 101st Street and Sheridan Road
(Detail Site Plan for a 2,600 SF, one-story office building.) (Related to
Item 7.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 2,600 SF, one-story office building at the above referenced location. The proposed use – Use Unit 11 – Office, Studios, and Support Services is a permitted use within PUD-431-C.

The submitted site plan meets all applicable building floor area, open space, building height, lot coverage and setback limitations. Access to the site is from one access point from private drive East 102nd Street South. A sidewalk is provided along 102nd Street per PUD-development standards and subdivision regulations. Parking has been provided per the Zoning Code. Landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. There is no site lighting proposed at this time.

Staff recommends **APPROVAL** of the detail site plan for Lot 3, Block 1 – Copper Oaks Office Park.

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

9. **Z-7008-SP-2 – Embree Construction/Chris Oser** (PD-8) (CD-2)

North of the northwest corner of West 81st Street South and South Olympia Avenue (Corridor Detail Site Plan for a 10,181 SF Hibdon Tire Store.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 10,181 square foot (SF) Hibdon Tire Store. The proposed use, Use Unit 17 (limited to tire sales, brake repair/replacement, chassis alignment, shock absorber maintenance and installation, battery sales, oil changes and lubrication, and engine tune up only) is an approved use on Tract A, Lot 11, Block 1 – Tulsa Hills per Corridor Site Plan approval number Z-7008-SP-2.

The submitted site plan meets all applicable building floor area, building height and setback limitations. Parking has been provided per the Zoning Code, and a 5' decorative fence has been constructed along the west boundary line per CO District development standards. Landscaping is provided per the landscape chapter of the Zoning Code and adopted CO District development standards. The exterior of the building meets all applicable design requirements per Z-7008-SP-2. A trash enclosure has been provided. All site lighting will be limited to 22.5-feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula.

Therefore staff can recommend **APPROVAL** of the detail site plan for Hibdon Tires on Tract A – Lot 11, Block 1 – Tulsa Hills.

Note: Detail site plan approval does not constitute detail sign or landscape plan approval.

10. **PUD-586-A/Z-5888-SP-4 – Tom Cooper** (PD-18c) (CD-8)

Northeast corner of 91st Street South and U.S. 169 (PUD/Corridor Site Plan for a 108,551 SF medical office building and a 177,101 SF associated parking garage.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 108,551 square foot (SF) medical office building and a 177,101 SF associated parking garage. The proposed uses are permitted per PUD-586-A/Z-5888-SP-3.

The submitted site plan meets all applicable building floor area, lot coverage, building height and setback limitations. Parking has been provided per the Zoning Code. Landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD/CO District development standards. All site lighting will be limited to 20 feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula. All trash and equipment areas, including building-mounted equipment areas, are screened per adopted development standards.

Therefore, staff recommends APPROVAL of the detail site plan for the medical office building and parking garage for Development Area A-1, Lot 2, Block 1 – Arrowhead Ridge, with the condition that the site plan be modified to show the cooling towers and trash compactor areas screened from view with a solid screening wall or fence per section 212, A-8 of the Zoning Code which states:

“(Solid screening wall or fences) shall not be a chain link fence which utilizes inserts of metal or other materials”.

A typical elevation view of a section of the aforementioned screening wall or fence will be included on the face of the site plan that includes the overall height of the wall/fence.

(Note: Detail site plan approval does not constitute landscape and 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 **SPARKS**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Smaligo "absent") to **APPROVE** the consent agenda Items 2 through 10.

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

PUBLIC HEARING

- 12. **LS-19376** – Esther Harger (9110)/Lot-Split (Rescind) (County)
515 North Loop Drive, Sand Springs, OK (Related to Item 13.)

STAFF RECOMMENDATION:

On May 1, 2002, LS-19376 was approved to split two tracts into two parcels restricting the North 12.5 feet of Lot Twenty-one (21) Block Four (4), Valley View Estates, as Subdivision in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof. One is restricted from being transferred or conveyed as above described without including: Lot Twenty-two (22), Block Four (4), Valley View Estates, a Subdivision in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof and the North 25 feet of Lot Twenty (20), Block Four (4), Valley View Estates, a Subdivision in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof. One is restricted from being transferred or conveyed as above described without including: Lot Twenty-one (21), Block Four (4), less and except the North 12.5 feet, thereof, Valley View Estates, a Subdivision in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

The applicant is requesting that the lot-split LS-19376 be rescinded to allow a lot combination LC-119 on the parcels.

Staff believes this lot-combination would not have an adverse effect on the surrounding properties and recommends **RESCINDING** the lot-split LS-19376 and recommends **APPROVAL** of the current lot combination LC-119 request, subject to the Subdivision Regulations.

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, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Smaligo "absent") to **APPROVE** rescinding the lot-split for LS-19376 per staff recommendation.

13. **LC-119** – Esther Harger (9110)/Lot Combination (County)
515 North Loop Drive, Sand Springs, OK (Related to Item 12.)

STAFF RECOMMENDATION:

On May 1, 2002, LS-19376 was approved to split two tracts into two parcels restricting the North 12.5 feet of Lot Twenty-one (21) Block Four (4), Valley View Estates, as Subdivision in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof. One is restricted from being transferred or conveyed as above described without including: Lot Twenty-two (22), Block Four (4), Valley View Estates, a Subdivision in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof and the North 25 feet of Lot Twenty (20), Block Four (4), Valley View Estates, a Subdivision in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof. One is restricted from being transferred or conveyed as above described without including: Lot Twenty-one (21), Block Four (4), less and except the North 12.5 feet, thereof, Valley View Estates, a Subdivision in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

The applicant is requesting that the lot-split LS-19376 be rescinded to allow a lot combination LC-119 on the parcels.

Staff believes this lot-combination would not have an adverse effect on the surrounding properties and recommends **RESCINDING** the lot-split LS-19376 and recommends **APPROVAL** of the current lot-combination LC-119 request, subject to the Subdivision Regulations.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Smaligo "absent") to **APPROVE** the lot-combination for LC-119 per staff recommendation.

14. **Nickel Creek** – (8211) Preliminary Plat (PD 8) (CD 2)
Northwest corner of West 81st Street and U.S. Highway 75

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 15.14 acres.

The following issues were discussed August 7, 2008 and September 4, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-636-3. All PUD standards must be followed and shown in the covenants. Density for each development area and the general location of the collector road were requested and have been submitted for approval.
2. **Streets:** Seventy-eighth Street should be labeled Public. Provide data for curve north of C2 on 78th Street. Include language for dedication of 78th Street as public right-of-way. Include standard sidewalk language. Stormwater detention facility berm encroaches into the “future street”. Revise plans to keep the berm within the property line. Include language declaring “right-of-way dedicated by the plat” for West 78th Street as a public street. Revise access width where West 78th Street intersects South Union Avenue to 60 feet. Include and define 25-foot right-of-way radius at southwest corner of West 78th Street with future 60-foot street (north of C2). Need standard language for public street. Revise property legal description to exclude right-of-way dedicated by this plat or previously dedicated (book and page).
3. **Sewer:** Add a perimeter easement along West 78th Street. Continue the 17.5-foot utility easement, along the east property line, to the north across the Enogex Pipeline Easement so the proposed sanitary sewer line can be legally placed within that easement. Add a 15-foot sanitary sewer easement for the proposed sewer line near the south boundary line. In I-A, omit the words “and walls” from the items that the owner/developer reserves the right to construct within the utility easements. No service connections will be allowed on the existing 16-inch sanitary sewer main. If you need a service connection in this area, you will be required to extend an eight-inch line from one of the existing manholes as part of your SSID project.
4. **Water:** The 20-foot water line easement will be required to be extended to the right-of-way of Union Avenue. All proposed dead end water lines will require blow off hydrants to be installed.

5. **Storm Drainage:** This site is in the Hager Creek drainage basin. The entire berm for the stormwater detention facility must be in the platted Reserve Area "A". Utility easements and utility lines cannot be in Reserve Area "A", and cannot pass through the embankment berms of the stormwater detention facility. Off-site drainage flows onto this site from the northwest, and must be collected and piped in a storm sewer easement or collected and conveyed in an overland drainage easement (ODE). ODE standard language may need to be added. Seventy-eighth Street must have, at a minimum, roadway drainage culverts to convey the drainage from upstream under the roadway.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.

7. **Other: Fire:** No comment.

GIS: Change metes and bounds description to match requested boundary changes.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).

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

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

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-1** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Wright "aye"; no "nays"; Walker "abstaining"; Smaligo "absent") to **APPROVE** the preliminary plat for Nickel Creek, subject to special conditions and standard conditions per staff recommendation.

* * * * *

15. **Cherry Street Ridge** – (9307) Preliminary Plat (PD 6) (CD 9)
Northwest corner of East 15th Street South and South Troost Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.03 acres.

The following issues were discussed September 4, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-760 (CH, OL, RM-2). The PUD standards must be followed and shown in the covenants.
2. **Streets:** Strike the word “general” from 1.A to make it read, “public streets and utility easements”.
3. **Sewer:** Section I-A; omit the words “and walls on spread footings” from the items that are allowed within the utility easements. The conceptual plan shows a trash enclosure encroaching into the utility easement. If the enclosure is to be any type of wall construction, then it must be moved to a location outside of the utility easement.
4. **Water:** No comment.
5. **Storm Drainage:** Use standard language for Section IC.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** The 17.5-foot perimeter easement may not need to be that large.
7. **Other: Fire:** No comment.

GIS: Show and label the existing expressway on the location map. Add the surveyor’s e-mail address. Tie the plat from a section corner using bearings and distances from a labeled point of commencement (POC) to a labeled point of beginning (POB). Fix the discrepancies between the face of the plat and the metes and bounds description in the covenants.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]

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

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-1** (Ard, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; Cantrell "abstaining"; Smaligo "absent") to **APPROVE** the preliminary plat for Cherry Street Ridge, subject to special conditions and standard conditions per staff recommendation.

16. **PUD 633 A** – (8407) Plat Waiver (PD 18) (CD 7)
Northwest corner of East 81st Street and 107th East Avenue

STAFF RECOMMENDATION:

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

Staff provides the following information from TAC at their September 4, 2008 meeting:

ZONING:

TMAPC Staff: The platting requirement is triggered by a major amendment to PUD-633 to allow an outdoor advertising sign. The property is already platted.

STREETS:

Additional right-of-way may be required along 81st Street in the future.

SEWER:

The proposed sign pole must be moved to a location outside of the existing utility easement.

WATER:

No comment.

STORM DRAIN:

Not affected by this major amendment to PUD-633.

FIRE:

Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

UTILITIES:

No comments.

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

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

- | | Yes | NO |
|---|------------|-----------|
| 1. Has Property previously been platted? | X | |
| 2. Are there restrictive covenants contained in a previously filed plat? | X | |
| 3. Is property adequately described by surrounding platted 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.	X	
10. Is this a Major Amendment to a P.U.D.?	X	
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		X
11. Are mutual access easements needed to assure adequate access to the site?		X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

*Roadway was recently widened. Staff is of the opinion that no right-of-way is needed at this time.

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, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Smaligo "absent") to **APPROVE** the plat waiver for PUD-633-A per staff recommendation.

* * * * *

17. **Cypress Springs** – (8309) Minor Subdivision Plat (PD 18B) (CD 8)
West of South Yale and north of East 73rd Street

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 2.01 acres.

The following issues were discussed September 4, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned OM.
2. **Streets:** Revise right-in/right-out raised concrete island to a more pronounced shape to ensure its intended purpose, focus particularly on the egress. Follow industry standards for recommended minimum square footage for raised concrete islands.
3. **Sewer:** Show existing sanitary sewer easement, located in the vicinity of the northwest corner of the plat, on the face of the plat. Include the book and page where it is filed of record.
4. **Water:** No comment.
5. **Storm Drainage:** Storm sewer easement is required near the southeast corner, for the last drainage structure and pipe upstream of the public drainage system, to the utility easement.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
7. **Other: Fire:** Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

GIS: Give a basis of bearing for the plat's survey using degrees, minutes and seconds. Fix the discrepancies between the face of the plat and the metes and bounds description in the covenants.

Staff recommends **APPROVAL** of the Minor Subdivision plat as release letters have all been received 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 **SHIVEL**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Smaligo "absent") to **APPROVE** the minor subdivision plat for Cypress Springs, subject to special and standard conditions per staff recommendation.

18. **PUD-762 – Charles E. Norman** **RS-3/CS to RS-3/CS/PUD**
 Northwest corner of South Lewis Avenue and East 13th (PD-4) (CD-4)
 Place (PUD for a banking facility with drive-through
 services.) (Continued from 9/3/08)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970 and 20253 dated December 7, 2001, established zoning for the subject property.

PROPOSED ZONING: RS-3/CS/PUD **PROPOSED USE:** Bank with drive-through service

RELEVANT ZONING HISTORY:

Z-6842 December 2001: All concurred in approval of a request for rezoning a .781± acre tract of land from OM to RS-3 for single-family residential use on property located on the northeast corner of East 13th Street and South Terrace Drive and a part of the subject property.

Z-6635 June 1998: All concurred in approval of a request for rezoning a 4.5± acre tract of land from OL/RS-3 to CS for commercial uses, which included a large chain grocery, on property located north of the northeast corner of East 15th Street and South Lewis Avenue.

Z-6605 October 1997: All concurred in approval of a request for rezoning a .781± acre tract of land from RS-3 to OL for office use on property located south of the southwest corner of East 14th Street and South Terrace Drive.

BOA-17068 June 13, 1995: The Board of Adjustment denied a Special Exception to permit automobile sales in a CS District (Use Unit 17); finding traffic to be congested at this location (13th is expressway service road); and finding that the increased intensity of use would be detrimental to the neighborhood, and would violate the spirit and intent of the Code, on property located at 2331 East 13th Place and a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .54± acres in size and is located on the northwest corner of South Lewis Avenue & East 13th Place. The property appears to be used commercially and residentially, and is zoned RS-3/CS.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Lewis Avenue	Urban Arterial	70'	5
East 13 th Place	Freeway Service Road	60'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by South Lewis Avenue and then Fair Acres Addition, zoned IL; on the north by Lots 1 and 2 - Terrace Drive Addition Resubdivision – B6 and L1 – 3, B4, zoned CS; on the south by 13th Place and then Highway 51/Broken Arrow Expressway., zoned RS-3; and on the west by L10, B10 - Terrace Drive Addition Resubdivision – B6 and L1 – 3, B4, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being medium intensity. According to the Zoning Matrix, the existing RS and CS zoning is in accord with the Plan (see Exhibit A-1).

STAFF RECOMMENDATION:

PUD-762 is a flat, .82 gross acre tract (36,650 square feet) located on the northwest corner of Lewis Avenue and 13th Place South immediately adjacent to the Broken Arrow Expressway. This infill development proposal is for construction of a banking facility (St. John's Federal Credit Union) with drive-thru services. There is no-rezone request required or associated with this application.

The site comprises of four lots as depicted on applicant's Exhibits B and F. The western- and eastern-most lots have older residential structures which would be removed. The western-most lot is zoned RS-3 while the remaining three lots are zoned CS. The site is bordered on the north by CS zoning, in the rear by RS zoning on the south by a freeway (Hwy. 51/Broken Arrow Expressway) and on the east by Lewis Avenue an "Urban Arterial Street". The site is also located in a freeway sign corridor. There is an existing outdoor advertising sign along the Lewis Street frontage that will remain on the site.

With 19,610 SF of the site zoned commercially, the existing square footage of CS zoning would allow a 9,805 square foot building with no height limitation. The applicant is proposing to limit the maximum building square footage to 6,500 SF with a maximum building height of 35 feet. Also under the PUD, use of the property would be strictly limited to a Financial Institution with a drive-through facility within Use Unit 11 and the existing OA sign only.

The western-most 50' of the PUD, which is zoned RS, directly abuts two residentially zoned lots, one on the west and one on the north. As a result, the applicant is proposing to limit this section of the PUD to parking use, and will be further limited to staff parking only. Also, along the entire west boundary and the first 50' of the western half of the north boundary, there will be an eight-foot solid screened masonry type wall installed to help buffer the residential lot to the west and north. In addition to the eight-foot masonry wall, an eight-foot densely landscaped strip will installed to help further buffer these lots (see Exhibit C). Exhibit C-1 is the landscape detail for the PUD, and would be the standard to which any proposed landscape plan would be held.

Within the west 75' of the PUD, light standards are proposed not to exceed 14' in total height. The rest of the PUD lighting standards will be limited to 25' in total height. Shielding of outdoor lighting shall be designed to prevent the light producing element or reflection of the light from being visible by a person standing at ground level in adjacent residential areas. Compliance with this standard will be verified by application of the Kennebunkport Formula.

All trash, mechanical and equipment areas (excluding franchise utility provider transformers), including building mounted will be screened from public view by the erection of a solid screening wall or fence that completely shield such equipment from the view of a person standing at ground level. Sidewalks will be provided along 13th Place and Lewis Avenue. Existing sidewalks along either street within the project limits which are in need of repair will be repaired by the property owner/applicant.

Infill development where commercial zoning and residential zoning abut one another is a condition being faced with more regularity within the City of Tulsa as older properties within the City are redeveloped. This particular proposal is typical of infill development as highlighted by the 'Report Prepared for the Infill

Development Task Force (“The Infill Plan”) which defines infill development as necessary for the future economic viability of the City of Tulsa. Given the aforementioned, the PUD location along an urban arterial street, the immediate proximity to a freeway and extensive buffering being offered along the western and northern boundaries of the development, staff can support this application.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-762 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code. Therefore, staff recommends **APPROVAL** of PUD-762 subject to the following conditions as amended by the applicant and TMAPC (items with strikethrough have been deleted, 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:

AREA:

Net:	.54 AC	23,725 SF
Gross:	.82 AC	35,650 SF

PERMITTED USES:

Permitted uses shall include the uses permitted as a matter of right in Use Unit 10 – Off-street Parking; Use Unit 11 – Office, Studios and Support Services, limited to Financial Institution/Banking Offices including drive-thru banking facilities; (the existing) Outdoor Advertising within Use Unit 21; and uses customarily accessory to permitted uses shall be the only uses permitted.

MAXIMUM PERMITTED FLOOR AREA: 6,500 SF

MAXIMUM BUILDING HEIGHT: 35 FT

MINIMUM BUILDING SETBACKS:

From the centerline of S. Lewis Ave.	95 FT
From the centerline of E. 13 th Place	75 FT
From the north boundary of the PUD	30 FT
From the west boundary of the PUD	50 FT

OFF-STREET PARKING: Off-street parking as required by the applicable use unit*.

** Parking along the west boundary of the site shall be limited to employee parking only to the most practical extent.*

LANDSCAPED AREA:

A minimum of 15% of the total net land area shall be improved as internal landscaped open space in accord with the provisions of the landscape chapter of the City of Tulsa Zoning Code.

SIGNS:

- 1) One double faced sign, 4' x 8' - excluding the base, with a maximum display surface area (DSA) of 32 square feet per side (64 square feet DSA total) and a maximum height of 10' shall be permitted on the southeast corner of the site.
- 2) Wall signs shall not exceed 2 square feet of DSA per lineal foot of building wall to which the sign is affixed. The length of a wall sign shall not exceed 75% of the length of the building wall to which the sign is affixed. No west or north facing wall signs are permitted, except directional signs as allowed by section 225, B-3 of the code shall be permitted at entrances and exits.
- 3) One (existing at the time of this approval) outdoor advertising sign shall be permitted.

LIGHTING:

Within the west 75' of the PUD, light standards shall not exceed 14' in total height. Within the remainder of the development area light standards shall not exceed a maximum total height of 25'. All light standards, including building mounted, shall be hooded and directed down and away from the boundaries of the PUD. Shielding of out door lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from creating a nuisance to a person standing at ground level in adjacent residential areas. Compliance with this standard shall be verified by application of the Kennebunkport formula or other Illuminating Engineering Society of North America (IESNA) recommended practice. Light shall be measured from the top of the eight-foot masonry wall along the lot lines in common with an R District; light shall not exceed .5 foot candles at the property lines in common with the R District.

TRASH, MECHANICAL AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

WEST BOUDARY LANDSCAPING AND SCREENING PLAN:

An eight-foot high pre-cast stone patterned masonry screening wall will be erected along the west boundary beginning at the front building setback of the residence immediately adjacent to the west, extending approximately 115' to the northwest corner of the site. The eight-foot pre-cast wall will then continue and then east along the north boundary a minimum of 50 feet adjacent to the RS-3 zoned lot to the boundary of the abutting CS zoned property. Additionally, a six-foot wood screening fence will be extended from the southeast corner of the RS-3 zoned lot for fifty Feet (50') along the north boundary, as shown on Exhibit C – West Boundary Landscape and Screening Plan – and attached to this case report as page 18.13.

Also, an eight-foot wide landscape area will be established inside the screening wall with plant materials as listed on Exhibit C-1 – Plant List attached herein. Six loblolly pine trees a minimum of 12 – 14 feet in height will be planted per Exhibit C-1 to provide additional visual and sound barrier. Bright-n-tight Cherry Laurels will be planted at intervals between the canopies of the larger trees per Exhibit C-1.

Parking area and street frontage landscaping will be provided per the landscaping chapter of the Zoning Code.

ACCESS AND PEDESTRIAN CIRCULATION:

Principal access to the site will be from the south-bound lane of South Lewis Avenue, and from the one-way Freeway Service road 13th Place.

Sidewalks will be constructed along Lewis Avenue and 13th Place. Existing sidewalks will be repaired where needed.

TRASH SERVICE HOURS:

There will not be any trash service to the property between the hours of 7:00 pm and 7:00 AM.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. As a result of Technical Advisory Committee (TAC) traffic comments below, prior to submission of the detail site plan to the TMAPC the site plan must be signed off by the City of Tulsa Traffic Engineering.
5. A detail landscape plan 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. 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.
12. 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 PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments:

General: No comments.

Water: The domestic water meter will need to be installed in the right-of-way of East13th Place on the north side in a green space area such as an island.

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.

Stormwater: Page 7 states that no on-site detention is anticipated. Given the location of this project, detention should be anticipated.

Wastewater: The 8' tall stone wall proposed along the north & west boundary of the project must be located sufficient distance from the existing sanitary sewer line to allow for proper maintenance of the sewer line.

Transportation: Include sidewalk requirement in Access and Circulation section.

Traffic: No Comments.

GIS: No comments.

Street Addressing: No comments.

County Engineer:

TMAPC COMMENTS:

In response to Mr. Marshall, Mr. Sansone stated that the parking on the west portion that is zoned RS-3 is required parking and not an accessory use. He explained that the building will be located entirely in the CS-zoned property and use the RS-3 lot as a buffer between the commercial and residential districts. Mr. Sansone reiterated that the parking is required parking for the subject project and not an accessory use.

In response to Ms. Cantrell, Mr. Sansone explained that the square footage in the case report is correct.

Ms. Cantrell stated that she has a problem when the subject property is not really being used for RS-3 uses and is really being used commercially. She asked if commercial use on the subject property consistent with the Comprehensive Plan. In response, Mr. Sansone stated that it is and if the applicant were not taking the RS-3 lot, he could still use the CS property and build the proposal and then there would be no buffering between the commercial and the residents. By removing the house, the applicant is creating a buffer between the CS and the RS property. If the extra lot is not included, then there will be CS uses adjacent to residential. The applicant could still build the proposal and there would be no height limitation except to setback requirements. The applicant would only have to build a six-foot fence and have a five-foot landscape buffer. The applicant is proposing to remove the house and install an eight-foot masonry wall with an eight-foot wide landscape strip with intensive landscaping, and limit the height of the lighting in that portion of the lot. Staff reviewed this case and saw that currently there is no buffer and now there will be a buffer between the residential and commercial once the project is completed.

Ms. Cantrell stated that to be realistic the applicant does have a floor area ratio limit and will not be able to get too high. Ms. Cantrell further stated that she believes the subject property was recently rezoned from an OM to an RS-3. She is curious of what the thought was behind the rezoning in 2001. In response, Mr. Sansone stated that he is not sure the rezoning was for the subject property in 2001. He believes that it is the area history. Ms. Matthews stated that they are talking about properties that are around the subject property in the case history. Mr. Sansone commented that possibly the case history has a typo.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, representing St. John's Federal Credit Union, stated that this is a textbook infill case. Mr. Reynolds submitted photographs of the subject property (Exhibit A-1) and stated that the credit union has been in business for 39 years. The facility provides credit and services to the employees of the St. John's Health System. The headquarters is located in the basement of 1924 South Utica. St. John's had a branch previously at the St. John's complex but it was torn down to make way for additional buildings at St. John's and now they need to meet their demand for a branch bank for some off-site loan offices and things for their customers.

Mr. Reynolds stated that his client has contracted to acquire these two and half lots that are zoned CS and the one lot that is zoned RS-3. The easterly lot is owned by Lamar Outdoor Advertising Company and they wouldn't sell it to his client unless the sign remains. Mr. Reynolds submitted photographs of surrounding properties showing the Broken Arrow Expressway, commercial uses along Lewis Avenue, and businesses along 13th Street (Exhibit A-1). He summarized that there are three things driving this proposal: 1) residential use to the west; 2) industrial to the north; 3) Broken Arrow Expressway to the south, and 4) CS property adjacent to the subject property. He stated that his client has

worked hard to establish an effective transition or buffer and that is what the Zoning Code asked for.

Mr. Reynolds stated that the development standards only allow three uses on the subject property, which are parking, bank facility with a drive-through and the existing outdoor advertising sign. All other CS uses are prohibited and that is important. If a use is changed, the applicant would have to come back to the Planning Commission for approval. There is a maximum building area of 6,500 SF and that is less than the 9,000 SF that would be allowed by right. The building height is at 35 feet and is consistent with the highest that could be built in a residential area. His client has paid careful attention to other infill type reports and things regarding how to buffer to meet this. Along the west boundary it is proposed to have an eight-foot masonry stone pre-cast screening wall and it would run the full west boundary and then back to the east along the RS lot. There will be eight feet of landscaping with six loblolly pine trees that will be between 12 and 14 feet in height with extensive shrubbery beneath. This softens the use and creates a transition. The building and drive-through facility are all located on the CS-zoned property. His client intends to have the employees park along the west side and keep it quieter. The RS-3 portion of the subject property has four uses: 1) screening wall; 2) landscaping use; 3) a parking use, and 4) a driveway use and that is all the use that will be made of that property under this PUD. This establishes an effective transition.

Mr. Reynolds stated that last Friday he met with the neighbors and had a very spirited/informative debate with some of the neighborhood leaders. From that meeting there were several things that could be done specifically for this project. There are two things that he agreed to do as additional development standards: 1) extend the screening fence from the southeast corner of the residential property 50 feet with a wooden six-foot screening fence back to the east, 2) restrict trash service hours to between 7:00 a.m. and 7:00 p.m. The bank will shred their papers and will not have a nasty dumpster. The dumpster will be up against the building and will be screened.

Mr. Reynolds stated that stormwater drainage was discussed during the neighborhood meeting. The project's stormwater has been reviewed at the Technical Advisory Committee meeting and as a result of the meeting, the City has stated that there will be no detention required and the applicant to pay a fee-in-lieu. Another objection that the neighbors had was the traffic and felt the project would cause a lot of traffic problems. Mr. Mark Brown has reviewed this and has approved the access points and any traffic issues that might come from this.

TMAPC COMMENTS:

Mr. Ard stated that an email was sent from the City to Ms. Tomlinson relating to the traffic issue.

Ms. Cantrell expressed concerns with traffic cutting through the neighborhood due to the one-way street along 13th. Vehicles coming off of Lewis to go through the drive-in bank would come out on 13th and not able to go back out on Lewis without going through the neighborhood. In response, Mr. Reynolds stated that he did think about that and that is why the property to the east was acquired in order to have a Lewis exit. He believes that the shorter route will be to go around the building back onto Lewis. The conceptual plan is showing the property at a greater use than it will ever receive and he can't imagine that many cars ever being on the subject site. Most of the traffic will stay on the two-lane service road that feeds the Broken Arrow Expressway and go down to Utica and turn left or right. He doesn't see anyone cutting through the neighborhood except for purely local traffic. The credit union doesn't have a regional draw and it is a local business, which will be one mile from the headquarters. He believes that this is a good design and gives people that option to go back out to Lewis, which is closer than cutting through the neighborhood, and getting into something that they are not familiar with. Anyone who chooses to cut through a neighborhood usually has some knowledge and lives in the subject area.

Ms. Cantrell asked if the facility was strictly for St John employees. In response, Mr. Reynolds stated that it is the St. John's Federal Credit Union and the members are employees and family members. The intention is to provide better credit type services to the members with a drive-through that is a traditional service. All of the employees in the system are required to have their paychecks done electronically. There will not be a lot of traffic at the facility and it is an office use with a restrictive PUD. The parking standard is being exceeded and it will help with the traffic issues. It has been designed to be loop-friendly and allow vehicles to circle the subject building to exit onto Lewis.

Mr. Ard asked Mr. Reynolds how he would control that the west portion of the parking would be staff only. He explained that the facility will require their employees to park on the west portion. There are eight spots and they probably will only have six employees. The entry to the structure faces 13th Street.

Mr. Sparks asked Mr. Reynolds what the hours of operation will be. In response, Mr. Reynolds stated that he doesn't know the hours of operation at this time. He believes that they are standard banking hours and not opened on Sunday.

In response to Ms. Wright, Mr. Reynolds stated that if a vehicle measures 6.5 feet in height then there would be about 18 inches between the top of the fence and the SUV. Ms. Wright stated that Mr. Reynolds's conceptual drawing could be misleading as far what the residents would be looking at. In response, Mr. Reynolds stated that he doesn't believe it is misleading. The residents will see an eight-foot wall and will not be able to see over it to see a 6.5-foot pickup truck. In response, Ms. Wright stated that one would if they live in a two-story house.

Ms. Wright stated that she is extremely familiar with the subject corner and she cuts through the neighborhood every time she is there because she doesn't want to go to Utica and would like to stay on Lewis. She asked if there is a method that all traffic could be routed on and off Lewis and not even go on the access road. In response, Mr. Reynolds stated that the Traffic Engineers have approved this traffic layout and it has gone through the Technical Advisory Committee, who have approved it. They like the fact that his client has provided for a good wraparound use and the ability to get out to Lewis. This is the shorter route and the vast majority of people will choose to use that. Why would one drive the extra eighth of a mile or so to cut through the neighborhood and come back out onto Lewis when it can be done on the parking lot? In response, Ms. Wright stated that one can't get back out onto Lewis. In response, Mr. Reynolds reiterated that there is an entrance/exit off of Lewis onto the subject property. He demonstrated how vehicles can circle the subject lot and exit onto Lewis with a right or left turn. The City of Tulsa has approved a curb cut on Lewis. He reminded the Planning Commission that 13th Place is a feeder to the Broken Arrow Expressway. He doesn't believe that the proposal will create a big impact with regard to traffic.

Mr. Sansone stated that he wanted to clarify about the square footage difference that Ms. Cantrell asked. The exhibit is the net square footage of the lot and doesn't include the right-of-way, whereas the staff report includes the right-of-way and the floor area is figured on the gross square footage, not the net square footage of the lot. This is a corner lot and will have two rights-of-way figured into the floor area, which will be significantly different from the net square footage of the lot. Ms. Cantrell asked if this is used for PUDs only. In response, Ms. Matthews stated that it is used with PUDs and not with straight zoning.

Interested Parties Comments:

Donald Barnum, 1910 East 13th Street, 74104, submitted a petition opposing the PUD (Exhibit A-4) and stated that he is opposition to any change from RS-3/CS to the PUD development. He commented that Hillcrest has not lived up to its PUD commitments and there is a history in the neighborhood of a major facility that hasn't fulfilled all of their obligations. The proposal will only add to the problems of traffic in the subject area. Currently vehicles speed on 13th Place and cut through the neighborhood to get to Lewis. With Starship, Hasty Bake and the railroad coming through, traffic is backed up at least three times a day (morning, noon and evening). Mr. Barnum listed all of the commercial uses along Lewis in the subject area. He believes it is wishful thinking that traffic will not cut through the neighborhood. Murdock Villa is located at 11th and Utica and there are residents there who are physically limited. They are in mechanized wheelchairs in the neighborhood and this is going to make it a death wish for those people because it is already bad enough, traffic-wise. Mr. Barnum stated that drainage will be a problem and currently the neighborhood has street flooding. This proposal will add to the street flooding. He doesn't want the intrusion of commercial development. There are 5,000 members of the St. John

Campus and he feels that there will be enough traffic to impact the neighborhood. He indicated that the trash dumpster will take up one of their parking spaces and that is not shown on their plan. Seven employees will take up seven of the ten places and there are 13 total parking spaces and two handicap spaces. He doesn't believe that there is enough parking. He commented that he is not opposed to St. John's having the facility, but it doesn't need to be in this location and suggested that they look at 11th Street, 14th Street and Peoria or other locations where development could enhance and reinvigorate 11th Street, which is already commercially zoned with access that is easier than this location.

TMAPC COMMENTS:

Mr. Ard stated that the majority of the subject site is zoned CS and there are a lot of uses within the CS district that could fit on the tract that is exclusive of RS-3. He asked Mr. Barnum what he believes should be built on the subject property. In response, Mr. Barnum stated that it should be left as it is today. He further stated that it is not the best in the world, but it isn't commercial and not bringing in trash, noise, lighting and additional vehicles. Mr. Barnum commented that the subject area is a transitional area, but he is not facing an Arby's coming in and is facing a banking facility.

Mr. Midget asked Mr. Barnum if a fast food company did come in for the CS portion only, does he believe that the adjacent resident is someplace where someone would want to live without a buffer. In response, Mr. Barnum stated that he would be back before the Planning Commission against it. Mr. Midget stated that they could go in there by right. Mr. Barnum stated that he would use whatever means it would take to fight a fast food company from moving in on the CS property.

Interested Parties Comments:

Maria Barnes, 1319 South Terrace Drive, 74104, stated that she does want infill in the City of Tulsa, but this is not the infill needed right now. In 1995 the corner property went before the Board of Adjustment for a car dealership and was denied. The finding was that increased intensity of the use would be detrimental to the neighborhood and violate the spirit and intent of the Code on that property. Ms. Barnes stated that she moved into the area in 2000 and worked very hard to get the neighborhood rezoned back to residential. In 2001 the rezoning occurred and the Planning Commission supported the rezoning. She indicated that she wanted to rezone back to residential to give the residents some protection from this type of facility from coming in. This is a small neighborhood and she doesn't believe that this is a good fit for St. Johns. Right now there are businesses on Lewis that kept the existing houses for their offices, which makes them compatible with the neighborhood. Ms. Barnes indicated that St. Johns was denied a similar application at 15th and Yorktown because of the traffic into the neighborhood. When the facility moves it will be open to the public and not to just their employees. She doesn't believe that tax dollars should be spent to

remove the center median. Ms. Barnes concluded that this is not an appropriate fit for the neighborhood. She would prefer that the homes remain and businesses that fit in a home would be welcomed.

TMAPC COMMENTS:

Mr. Ard stated that he understands Ms. Barnes's thought, but the corner lot is already zoned CS. In response, Ms. Barnes stated that she has been busy working with other areas and neglected her own. She commented that she should have gone farther down to Lewis to get the rezoning. She further commented that at the time of the down-zoning, she didn't believe the owner of the residence would sell her home for business. This will hurt the neighborhood to remove these homes to put a business in. Her goal is to have a plan for the subject area. She commented that Hasty Bake has been a good addition to the subject area and they do not add traffic to the subject area, as they do not abut a neighborhood. She further commented that the City wants walkable communities and this would not help to be walkable.

In response to Ms. Wright, Ms. Barnes stated that her home was built in 1926 and the others in the subject area were probably built around the same time. Ms. Barnes stated that the CS zoning came in the 1970s and was blanket-zoned. People in the subject area didn't know that their zoning had changed and that is why she worked on down-zoning. The existing businesses are 9:00 a.m. to 5:00 p.m. and rarely have more than one car at their businesses.

In response to Ms. Wright, Mr. Ard suggested that she save her comments until review. Mr. Ard asked Ms. Wright if she had any more questions. In response, Ms. Wright answered negatively.

In response to Mr. Marshall, Ms. Barnes indicated that she owns two lots. Ms. Barnes invited the Planning Commission to come and sit in her yard to watch the traffic. She commented that she knew about the traffic when she purchased her home and that there were homes around her and no businesses.

Mr. Marshall asked Ms. Barnes if she was aware that her home is included in medium intensity in the Comprehensive Plan. In response, Ms. Barnes stated that she wasn't aware of that.

Mr. Marshall stated that he has looked over the proposal extensively and the applicant and staff have addressed a lot of the neighbors' problems that would usually come up. Mr. Marshall cited the buffering and masonry screening, etc. In response, Ms. Barnes stated that once the homes are taken out, then businesses are put in and she would like to see the homes stay and the small businesses come in. Once this is allowed, it changes the whole look of the neighborhood. Ms. Barnes stated that she has a two-story home and the lights from the subject property will be in her back window. This is not the right type of business or infill that is needed in this area. If the Planning Commission allows

this to happen, then as it goes on, the homes will be gone. It will affect the property values.

Ms. Cantrell asked what properties were down-zoned in 2001. In response, Ms. Barnes stated that it was her home and she indicated the other properties on the map. Ms. Cantrell asked Ms. Barnes if the property under application that is currently zoned RS-3 was RS-3 prior to the down zoning. In response, Ms. Barnes stated that she believes it was OL prior to 2001.

Interested Parties Comments:

James Barnes, 1319 S. Terrace Drive, 74104, submitted and read a letter of opposition from Kevin Byrne of 2316 East 13th Street, 74104.

Julie Buckley, 1301 Terrace Drive, 74104, presented a PowerPoint presentation in opposition of the subject proposal. Traffic issues, cut-through traffic issues, noise and lights will be a problem, drainage issues, already live with the noise from the Broken Arrow Expressway, crime will increase due to the 24-hour ATM, and the neighborhood has been encroached by commercial before and urges the Planning Commission to deny this PUD.

Applicant's Rebuttal:

Mr. Reynolds stated that this proposal is in complete compliance with the Comprehensive Plan. The stormwater and traffic have been reviewed by the City of Tulsa. The car dealership that was spoken about by Ms. Barnes is a commercial business and needed CG zoning. This is an office use and is an OL use. The lighting will meet the Kennebunkport formula and will not light up the neighborhood. With the development standards the facility will not be encroaching further into the neighborhood and actually prevent it by setting the buffer and solid screening wall. The dumpster will be located at the back of the building and will not take up a parking space. This is a very thought-out and organized development to prevent any notion of any encroachment into the neighborhood. The PUD is wiping out all of the CS uses and basically this is an OL PUD in front of the Planning Commission.

TMAPC COMMENTS:

Mr. Shivel asked if a traffic study was done to understand what type of traffic will be on the subject property itself. In response, Mr. Reynolds stated that traffic studies are part of the platting process and will be done later. He did use the newest Zoning Code that deals with traffic, which happens to be the Broken Arrow Zoning Code. He explained that Mark Brown reviewed the Code and details for the standards and felt that the subject proposal meets and exceeds it.

In response to Ms. Wright, Mr. Reynolds stated that he disagrees that a traffic study is needed before destroying the residential home. The subject property is zoned CS, and CS uses have a much greater impact, hours, noise, etc. Mr. Brown understands and recognizes the lessening demand for drive-through

banking and there will be less traffic. The headquarters is located at 1924 South Utica in the basement of the Utica Bank Tower and it will remain there. The proposal is a branch location with the primary purpose as a loan office, but will have transactions as a convenience for their customers. This institution has been around for 39 years and most of their customers are used to having drive-through banking. Mr. Reynolds stated that his younger staff do not use drive-through banking, but the older customers are use to drive-through banking and want it available.

Ms. Matthews stated that it would be disingenuous to say that this would be open to the public. From her own personal experience of being on a board of a Credit Union, that has a very definite field of membership and is not open to the public. One has to become a member and be within that field of membership. She further stated that she assumes any employee of St. John's could join and perhaps that is where the 5,000 comes from, but the average person on the street can't do banking there unless they are a member.

Mr. Reynolds stated that the credit union is limited and he concurs with Ms. Matthews's statement.

Mr. Boulden asked Mr. Reynolds about the median that was discussed and who will be paying for the removal of the median. In response, Mr. Reynolds stated that his client will pay for the removal of the median. He explained that he has discussed this with the City and received approval to have a median cut at his client's expense. Mr. Boulden asked Mr. Reynolds if it would be a PFPI. In response, Mr. Reynolds answered affirmatively.

Ms. Wright stated with the BOA denial of the exception to permit automobile sales in the subject area, she would ask what has changed since then. They cited traffic as a reason for not allowing the use and what has changed. Why would the Planning Commission go against the BOA.

Mr. Boulden stated that the main thing that has changed is that it is not a car facility and it is not a Use Unit 17. The standards are different with the subject proposal and the question today is whether or not the proposed use is appropriate under the current zoning.

Ms. Wright stated that if the BOA used traffic as a reason to deny the auto sales and that it would be detrimental to the area, then it is the traffic and not the Use Unit that was in question. What would be different regarding traffic and should the Planning Commission go against the BOA without more information.

Mr. Boulden stated that he believes it is unfair to characterize this as going against the BOA because the Planning Commission doesn't know what evidence was presented to the BOA and whether or not the applicant today has better evidence here or whether traffic habits have changed. This would be apples and

oranges comparison. He would hesitate to compare the facts presented today to facts that are unknown that were presented to the BOA.

Ms. Wright stated that perhaps it should be looked at better because the BOA is a quasi judicial body.

Ms. Matthews stated that part of the BOA's concern was traffic because the proposal was for a used car lot, and generally people test used cars by driving through neighborhoods around the lots where they purchasing the car. She believes the BOA was concerned that people would take the car off the lot and drive through the neighborhood to test it.

Ms. Wright stated that from what is in front of the Planning Commission today that is not known and would need to go back to that BOA ruling.

Ms. Wright moved to continue PUD-757 in order to review the BOA ruling.

No second.

Motion failed.

Mr. Carnes stated that he understands that the neighborhood doesn't want this proposal. We have seen this over and over and a good example is 71st and Harvard, where the bank went in with the landscaping and masonry walls. The subject property is already zoned CS and anything could be moved in there for commercial use, without coming before any authority other than the permitting. Today there is an opportunity to have the landscaped building that is of less zoning and intensity than commercial. Most of the savings and loans in Tulsa have done an excellent job of landscaping and probably, other than the 5:00 p.m. activity, there is very little traffic. He really believes that the neighbors have an opportunity today to have something under a PUD that is better than shooting dice on what somebody might bring for CS uses.

Mr. Midget stated that he is familiar with the subject area and Ms. Barnes has a beautiful home in the subject area. Without the median cut on Lewis, it would cause concern to him because traffic would have to go down 13th and around Terrace Drive to get back on Lewis. However, this development is a less intense use than what could go there by right and there is no guarantee that there would be a median cut for a CS use off of Lewis. Any business going onto the subject property would end up with traffic going through the neighborhood. This project may alleviate that issue with the median cut on Lewis. Mr. Midget stated that drainage will have to be handled during the platting process and will be addressed at that time. He believes that median offers an opportunity to give the subject proposal a way to get back to Lewis without cutting through the neighborhood. Mr. Midget reminded the Planning Commission that if the property were sold to someone else it is currently zoned CS and there are many

CS uses that could go there by right and would be more intense and may not have a median cut onto Lewis.

Mr. McArtor asked why people wouldn't take 13th and go down to Utica to get back to St. John's Hospital. He questioned why employees of St. John's would go back south on Lewis to get to St. John's.

Ms. Cantrell stated that they would go south on Lewis to avoid left-hand turns.

Mr. McArtor stated that he can't imagine anyone using Lewis to get back to St. John's, which is located on Utica.

Mr. Marshall stated that he believes that this is a good project for the subject area. It will clean up some of the houses that are really run down. St. John's will be a good neighbor and he doesn't believe it will adversely affect the neighborhood at all. He will support this application.

Mr. Walker stated that he would be voting in support of this project as well. It is one of the cleaner uses for the subject property and there are other uses that would be detrimental for that tract of land. The facility could be there by right, and with the landscaping and access onto Lewis, he will support this.

Ms. Cantrell stated that when she first started on the Planning Commission, she was against PUDs and changed her mind as she went along. However, this is one of the examples of why she still doesn't like PUDs. When one starts taking in property that is zoned residential to use for commercial, it undermines the expectations of the neighborhood. She believes that particularly in this case, regardless of what the Comprehensive Plan says, this neighborhood was very proactive in trying to protect them and tried to stop the intrusion into their neighborhood. They rezoned the whole property to RS-3 and now to allow a PUD on it and make it commercial is wrong. This goes against the expectations of people who pay good money for their houses near there. She sees that traffic could be an issue and there are things that could be done there. Ms. Cantrell explained that she understands that the subject property is zoned CS, but the other lot isn't and she doesn't see allowing it just because something worse can come in and if that is how this is going to be judged, then, there is something wrong with the City of Tulsa's Zoning Code. She indicated that she will be voting against this proposal and if they can put the bank in the CS property, then they should do so.

Mr. Carnes stated that the reason he is supporting this application is because they have a wall, landscaping, and it will beautify the subject corner. When this has happened in the past it has helped people's value of homes. This being a credit union will not be a commercial building. Mr. Carnes moved to recommend approval of PUD-762.

Mr. Walker seconded the motion.

Ms. Wright stated that this is not replacing buildings that are deteriorating, but are viable little businesses that are happening right now as we speak. Ms. Wright suggested that the subject property should be down-zoned from CS. She expressed concerns with going against the BOA denial from 1995 for an automobile sales use, which she believes the denial was based on traffic. Ms. Wright stated that a used car lot doesn't create as much traffic as a credit union or any small banking facility.

Mr. Sparks stated that he will be voting against this for the same reasons that Ms. Cantrell gave. He supports her position and will be voting no.

Mr. McArtor stated that he doesn't believe that the BOA ruling should influence the Planning Commission. An automobile sales lot is going to generate a lot more traffic than a credit union. If this were rejected and left with the CS zoning, then what does the Planning Commission expect the neighbors to do or what would be their next step? In response, Ms. Cantrell stated that apparently they know that risk and are still opposed to the proposal. She further stated that what she is hearing the most from the neighbors is that they don't want further intrusion into their neighborhood. One goes to the trouble to figure out what their zoning is and make sure that it is down-zoned. They understand the CS is on the corner and are still opposed to it and the Planning Commission should honor those expectations. There are some restrictions with CS and it will have to meet the Zoning Code requirements. Ms. Cantrell commented that she is not convinced that they could make this bank smaller and make it work on the CS portion. When one starts going into neighborhoods then the next thing is the property to the north of it will be able to go commercial and that sets up a domino effect. This is a small pocket and there aren't a lot of houses there. If it is left with only two or three houses left on a commercial area, then the viability of the houses no longer exists. If the CS is held to the one lot, then the houses have a much better chance of maintaining their property values.

Mr. Ard stated that he will be supporting the motion and staff's recommendation. He believes that this is a really good example of what an infill PUD should be. There is a buffer in the parking area on the west side and this is a small office building with restrictive time of use. The building is located on the CS tract of land and on an arterial street that is surrounded by industrial and office medium uses. Next to the highway and ½ mile away they are going to put a ten-story highrise. This is a very low intense use in an area that has been defined by the Comprehensive Plan as medium intensity. We have had a lot of conversations about the Comprehensive Plan lately and how we need to try and follow it. Mr. Ard concluded that the subject property fits the land use designation and within the bounds of what a PUD is supposed to do.

Mr. Shivel called for the vote.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-3-0** (Ard, Carnes, Marshall, McArtor, Midget, Shivel, Walker "aye"; Cantrell, Sparks, Wright "nays"; none "abstaining"; Smaligo, "absent") to recommend **APPROVAL** of PUD-762 per staff recommendation and additional language presented by Mr. Reynolds. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-762:

A TRACT OF LAND THAT IS ALL OF LOTS ELEVEN (11), TWELVE (12), THIRTEEN (13) AND PART OF LOT FOURTEEN (14) IN BLOCK TEN (10) OF THE RESUBDIVISION OF BLOCK SIX (6) AND LOTS ONE (1), TWO (2) THREE (3) OF BLOCK FOUR (4), TERRACE DRIVE ADDITION TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY LINE OF SAID LOT 14, SAME BEING 30.00 FEET WESTERLY OF THE SOUTHEAST CORNER OF THEREOF; THENCE NORTH 89°51'45" WEST, ALONG THE SOUTHERLY LINE OF SAID LOTS 11, 12, 13 AND 14, A DISTANCE OF 170.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 11; THENCE NORTH 00°08'15" EAST, ALONG THE WESTERLY LINE OF SAID LOT 11, A DISTANCE OF 130.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 89°51'45" EAST, ALONG THE NORTHERLY LINE OF SAID LOTS 11, 12, 13 AND 14, A DISTANCE OF 195.00 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED AS "PARCEL THREE" IN QUIT CLAIM DEED RECORDED IN BOOK 7040, PAGE 489 OF THE DEED RECORDS OF SAID TULSA COUNTY, SAME BEING 5.00 FEET WESTERLY OF THE NORTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 11°01'23" WEST, ALONG THE EASTERLY LINE OF SAID "PARCEL THREE" TRACT, A DISTANCE OF 132.38 FEET TO THE POINT OF BEGINNING. **From: RS-3/CS (Residential Single-family District/Commercial Shopping Center District) To: RS-3/CS /PUD (Residential Single-family District/Commercial Shopping Center District /Planned Unit Development [PUD-762]).**

* * * * *

19. **Z-7111 – Abel Rubio**
10877 East Admiral Place

RS-3 to CS
(PD-5) (CD-6)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance Number 11817, dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: CS

PROPOSED USE: Office & storage

RELEVANT ZONING HISTORY:

BOA-20504 June 12, 2007: The Board of Adjustment denied a Special Exception to permit automobile sales in a CS district and a Variance to permit open air storage and display of merchandise offered for sale within 300 feet of an adjoining R district, finding the hardship is self-imposed, on property located at 10875 East Admiral Place and abutting the subject property to the west.

BOA-20308 July 11, 2006: The Board of Adjustment approved a Special Exception to permit Use Unit 15 (Other Trades and Services) for a Custom Canvas business in a CS district; subject to conditions, on property located at the southwest corner of South 109th East Place and East Admiral Place and southwest of subject property.

BOA-20235 April 11, 2006: The Board of Adjustment approved a Special Exception to allow Use Unit 15 for a dry-wall contractor service in a CS district, per plan with no outside storage, on property located south of the southwest corner of South 11th East Avenue and East Admiral Place and southwest of subject property.

Z-6968 December 2004: Staff recommended approval of a request to rezone a 2.27± acres tract of land from RS-3 to IL for office/storage construction equipment on property located at 10877 East Admiral Place and the subject property. TMAPC recommended denial of IL zoning.

BOA-19727 January 27, 2004: The Board of Adjustment approved a Special Exception to allow Use Unit 15 for portable buildings/storage sheds in a CS district, with conditions suggested by the neighborhood association, on property located at the southwest corner of East Admiral Place and South Garnett Road and southeast of subject property.

BOA-18876 October 10, 2000: The Board of Adjustment approved a Special Exception to permit Use Unit 17 for used car sales in a CS district with multiple conditions, on property located at the northwest corner of East Admiral Place North and North Garnett Road and just east of subject property.

Z-6648 August 1998: A request to rezone a 26-acre tract located on the northwest corner of East Admiral Place and Mingo Valley Expressway from CS to CG or CH to allow retail, office and warehouse uses on the existing retail center. Staff recommended denial of CH and recommended the applicant amend the request to CO or to submit a PUD with CG zoning. TMAPC recommended approval of CG zoning without a PUD after strong objection from the applicant. CG zoning was approved by City Council.

BOA-17740 June 10, 1997: The Board of Adjustment approved a Special Exception to permit Use Unit 17 in a CS district for new mobile home sales; per plan and subject to multiple conditions, on property located at the southeast corner of East Admiral Place and South Garnett and southeast of subject property.

Z-6544 July 1996: All concurred in denial of a request to rezone a 1.5-acre tract from RMH to CG and approval of CS zoning for auto sales and office, on property located on the northeast corner of North 109th Place and East Admiral Place and west of the subject property.

Z-6437 April 1994: All concurred in approval of a request to rezone a nine-acre tract located on the northeast corner of East Admiral Place and South Mingo Road from CS to CG to allow a truck sales business.

Z-6386 February 1993: All concurred in approval of a request to rezone a 2.4-acre tract from CS/RS-3 to CS to expand a mobile home sales business located west of the subject tract and on the northeast corner of East Admiral Place and North 106th East Avenue.

Z-6385 February 1993: All concurred in approval of a request to rezone a 2.4-acre tract from CS/RS-3 to CS for a mobile home sales business, located north of the northeast corner of East Admiral Place and North Garnett Road and east of subject property.

BOA-16171 January 26, 1993: The Board of Adjustment approved a Special Exception to permit mobile home sales in a CS district; per plan submitted; finding that the property has been used for mobile home sales for many years, and has proved to be compatible with the surrounding uses, on property located on the northeast corner of East Admiral Street North and North Garnett Road and east of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.4 acres in size. It is located west of the northwest corner East Admiral Place and North Garnett Road. The property is sloping, partially wooded, contains a vacant residential dwelling and accessory buildings and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East Admiral Place	Secondary arterial	100'	4 lanes

UTILITIES: Municipal water and sewer are available.

SURROUNDING AREA:

The subject property is abutted on the north by vacant land (a former mobile home park/floodplain buyout area), zoned CS; to the east by commercial uses on the southern half, zoned CS and a large-lot single-family residential use, RS-3 on the northern half; to the west by commercial uses, zoned CS; and to the south by commercial uses (largely mobile home sales), zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity-No Specific land use and Corridor. According to the Zoning Matrix, the requested CS **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

Based on the District 5 Plan, surrounding land uses and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of CS zoning for Z-7111.

TMAPC COMMENTS:

In response to Ms. Cantrell, Ms. Matthews stated that this application is in accord with the East Tulsa Plan.

The applicant indicated his agreement with staff's recommendation.

Interested Parties Comments:

Wayne Bohannan, 10617 East 1st Street, 74128, representing Wagon Wheel Association, stated that he is support of this application and the CS will be compatible with other businesses along the subject street. Mr. Bohannan described other businesses in the surrounding area.

TMAPC COMMENTS:

Ms. Cantrell thanked Mr. Bohannan for coming to speak in favor of an application, since it is rarely done.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Carnes, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Smaligo "absent") to recommend **APPROVAL** of CS zoning for Z-7111 per staff recommendation.

Legal Description for Z-7111:

The East Half of the West Half, of the East Half of Government Lot 1, (E/2, W/2, E/2), Section 6, T-19-N, R-14-E, of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; **From RS-3 (Residential Single-family District) To CS (Commercial Shopping Center District).**

20. **CZ-395 – Donald L. Jernigan** **AG to CG**
Northeast corner of West 9th Street and 174th West Avenue (County)

STAFF RECOMMENDATION:

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

PROPOSED ZONING: CG **PROPOSED USE:** Commercial

RELEVANT ZONING HISTORY:

CBOA-2231 September 16, 2006: The County Board of Adjustment approved a Special Exception to permit Use Unit 17 in a CS district, with condition of a maximum of eight vehicles parked overnight and no outside storage on property located at 17628 West 8th Street and west of subject property.

CZ-300 April 2002: All concurred in denial of the request to rezone property from AG to CG zoning and approval of CS zoning on a 5± acre tract of land for commercial use and outdoor advertising on property located on the southeast corner of West Highway 412 and South 177th West Avenue and southwest of subject property.

CBOA-1934 January 15, 2002: The County Board of Adjustment approved a Special Exception to permit Use Unit 17 in a CS district, with conditions of horse trailers only, no auto or truck sales on property located on the north side of West 9th Street and East of North 175th West Avenue and abutting west of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 13.6± acres in size and is located at the northeast corner of West 9th Street South and South 174th West Avenue. The property appears to be vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 9 th Street South	N/A	N/A	2
South 174 th West Avenue	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land, zoned AG; on the north by large-lot single-family residential use, zoned RE; on the south by S.H. 51, zoned AG; and on the west by vacant land and a commercial use, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Sand Springs Comprehensive Plan designates this area as being Low Intensity-Residential land use. According to the Zoning Matrix, the requested CG zoning **is not** in accord with the Plan.

STAFF RECOMMENDATION:

Based on the Sand Springs Plan, staff cannot support the requested CG zoning and therefore recommends **DENIAL** of CG zoning for CZ-395.

Mr. Midget out at 3:20 p.m.

TMAPC COMMENTS:

Mr. Marshall asked when Sand Springs updated their Comprehensive Plan. In response, Ms. Matthews stated that she believes it was updated last year.

Applicant's Comments:

William Grimm, 110 West 7th, Suite 900, 74103, representing the applicant, cited the surrounding properties and uses. He explained that there is no exact plan at this time, but in the interim, his client might possibly have one or two outdoor advertising signs. Mr. Grimm submitted photographs (Exhibit B-1).

Mr. Grimm stated that the subject tract is an undeveloped tract that abuts the interstate right-of-way. The subject site is heavily treed and with this type of screening he doesn't believe any board could ask for a more natural requirement of screening between commercial and a residential area. He indicated that the existing tree line will remain. Mr. Grimm doesn't believe the subject tract will lend itself to residential development due to its topography and being adjacent to the interstate. Mr. Grimm indicated that his client has no problem with rezoning only a portion of the subject tract to CG and leaving the remainder as AG.

TMAPC COMMENTS:

Mr. McArtor asked Mr. Grimm what his client would like to do with the subject property. In response, Mr. Grimm stated that currently the thought has been to

have some type of commercial warehouse structures for storage, but right now the only thing that the owner wants to do is to install outdoor advertising signs, which would not be visible from the residential area. He commented that this would bring some income for his client before he could finalize what he wants to do with the subject property. He explained that the County has been discussing with his client about installing a drainage ditch and his client doesn't have any idea of what the timing will be for this, which impedes what type of development he will do.

Mr. McArtor asked if the development would be only in the meadow area. In response, Mr. Grimm stated that more than likely it would be.

Mr. McArtor asked Mr. Grimm how he would access the subject site. In response, Mr. Grimm stated that 9th Street would be extended by the County in order to develop their drainage ditch. He explained that he hasn't talked with the County Engineer, but he believes that they would like to tie all of the drainage ditches in the subject area together.

Mr. McArtor asked Mr. Grimm what types of uses are directly west of the subject site. In response, Mr. Grimm stated that it is zoned CS and there is a mobile home office building. Mock Brothers' store is west of the subject site as well.

Mr. Walker asked Mr. Grimm if he saw the memo from the City of Sand Springs. In response, Mr. Grimm answered affirmatively. He indicated that he met with the Sand Springs Planner and she indicated he could request a change to the map. He doesn't believe this piece of property will develop as residential due to the interstate. Mr. Grimm stated that until the County determines where the drainage ditch and road will be located, his client cannot develop the subject property.

Ms. Cantrell asked Mr. Grimm if he would be interested in having this case continued to allow him to investigate amending the Comprehensive Plan map. Unfortunately, the Planning Commission has a letter from the Sand Springs Planner recommending denial. In response, Mr. Grimm stated that he believes that Sand Springs is looking to the Planning Commission today to make the decision whether this should be commercial or residential. In response, Ms. Cantrell stated that the Comprehensive Plan change would go before Sand Springs and not the TMAPC. The Planning Commission looks at the Comprehensive Plan for different types of zoning. Ms. Cantrell commented that she is very uncomfortable going against the City of Sand Springs' Comprehensive Plan. Mr. Grimm didn't indicate whether he wanted to continue the case and seek a change in the Comprehensive Plan map.

Mr. Carnes out at 3:35 p.m.

Interested Parties Comments:

Robert Franklin, 17305 West 2nd, Sand Springs, 74063, stated that in the spring the green foliage is present, but in the winter it will be gone and any development on the subject property will be seen by the houses above it. The subject area is fragile due to other activities, such as the landfill and the expressway. The mobile home office that was referred to earlier is incorrect because it is actually houses that have been removed from the I-44 corridor that are being stored there. Mr. Franklin expressed his disappointment that the houses are allowed to be stored and have been there too long. He expressed concerns with outdoor advertising signs and storage units that Mr. Grimm is proposing. Mr. Franklin stated that he is concerned about property values and he doesn't intend to sell his home anytime soon, but it is a concern.

Father George Eber, 214 South 174th West Avenue, Sand Springs, 74063, stated that he is presently building a house on top of the hill above the subject property. The homes can have views down into the valley, especially in the winter. He commented that everyone assumed the subject property was zoned CS and there is a difference in types of activity between CS and CG. Father Eber stated that he has heard conflicting proposals for the subject property. He believes that CG would be incompatible with the existing properties and development.

Daniel Visnick, 602 South 173rd West Avenue, Sand Springs, 74063, stated that the subject property does not face an interstate, it is U.S. Highway 412. The home that appears to be an office is actually a "stick-built home" that is a model home that can be built on one's property. There are three homes parked in the subject area that were moved from the highway construction in Tulsa. He indicated that there are 23 homes on the hill above the subject property and his home is a \$300,000.00 home. Mr. Visnick described the homes in his neighborhood and their worth. There appears to be an ancient forest in the subject area, which it is beautiful and shouldn't be disturbed. Mr. Visnick stated that there are enough problems for the current residents with regard to the landfill and its smells. He commented that he was aware of the commercial zoning and uses when he moved there and he doesn't believe that CG is compatible with the subject area.

Applicant's Rebuttal:

Mr. Grimm stated that he would cut off the pie portion of the subject property where the forest is located. He further stated that he would also cut off the tree-line portion and square up the property under application. The tree-line would be untouched and that should take care of some of the concerns.

TMAPC COMMENTS:

In response to Ms. Wright, Ms. Matthews read the list of CG uses from the Zoning Code.

Mr. Grimm reiterated that his client only plans to have two outdoor advertising signs at this time. The warehouse structures are something that are off in the future.

Ms. Wright explained to Mr. Grimm that once the property is zoned CG, it remains with the land and any uses from CG could be developed. Ms. Wright further explained that she wouldn't be comfortable going against the City of Sand Springs Comprehensive Plan. She suggested that applicant continue this case to see what steps he would need to take to change the Comprehensive Plan map.

Mr. McArtor asked Mr. Grimm if he is willing to continue this case and go back to the City of Sand Springs to discuss the possibility of amending the Comprehensive Plan map, then come back before the Planning Commission. In response, Mr. Grimm stated that he believes that is the wishes of the Planning Commission. Mr. McArtor stated that there would be no guarantee of the rezoning, but it may alleviate some of the concerns. Mr. Grimm stated that he would agree to continue the rezoning application.

Mr. Ard stated that he is not sure what a continuance would do for the applicant or the Planning Commission. Mr. Ard expressed concerns with access to the subject property and he doesn't see this as a commercial parcel. Perhaps it could be used as office light. Mr. Ard recommended that the zoning case be denied and if the applicant would like to go back to Sand Springs, then he can come back with a new application. He doesn't want to give the applicant any false hope that he would receive the CG zoning.

Mr. Shivel stated that he would agree with Mr. Ard that there has to be clarification with the City of Sand Springs before the Planning Commission can make any determination. Mr. Shivel moved to deny CZ-395 for CG zoning.

Ms. Wright asked staff about a letter received from the Oklahoma Department of Transportation (ODOT) regarding easements for future expansions and should it be looked at each time there is an application along a highway. In response, Ms. Matthews stated that she believes that it is the applicant's responsibility to do that. She further stated that in the past ODOT has looked unkindly at outdoor advertising signs in the corridors when the zoning was changed expressly for an outdoor advertising sign.

Mr. Sparks stated that he is familiar with the subject property and he believes that this should be denied until there is better clarity from the City of Sand Springs on whether they want to change the zoning.

Ms. Cantrell stated that she doesn't see herself supporting CG at all and perhaps some CS uses and she could see OL.

Mr. Marshall asked staff if the applicant can use this application to apply for OL. In response, Ms. Matthews stated that the fees for this application have been spent and if he came with a new proposal, it would have to be a new application.

Ms. Matthews stated that it would be cleaner to come in with a new application.

Mr. Marshall stated that in his opinion the subject parcel has no value for residential development, unless perhaps apartments. He believes that the applicant should go back to the City of Sand Springs and have this changed. Mr. Marshall concluded that he will have to go with the recommendation of denial.

TMAPC Action; 8 members present:

On **MOTION** of **CANTELL**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, McArtor, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Midget, Smaligo, "absent") to recommend **DENIAL** of CG zoning for CZ-395 per staff recommendation.

OTHER BUSINESS:

- 21. Review and approve TMAPC 2009 Meeting Schedule

STAFF RECOMMENDATION:

2009 SCHEDULE

**Tulsa Metropolitan Area Planning
Commission (TMAPC)**

JANUARY	FEBRUARY	MARCH
7th	4th	4th
21st	18th	18th
28th meeting and worksession	25th meeting and worksession	25th meeting and worksession

APRIL	MAY	JUNE
1st	6th	3 rd
15th	20th	17th
22nd meeting and worksession	27th meeting and worksession	24th meeting and worksession
JULY	AUGUST	SEPTEMBER
1st	5th	2nd
15th	19th	16th
22nd meeting and worksession	26 th meeting and worksession	23 rd meeting and worksession
OCTOBER	NOVEMBER	DECEMBER
7th	4th	2nd
21st	18th meeting and worksession	16th meeting and worksession
28 th meeting and worksession		

There were no interested parties wishing to speak.

Ms. Huntsinger stated that she is not asking for approval of location of meeting, but simple the dates for 2009 and so that the meeting room can be reserved for next year.

Planning Commission agreed with the recommended 2009 TMAPC meeting dates.

There being no further business, the Chair declared the meeting adjourned at 4:10 p.m.

Date Approved: 10/15/08

P. Michelle Cantrell

Chairman

ATTEST: Joanna G. Walk
Secretary

