

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2550**

Wednesday, June 3, 2009, 1:30 p.m.

City Council Chambers

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Cantrell	Walker	Alberty	Boulden, Legal
Carnes	Wright	Feddis	Steele, Sr. Eng.
Dix		Fernandez	
Leighty		Huntsinger	
Liotta		Matthews	
Marshall		Sansone	
McArtor			
Midget			
Shivel			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 2, 2009 at 9:08 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

**REPORTS:**

**Chairman's Report:**

Ms. Cantrell thanked Mr. Shivel for filling in as Chair last week.

**Director's Report:**

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

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**ITEMS TO BE CONTINUED:**

- 12. **LC – 171** - (9328) Plat Waiver (PD 6) (CD 7)  
 East of the Northeast corner of South Harvard and East 51<sup>st</sup> Street  
 South (Applicant requests continuance to June 17, 2009)

**STAFF RECOMMENDATION:**

Applicant has requested a continuance to June 17, 2009.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Shivel "aye"; no "nays"; none "abstaining"; Midget, Walker, Wright "absent") to **CONTINUE** the plat waiver for LC-171 to June 17, 2009.

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- 13. **Z-7124 – DeShazo, Tang & Associates** **RS-3/RM-2 to CS**  
 Southwest corner of East 15<sup>th</sup> Street and South Indianapolis Avenue (west 36 feet of Lots 18, 19 and 20.) (PD-4) (CD-4)  
 (Related to Item 14 and 15.) (Continued from 1/21/09 and 3/18/09.) (Staff is requesting a continuance to June 17<sup>th</sup> to correct notice.)
- 14. **Z-7125 – DeShazo, Tang & Associates** **RS-3 to RM-2**  
 South of southwest corner of East 15<sup>th</sup> Street and South Indianapolis Avenue (Related to Item 13 and 15.) (PD-4) (CD-4)  
 (Continued from 1/21/09 and 3/18/09) (Staff is requesting a continuance to June 17<sup>th</sup> to correct notice.)
- 15. **PUD-770 – DeShazo, Tang & Associates** **CS/OL to PUD**  
 Southeast corner of 15<sup>th</sup> Street and Harvard (PUD) (PD-4) (CD-4)  
 (Related to Item 13 and 14.) (Staff is requesting a continuance to June 17<sup>th</sup> to correct notice.)

**STAFF RECOMMENDATION:**

Items 13, 14 and 15 are related and staff is requested a continuance in order to correct a notice.

There were no interested parties wishing to speak on these items.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Shivel "aye"; no "nays"; none "abstaining"; Midget, Walker, Wright "absent") to **CONTINUE** Z-7124, Z-7125 and PUD-770 to June 17, 2009 per staff recommendation.

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Mr. Midget in at 1:38 p.m.

- 18. **CZ-400 – John W. Moody** **AG/IM to IM**  
 North of northeast corner of North Harvard Avenue and (County)  
 East 61<sup>st</sup> Street North

**STAFF RECOMMENDATION:**

The applicant has requested a continuance due to health reasons.

**Interested Parties:**

**C.J. Bryson**, 3404 East 66<sup>th</sup> Street North, 74130 and **Charles Sisler**, 2525 East 66<sup>th</sup> Street North, 74130.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Walker, Wright "absent") to **CONTINUE** CZ-400 to June 17, 2009.

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- 19. **PUD-516-B – Roy D. Johnsen** (PD-26) (CD-8)  
 East of Southeast corner 101<sup>st</sup> and South Yale Avenue (Major Amendment) (Applicant has requested a continuance to June 17, 2009 in order to permit further discussions with the neighborhood representatives.)

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to June 17, 2009 in order to permit further discussions with the neighborhood representatives.

**Applicant's Comments:**

**Roy Johnsen**, 201 West 5<sup>th</sup>, 74103, stated that he notified the interested parties that he would be requesting a continuance.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Walker, Wright "absent") to **CONTINUE** the major amendment for PUD-516-B to June 17, 2009.

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**CONSENT AGENDA**

**CONSENT AGENDA**

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

1. **LS-20301** – Whit Y. Mauzy, Jr. (9409)/Lot-Split (PD 17) (CD 6)  
Southeast corner of East 13<sup>th</sup> Street and South 133<sup>rd</sup> Avenue
2. **LS-20303** – Jack Ramsey (9225)/Lot-Split (PD 6) (CD 9)  
North of East 42<sup>nd</sup> Street and East South Madison Avenue, 4138 South Madison Place
3. **LC-172** – John Hughes (9228)/Lot Combination (PD 9) (CD 2)  
North of West 45<sup>th</sup> Street and west of South 33<sup>rd</sup> Avenue, 4410 South 33<sup>rd</sup> West Avenue
4. **LC-170** – Larry E. Wofford (8309)/Lot Combination (PD 18-B) (CD 8)  
West of South Louisville Avenue and north of East 80<sup>th</sup> Street, 7797 South Jamestown Avenue
5. **Central Park at Union** – (8406) Final Plat (PD 18 B) (CD 6)  
Southeast corner of East 62<sup>nd</sup> Street and South Mingo Road

**STAFF RECOMMENDATION:**

This plat consists of two lots in two blocks on 14.09 acres.

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

6. **PUD-206-C-2 – Tanner Consulting, LLC** (PD-18) (CD-8)

West of the southwest corner of 91<sup>st</sup> Street South and Sheridan Road (Minor Amendment to reduce the required setback from the centerline of 91<sup>st</sup> Street from 100 feet to 99 feet and a reduction of the required setback from the south boundary of the lot from ten feet to nine feet.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to reduce the required setback from the centerline of 91<sup>st</sup> Street from 100' to 99' and a reduction of the required setback from the south boundary of the lot from ten feet to nine feet to accommodate minor encroachments into the setbacks due to the building's masonry/stone finish. The actual encroachments range from approximately .3 feet to .8 feet.

Staff views the less than one-foot encroachments as minor in nature and do not represent a significant departure from the approved PUD development plan, approved PUD development standards and will not substantially alter the intent and character of the development. The southern encroachment depicted as #3 on Exhibit A does encroach into a ten-foot utility easement.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-206-C-2 with the condition that verification be received by the TMAPC that the portion of the utility easement being encroached along the south boundary of the lot has been vacated.

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

7. **PUD-467-8/Z-6310-SP-3b – Abel Fazl Abmadian – Global Sign Solutions** (PD-18b) (CD-7)

East of the northeast corner of South Harvard Avenue and 51<sup>st</sup> Street South (Minor Amendment to increase the display surface area of a multitenant business sign and increase the height.)

**STAFF RECOMMENDATION:**

The applicant is requesting two minor amendments: one to increase the display surface area (DSA) of a multi-tenant business sign along I-44 from 144 square feet (SF) to 192 SF (an increase of 48 square feet); and an increase in DSA and total height for the shared business sign along 51<sup>st</sup> Street from 8' high with 64 SF of DSA to 12' high with 100 SF of DSA to be split equally between area 5 and 6 businesses (a 4-foot increase in height and a 36 SF increase in DSA).

Please refer to Exhibit A, the development area boundary map for PUD-467 and the associated case report aerial photographs. The sign standards for this PUD have been amended four times, each time slightly increasing the permitted display surface area or number of signs permitted within the PUD:

- PUD-467-1 increased the DSA to 80 SF for the sign along 51<sup>st</sup> and increased the DSA for the I-44 frontage sign to 175 SF for Area 3;
- PUD 467-3 redefined development areas creating areas 5, 6 and 7 and allowed one additional ground sign for Area 7 requiring the existing ground sign in Area 7 to be moved to Area 6 and shared equally with Area 5;
- PUD-467-4 added an additional ground sign along the I-44 frontage for Area 3;
- PUD-467-5 Allowed an additional ground sign along I-44 for Area 7 and increased DSA for wall signs to 1.5 sf.

Part of the approval of minor amendment PUD-467-3 was that the ground signs along I-44 and 51<sup>st</sup> Street for Areas 5 and 6 are to be shared between Area 5 and 6 businesses. The DSA allowed for each business was to be based on the overall percentage each lot represented of the two development areas. It is staff's opinion that at that time of the approval of that amendment, the need to increase the DSA of these particular signs was not adequately addressed to give each business equitable and fair exposure compared to what other Development Areas within the PUD are allowed with respect to signs. Areas 5 and 6 are the only Development Areas within the PUD required to share signs.

Staff views the request as minor in nature and does not represent a significant departure from the approved PUD development plan, approved PUD development standards and will not substantially alter the intent and character of the development. As proposed, staff views this as the most equitable sign solution for Areas 5 and 6. Therefore, staff recommends **APPROVAL** of minor amendment PUD-467-8/Z-6310-SP-3b.

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

8. **PUD-675-2 – Sack and Associates, Inc.** (PD-26) (CD-8)

Northwest of the northwest corner of 111<sup>th</sup> Street South and South Yale Avenue (Minor Amendment to reduce the required rear yard setback from 25 feet to 24 feet.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to reduce the required rear yard setback from 25-feet to 24-feet to compensate for an error in surveying which resulted in the construction of a residential structure 5 to 7 inches closer to the rear lot line than permitted (please see Exhibit A).

Staff views the five (5) to seven (7) inch encroachment as minor in nature and believes that approval of this minor amendment would not represent a significant departure from the approved PUD development plan, approved PUD development standards and will not substantially alter the intent and character of the development.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-675-2 reducing the required rear setback from 25-feet to 24-feet for Lot 6, Block 3 – Stone Briar Estates only.

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

**TMAPC Comments:**

Ms. Cantrell stated that she would like to pull Items 9 and 10 since there are interested parties signed up to speak.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Walker, Wright "absent") to **APPROVE** the consent agenda Items 1 through 8 per staff recommendation.

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## CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

10. **PUD-761-1 – Ron Cardwell, PE** (PD-6) (CD-9)

Southeast corner South Harvard Avenue and 41<sup>st</sup> Street South (Minor Amendment to increase the maximum average building height from 23 feet to 27 feet and increase the maximum height permitted for architectural features from 29 feet to 33 feet.) (Continued from 5/6/09 and 5/20/09) (Related to Item 9.)

### **STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to increase the maximum average building height from 23' to 27' and increase the maximum height permitted for architectural features from 29' to 33'. The request is being made for Lot 1, Block 1 – Harvard Square South only and is not being requested for the entire PUD.

Referring to the attached case report aerial photographs, the lot for which the amendment to the height limitations is being sought is the lot located on the hard corner of Harvard Avenue and 41<sup>st</sup> Street South. In addition to being located on two arterial streets according to the Tulsa Major Street and Highway Plan, the lot does not directly abut any residential property and the structure, when complete, will be 300 (+/-) feet from the nearest residential structure. Ultimately, there will also be an intervening building between this structure and the nearest residential structure.

The increase in height is being requested in an effort to make the prototypical CVS building conform to "prairie style" architecture; a design requirement of the PUD requiring, among other things, a pitched roof on all or a portion of the building. The actual increase according to the attached elevation details (see Exhibit A - 4.1) are a 2' 11" increase over the original permitted maximum building height, and a 3-foot increase over the maximum permitted height for architectural features. There is a one-foot buffer built into the request to allow for sight grading.

Staff views the request to be minor in nature, and believes that approval of this minor amendment does not represent a significant departure from the approved PUD development plan and approved PUD development standards and will not substantially alter the intent and character of the development.

Therefore, staff recommends APPROVAL of minor amendment PUD-761-1 for Lot 1, Block 1 only of Harvard Square South.

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



**TMAPC Comments:**

Mr. McArtor asked why the height is being increased. Mr. Sansone stated that it is in order for the applicant to meet two issues. The first is that the prototypical CVS store is taller than 23 feet and to have the clearance needed within the store and meet the design requirements of the PUD, it is difficult to engineer the building at 23 feet in height. Twenty to twenty-five feet in staff's opinion is about the height of a single-story office building. This is a single lot located at the hard corner of two arterial streets and is not directly abutting any residential property, which is well over 300 feet away. There will be an intervening building between the proposed building and the closest residential property. The request is not for the entire PUD and is for the subject corner only. A request for increase in height for buildings that are directly abutting residential would be difficult for staff to support. Staff felt comfortable recommending the approval of the minor amendment because of the location of the building. The overall height of this building will average out. The building height in the City of Tulsa is based on an average and the average height for the proposed building will be a little shy of 26 feet. The overall increase of 33 feet for the architectural feature in the northwest corner is the tallest point and Mr. Sansone believes that the lowest part of the building will be around the recommended 23 feet as the PUD was originally approved.

Mr. Boulden asked if this is one of the PUDs where certain minor amendments will be treated as a major amendment and will need to go before the City Council. Mr. Sansone answered affirmatively.

Ms. Cantrell stated that four feet is not that much, but it bothers her that this was worked out during the PUD approval and agreed to with the neighborhood. Mr. Sansone stated that there are several factors that created the need for an increase in height. National chains have prototypical stores and it becomes somewhat cost ineffective if they stray too far away from the prototype. The store needs the increase in height to have the pitched roof and architectural element. CVS was willing to go down to a height that is more compatible with the approved 23 feet, but it would be a flat roof on the building. There is also grading on the site that needs to be done and the typical clearance needed on the interior of the building to meet the architectural style that was approved.

Ms. Cantrell asked if the landscaping and sign plans come before the Planning Commission. Mr. Sansone stated that landscape plans and sign plans can be approved administratively by the staff. It was not required to come back before the Planning Commission when the PUD was approved.

Mr. Alberty stated that there are a couple of things he should clear up. One of the things that staff looks at is what the underlying zoning is and that dictates reasonableness. The underlying zoning with the subject property is CS and there is no height restriction in the CS district. The second thing that Chris could

have said is the fact that in a single-family area, the height requirement is 35 feet. Both of these factors should weigh in on the decision.

**Interested Parties Comments:**

**Sarah Kobos**, 3709 East 43<sup>rd</sup> Street, 74135, stated that she lives a couple of blocks from the subject site. Ms. Kobos expressed concerns regarding signage, too much parking and lighting issues. She indicated that she would contact Mr. Sansone regarding these issues.

Ms. Kobos stated that she had a friend look over the lighting proposal and his opinion was that the fixtures were quite good, but he questioned the wattage of the bulbs and felt that they were overabundant. The proposed wattage could cause some glare. There seems to be a lot of spillage onto Harvard and drivers will get a lot of glare from the proposal.

Ms. Kobos commented that she understood the PUD is there so that the City has an extra layer of control over a development while simultaneously allowing the developer a certain level of flexibility to create some really unique, wonderful things. What she is seeing is that the PUD means "give the developers flexibility" and the City doesn't get so much control and in fact, it starts to mean that the PUD is a way to turn a residential lot into a parking lot as far as she can tell. The subject proposal is not only meeting the already excessive Zoning Code requirements for parking and she would challenge anyone to show her a time in the day or night that a parking lot is actually full. Ms. Kobos submitted photographs of similar uses and their parking lots (Exhibit A-1). She realizes that the Zoning Code doesn't have a maximum, but this is a PUD had there should be some control. The idea that every acre one paves and isn't used is an acre of space that nobody really generating tax dollars with. When a PUD gets approved with this excess parking the City of Tulsa is losing tax dollars. Is there any chance to reduce the parking down to the Zoning Code requirements and no extra parking?

Ms. Matthews stated that in regard to the parking situation, many of the chain stores require a certain number of parking spaces, which may be in excess of the required parking by the Zoning Code. Staff can try to persuade them to cut the parking back, but it is usually formula-driven by the store.

Ms. Kobos stated that she would like Tulsa to be Tulsa and not Wal-Mart land or CVS land. Tulsa should set the standards.

Ms. Cantrell stated that she agrees with the excessive parking issue and hopefully soon this will be addressed, possibly starting with PUDs. However, since the parking was not restricted at the time of the PUD approval the Planning Commission can't do anything about it at this time.

Mr. Leighty agreed with Ms. Kobos and Ms. Cantrell with regard to the excessive parking.

**Interested Parties Comments:**

**Toni Graber**, 4562 South Jamestown, 74135, representing the neighborhood, stated that there was a neighborhood meeting with the engineers and the CVS representatives. There were several members of the neighborhood that has been working together the entire time and was invited to the meeting and Sarah Kobos was also invited but unable to attend. At the meeting the height of the building and landscaping was discussed. The neighbors who back up directly to the property, along with Sandra Nixon and Steve Novick and others who help represent the neighborhood, all came to an agreement that what is on the agenda today was okay for approval.

**Applicant's Rebuttal:**

**Ron Cardwell**, Jacobs Engineering, representing the site design of the subject building and **John Featherstone**, Armstrong Development, representing the entitlements manager, were present.

**TMAPC Comments:**

Ms. Cantrell asked about the lighting and the wattage that was raised by Ms. Kobos. Mr. Cardwell stated that the lighting design is done by CVS's national vendor. His company provides the parameters within the City Zoning Code and the PUD requirements. They do a detail lighting plan, which is more technologically advanced than the Kennebunkport Formula. Typically the same lighting scheme is used for all CVS sites by the City's requirements. He understands that the current lighting design does meet all of the requirements. Possibly the same requirements can be met with a lower wattage bulb, but this is the standard typical design and it does meet the exact design requirements and would like to stay forth with the current proposal unless there is a problem.

Mr. Marshall stated that he doesn't believe there is any problem, but it would be nice if they would ask the designers about a lower wattage and see what they have to say.

Mr. Cardwell stated that he can ask them about the lower wattage and see if it will meet the requirements. CVS has agreed that the actual bulbs from the lights will not be visible or seen from any residential lot. The bulbs will not be seen because they will be shielded.

Ms. Cantrell asked if the applicant did go down to a lower wattage would today's approval dictate the wattage and they wouldn't be able to deviate from that. Mr. Sansone stated that the Planning Commission could make the approval of the detail site plan contingent on a lower wattage bulb, but again, the Code only regulates lighting when it is abutted directly against residential property, and there is no residential property immediately adjacent to this lot. The only thing

staff is required to do is to make sure that they meet the height limitation for the light standards. The Kennebunkport Formula is only applicable when one abuts directly against residential property and required to achieve zero foot candles at the lot line.

Ms. Cantrell clarified that her question was simply if the Planning Commission approves this as it is proposed, and the applicant finds that he can use a lower wattage, would he have to come back before the Planning Commission. Mr. Alberty stated that it would depend on what the motion states. If the motion requires that the applicant reduce the wattage, then it is possible they would have to revise it. He understands it that the Planning Commission is offering it as optional. If it is optional, then there would be no requirement because what they have submitted today meets the PUD standards. The same goes for parking issues. If the applicant meets the parking requirements, then there is nothing that says that they can't have more parking.

Ms. Cantrell asked if the abutting neighbors have problems, even though the lighting meets the standards, if they can still complain to Neighborhood Inspections and the applicant be required to tone it down. In response, Mr. Alberty stated that Neighborhood Inspections is going to be concerned about meeting all of the PUD requirements. Apart from that, most retailers and businesses are going to want to keep peace in the family. If anyone has a problem with wattage, then he would advise them to contact management and work it out. That is nothing that would come before the Planning Commission.

Mr. Sansone stated he wished to touch on something that Mr. Alberty stated. The section of the Code that speaks directly to parking lot lighting is Section 1303.C. It states that if glare from a light-producing element is visible from adjoining residential property then someone would have a basis for a complaint.

Mr. Leighty perhaps it would be a good idea to have a public hearing to see if this is an abuse of the allowances given to people. He doesn't believe the Planning Commission wants to give more lighting or parking than is necessary to do the job.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Walker, Wright "absent") to recommend **APPROVAL** of the minor amendment for PUD-761-1 per staff recommendation.

**Legal Description for PUD-761-1:**

A part of Lots 1 & 2, VILLA GROVE HEIGHTS No.1 a subdivision of Tulsa County, Oklahoma, part of Section 28, Township 19 North, Range 13 East, more particularly described as follows: Basis of Bearings for this map and description is the North line of Section 28, Township 19 North, Range 13 East assumed to

bear S89°52'14"E. Commencing at the Northwest corner of said Section 28; Thence S89°52'14"E along the North line of Section 28 a distance of 85.81 feet; Thence S00°07'46"W a distance of 50.00 feet to the POINT OF BEGINNING; Thence S89°52'14"E along the South Right of Way line of East 41st Street a distance of 282.89 feet; Thence S00°00'00"W a distance of 213.55 feet; Thence N90°00'00"W a distance of 310.59 feet; Thence N00°00'00"W a distance of 186.25 feet; Thence N44°45'00"E a distance of 39.34 feet to the POINT OF BEGINNING containing 66,047 square feet or 1.516 acres of land more or less. TO BE KNOWN AS: Lot 1, Block 1, HARVARD SQUARE SOUTH an addition to the city of Tulsa, Tulsa County, Oklahoma. A Re-subdivision of Lots 1 through 4 and part of Lots 23 through 26 of "VILLA GROVE HEIGHTS No.1" Section 28, T-19-N, R-13-E City of Tulsa, Tulsa County, Oklahoma, planned unit development number 761.

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9. **PUD-761 – Ron Cardwell, PE** (PD-6) (CD-9)

Southeast corner South Harvard Avenue and 41<sup>st</sup> Street South (Detail Site Plan for a 13,062 square foot CVS Pharmacy.) (Continued from 5/6/09 and 5/20/09) (Related to Item 10.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 13,062 square foot (SF) CVS Pharmacy. The proposed use, Use Unit 13 – Convenience Goods and Services is a permitted use within PUD-761.

Associated to this detail site plan review is minor amendment request PUD-761-1, also on the June 3, 2009 agenda of the TMAPC. That request is to increase the maximum average building height and height of architectural projections on Lot 1, Block 1 – Harvard Square South. Approval of this detail site plan would be contingent upon approval of minor amendment PUD761-1.

The submitted site plan meets all applicable building floor area, exterior design, open space, and setback limitations. The proposed maximum average building height of 25' 11" and an architectural projection maximum height of 32' are within the limits of minor amendment request PUD-761-1.

Access to the site is provided from one point along Harvard Avenue and one point from 41<sup>st</sup> Street. Parking has been provided per the applicable Use Unit of the Zoning Code. A six-foot masonry type screening wall will be constructed simultaneously along the south PUD boundary line. An eight-foot masonry type wall will also be constructed commencing 50' from the eastern most point of the south PUD boundary line and continue north for the entirety of the east boundary line of the PUD as required by adopted PUD development standards. Both walls

have received detail site plan approval and are in conformance with the design standards of PUD-761. All sight lighting is limited to 25 feet in height and will be directed down and away from adjoining properties. A trash enclosure is provided as required by the PUD. Sidewalks will be provided along Harvard Avenue and 41<sup>st</sup> Street as required by PUD Development Standards and Subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for Lot 1, Block 1 – Harvard Square South.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Walker, Wright "absent") to **APPROVE** the detail site plan for PUD-761 per staff recommendation, subject to the minor amendment PUD-761-1 being approved by City Council.

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**PUBLIC HEARING**

11. Tulsa Bone and Joint Clinic II – (9430) Preliminary Plat (PD 18) (CD 6)

North of East 51<sup>st</sup> Street and East of U.S. Highway 169

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 5.3 acres.

The following issues were discussed May 21, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-312-a-5. All PUD standards must be adhered to and shown in the restrictive covenants.
2. **Streets:** Standard sidewalk language required.
3. **Sewer:** Increase the proposed eleven-foot utility easement along the north boundary line to a 17.5-foot utility easement. Relocate the proposed sanitary sewer mainline extension to 12.5 feet south of the north property line, within the required 17.5-foot utility easement. Then you do not need the

proposed 15-foot sanitary sewer easement running across the middle of the property, and the sewer can be accessed by two properties instead of one.

4. **Water:** Service meter cans must be installed inside the waterline easement.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
7. **Other: Fire:** No comment.

**GIS:** Fix the inconsistencies between the metes and bounds legal description and what is shown on the face of the plat. Tie the plat from a section corner using bearings and distances from a labeled Point of Commencement (POC) to the labeled Point of Beginning (POB). Submit a subdivision control data form (Appendix D), last page of the Subdivision Regulations for the Tulsa Metropolitan Area, in which the first point shall be the POB with two other points on or near the plat's boundary. The Basis of Bearing should be clearly described and stated in degrees, minutes, and seconds. There is no easy way to address the remaining two lots numbered Lot 1, Block 1, of the existing plat. Suggest including the southern lot into this plat as Lot 2.

Staff recommends **APPROVAL** of the Preliminary Subdivision 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.**

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Walker, Wright "absent") to **APPROVE** the preliminary plat for Tulsa Bone and Joint II, subject to special conditions and standard conditions per staff recommendation.

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16. **Z-7132 – Larry Covert**

**RS-1 to IL**

West of South 177<sup>th</sup> East Ave and north and South of  
East Admiral Place

(PD-17) (CD-6)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance numbers 11818 dated June 26, 1970, and 13308 dated November 7, 1974, established zoning for the subject property.

**PROPOSED ZONING:** IL

**PROPOSED USE:** Office/warehouse

**RELEVANT ZONING HISTORY:**

**Z-6847 January 2002:** All concurred in approval of a request for rezoning a 2.04± acre tract of land from RS-1 to IL for commercial and industrial use on property located east of the northeast corner of East Admiral Place and South 177<sup>th</sup> East Avenue and east of subject property.

**Z-6832 October 2001:** All concurred in approval of a request to rezone a 2.6-acre tract from RS-1 to IL for warehousing and light industrial use on property located east of northeast corner of East Admiral Place and South 177<sup>th</sup> East Avenue and east of subject property.

**Z-6761 May 2000:** All concurred in approval of a request for rezoning a 10± acre tract of land from RMH to IL for industrial use on property located west of northwest corner of East Admiral Place and South 177<sup>th</sup> East Avenue and west of subject property.

**Z-6731 January 2000:** All concurred in approval of a request to rezone a 2.5-acre tract located south of the southeast corner of East Admiral Place and South 177<sup>th</sup> East Avenue from RS-3 to AG.

**Z-6505 October 1995:** An application to rezone a 3.5-acre tract located approximately 500' east of the subject property from RS-1 to CG or IL was filed. Staff and TMAPC recommended denial of CG and approval of IL. City Council denied the IL zoning.

**Z-6465 October 1994:** All concurred in denial of a request to rezone a five-acre tract located south of the southeast corner of East Admiral Place and South 177<sup>th</sup> East Avenue from AG to CH or CG for a machine shop.

**Z-6135 January 1987:** All concurred in approval of a request to rezone a 1.8-acre tract from RS-1 to IL located east of the northeast corner of East Admiral Place and South 177<sup>th</sup> East Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 12± acres in size and is located west of South 177<sup>th</sup> East Ave and north and South of East Admiral Place. The property appears to be partially vacant, with some industrial use on it and is zoned RS-1/OL.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East Admiral Place	Secondary arterial	100'	2
South 177 <sup>th</sup> East Avenue	Secondary arterial	100'	2

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

**SURROUNDING AREA:** The subject tract is abutted on the east by an industrial/commercial use, zoned CS, large-lot single-family residential and mixed uses, zoned RS-1 and OL; on the north by the expressway (I-44), zoned RS-3; on the south by large-lot single-family/agricultural and mixed uses, zoned AG; and on the west by an industrial use, zoned IL.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within an Industrial Special district. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Plan.

**STAFF RECOMMENDATION:**

Based on existing nearby uses and zoning, as well as the Comprehensive Plan, staff can support the requested rezoning and therefore recommends **APPROVAL** of IL zoning for Z-7132.

**Applicant's Comments:**

**Larry Covert**, 3411 South 88<sup>th</sup> East Avenue, indicated his agreement with staff's recommendation.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Walker, Wright "absent") to recommend **APPROVAL** of the IL zoning for Z-7132 per staff recommendation.

**Legal Description for Z-7132:**

A tract of land being the a part of Government Lot 8 of Section Two (2), Township Nineteen (19) North, Range Fourteen (14) East of the I.B.&M., Tulsa County, Oklahoma, described by metes and bounds as follows: Commencing at the Northeast Corner of said Lot 8; Thence N 89°46'31" W (assumed bearing) along the North line of said Lot 8 a distance of 660.25 feet; Thence S 00°03'07" W a distance of 50.00 feet to the Point of Beginning; Thence Continuing S 00°03'07" W a distance of 339.50 feet; Thence S 89°46'31" E a distance of 30.00 feet; Thence S 00°03'07" W a distance of 264.00 feet; Thence N 89°46'31" W a distance of 60.00 feet; Thence N 00°03'07" E a distance of 603.50 feet to a point 50 feet South of the North line of said Lot 8; Thence S 89°46'31" E a distance of 30.00 feet to the Point of Beginning; containing 0.597 acres of land, more or less. AND A tract of land being the a part of Government Lot 8 of Section Two (2), Township Nineteen (19) North, Range Fourteen (14) East of the I.B.&M., Tulsa County, Oklahoma, described by metes and bounds as follows: Commencing at the Northeast Corner of said Lot 8; Thence N 89°46'31" W (assumed bearing) along the North line of said Lot 8 a distance of 690.25 feet; Thence S 00°03'07" W a distance of 50.00 feet to the Point of Beginning; Thence Continuing S 00°03'07" W a distance of 207.50 feet; Thence N 89°46'31" W a distance of 148.00 feet; Thence N 00°03'07" E a distance of 207.50 feet to a point 50 feet South of the North line of said Lot 8; Thence S 89°46'31" E a distance of 148.00 feet to the Point of Beginning; containing 0.705 acres of land, more or less. AND A tract of land being the a part of Government Lot 8 of Section Two (2), Township Nineteen (19) North, Range Fourteen (14) East of the I.B.&M., Tulsa County, Oklahoma, described by metes and bounds as follows: Commencing at the Northeast Corner of said Lot 8; Thence N 89°46'31" W (assumed bearing) along the North line of said Lot 8 a distance of 838.25 feet; Thence S 00°03'07" W a distance of 50.00 feet to the Point of Beginning; Thence Continuing S 00°03'07" W a distance of 207.50 feet; Thence N 89°46'31" W a distance of 152.12 feet; Thence N 00°03'07" E a distance of 207.50 feet to a point 50 feet South of the North line of said Lot 8; Thence S 89°46'31" E a distance of 152.12 feet to the Point of Beginning; containing 0.725 acres of land, more or less. AND A tract of land being the a part of Government Lot 8 of Section Two (2), Township Nineteen (19) North, Range Fourteen (14) East of the I.B.&M., Tulsa County, Oklahoma, described by metes and bounds as follows: Commencing at the Northeast Corner of said Lot 8; Thence N 89°46'31" W (assumed bearing) along the North line of said Lot 8 a distance of 690.25 feet; Thence S 00°03'07" W a distance of 257.50 feet to the Point of Beginning; Thence Continuing S 00°03'07" W a distance of 396.00 feet; Thence N 89°46'31" W a distance of 148.00 feet; Thence N 00°03'07" E a distance of 396.00 feet; Thence S 89°46'31" E a distance of 148.00 feet to the Point of Beginning; containing 1.345 acres of land, more or less. AND A tract of land being the a part of Government Lot 8 of Section Two (2), Township Nineteen (19) North, Range Fourteen (14) East of the I.B.&M., Tulsa County, Oklahoma, described by metes and bounds as follows: Commencing at the Northeast Corner of said Lot 8; Thence N 89°46'31" W (assumed bearing) along the North line of said Lot 8 a distance of 838.50 feet;

Thence S 00°03'07" W a distance of 257.50 feet to the Point of Beginning; Thence Continuing S 00°03'07" W a distance of 396.00 feet; Thence N 89°46'31" W a distance of 152.12 feet; Thence N 00°03'07" E a distance of 396.00 feet; Thence S 89°46'31" E a distance of 152.12 feet to the Point of Beginning; containing 1.383 acres of land, more or less. AND The East 168.32 feet of the West 330.12 feet of Lot 8, Less and Except the North 50.00 feet all in Section Two (2), Township Nineteen (19) North, Range Fourteen (14) East of the I.B.&M., Tulsa County, Oklahoma, according to the U.S. Government survey thereof. AND A tract of land being the a part of Government Lot 8 of Section Two (2), Township Nineteen (19) North, Range Fourteen (14) East of the I.B.&M., Tulsa County, Oklahoma, described by metes and bounds as follows: Commencing at the Northeast Corner of said Lot 8; Thence N 89°46'31" W (assumed bearing) along the North line of said Lot 8 a distance of 660.25 feet; Thence S 00°03'07" W a distance of 40.00 feet to the Point of Beginning; Thence Continuing S 00°03'07" W a distance of 10.00 feet; Thence N 89°46'31" W a distance of 330.12 feet; Thence N 00°03'07" E a distance of 10.00 feet to a point 40.00 feet South of the North line of said Lot 8; Thence S 89°46'31" E a distance of 330.12 feet to the Point of Beginning; containing 0.076 acres (3320.61 sq ft) of land, more or less. AND A tract of land being the a part of Government Lot 8 of Section Two (2), Township Nineteen (19) North, Range Fourteen (14) East of the I.B.&M., Tulsa County, Oklahoma, described by metes and bounds as follows: Commencing at the Northeast Corner of said Lot 8; Thence N 89°46'31" W (assumed bearing) along the North line of said Lot 8 a distance of 990.37 feet to the Point of Beginning; Thence S 00°03'07" W a distance of 50.00 feet; Thence N 89°46'31" W a distance of 168.32 feet; Thence N 00°03'07" E a distance of 50.00 feet to a point on the North line of said Lot 8; Thence S 89°46'31" E a distance of 168.32 feet to the Point of Beginning; containing 0.19 acres (8416.0 sq ft) of land, more or less.

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17. **Z-7134 – Craig Blackstock** **RM-1 to IL**  
 West of Utica Avenue between East 4<sup>th</sup> Street and East 4<sup>th</sup> Place (PD-4) (CD-4)

**STAFF RECOMMENDATION:**

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

**PROPOSED ZONING:** IL **PROPOSED USE:** Off-street parking

**RELEVANT ZONING HISTORY:**

**Z-6855 July 2002:** A request to rezone 3 lots from RM-1 to CH zoning for a machine shop was filed for property located on the southwest corner of East 4<sup>th</sup>

Place and South Trenton. Staff recommended approval of CH zoning for the north 50' of the two lots fronting Utica and CG zoning for the remaining lot on the west. City Council approved CG zoning on all three lots.

**Z-6573 January 1997:** A request to rezone 3 lots from RM-1 to IM for a machine shop. The requested IM zoning was denied and IL zoning was approved in the alternative on property located on the southwest corner of East 4<sup>th</sup> Place and South Trenton.

**Z-6414 October 1993:** All concurred in approval of a request to rezone a tract of land from RM-1 to RS-4., initiated by a large representation of homeowners within the Kendall-Whittier district and located between East 3<sup>rd</sup> Street and East 6<sup>th</sup> Street from South Lewis Avenue to South Utica Avenue,

**Z-6035 April 1985:** All concurred in approval a request to rezone 2± acres from RM-1 to IL located on the northeast corner of South Rockford Avenue and East 4<sup>th</sup> Street.

**Z-4832 March 1976:** All concurred in approval of a request for rezoning a tract of land from RM-1 to IL on property located west of northwest corner of South Utica Avenue and East 4<sup>th</sup> Place and abutting east of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .445± acres in size and is located west of Utica Avenue between East 4<sup>th</sup> Street and East 4<sup>th</sup> Place. The property appears to be a parking lot and is zoned RM-1.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 4 <sup>th</sup> Street	N/A	N/A	2
East 4 <sup>th</sup> Place	N/A	N/A	2

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

**SURROUNDING AREA:** The entire area west of Utica to approximately 6<sup>th</sup> Street is generally an industrial/mixed use area, with some residential uses scattered throughout. The subject tract is abutted on the east by a wholesale commercial/industrial use, zoned IL and CH; on the north by residential uses (mainly duplexes), zoned RM-1; on the south by residential uses, zoned RM-1; and on the west by a vacant area, a residential use, industrial and related uses, zoned RM-1 and IL.

**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 within a Special District - Industrial. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Plan.

**STAFF RECOMMENDATION:**

This property is on the eastern edge of an industrial area and adjacent to the commercial/industrial use it will service, which has been there for many years. The industrial area generally contains mixed industrial, commercial, residential and parking uses. The proposed use for this site appears compatible with the area. Therefore, staff recommends **APPROVAL** of IL zoning for Z-7134.

**TMAPC COMMENTS:**

Ms. Cantrell stated that Mr. Warlick submitted a letter regarding the 6<sup>th</sup> Street Plan and that this proposal is in compliance with the plan.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Walker, Wright "absent") to recommend **APPROVAL** of the IL zoning for Z-7134 per staff recommendation.

**Legal Description for Z-7134:**

North half of Lot 5 and all of Lots 6 and 7, Block, Midway Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

**OTHER BUSINESS:**

**Commissioners' Comments**

Ms. Cantrell stated that she would like to discuss parking in PUDs at the next work session.

Mr. Shivel stated that he had an opportunity to visit the new facilities for INCOG and from an employee and applicant's standpoint it is well constructed and laid-out. He believes it will be an appreciable improvement to their previous offices.

\* \* \* \* \*

There being no further business, the Chair declared the meeting adjourned at 2:20 p.m.

Date Approved: 6-17-09

Michelle Cantrell

Chairman

ATTEST: Johnna C. Welch  
Secretary