

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2554

Wednesday, July 15, 2009, 1:30 p.m.

City Council Chambers

One Technology Center – 175 E. 2nd Street, 2nd Floor

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 9, 2009 at 4:45 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 Cantrell called the meeting to order at 1:30 p.m.

REPORTS:

Comprehensive Report:

Ms. Cantrell reminded the Planning Commissioners that next week there will be a work session for an in-depth update on the Comprehensive Plan.

Director's Report:

Mr. Alberty reported on the scheduled training session and work session for next week.

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

Minutes:

Approval of the minutes of June 24, 2009 Meeting No. 2552

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Cantrell, Carnes, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Wright "absent") to **APPROVE** the minutes of the meeting of June 24, 2009, Meeting No. 2552.

Ms. Wright in at 1:32 p.m.

Minutes:

Approval of the minutes of July 1, 2009 Meeting No. 2553

On **MOTION** of **CARNES**, the TMAPC voted 7-0-3 (Cantrell, Carnes, Liotta, Marshall, McArtor, Midget, Walker, "aye"; no "nays"; Leighty, Shivel, Wright "abstaining"; Dix "absent") to **APPROVE** the minutes of the meeting of July 1, 2009, Meeting No. 2553.

Ms. Cantrell stated that there have been two requests for continuances:

- 15. **PUD-728-1 – Todd Adair** (PD-4) (CD-4)
 Southwest corner of East 12th Street and South Trenton Avenue (Minor Amendment) (Staff is requesting a continuance to readvertise.)

STAFF RECOMMENDATION:

Staff is requesting a continuance in order to correct the legal notice to the July 22, 2009 meeting.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Cantrell, Carnes, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Dix "absent") to **CONTINUE** the minor amendment for PUD-728-1 to July 22, 2009.

Ms. Cantrell indicated that the Planning Commission received a letter requesting a continuance for Item No. 13 from Mr. Tims. (Mr. Tims was not present at the meeting and there was no one signed up wishing to speak.) Ms. Cantrell decided to proceed with the agenda in its order.

Ms. Cantrell read the opening statement and rules of conduct for the TMAPC meeting.

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.

3. **LS-20312** – Barry Simpson (20312)/Lot-Split (PD) (CD 6)
South of West Skyline Drive and East of South 67th Avenue, 4340
South 65th West Avenue
4. **LS-20314** – Roy Johnsen (8211)/Lot-Split (PD 8) (CD 2)
North of West 81st Street and East of South US-75, Tulsa Hills
5. **LS-20315** – Timothy D. Carter (1316)/Lot-Split (County)
South of East 106th Street North and West of New Haven Avenue,
10402 North New Haven Avenue East
6. **LC-180** – Rosalino Saavedra (0332)/Lot Combination (PD 3) (CD 3)
Northwest corner of North Atlanta Place and East Marshall Street,
2523 East Marshall Street
7. **LC-182** – Tulsa Habitat For Humanity (9233)/Lot (PD 8) (CD 2)
Combination
South of West 54th Street and West of South 37th Avenue. 3707 West
55th Street
8. **LC-183** – Tulsa Habitat For Humanity (9233)/Lot (PD 8) (CD 2)
Combination
South of West 54th Street and West of South 37th Avenue, 3711 West
55th Street

9. **LC-184** – Tulsa Habitat For Humanity (9233)/Lot (PD 8) (CD 2)
Combination
Northeast corner of South 41st Avenue and West 55th Place, 4033 W
55th South Place
10. **Z-7008-SP-1j – Roy Johnsen** (PD-8) (CD-2)
North of the northwest corner of West 81st Street and South Olympia
Avenue (Corridor Minor Amendment to split Tract B of Lot 11, Block 1
– Tulsa Hills into 2 new tracts and reallocate floor area to the two new
tracts. Request to increase the permitted floor area for new Tracts.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to split Tract B of Lot 11, Block 1 – Tulsa Hills into 2 new tracts, Tracts B-1 and B-2 and reallocate floor area to the two new tracts (see Exhibits A and B). In addition to the split and reallocation, the applicant is requesting an increase the permitted floor area for new Tracts B-1, B-1 and Tract C of Lot 11. Since the increase in floor area for these tracts is accompanied by a subsequent decrease in floor area of other lots within Tulsa Hills (Lot 12, Block 1 and Lots 1 and 2, Block 2) (see Exhibit C), there is no actual over-all increase of floor area within the over-all development. Lot split application LS-20314 is also on the 7/15/09 agenda of the TMAPC requesting the lot split reflected herein (see Exhibit D).

In March 2008, the TMAPC approved a minor amendment to split Lot 11, Block 1 into three tracts and allocate floor area in the following manner:

Table 1

Existing Floor area allocation for Lot 11, Block 1 per minor amendment Z-7008-SP-1e			
Parcel	Area	Floor Area Allocated	Floor to Area Ratio (FAR)
Lot 11 – Tract A	56,932 SF	10,250 SF	.18
Lot 11 – Tract B	145,271 SF	11,645 SF	.08
Lot 11 – Tract C	115,650 SF	66,500 SF	.58
Total	317,853 SF	88,395 SF	.28

This minor amendment request seeks to reallocate 28,341 SF of existing permitted floor area from Lot 12, Block 1 and Lots 1 and 2, Block 2 to the newly created Tracts B-1 and B-2 and Tract-C of Lott 11, Block 1 per the following decreases in floor area on Lot 12, Block 1 and Lots 1 and 2, Block 2 (Note: all lots in which floor area is being reallocated from, are under common ownership of the applicant's client):

Table 2

Parcel	Area	Proposed Floor Area	Decrease	FAR
Lot 12, Block 1	124,856 SF	31,214 SF	3,509 SF	.25
Lot 1, Block 2	102,489 SF	25,622 SF	2,745 SF	.25
Lot 2, Block 2	285,966 SF	57,061 SF	22,087 SF	.20
Total			28,341	

The floor area being reallocated from Lot 12, Block 1 and Lots 1 and 2, Block 2 will be distributed to Lot 11, Tracts B-1 and B-2 and Tract-C per the following:

Table 3

New Allocation of Floor Area for Lot 11, Block 1 Tracts A, B-1, B-2, and C				
Parcel	Area	Proposed Floor Area	Increase	FAR
Lot 11 – Tract A	56,932 SF	10,250 SF	0	.18
Lot 11 - Tract B-1	54,521 SF*	14,400 SF	2,755 SF	.26
Lot 11 – Tract B-2	90,761 SF*	22,568 SF	22,568 SF	.25
Lot 11 – Tract C	115,650 SF	69,518 SF	3,018 SF	.60
Total	317,374 SF	116,736 SF	28,341 SF	.37

**The size of Tract B in minor amendment Z-7008-SP-1e was incorrectly shown as 145,271 SF. The actual lot size per applicant's survey is 145,282 SF (see attached Exhibit E).*

The FAR for Tulsa Hills as originally approved is .25. The request being made here will raise the FAR for the entirety of Lot 11 to a .37, still well below the permitted 1.25 FAR allowed in the Corridor (CO) District.

Considering that:

- There is no increase in the over-all FAR for the Tulsa Hills development being requested;
- The FAR for the lots from which the floor area is allocated from is decreasing;
- The over-all floor area for the entire development is still well below the permitted 1.25 FAR allowed by the CO District; and
- All the lots in question are in common ownership, staff supports this request.

Therefore, staff recommends **APPROVAL** of minor amendment Z-7008-SP-1j allocating floor area to Lot 11, Block 1 – Tracts A, B-1, B-2, and C – Tulsa Hills per Table 3 above.

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

11. **PUD-744-A-1 – Khoury Engineering, Inc.** (PD-6) (CD-9)

Southeast of the southeast corner of 41st Street and Peoria Avenue (Minor Amendment to reduce the number of permitted dwelling units from 14 to 12, to establish minimum lot widths of 50 feet to clarify a five-foot rear yard setback.)

STAFF RECOMMENDATION:

The applicant is requesting minor amendments to reduce the number of permitted dwelling units from 14 to 12, to establish minimum lots widths of 50' and to clarify that a 5' rear yard setback is permissible (see Exhibit A).

Section 1107, H – 9 of the Code allows by minor amendment changes in setbacks and lot widths or frontages, provided the approved Development Plan the approved PUD standards and the character of the development are not substantially altered. PUD-744-A was approved with the following setbacks:

From R.O.W. line of East 41st Place	20 feet
From R.O.W. line of East 42nd Street South	20 feet
Side Setbacks.	5 feet
Internal Lot Line.....	5 feet
Minimum Distance Between Buildings	10 feet

Since setbacks were established from the Rows' (front setback) and side setbacks were established it is clear that the intent of the "internal lot line" setback was to establish the rear setback at 5'. Since the 5' rear setback is actually 5 feet away from a 60' wide reserve/common/open space (see Exhibit A) staff can support this request.

The approval of PUD-744-A also allowed for 45-foot wide lots. Since this request for 50' wide lots will actually increase the width of each lot accompanied by a decrease in the number of permitted dwelling units, the PUD will become less intensive and is therefore also supported by staff.

Section 1107, H – 14 of the Code allows by minor amendment changes reducing the number of permitted dwelling units. As stated above, since the development is essentially becoming less intensive, staff supports this request as well.

Staff finds the proposed minor amendments do not represent a significant departure from the approved Development Plan and approved PUD development standards, nor do they substantially change the character of the PUD. Therefore, staff recommends **APPROVAL** of minor amendment request PUD-744-A-1. All other development standards of PUD-744-A remain effective. Development standards for PUD-744-A, as amended by PUD-744-A-1, are included for reference as Exhibit A-1.

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

EXHIBIT A-1: PUD-744-A Development Standards as amended by minor amendment PUD-744-A-1*.

**Amended development standards have been underlined.*

Development Standards:

LAND AREA:

Net Area:	1.98 AC	86,445 SF
Gross:	2.37 AC	103,132 SF

PERMITTED USES:

Patio Homes: As permitted in RM-1, Multi-Family Residential Zoning Districts and Use Unit 6 – Single Family Dwellings.

Reserve A: Open Space, pool and recreational equipment, and uses customarily accessory to residential uses.

MINIMUM LOT AREA: 0.0975 Acres (4,250 SF)

MAXIMUM NUMBER OF DWELLING UNITS: 12

MAXIMUM FLOOR AREA RATIO PER LOT: 0.50

MINIMUM LOT FRONTAGE: 50 feet (along public street)

**Within 35 feet of the East property line the maximum building height shall be 35 feet.*

MINIMUM BUILDING SETBACKS:

From R.O.W. line of East 41st Place: 20 feet

From R.O.W. line of East 42nd Street South: 20 feet

Rear Setback: 5 feet

Side Setbacks: 5 feet

MINIMUM BUILDING SEPARATION: 10 feet

MAXIMUM BUILDING HEIGHT: 42 feet *

**Within 35 feet of the East property line the maximum building height shall be 35 feet.*

OFF-STREET PARKING: 2 spaces per dwelling unit

LIVABILITY SPACE PER DWELLING UNIT:

3,400 SF (2,000 SF per lot and 1,400 SF in Reserve A per Section 1104-C.)

SIGNS:

One project identification ground sign shall be permitted along the East 41st Place and East 42nd Street frontages each with a maximum of 32 square feet of display surface area and 12 feet in height.

ACCESS AND CIRCULATION:

Access to individual lots will be derived from the street onto which the lot has frontage. Sidewalks will be provided along East 41st Place South and East 42nd Street South per subdivision regulations.

3. No sign permits shall be issued for erection of entry signs until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. 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.
5. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, common and reserve areas, including any stormwater detention areas, sidewalks, trails, parks, security gates, guard houses or other commonly owned structures within the PUD.
6. No building permit shall be issued until the requirements of Section 1107.F 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. The final plat shall serve as the detail site plan.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
8. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, County Engineering and the appropriate water/ fire district, prior to issuance of a building permit for the gates or guard houses.
9. A public clubhouse and/or pool, if proposed in Reserve A, must receive detail site plan approval from TMAPC prior to issuance of a building permit for the clubhouse and/or pool.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

General: A revised plat and a revised IDP (PFPI) must be done. See stormwater comments.

Water: No comments.

Fire: No comments.

Stormwater: In Exhibit A: The Finished Floor Elevations (Fifes) on the east half of the development are too low to comply with minimum FFE approved for PFPI No. 869. Plat No. 6215 has been approved and filed for this development area. The Plat requires 39-foot wide Floodplain Easements (FP/E) along the north and south sides; And Reserve "A" has ten-foot wide FP/E along the east and west sides, with a 45'X65' and a 102'X45' FP/E in the middle area of the Platted Area. This is not what Exhibit A shows. Further, the Plat has 45-foot building setbacks, from 41st Place and 42nd Street. Exhibit A is not in compliance with the platted building setbacks.

Wastewater: All proposed lots have access to sanitary sewer service, so OK for PUD Amendment. However, the concept plan shows a common service line for at least two properties, and that will not be allowed.

Transportation: Confirm if 25' Right-of-Way (ROW) is available from center line all along 41st Place. The street appears to taper from 50' to 46' at the Peoria Street end. Additional ROW dedication may be required. Five-foot wide sidewalks required along 41st Place and 42nd Street. Add standard sidewalk language in Access and Circulation Section on Page 3.

INCOG Transportation:

MSHP: No comment

LRTP: South Peoria Avenue, between 41st Street South and 51st Street South, existing four lanes. Sidewalks should be constructed if non-existing or maintained if existing.

TMP: No comment

Transit: Currently, Tulsa Transit operates an existing route on South Peoria Avenue and 41st Street South. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

Traffic: No comments.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No Comments.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Dix "absent") to **APPROVE** the consent agenda Items 3 through 11 per staff recommendation.

PUBLIC HEARING

12. **Thorny Acres** - (1327) Minor Subdivision Plat (County)
Southeast corner of East 86th Street North and North Whirlpool Drive

STAFF RECOMMENDATION:

This plat consists of four lots, one block, on 17.66 acres.

The following issues were discussed June 18, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG/RE.
2. **Streets:** Access points need to be approved by the County Engineer. Provide curve data for northwest corner. Thirty-foot radius required.
3. **Sewer:** No comment. Septic or aerobic system planned.
4. **Water:** Rural Water District # 3 will serve the property.
5. **Storm Drainage:** The contours, not to be shown on a final plat, indicate that drainage flows from Lots 2 and 4 onto Lot 3. Once drainage crosses the lot line it becomes public drainage, and must be placed in an Overland Drainage Easement, or be collected at the lot line and piped across the lot in a storm sewer easement. Add the standard language for an overland drainage easement. Section 1. C. should use our standard language. Section 2, 3, 4 and 5 must be revised as follows: 2. within utility easement, restrictive waterline and drainage easement areas, the alteration of grade from the contours existing public water main, sanitary sewer main, or storm sewer, or any which would interfere with public water mains, sanitary sewer mains, and storm sewers, 3. Successors, or Tulsa County or its successors public water mains, sanitary sewer mains and storm sewers, but the owner, 4. Remove "utility" from line 3, and add "underground" to the end of line 5. 5. On line 3, after successors add "and Tulsa County or its successors".
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** The fire department serving the site needs to be identified and a release letter received before final approval.

GIS: Submit a subdivision control data form. In addition to the description of the Basis of Bearing, state in degrees, minutes, and seconds. 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). Instead of having two separate legal descriptions to describe the plat, give a closing on

the Point of Beginning (POB). If there is a reason why the church tract and the larger tract should be described separately, please do so after a description of the plat as a whole. The County Engineer is in agreement with the project as proposed.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.

9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Carnes, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Dix "absent") to **APPROVE** the minor subdivision plat for Thorny Acres, subject to special conditions and standard conditions per staff recommendation.

13. **The Offices at Holland Lakes** – (8310) Preliminary Plat (PD 18) (CD 8)
East of South Yale Avenue and North of East 81st Street South

STAFF RECOMMENDATION:

This plat consists of five lots, one block, on 2.71 acres.

The following issues were discussed July 1, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned OL (office light).
2. **Streets:** No comment.
3. **Sewer:** When the IDP (Infrastructure Development Process) plans come in for review, please be sure to include all existing and proposed utility locations within the easements, including offsite adjacent easements, so we can insure adequate separation between the lines.
4. **Water:** Install a six-inch gate valve on each of the proposed fire hydrants. The installation of one inline twelve-inch gate valve will be required.

5. **Storm Drainage:** The Vensel Creek City of Tulsa regulatory floodplain must be labeled as such, and must be placed, in its entirety, in the Overland Drainage Easement (ODE). This is a multi-lot development. Therefore, this ODE should be placed in a "Reserve" area. Section I.H.: This Overland Drainage Easement Covenant should be revised to the language for ODE in a Reserve. The drainage from all lots within this addition is conveyed to this ODE, therefore, there should be a Property Owners' Association formed to maintain this easement, and the Covenants should reflect maintenance by that Association. Language requiring mandatory participation in that Association should be included in other Sections of the Covenants. This plan should show and label the off-site 10'X6' RCB (reinforced concrete box), that the drainage from this site is being conveyed to.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.

GIS: 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. 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). Review the metes and bounds legal description and what is shown on the face of the plat. Note that the surveyors' license expires prior to the TAC meeting.

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.

Interested Parties Comments:

John Thompson, 8016 South Darlington, 74136, requested that the continuance be granted.

TMAPC COMMENTS:

Ms. Cantrell stated that the Planning Commissioners all received the request for the continuance. Her concern is that she would like to know the purpose of the continuance. She explained that she wants to encourage interested parties to be involved in the process. It is important to understand that, unlike a zoning matter, this is a platting procedure and the Planning Commission doesn't have a lot of discretion in terms of how this proceeds. As long as this meets the Subdivision Regulations the Planning Commission accepts the plat. This is the first of two

steps and this is the preliminary step where they raise any issues that are seen with the plat and needs to be resolved before the final plat can go forward.

Ms. Cantrell stated that personally she would like to see something that is an issue that the Planning Commission could actually address before she could determine that a continuance is appropriate. She asked Mr. Thompson if there is any specific issue he has with the plat. Mr. Thompson stated that he does have issues to bring forward to the Planning Commission and there are several HOA members who are out of town and would like to speak to the Planning Commission. He understands that the Planning Commission is restricted as to what they can do. Ms. Cantrell asked Mr. Thompson what kind of issues he has. Mr. Thompson stated that he understands that this is to be single story and he has reason to believe that it will not be a single-storied building. Ms. Cantrell stated that this is zoned office light and OL prohibits anything any thing but one story. Mr. Thompson asked if the one story would include the one story above and a garage below. In response, Ms. Cantrell stated that this would be an issue that would have to be determined by the permit office. If the permit office determines that it is one story and interested parties disagree with that, then the avenue would be to appeal that decision. At this point the subject property is zoned OL and it only allows one story and it is up to permitting to determine. The issue before the Planning Commission today is the plat and anything discussed about the building would be irrelevant. Mr. Thompson stated that if the Planning Commission is unable to grant the continuance, then he would like to submit a two-page letter expressing the Holland Lakes Neighborhood's concerns (Exhibit A-2). Ms. Cantrell asked Mr. Thompson if he had any other issues that she could discuss with him. Mr. Thompson stated that he feels that OM zoning setbacks should apply on the subject property. Ms. Cantrell explained to Mr. Thompson that the setbacks would be addressed by the permitting office. The subject property is being developed under straight zoning without a PUD. The plat will merely state that the subject property is zoned Office Light (OL) and the Planning Commission doesn't have any say about the setbacks and it will now be determined by the Zoning Code. She appreciates the Holland Lakes HOA's concerns but there is nothing in the Planning Commission's power to rectify his concerns. The Zoning Code will state the setbacks, stories, etc. Mr. Thompson stated that he can't speak for the neighbors who are not in attendance who wanted to speak on this and requested a continuance.

Applicant's Comments:

Ted Sack, 111 South Elgin, 74120, representing Hunter Construction, stated that the preliminary plat is before the Planning Commission today and has been reviewed by the Technical Advisory Committee. The preliminary plat meets all of the Subdivision Regulations and he is in complete agreement with the recommendations.

Mr. Carnes moved to approve the preliminary plat and seconded by Mr. Midget.

Ms. Wright stated that she has some questions for Mr. Steele.

Ms. Wright stated that she has some questions regarding the storm drainage. Ms. Wright read the TAC comments regarding the overland drainage easement and wanted to clarify how this would or should tie in to the existing reserve area. David Steele, Senior Engineer for the City of Tulsa, stated that the flow would go into the existing 100-year storm drain and flow toward the intersection at 81st and Yale. The water from this project and each lot should flow into that system. Ms. Wright asked if this would go into the Holland Lakes Reserve. In response, Mr. Steele stated that it would not. Ms. Wright asked if any sediment during the process should go into that reservoir, what recourse would the property owners have? Mr. Steele stated that this will require the construction to be more than one acre and they will have to provide a stormwater pollution prevention plan to the Oklahoma Department of Environmental Quality, which will ensure that no erosion goes into the lake and this will be enforced by ODEQ. If there is a failure of their system and sediment should get into the lake by chance, then there will be a legal recourse. Ms. Wright asked if the homeowners would have to pursue legal recourse. Mr. Steele stated that homeowners can pursue it through the ODEQ and they will enforce erosion from projects. Ms. Wright stated that this puts it back on the private sector to enforce something that should be overseen to begin with. In response, Mr. Steele stated that it is in the public sector and this is a public law and ODEQ does enforce it.

Ms. Cantrell stated that she understands the concerns of Mr. Thompson, but after looking through his concerns (Exhibit A-2) briefly, none of these issues are issues that the Planning Commission can address. This is something that is very controversial and she is not trying to discourage him from being involved, but at this point the issues he has submitted should be taken up with permitting. This is a straight zoning case and today all the Planning Commission is doing is to approve the preliminary plat.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-1-0** (Cantrell, Carnes, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker "aye"; Wright "nay"; none "abstaining"; Dix "absent ") to **APPROVE** the preliminary plat for The Offices at Holland Lakes, subject to special conditions and standard conditions per staff recommendation.

* * * * *

14. **Z-7129** – (9328) Plat Waiver

(PD 6) (CD 7)

East of the Northeast corner of South Harvard and East 51st Street

STAFF RECOMMENDATION:

The platting requirement is being triggered by a lot combination and rezoning (Z-7129) to CS from OM for the property.

Staff provides the following information from TAC at their May 21, 2009 meeting:

ZONING:

TMAPC Staff: A piece of the ODOT property that has never been platted will be joined to an existing tract. A plat waiver was previously granted on the site before the rezoning to CS.

STREETS:

Sidewalks should be constructed along Skelly. Also, any access to these lots would need a driveway permit from ODOT (Oklahoma Department of Transportation).

SEWER:

Show the proposed I-44 right-of-way and the proposed utility easement across the entire property. Include the width of the proposed utility easement. Show the existing easement for the existing sanitary sewer line along the west boundary line of the property. If no easement exists, then additional easement must be provided to protect the sewer main.

WATER:

An existing eight-inch water main line exists along the north side of Skelly Drive.

STORM DRAIN:

An IDP (infrastructure development plan) will be required to address stormwater runoff.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver.

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

	Yes	NO
1. Has Property previously been platted?	X*	
2. Are there restrictive covenants contained in a previously filed plat?	X*	
3. Is property adequately described by surrounding platted properties or street right-of-way?	X*	

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.?		
10. Is this a Major Amendment to a P.U.D.?		X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		
11. Are mutual access easements needed to assure adequate access to the site?		X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

*Part of the property has been platted and a small piece that will be tied to it has not been platted.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Dix "absent") to **APPROVE** the plat waiver for Z-7129 per staff recommendation.

16. **Z-7137/PUD-771 – Jim Schwers Company** **RS-3 to RM-0/PUD**
Northeast corner East 25th Street and South 111th East (PD-17) (CD-5)
Avenue (PUD to allow 12 multifamily units to be
constructed)

STAFF RECOMMENDATION:

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

RELEVANT ZONING HISTORY:

BOA-12015 June 24, 1982: The Board of Adjustment approved a Special Exception to allow duplex use in an RS-3 district; and a Variance of the frontage requirement in accordance with the plot plan and elevation plans in accordance with the applicant's statement that he will provide the necessary fire walls between the units, on property located east of the southeast corner of 24th Street and 111th East Avenue and abutting northeast of subject property.

BOA-9036 May 6, 1976: The Board of Adjustment approved a Special Exception to permit a public park with improvements consisting of parking, unlighted sports field, jogging trail, tot playground restrooms, covered patio, picnic facilities and two unlighted tennis courts, per site plan in an AG district, on property located at South 116th East Avenue and East 24th Place.

BOA-8455 January 23, 1975: The Board of Adjustment approved a Special Exception to permit church and parking facilities in an AG district, on property located just south of East 25th Street on the east side of South Garnett Road.

BOA-8250 May 2, 1974: The Board of Adjustment approved a Special Exception to permit a library in an AG district, on property located north and east of East 27th Street and South Garnett Road.

BOA-8157 December 20, 1973: The Board of Adjustment approved a Special Exception to permit a YMCA, subject to the approval of a subdivision plat establishing the continuation of the collector street system to the east through the subject tract to provide adequate access in an AG district, on property located east of northeast corner of East 25th Street and South Garnett Road.

BOA-4999 April 13, 1966: The Board of Adjustment approved a recreation center for owners in Magic Circle Third Addition, on property located at and described as Lots 6, 7, 8, and 9, Block 2, Magic Circle Third Addition and the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .85± acres in size and is located northeast corner East 25th Street and South 111th East Avenue. The property appears to be vacant and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 111 th East Avenue	Residential Collector	50'	2
East 24 th Street	Residential Collector	50'	2
East 25 th Street	Residential Collector	50'	2

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

SURROUNDING AREA: The subject tract is abutted on north, south, west and partly the east sides by single-family residential uses zoned RS-3. On the cul-de-sac to the northeast of the property are duplexes, also zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-No Specific land use. According to the Zoning Matrix, the requested RM-O/PUD zoning **may be found** in accord with the Plan.

STAFF RECOMMENDATION FOR ZONING:

Based on the existing conditions, staff cannot support the requested RM-O zoning for two reasons. First, this property is in the interior of the neighborhood, adjacent to seemingly stable single-family uses. The duplexes that exist to the northeast of the subject property are on a cul-de-sac and therefore somewhat removed from the single-family uses. Second, approval of the application for a

multifamily use in this location would constitute spot zoning, which practice the TMAPC has historically eschewed. Therefore, staff recommends **DENIAL** of RM-O zoning for Z-7137.

STAFF RECOMMENDATION FOR PUD:

PUD-771 is a .85 acre/37,167 square foot site located on the northeast corner of 25th Street South and 111th East Avenue. The vacant site is located approximately 335-feet west South Garnett Road and is generally flat.

The subject tract is bordered on the east by RS-3 zoned property with a residential single family use as well as RS-3 zoned property with duplex uses as permitted by the Board of Adjustment by special exception. The site is bordered on the north, west and south by non-arterial streets and then RS-3 zoned property, all with residential single-family uses.

PUD-771 and concurrent rezone application Z-7137 proposes to rezone the subject tract to RM-O zoning and allow 12-multi-family units to be constructed (see Exhibit B). Three buildings each with 4-units are proposed, as allowed by the land area per dwelling unit required by RM-O zoning. PUD-771 proposes basic bulk and area requirements as prescribed by the RM-O district with the exception of the 1,200 square foot (SF) minimum livability space/open space required per dwelling unit within the RM-O district. With 12 units proposed the open space requirement for this proposal would be 14,400 SF. PUD-771 proposes 2,000 SF of open/livability space. All other bulk and area requirements of the RM-O district appear to be met in the development proposal.

Self-imposed restrictions are being offered in exchange for the density of development through the rezone of the property and a decrease in open space include no parking of recreational vehicles, boats or trailers on the property, no detached accessory buildings permitted, and all brick exteriors of the buildings. A six foot, solid screening fence would be required along the eastern boundary of the site.

Staff has reviewed the development proposal and based on existing conditions within the surrounding neighborhood cannot support this PUD proposal. Because the property is in the interior of a neighborhood adjacent to single-family uses and approval of the application for a multifamily use in this location constitutes spot zoning, the practice of which the TMAPC has not traditionally supported, staff recommends **DENIAL** of PUD-771.

TMAPC COMMENTS:

Ms. Cantrell stated that she didn't believe one could decrease livability space in a PUD. In response, Mr. Sansone stated that in multifamily developments he believes it can be reduced. Mr. Alberty indicated that it can't be decreased and it would require a variance at the Board of Adjustment.

Applicant's Comments:

Jim Schwerts, 4019 S. 127th, 74146, stated that he has been developing for about 25 years in Tulsa. Mr. Schwerts cited the various sites he has developed. He indicated that he would like to develop duplexes on the subject site and it would possible to build five duplexes, one or two stories each, 1,200 to 1,600 SF per unit with two car garages. His proposal is to scale the neighborhood down because the neighborhood needs some help. He proposes to build the units with 800 SF per unit, one car garage and one bathroom. This would be catering to people 50 and up who do not want to tend a lawn. Everything would be landscaped and scaled down. There is a real need in the market for this type of development.

Mr. Schwerts indicated that he would have a 25-foot setback, which is the same as a single-family home. On the west end of the building facing north and on the west end of the building facing south there will be three off-street guest parking spaces. Each building will have one additional parking space in the driveway. He commented that the people he would be dealing with wouldn't have a lot of vehicles or motorcycles.

Mr. Schwerts stated that he met with the homeowners association and they seem to be in favor of his proposal.

TMAPC COMMENTS:

Ms. Cantrell stated that if the Planning Commission were inclined to approve this proposal the livability space cannot be decreased from 14,400 SF to 2,000 SF because they do not have that ability. She explained that the applicant would have to go before the Board of Adjustment to seek a variance. Mr. Schwerts stated that he is only proposing less than 10,000 SF of livability space for the entire project. Ms. Cantrell stated that she is speaking to the open space, which would be the amount of area that is not built upon.

Mr. Leighty asked Mr. Schwerts what he meant by stating that the neighborhood needed help. In response, Mr. Schwerts stated that what he plans to bring to the neighborhood would be a real upgrade and help property values. It will bring really good people into the neighborhood. This may give some people some incentive to clean up their properties.

Mr. Schwerts submitted a photograph of a tri-plex that he built at 129th and 31st Court, Tulsa (Exhibit B-1). He explained that the photograph represents what he would like to build on the subject property, except that there would be one more unit added on.

Interested Parties Comments:

Tom Moody, 10624 East 29th Street, 74129, stated that he is a member of the homeowners association and attends all of the meetings. Mr. Moody stated that the homeowners association did meet with Mr. Schwerts. Some of the members

are for the plans and some are against it. Primarily, the homeowners association sold the subject property to Eric Gomez and he planned to build four single-family homes. Mr. Gomez then sold the subject property to Mr. Schwerts.

Mr. Moody asked the Planning Commission if duplexes are considered single-family homes. In response, Ms. Cantrell answered negatively. Mr. Moody wanted clarification on whether the applicant could build the proposed duplexes and lease them to Section Eight or anyone he wants to because this is something the neighborhood doesn't need nor want. Ms. Cantrell stated that the applicant is actually seeking to change the underlying zoning. Duplexes are not considered single-family homes, but she believes he can do this by special exception through the Board of Adjustment. As far as rental versus non-rental is beyond the Planning Commission's control. If someone wants to rent their property, whatever it is zoned, they are allowed to rent their property. Mr. Moody explained that his understanding is that on a duplex under the RS-3 zoning, the units can be sold or leased individually, but under a PUD they have to sell off the units to one owner. In response, Ms. Cantrell stated that is not correct. Ms. Cantrell stated that when the proposal is brought to the Planning Commission is owned by one person and once the PUD is approved, they can sell the units individually. Mr. Moody stated that he is concerned about the neighborhood in the future if this is allowed. He explained that the older portion of Magic Circle is becoming rental and he would like to try and keep the neighborhood together as much as possible so this will not continue to happen. Mr. Moody indicated that he is opposed to the proposal and would prefer four individual homes.

Ms. Cantrell stated that she visited the subject area and the neighborhood is beautiful.

Betty Riha, 2520 South 112th East Avenue, 74129, stated that she lives in the Magic Circle 3rd Addition and has lived there for over 40 years. She commented that she didn't know that duplexes could be developed in the center of an established neighborhood. There is only one street off of Garnett to access the proposal and all the traffic would have to come off of 25th Street. She expressed concerns that this would devalue their property values much like the development off of 23rd Street, which has been causing some problems for the neighborhood.

Ms. Riha stated that the applicant informed the neighborhood that he could put duplexes on the subject property whether the neighborhood wanted them or not under the RS-3 zoning. The applicant informed the neighborhood that he would only rent the duplexes to people over 50 with no dogs, no kids, no motorcycles, etc., which sounds like discrimination to her. She commented that people over 50 do have pets, children and motorcycles.

Ms. Riha expressed her concerns with the proposed development and the type of disagreeable people who could move into her neighborhood. All of these

apartments/duplexes that Mr. Schwerts has built are on the edge of an addition and they have access off of busy streets. In this situation the proposal would be in the middle of an established neighborhood.

Ms. Riha stated that at the last meeting with the applicant she was informed that this was a forgone conclusion due to having a Councilor on their side and that they also had a "pal" on the Planning Commission. She questioned if the "pal" has recused himself.

Ms. Cantrell stated that she wouldn't know who the "pal" would be and anybody who has a conflict is required to recuse themselves. If there is anyone on the Planning Commission today who has a conflict, she would expect them to recuse themselves.

Ms. Riha shared some experiences she had with renters in her neighborhood and her concerns that this could happen again with the proposed development.

Applicant's Rebuttal:

Mr. Schwerts stated that he has no connections with members on the Council or Planning Commission in any way, shape or form as far as getting this proposal done. He expressed surprise that the homeowners are opposed to this proposal because he was under the impression from their last meeting that they were in favor. This proposal is what is best for the neighborhood and he can go back and get zoning for duplexes, which isn't best for the neighborhood. This proposal is for retired people and he has done this for 25 years and it works.

Mr. Schwerts explained that he did the same type of development in Eagle Ridge and established a homeowners association, in which he still owns five of the condominiums. He indicated that he has been involved with this development for 25 years.

TMAPC COMMENTS:

Mr. Leighty stated that he would be voting to deny this application. He encourages Mr. Schwerts to consider building some single-family homes on the subject property. This is a good neighborhood and they would probably work with you. There is a demand for affordable single-family homes. This is not an appropriate use to change the zoning and he would have to agree with the staff recommendation to deny this proposal.

Ms. Cantrell stated that she would be supporting the staff recommendation as well. The PUD is not workable as it is set up and she doesn't believe this is an appropriate place for RM-0.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Dix "absent") to recommend **DENIAL** of the RM-0 zoning for Z-7137 per staff recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Dix "absent") to recommend **DENIAL** of PUD-771 per staff recommendation.

17. PUD-379-C – Lou Reynolds PK/PUD-379-B to PK/PUD-379-C

South of the southwest corner of South Memorial Drive (PD-18) (CD-7) and East 66th Street South (Major Amendment to add bar use only and to extend the hours of operation to 2 a.m. to allow for occupancy by a Baker Street Pub.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 16243 dated January 8, 1985, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-379-B May 2008: All concurred in approval of a proposed Major Amendment to a PUD a 5.95± acre tract of land to add restaurant use (Use Unit 12) as a permitted use on property located south of southwest corner of South Memorial Drive and East 66th Street South and the subject property.

PUD-379-6 July 11, 2007: The Planning Commission approved a Minor Amendment to PUD-379 to increase the number of ground signs permitted from two to three; and to increase the maximum allowable (aggregate) display surface area for ground signs from 480 square feet to 552 square feet; and increasing permitted display surface area for wall signs from one and one-half square feet per lineal foot of building wall to two square feet per lineal foot of building wall in conjunction with remodeling and reuse of the former Mervyn's retail store on subject property.

PUD-379-5 April 4, 2007: The Planning Commission approved a Minor Amendment to reduce the parking requirement from 448 to 391, as approved by the Board of Adjustment (BOA-20452) on March 13, 2007; and increasing permitted building height from 30 feet to 40 feet to accommodate proposed

changes to the building's façade, associated with reuse of the former Mervyn's store as a gym and retail space.

BOA-20491 May 8, 2007: The Board of Adjustment approved a Special Exception to reduce parking requirements 10% for a mixed use commercial center on property located and abutting the subject property. A Minor Amendment was done to the PUD to reflect the Boards decision as case number: PUD-379-7/PUD-379-A-8.

BOA-20452 March 13, 2007: The Board of Adjustment approved a *Variance* of the parking requirement from 448 to 391; finding the requirement of one parking space to 200 sq. ft. is excessive in this case; and the applicant has cross-parking agreements with other areas in the center; located at 6612 S. Memorial Drive and the subject property.

Z-7029 September 2006: All concurred in approval of a request for rezoning a .55± acre tract of land from AG/OL to CS for restaurant and retail uses on property located on north of the northeast corner of South Memorial Drive and East 71st Street South.

PUD-186-A May 2002: All concurred in approval of a request to rezone at 2.97+ acre tract from RM-1 to CS and a proposed Major Amendment to PUD, on property located on the east side of South 85th East Avenue and south of East 66th Street South. The original PUD approved and restricted this property to a public library but the Major Amendment allows for retail and office uses.

Z-6320/PUD-470 June 1991: A request to rezone a tract approximately 4.85 acres in size and located on the southeast corner of East 66th Street South and South Memorial Drive from AG and OM to CS/PUD for commercial uses. All concurred in approval of CS zoning on the East 32' of the south 605' of Lot 1, Block 3, to align with the CS zoning to the east. The balance of the tract remained zoned OM and approved the PUD for 9,500 square feet of commercial use.

PUD-379-A/Z-6113 July 1986: All concurred in approval of a request for rezoning and a Major Amendment to PUD-379 on a 32.9± acre tract of land from PK to CS to add commercial property to the existing development, therefore changing the development standards, located directly west of subject property.

PUD-379/Z-6011 December 1984: A request for rezoning and a Planned Unit Development on a 33± acre tract of land from CS/RS-3/OL/AG to CS/RM-2/PUD for commercial development was approved by the TMAPC recommending CS and PK instead of RM-2, for retail development, located and a part of subject property. The request also abandoned the original PUD-209 that was approved for the property.

PUD-309/Z-5790 April 1983: All concurred in approval of a request for rezoning a Planned Unit Development on a 10.28± acre tract of land from OM to CS for retail shopping and a cinema theater, with the North 300 feet remaining OM on property located northeast of subject property.

PUD-209-A April 1981: All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 33± acre tract of land to allow for a mixed use and was approved for 169, 000 square feet of commercial use and 88 dwelling units on property located north of the northwest corner of East 71st Street and South Memorial Drive and the subject property.

PUD-187 August 1976: All concurred in approval of a proposed Planned Unit Development 165.5± acre tract of land for single-family, duplexes, multi-family, tennis club expansion and park/detention facilities with a total of 863 dwelling units on property located between East 61st Street South and East 71st Street South and between South Memorial Drive and South Sheridan Road; and abutting north and west of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5.95± acres in size and is located south of the southwest corner of South Memorial Drive and East 66th Street South. The property is developed and is zoned PK/PUD.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Memorial Drive	Primary Arterial	120'	4-6

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

SURROUNDING AREA: The subject tract is abutted on the east by Memorial Drive and Woodland Hills Mall, zoned AG/OL/OM/CS/CG/PUD; on the north by Shadow Mountain, zoned RS-3/PUD; on the south by PUD-379-A and Clark Plaza Third, zoned CS; and immediately on the west by PUD-379, zoned PK and further west by Shadow Mountain, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being medium intensity. According to the Zoning Matrix, the existing PK zoning is in accord with the Plan.

STAFF RECOMMENDATION:

PUD-379 is a 30 acre (+/-) site located north of the northwest corner of 71st Street South and Memorial Drive. The site is fully developed and is zoned PK/CS/PUD. PUD-379 was amended twice; first to extend restaurant use to the eastern out lots of the site along Memorial Drive and secondly to extend the

restaurant use to the north-eastern portion of the site along Memorial Drive. This latter tract is the subject of major amendment application PUD-379-C.

The PUD-379-C tract is a 5.95 acre/259,182 SF tract located at the north-east corner of PUD-379. The single story structure is currently used as a multi-tenant facility and is anchored by Gold's Gym. The tract is bordered on the west by PK/PUD-379 zoned property used as a commercial strip center; on the south by CS/PUD-379-A zoned property being used commercially; on the north by a reserve/detention area for the Shadow Mountain single family residential development owned by the City of Tulsa; and on the east by major arterial street Memorial Drive. Across Memorial Drive is OM/CS zoned property, PUD-470.

PUD-379-C proposes to add bar use only, within Use Unit 12a – Adult Entertainment Establishments as a permitted use only within the existing PUD-379-B and to extend the hours of operation to 2:00 a.m. to allow for occupancy by a Baker Street Pub.

There are no plans to expand the existing structure within PUD-379-B and there is no request to increase floor area or seek relief from any existing development standards. With the exception of the additional use and expanded hours of operation to 2:00 a.m., all applicable development standards of the original PUD-379/PUD-379-B and applicable minor amendments will remain effective.

On July 14, 2009 the City of Tulsa Board of Adjustment (BOA) will hear case BOA-20936 for: A special exception to permit an adult entertainment establishment (bar) on a lot within 150 FT of R zoned land; verification of the spacing requirement for the entry door of an adult entertainment establishment of 50 FT from an R district; verification of the 300 FT spacing from a public park, school, church, and other adult entertainment establishments (Section 1212a.C.3).

Staff finds the proposed additional use and existing intensity of development to be in harmony with the spirit and intent of the Code. Staff finds PUD-379-C 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 existing development of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, pending the approval of the aforementioned BOA case #20936, staff recommends **APPROVAL** of PUD-379-C subject to the following conditions:

1. The applicant's attached exhibits and Concept Development Plan be made a condition of approval, unless modified herein.

2. Development Standards:

Development Area: Lot 2, Block 1 –The Village at Woodland Hills

Gross Area: 5.95 +/- acres

Permitted Uses:

Uses permitted as a matter of right in the CS – Commercial Shopping Center District; Use Unit 12 – Eating Establishments Other than Drive-ins; and Use Unit 12-a, Bar Use only. No other Use Unit 12a uses shall be permitted.

Maximum Floor Area (existing): 78,000 SF (.3 FAR)

Minimum building setbacks:

From the West Boundary	85 feet
From the south boundary	20 feet
From the north boundary	35 feet
From the centerline South Memorial	130 feet

Maximum Building Height (to top of parapet): 40 feet

Parking Requirements: 391 spaces

Minimum Landscaped Open Space: 8%*

**Landscaped open space includes required arterial street landscaping, interior landscape buffer, landscaped yards and plazas and pedestrian areas, but does not include any parking, building or driveway areas.*

Site Lighting:

Any new site lighting shall not exceed the height of any existing lighting on the site and shall be directed down and away from adjoining residential areas in a manner that shields the light from a person standing at ground level in the adjoining residential district. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

Site Screening:

An eight-foot solid screening wall or fence shall be erected along any lot line or lines in common with an R District if one does not exist.

Signs:

One ground sign shall be permitted along Memorial Drive not to exceed 25 feet in height and 72 SF of Display Surface Area. Wall signs shall be limited to 2 SF of display surface area for each lineal foot of building wall, or storefront/lease space to which the sign will be affixed.

Hours of Operation:

Hours of operation shall not extend past 2 am.

3. No zoning clearance or building permits shall be issued for the lot until a detail site plan for the lot, which includes all buildings, building elevations, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. Where applicable and per section 1001 of the Zoning Code, 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.
5. No sign permits shall be issued for erection of a sign within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot when applicable.

9. Platting Requirement: No building permit shall be issued until the requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, or an amendment is approved by the TMAPC that will incorporate within the existing restrictive covenants these PUD conditions of approval and making the City beneficiary to said covenants.
10. Subject to conditions recommended by the Technical Advisory Committee during the major amendment advisory process which is approved by TMAPC.
11. Approval of the PUD amendment 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 solid-screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: No comments.

- MSHP: S. Memorial Drive, between 61st St. S. and 71st St. S., designated primary arterial.
- LRTP: S. Memorial Drive, between 61st St. S. and 71st St. S., planned 6 lanes.
- TMP: No Comment
- Transit: Currently, Tulsa Transit operates services on this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development.

GIS: No comments.

Street Addressing: No comments.

TMAPC COMMENTS:

Ms. Cantrell wanted to clarify that the only use being added is for bars only. She asked why there is only eight percent minimum landscaped area. Mr. Sansone stated that it was modified from a previous amendment to the PUD. Mr. Sansone explained bars versus restaurants with a bar.

Mr. Sansone stated that the only thing that is changing with this application is the addition of the use and extension of the hours of operation. The eight percent was done in the past.

Ms. Wright stated that since the PUD is being reopened it would be the time to bring the landscaping back up to the ten percent. Mr. Sansone answered negatively. He reiterated that this is only adding a use and he is not sure the Planning Commission can retroactively enforce what was done in the past.

Ms. Wright stated that when one does remodeling they have to bring the house or building up to Code and she thought this would be the same scenario. Mr. Sansone stated that there is the capability to bring non-conforming uses up to Code when remodeling or replacing damaged portions, but this is not one of those cases.

Mr. Alberty stated that the PUD is over 33 acres and as long as the aggregate landscaping for the entire project is not below ten percent, then the Planning Commission may reduce it on certain development areas.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that he is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Carnes, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Dix "absent") to recommend **APPROVAL** of the major amendment for PUD-379-C per staff recommendation.

Legal Description for PUD-379-C:

Lot 2, Block 1, The Village at Woodland Hills, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

OTHER BUSINESS:

- 18. **LS-20294** – Smalygo Properties/Lot-Split
Refund Request for Lot-Split fee due to overpayment

STAFF RECOMMENDATION:

Ms. Feddis stated that the applicant has requested a refund. The applicant paid for three lot-splits and only needed one lot-split. Staff recommends a refund of \$300.00.

There were no interested parties wishing to speak.

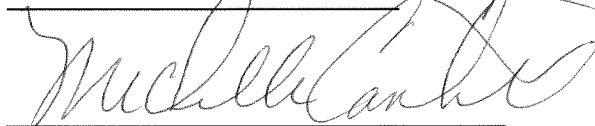
TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Dix "absent") to **APPROVE** the refund for LS-20294 per staff recommendation of \$300.00.

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

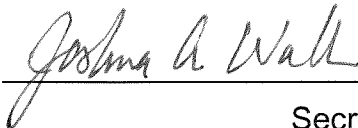
Date Approved:

8-5-2009



Chairman

ATTEST:



Secretary

