

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2571

Tuesday, February 2, 2010, 4:00 p.m.

City Council Chambers

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, January 27, 2010 at 2:31 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 4:00 p.m.

REPORTS:

Chairman's Report:

Ms. Cantrell reported that TMAPC will be holding special meetings for the PLANitULSA on February 23, 2010 from 4:00 p.m. to 7:00 p.m. and on March 10, 2010 from 1:30 p.m. to 4:30 p.m.

Comprehensive Plan Update Report:

Ms. Cantrell reported on the upcoming Council District meetings to present the PLANitULSA Comprehensive Plan. Ms. Cantrell cited the dates and locations for the meetings.

Director's Report:

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

Minutes:

Approval of the minutes of January 20, 2010 Meeting No. 2570

On **MOTION** of **CARNES**, the TMAPC voted 6-0-1 (Cantrell, Carnes, Dix, Liotta, Marshall, Walker, "aye"; no "nays"; McArtor "abstaining"; Leighty, Midget, Shivel, Wright "absent") to **APPROVE** the minutes of the meeting of January 20, 2010, Meeting No. 2570.

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Ms. Cantrell cited the cases for the consent agenda and indicated that Items 5 and 7 will be pulled from the 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.

2. **LS-20353** – Marlee Jacobs (Garrison) (0329) (County)
Northeast of the Northeast corner of South Sheridan Road and East 181st Street, 7141 East 179th Street South (Related to Item 3.)
3. **LC-227** – Marlee Jacobs (Garrison) (0329) (County)
Northeast of the Northeast corner of South Sheridan Road and East 181st Street, 7141 East 179th Street South (Related to Item 2.)
4. **PUD-510-2 – Will Rogers United Methodist Church** (PD-4) (CD-4)
Northwest corner of East 12th Street South and South Yale Avenue (Minor Amendment to increase the height of a sign from six feet to fifteen feet and one inch.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the height of a sign from six-foot to 15'1".

PUD development standards currently allow for a six-foot high sign with 60 square feet (SF) of display area. There is no request for an increase in display area.

The underlying zoning for the church is RS-3. In the RS-3 District, approved non-residential uses are permitted to have signs up to 20-feet high. Therefore, the request for an increase to 15' 1" in height is within the limits of the underlying zoning district.

Staff contends that approval of the height increase will not substantially alter the approved signage for the PUD and therefore recommends **APPROVAL** of minor amendment PUD-510-2.

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

6. **PUD-586-A-9 – 3DG Environmental Graphics/Gary Nitschke** (PD-18c) (CD-8)

Northeast corner of 91st Street South and US 169; Saint Francis Hospital South (Minor Amendment to increase the number of ground signs permitted along the non-arterial street in Development Area C to allow for two ten square foot directional signs.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the number of ground signs permitted along the non-arterial street in Development Area C of PUD-586-A to allow for two (2) , ten square foot (SF) “directional” signs to help drivers better navigate the medical campus.

Development Area A of the PUD allows; “Ground signs on lots abutting a public or private interior street shall not exceed an aggregate DSA of 2/10 (.2) of one (1) square foot per lineal foot of street frontage” (see attached Exhibit A).

The applicant seeks to have the same sign standard added to the sign standards for Development Area C, which would now read:

1. Ground signs shall be limited to three (3) for each arterial street frontage, with a maximum of 160 SF of display surface area (DSA) and 25 feet in height.
2. Ground signs on lots abutting a public or private interior street shall not exceed an aggregate DSA of 2/10 (.2) of one (1) square foot per lineal foot of street frontage.
3. Wall signs will not exceed an aggregate DSA of two square feet of DSA per lineal foot of wall to which the sign is affixed. The length of the tenant wall sign will not exceed 75% of the frontage on the tenant space.
4. In addition to the ground signs permitted by #1, a monument style ground sign, identifying the development, shall be permitted not to exceed 16’ in height and 200 square feet of DSA.

The underlying CO zoning would allow for 94 SF of signage for Area C along South 109th East Avenue. Staff has reviewed the request and views the request as minor in nature, not substantially altering the sign standards nor the character or intent of the original PUD concept plan.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-586-A-9.

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

8. PUD-306-D – Marcy Smith (PD-18) (CD-2)

East of the northeast corner of 101st Street South and Riverside Parkway (Detail Site Plan for an addition to an existing building for a garden supply and landscaping store.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for an addition to an existing building for a garden supply and landscaping store. The proposed use, Use Unit 14 – Shopping Goods and Services is a permitted use in PUD-306-D.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Existing access to the site is provided from 101st Street South. Parking has been provided per the applicable use unit of the Zoning Code. A six-foot screening fence with vegetative material will screen the east boundary line while any permitted outside storage will be screened from the east and the south as required by the PUD. All sight lighting is limited to 14 feet in height and will be directed down and away from adjoining properties. A trash enclosure has been provided as required by the PUD.

Staff recommends **APPROVAL** of the detail site plan for PUD-306-D.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Liotta, Marshall, McArtor, Walker, "aye"; no "nays"; none "abstaining"; Leighty, Midget, Shivel, Wright "absent") to **APPROVE** the consent agenda Items 2, 3, 4, 6, and 8 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

5. **PUD-705-1 – Wallace Engineering/The Shoppes on Peoria** (PD-2) (CD-3)

Northeast corner of North Peoria Avenue and East Reading Street (Minor Amendment to allow two points of access to Seminole Street; adjust development area boundaries and reallocate floor area; requesting a 14.9% increase in permitted floor area, allow shared parking among development areas, delete the 25-foot setback requirement from internal lot lines only; amend signage requirements, and waive the sidewalk requirement along Quaker, Seminole and Reading Streets.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to allow two (2) points of access to Seminole Street; adjust development area boundaries and re-allocate floor area while asking for a 14.9% increase in permitted floor area; allow shared parking among the development areas; delete the 25-foot setback requirement from internal lot lines only; amend signage requirements to allow for a tenant ID sign along Peoria Avenue; and waive the sidewalk requirement along Quaker, Seminole and Reading Streets.

Please refer to Exhibit A which is a letter from Public Works Director, Charles Hardt, authorizing the additional access points to Seminole Street. Staff feels these access points will be beneficial to the neighborhood to the northeast by providing direct access to the development. Traffic from the neighborhood would not have to travel west to Peoria Avenue and then south to Reading Street, or travel east - entirely around the perimeter of the development to enter on Reading Street.

The 14.9% increase in floor area is a reasonable request since it will keep the floor-to-area ratio (FAR) for the development within the .5 FAR allowed by the underlying CS zoning. The shift in development area boundaries will have a negligible effect and will allow for the increase in floor area in Area B while decreasing permitted floor area in Area A (refer to Exhibits B and C). New floor area allocations are requested as follows (see Exhibit D):

	Floor Area Allocated by 2004 approval	Floor Area Requested by Amendment	+/-
Area A	17,710 SF	16,884 SF	-826 SF
Area B	38,402 SF	48,721 SF	+10,319
Area C	13,769 SF	14,689 SF	+ 920
Totals	69,881 SF	80,294 SF	+ 14.9%

Staff supports the request to allow shared parking among the development areas with the execution of a cross parking agreement in conjunction with development of the three lots. An executed cross parking agreement will be submitted at detail site plan review.

Staff views the request to delete the 25-foot setback requirement from internal lot lines as practical since there is no setback requirement from lot lines when two CS districts abut one another.

Staff can support the request to amend sign requirements to allow for a tenant ID sign along Peoria Avenue per the CS District. Allowing a tenant ID sign in either Development Area A or C for the businesses in Area B will allow patrons along Peoria Avenue to identify the businesses located in Area B, behind the buildings constructed in Area A and C. Other sign standards as originally approved for PUD-705 would remain effective.

Please refer to the attached Exhibit E, which is a letter from City Councilors Jack Henderson and Roscoe Turner supporting the request to waive the sidewalk requirement along Quaker, Seminole and Reading Streets. It is true that there are no other sidewalks on the side streets near the development. However, staff cannot support a waiver of this subdivision requirement based on there being no other sidewalks, aside from the sidewalk along Peoria Avenue. Many site visits indicate that there is significant foot traffic from the surrounding neighborhoods within this area. Staff contends with the development of this site, foot traffic and vehicular traffic will increase, making the sidewalks beneficial from a practical and safety standpoint.

Therefore, staff recommends **APPROVAL** of the request for additional access points along Seminole Street; the shift in development area boundaries, increase in floor area and re-allocation of floor area; shared/cross-parking; the deletion of the 25-foot setback requirement along internal boundary lines; amending of sign requirements to allow a tenant ID sign along Peoria Avenue per CS District standards and **DENIAL** of the request to waive the sidewalk requirement.

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

Mr. Midget in at 4:12 p.m.

TMAPC COMMENTS:

Ms. Cantrell stated that she visited the site and there are several sidewalks in the subject area.

Mr. Dix expressed concerns with the second access on Seminole being so far to the east. Mr. Sansone stated that staff looks for the Traffic Engineer's comments.

It was determined that the subject property is located within a TIF District.

Mr. Sansone stated that with the interior pedestrian sidewalks and perimeter sidewalks this makes a pedestrian-friendly site.

Applicant's Comments:

Jim Beach, Wallace Engineering, 200 East Brady Street, 74103, stated that the location of the east drive on Seminole is there to accommodate primarily the service traffic that will come around behind the building. If the access were moved too far to the west and lined up with the drive that cuts through the site, it would invite cut-through traffic from Reading to Seminole and he wanted to discourage that.

Mr. Beach stated that there are considerable internal sidewalks from the bus stop into the site. There is a green space in the middle that hasn't been fully developed, but it could be an outdoor entertainment space. The subject project is going forward with the goal to have LEED Certification and there is open space and green area to help gain points. Sidewalks extend from the green space area in the middle then go into the first phase of building with circulation all around the site. There is an existing sidewalk along the south side of Reading that serves the neighborhood. A screening fence is required along the east property line of the subject property and the sidewalk would run along the screening fence. Mr. Beach indicated that he doesn't believe there would be pedestrian traffic moving north and south on Quaker. The neighbors will be coming from the east toward the site and there would be no reason to go north or south on Quaker. He doesn't believe there is any need for a sidewalk. Seminole doesn't need a sidewalk because there is nowhere to go because the streets are convoluted in that area and there is no direct access from that location.

Mr. Beach stated that the subject site is very flat site and there will need to be some contouring to get the drainage to work. There will be some difficult cross-slopes on the sidewalks if he is required to install them. In order to get the cross-slopes to not exceed the normal standard and even them out, it would create more of a slope on either side of the sidewalks and that is another reason for requesting the sidewalk waiver.

Mr. Beach stated that the reason for requesting the internal setbacks to go away is to allow as much parking as possible on the two front lots. The buildings would be moved tighter together and create more space for required parking. The minor amendment is requesting to allow shared parking throughout the subject site in order for the entire buildings to share the parking. However, for customer convenience, he would like to have the parking in the proximity of the building it is serving. He doesn't feel that the 25-foot setbacks on the internal boundaries serve any real purpose.

TMAPC COMMENTS:

Mr. McArtor asked Mr. Beach to cite where the existing sidewalks are located. In response, Mr. Beach stated that he is aware of one that is located on the south side of Reading where the grocery store is located (east and west). There is a sidewalk on North Peoria that serves the bus stop.

Mr. Midget stated that he believes there is a sidewalk on the north side of Seminole, but it is not on the subject site. Ms. Cantrell stated that she visited the site and there is a sidewalk on Seminole but it is difficult to see due to overgrown shrubs.

Ms. Cantrell stated that she is very sympathetic because this is a TIF district and they are trying to get some development in the subject area. She is inclined to come up with a compromise. When she visited the site today someone was walking in the street of Quaker Avenue so she believes that there is a lot of foot traffic in the neighborhood. Assuming that PLANitULSA goes forward, this is going to be a major dedicated bus line.

Mr. Dix stated that the current driveway that he has issues with is not wide enough for a service truck and a car to pass each other. This will cause backups onto the street and into the subject site or cause the service trucks to turn and go over the curb and grass. He suggests that the drive be widened to 30 to 35 feet if it remains in the proposed position and widen the radius on the outside 15 feet or 20 feet; or move the drive toward the corner of Quaker and have it line up with the drive on the backside of the subject buildings. Mr. Beach indicated that he would discuss this with his client.

Mr. Midget stated that he would be concerned with a sidewalk not being on Quaker because it will have foot traffic coming from the neighborhoods to the north. Mr. Beach stated that there will be a screening fence along the east side of Quaker and any pedestrian traffic can't get into the site from the east side and would have to go around to Reading or Seminole.

Mr. McArtor asked Mr. Beach if he would consider installing a sidewalk on Quaker and that may satisfy the Planning Commission. He personally would waive the sidewalk requirement on the subject development because it is a great project on the north side and it is needed. If some of the other requirements are needed to be waived in order to get something up there, he believes it should be done. Mr. McArtor asked Mr. Beach if the Planning Commission agreed to not require a sidewalk on Seminole would he consider building one on Quaker and still make this project work. Mr. Beach stated that he believes that is a reasonable request. He further stated that if the Planning Commission would consider waiving the sidewalks on both of the east/west streets since there are existing sidewalks on the opposite side of the street, then he believes they could build one on Quaker.

Ms. Cantrell stated that there are no interested parties wishing to speak.

Mr. Marshall stated that it would do no good to have a sidewalk along Quaker because of the fence and the residences back up to the subject site. Sidewalks are needed along Reading and Seminole. Ms. Cantrell stated that there is a street between the properties along Quaker and the subject site.

Ms. Cantrell stated that this is in a TIF District and there should be some concessions made to encourage development. She believes that there should be a sidewalk on Quaker, but on Reading she doesn't believe so because the sidewalk that the supermarket put in is in good shape. It isn't too much of an imposition for people to cross the street to go to Peoria. The current sidewalk on Seminole is impassable and she can't imagine anyone being able to use it. Mr. Midget stated that there is a child daycare center to the north of the subject site and they will be replacing the sidewalk along Seminole in front of their subject site.

Mr. McArtor stated that the applicant is willing to build a sidewalk along Quaker. There is currently a sidewalk along Reading and there is a sidewalk on Seminole, but it is not in good shape and there is also a sidewalk along Peoria. There will be sidewalks all around the subject site and it is a pedestrian-friendly development. Mr. McArtor commended the applicant for wanting to do this development.

Mr. Dix stated that he is not willing to give up on the sidewalks at all. Mr. Dix cited previous waivers and the reasons for those waivers. This is a commercial property next to a commercial property and is going to be used by pedestrians. The fact that it is in a TIF District makes him give less than if it were not, because that means that they get the money they spend on the sidewalk back at some point in time. The cost of the sidewalk is the cheapest thing they will do on the whole site. He personally believes that they should put the all of the sidewalks in that the City requires and if there are any present that need to be brought up to City standards than they should.

Mr. McArtor stated that he wouldn't be so adamant about this if there were no sidewalks in the subject area, but there are sidewalks all around except on Quaker. The pedestrians would have to cross two streets to access the sidewalks.

Mr. Carnes requested Mr. Beach to come forward. He asked Mr. Beach if he would be willing to install a new sidewalk on Seminole and waive the sidewalk on Quaker. Mr. Carnes asked if the Planning Commissioners were in agreement. No response.

In response to Mr. Dix, Mr. Sansone stated that sidewalks would be required on all three sides that do not have sidewalks at this time.

Mr. Liotta stated that it seems in the best interest of the project that sidewalks are installed after looking at what the proposed uses will be.

Mr. Beach stated that putting a sidewalk on Seminole rather than Quaker would be a fair trade. He doesn't know the condition of the sidewalk on Seminole and he asked if his client were to clean up the overgrown foliage and leave the existing sidewalk if it is in good shape. Mr. Carnes stated that the existing sidewalk is across the street from the subject property. Ms. Cantrell stated that it would be difficult to do that today because the Planning Commission doesn't know what condition the sidewalk is in and can't base a recommendation on what condition it is in.

Ms. Cantrell stated that there have been occasions where the sidewalk requirement was waived when it was imposed on both sides and allowed it to be on only one side. Mr. Dix stated that he can't see doing that on commercial property because it has to be handicapped-accessible and he couldn't support waiving the sidewalk at all.

Mr. Carnes moved to approve the PUD and request a sidewalk on Seminole and waive the sidewalk on Quaker.

Ms. Cantrell stated that she would be okay with that because they could pass through the development itself. She would like to see a sidewalk on Quaker and if there are enough to support it she would like to see a sidewalk on Quaker and Seminole.

Mr. McArtor stated that he is at the radical end of this and prefers that the Planning Commission not require any sidewalks. He would agree to one sidewalk being required either on Quaker or Seminole.

TMAPC Action; 8 members present:

On **MOTION** of **MARSHALL**, TMAPC voted **5-3-0** (Carnes, Dix, Liotta, Marshall, Walker, "aye"; Cantrell, McArtor, Midget "nays"; none "abstaining"; Leighty Shivel, Wright "absent") to **APPROVE** the minor amendment for PUD-705-1 for additional access points along Seminole Street; the shift in development area boundaries, increase in floor area and re-allocation of floor area; shared/cross-parking; the deletion of the 25-foot setback requirement along internal boundary lines; amending of sign requirements to allow a tenant ID sign along Peoria Avenue per CS District standards and **DENIAL** of the request to waive the sidewalk requirement per staff recommendation.

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7. PUD-608-A – Mike Dwyer/Oklahoma Central Credit Union (PD-18c) (CD-8)

East of the southeast corner of East 81st Street South and South Sheridan Drive (Detail Site Plan for 5,985 square foot building.) (Related to Item 10.)

INTERESTED PARTIES COMMENTS:

Jill Probst, 6715 East 78th Street, 74133, stated that she wanted to see what the applicant had to present because she lives behind the subject property.

TMAPC COMMENTS:

Ms. Cantrell indicated that this item would be moved to the end of the agenda in order to allow the applicant and interested parties to discuss this application.

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Mr. Midget out at 4:43 p.m.

PUBLIC HEARING

9. **Rockdale Estates** – (7335) Preliminary Plat (County)
South of 171st Street South, East of South Sheridan Road (A continuance is requested to February 17, 2010 for changes to be made to the plat.)

STAFF RECOMMENDATION:

Mrs. Fernandez stated that the design on the preliminary plat has been changed and it has been resubmitted. Staff needs to continue this application to March 2, 2010.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Liotta, Marshall, McArtor, Walker "aye"; no "nays"; none "abstaining"; Leighty, Midget, Shivel, Wright "absent") to **CONTINUE** the preliminary plat for Rockdale Estates to March 2, 2010.

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11. **River Oaks Park** – (8307) Minor Subdivision Plat (PD 18A) (CD 2)
Northeast corner of South Riverside Drive and East 75th Place South
(Continued from January 20, 2010.) (Request continuance to February 17, 2010 for Technical Advisory Committee review)

STAFF RECOMMENDATION:

There is a request for continuance to February 17, 2010 to allow for Technical Advisory Committee review.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Liotta, Marshall, McArtor, Walker "aye"; no "nays"; none "abstaining"; Leighty, Midget, Shivel, Wright "absent") to **CONTINUE** the preliminary plat for River Oaks Park to February 17, 2010.

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

Mr. Midget in at 4:45 p.m.

12. **Z-7148 – John L. Shafer, III** **RMH to CO**
South of southeast corner of South Union Avenue (PD-8) (CD-2)
and West 81st Street

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11827 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-20902 April 28, 2009: The Board of Adjustment voted to *accept* the Verification of the spacing requirement for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2) and a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to these signs, on property located South of the Southwest corner of Highway 75 and East 81st Street.

Z-7114/PUD-765 February 2009: All concurred in approval of request for rezoning a 4.64± acre tract of land from AG to CS/PUD and a proposed Planned Unit Development a for four commercial pad sites with a total of 50, 295 square feet, on property located southwest corner of Highway 75 South and West 81st Street South.

Z-7115/Z-7115-SP-1 February 2009: All concurred in approval of a request for rezoning a 25.97± acre tract of land from AG to CO and a proposed Corridor Site Plan for mixed use development with 122, 512 square feet of retail and office, 152.40 square feet of hotel and 320 multifamily dwelling units on property located on the southwest corner of Highway 75 South and West 81st Street South and north of subject property.

BOA-20755 August 26, 2008: The Board of Adjustment voted to *accept* a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on property located at.

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

PUD-636/Z-5457-SP/Z-4825-SP October 2000: All concurred in approval for a proposed Planned Unit Development, on a 108± acre tract of land for a mixed use development including, single-family, townhouse dwellings, multi-family and commercial uses subject to conditions of the PUD located on the northwest corner of West 81st Street South and South Highway 75.

Z-4948-SP-3 March 2000: All concurred in approval of a proposed Corridor Site Plan on a 7.26± acre tract of land to allow Use Unit 9 to place a 14'x70' mobile home on the site for residence for an employee/security/additional office and storage space, on property located south of the southeast corner of West 81st Street South and South Union Avenue and abutting north of subject property.

Z-4948-SP-2 January 1999: Staff recommended denial of a proposed Corridor Site Plan on a 4.7± acre tract of land allowing Use Unit 21 for an outdoor advertising sign, on property located south of the southeast corner of West 81st Street South and South Union Avenue and abutting north of subject property. The TMAPC and City Council concurred in approval of the application.

Z-4948-SP-1 October 1985: All concurred in approval of a proposed Corridor Site Plan on a 14.94+ acre tract of land allowing Use Units 11 and 15 for an x-ray company, on property located south of the southeast corner of West 81st Street South and South Union Avenue and abutting north of subject property.

Z-5993/PUD-377 November 1984: All concurred in approval of request for rezoning a 2.06+ acre tract of land from RS-3 to OL/CS/PUD and a proposed Planned Unit Development for a printing and graphic art reproduction & associated sales business on property located on the southwest corner of West 81st Street South and West Union Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 13± acres in size and is located south of southeast corner of South Union Avenue and West 81st Street. The property appears to be vacant and is zoned RMH.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Union Avenue	Secondary arterial	100'	

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

SURROUNDING AREA: The subject tract is abutted on the east by U.S. 75, zoned AG; on the north by currently vacant land, zoned CO; on the south by large-lot single-family residential uses, zoned AG; and on the west by currently vacant land, zoned AG. All or most of this area is under development or potentially under development in conjunction with the Tulsa Hills project. (Refer to the Relevant Zoning History, above.)

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Corridor - Low Intensity land use. The Low Intensity designation applies only if the proposed use is not within an allowed Corridor land use range. According to the Zoning Matrix, the requested CO zoning is in accord with the Plan.

STAFF RECOMMENDATION:

This area is rapidly developing in medium intensity uses. The requested CO zoning is in accord with the Plan if the developer chooses to use the land uses allowed within that Zoning Code designation. If less than Corridor intensity uses are contemplated, the Low Intensity land use designation prevails. Staff recommends **APPROVAL** of rezoning to CO for Z-7148.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Liotta, Marshall, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Leighty, Shivel, Wright "absent") to recommend **APPROVAL** of the CO zoning for Z-7148 per staff recommendation.

Legal Description for Z-7148:

The South 662.96 feet of: All that portion of the South Half of the Northwest Quarter (S/2 NW/4) of Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, lying West of the highway easement granted to the State of Oklahoma for limited access highway purposes, which said easement is described as follows: BEGINNING AT A POINT on the South line of the South Half of the Northwest Quarter (S/2 NW/4) of said Section Fourteen (14), 884.6 feet East of the Southwest Corner of said South Half of Northwest Quarter (S/2 NW/4); THENCE East along said South line a distance of 334.9 feet; THENCE North 8° 04' East a distance of 79.1 feet; THENCE North 3° 31' East a distance of 153.7 feet; THENCE Northerly on a curve to the left having a radius of 34,527.5 feet a distance of 1104.6 feet to a point on the North line of said South Half of the Northwest Quarter (S/2 NW/4), 1376.8 feet East of Northwest Corner of said South Half of the Northwest Quarter (S/2 NW/4); THENCE West along said North line a distance of 302.2 feet; THENCE Southerly on a curve to the right having a radius of 34,227.5 feet a distance of 1,339.3 feet to the POINT OF BEGINNING.

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| 13. <u>Z-7149 – Malcolm E. Rosser, IV/OU Neighbor for Neighbor, Inc.</u> | RS-3 to CH |
| North of northwest corner of East 36 th Street North and North Hartford Avenue | (PD-2) (CD-1) |

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11974 dated September 1, 1970 established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-20553 August 14, 2007: The Board of Adjustment approved a Special Exception to permit a nursing home (Use Unit 2) in an RM-2 and RS-3 district

(Section 401), per plan as on page 16.6 of the agenda packet, on property located at 3701 North Cincinnati Avenue and west of subject property.

BOA-20477 April 10, 2007: The Board of Adjustment approved a Verification of the 300 ft. spacing requirement for an adult entertainment establishment (Section 1212a.C.3), as presented on agenda pages 11.7 and 11.8; and a Special Exception to permit an adult entertainment establishment on a lot within 150 ft. of an R district (Section 701); to permit a coffee house/beer bar, subject to a time limit of three years for this space only, as shown on agenda page 11.6; no outside consumption areas designated, nor music or other outside entertainment; no food preparation within the facility, on property located at 567 East 36th Street North and abutting south of subject property.

BOA-13861 December 5, 1985: The Board of Adjustment approved a Special Exception to allow a light industrial use in a CH zoned district; subject to the subject property being screened on the north and west, on property located on the northwest corner of East 36th Street North and North Hartford Avenue and abutting south and west of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .25± acres in size and is located north of the northwest corner of East 36th Street North and North Hartford Avenue. The property appears to be vacant and is zoned RS-3. It also appears this property is the former street right-of-way for East 37th St. North. A new street right-of-way, made possible by the acquisition of two lots between North Garrison and North Hartford in conjunction with access improvements to St. Simeon’s facility, has been dedicated and improved. The general area has topographic challenges, with St. Simeon’s on a steep hill to the northwest and part of the subject property in a lower area. It is questionable if the use approved is one involving a screening fence, given the topography, if that would provide adequate buffering to the residences on the north.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Hartford Avenue	N/A	N/A	2
East 36 th St. North	N/A	N/A	2
North Garrison Avenue	Secondary arterial	100'	4
East 37 th St. North	N/A*	N/A	2
36 th Street North.			

*Although not designated as such, with the increased ROW from the purchased lots, this street more than meets a collector designation. Major point of entry is planned to be from East.

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

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential uses and farther south by a church, zoned RS-3; on the north by single-family residential uses, zoned RS-3; on the south by a parking lot and commercial center (Northland), zoned CH; and on the west by the crash gate to St. Simeon's and driveway to it, zoned RS-3. St. Simeon's (a residential and nursing facility), zoned RS-3, lies to the northwest and uphill from this area.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 2 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-Residential land use. According to the Zoning Matrix, the requested CH zoning **is not** in accord with the Plan.

STAFF RECOMMENDATION:

The District Plan provisions would not accommodate CH zoning, and in fact the applicant does not require that intensity for parking/open space uses. Residential, church and related uses are on three sides of the subject site and CH on this small strip would be an intrusion into the areas to the north and east. Staff cannot support CH zoning on the site but could support a lesser designation, such as PK. Therefore, staff recommends **DENIAL** of the requested CH zoning and **APPROVAL** of PK zoning in the alternative. It should be noted that notice of the requested CH zoning also allows PK zoning, if recommended for approval by the TMAPC and City Council.

Applicant's Comments:

Malcolm E. Rosser IV, representing the University of Oklahoma and Neighbor for Neighbor, stated that he is in agreement with the staff recommendation for PK zoning and would be glad to give any history regarding the subject property if necessary. Mr. Rosser stated that this project will have new sidewalks all around the perimeter.

TMAPC COMMENTS:

Mr. Midget thanked Mr. Rosser for meeting with the neighborhood prior to today's meeting.

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, Liotta, Marshall, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Leighty, Shivel, Wright "absent") to recommend **APPROVAL** of PK zoning in the alternative per staff recommendation. It should be noted that notice of the requested CH zoning also allows PK zoning, if recommended for approval by the TMAPC and City Council

Legal Description for Z-7149

THE NORTHERLY THIRTY (30) FEET OF THE FOLLOWING-DESCRIBED TRACT OF LAND: A TRACT OF LAND BEING THAT PART OF EAST 37TH STREET NORTH LYING SOUTHERLY OF LOT FOURTEEN (14), BLOCK ONE (1) NORTHLAND SECOND ADDITION AND LOT FOURTEEN (14), BLOCK TWO (2) CHANDLER-FRATES THIRD ADDITION AND NORTHERLY OF LOT ONE (1) BLOCK (1) NORTHLAND CENTER, ADDITIONS TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLATS THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST WESTERLY SOUTHWEST CORNER OF SAID LOT 14, BLOCK 1, NORTHLAND SECOND ADDITION; THENCE SOUTH 53°48'13" EAST ALONG A SOUTHERLY LINE OF SAID LOT 14 FOR 83.83 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY AND EASTERLY ALONG SAID SOUTHERLY LINE AND ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 36°11'47" AND A RADIUS OF 141.35 FEET FOR 89.30 FEET TO A POINT OF TANGENCY; THENCE DUE EAST ALONG SAID SOUTHERLY LINE AND ALONG THE SOUTHERLY LINE OF SAID LOT 14, BLOCK 2, CHANDLER-FRATES ADDITION FOR 154.35 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 04°10'26" WEST FOR 25.28 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY AND SOUTHERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 01°01'09" AND A RADIUS OF 1960.00 FEET FOR 34.86 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1, NORTHLAND CENTER; THENCE DUE WEST ALONG A NORTHERLY LINE OF SAID LOT 1 FOR 150.32 FEET TO A POINT OF CURVE; THENCE WESTERLY AND NORTHWESTERLY ALONG SAID NORTHERLY LINE AND ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 36°11'47" AND A RADIUS OF 201.35 FEET FOR 127.20 FEET TO A POINT OF TANGENCY; THENCE NORTH 53°48'13" WEST ALONG SAID TANGENCY AND ALONG SAID NORTHERLY LINE FOR 83.61 FEET; THENCE N 39°48'03" E FOR 0.00 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY AND NORTHERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 05°00'13" AND A RADIUS OF 444.79 FEET FOR 38.84 FEET TO A POINT OF COMPOUND CURVE; THENCE NORTHEASTERLY AND NORTHERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 02°27'18" AND A RADIUS OF 494.79 FEET FOR 21.20 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

Ms. Cantrell stated that the Planning Commission will hear Items 7 and 10 next.

7. PUD-608-A – Mike Dwyer/Oklahoma Central Credit Union (PD-18c) (CD-8)

East of the southeast corner of East 81st Street South and South Sheridan Drive (Detail Site Plan for 5,985 square foot building.) (Related to Item 10.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 5,985 square foot (SF) Credit Union. The proposed use, financial institution with drive-thru facilities within Use Unit 11 – Office, Studios, and Support Services is a permitted use in PUD-608-A.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site is provided from two points along 81st Street with internal mutual access being provided to the lot to the west as required by the PUD. Parking has been provided per the applicable use unit of the Zoning Code. A six-foot screening fence will be constructed along the east boundary as required. Landscaping is provided per the landscape chapter of the Zoning Code with a 50-foot landscape buffer along the east boundary line. All sight lighting is limited to 12 feet in height and will be directed down and away from adjoining properties. There are no light elements planned for the east 100' of the property. A masonry trash enclosure has been provided as required by the PUD. Sidewalks will be provided along East 81st Street as required by PUD Development Standards and Subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for the Oklahoma Central Credit Union to be located in PUD-608-A.

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

Applicant's Comments:

Mike Dwyer, 1525 West 36th Place South, 74107, stated that he met with the interested parties and explained the application to them. They chose to leave and not return for the hearing. Mr. Dwyer indicated his agreement with staff's recommendation.

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, Liotta, Marshall, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Leighty, Shivel, Wright "absent") to **APPROVE** the detail site plan for PUD-608-A per staff recommendation.

RELATED ITEM:

10. **Oklahoma Central Credit Union at South Tulsa –** (PD 18) (CD 8)
(3814) Preliminary Plat

East of the southeast corner of South Sheridan Road and East 81st Street South (Related to Item 7.)

STAFF RECOMMENDATION:

This plat consists of 1 Lot, 1 Block, on 2.75 acres.

The following issues were discussed January 21, 2010 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 608 A – Development Area C (RM-O). All PUD standards and requirements must be shown in the covenants and followed.
2. **Streets:** Access on 81st Street must be reduced to 36 feet. Call out 24.75 feet right-of-way on 81st Street as statutory right-of-way or reference the plat number and book and page number. Remove Section 1.K on mutual access easement as there are none. Same applies to PUD mutual access reference. Where are development areas A and C? Show 5 foot wide sidewalk along 81st Street. The consulting engineer stated that the westernmost access points may need to be shifted. These must meet with Traffic Engineering and City of Tulsa Transportation staff approval.
3. **Sewer:** No comment.
4. **Water:** No comment unless a water line extension is needed; then a 20 foot restrictive waterline easement must be shown and standard covenant language used. If a water line extension is required then a minimum 6 inch diameter pipe is required.
5. **Storm Drainage:** Either an overland drainage easement or a storm sewer easement is required to convey the offsite drainage, flowing onto the property from the west, across the property. Drainage from this site is not allowed to flow onto adjacent residential properties. Standard language for an overland drainage easement may be required. The Conceptual Plan should show the building, parking lot, and proposed storm drainage system.

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

7. **Other: Fire:** Conceptual drawing does not indicate any building locations, therefore it is impossible to evaluate for hydrant locations and fire department access. Developer needs to meet the International Fire Code for water supplies and proper fire department access for firefighting purposes.

GIS: Submit a subdivision control data form. Show benchmarks and monuments.

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/Development Services Department staff must be taken care of to their satisfaction.

Standard Conditions:

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

submitted to the Public Works Department.

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

20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Liotta, Marshall, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Leighty, Shivel, Wright "absent") to **APPROVE** the preliminary plat for Oklahoma Central Credit Union at South Tulsa, subject to special conditions and standard conditions per staff recommendation.

* * * * *

Mr. Dix out at 4:55 p.m.

14. **Z-7150/PUD-776 – Stephen Schuller/QuikTrip Corporation** **RS-3 to CS/PUD**
 Abutting west of North 25th West Avenue between West Cameron Street and West Brady Street (across the street west from the existing QuikTrip facility on Gilcrease Museum Road. (PUD to close the existing QuikTrip and construct a new QuikTrip facility directly across the street.) (PD-10) (CD-1)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-413-B April 1995: All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 9.3± acre tract of land to add Use Unit 13; and to increase signage requirements and to redesign Development Areas on property located on the northeast corner of Gilcrease Museum Road and the Keystone Expressway and abutting east of subject property, across North 25th West Avenue.

PUD-413-A October 1989: All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 10.6± acre tract of land to allow two restaurants fronting Gilcrease Museum Road; to eliminate shopping area; and to increase the office floor area; with some modifications by the TMAPC; on property located on the northeast corner of Gilcrease Museum Road and the Keystone Expressway and abutting east of subject property, across North 25th West Avenue.

Z-6103/PUD-413 September 1987: Staff recommended denial of a request for rezoning a 10.6± acre tract of land from RS-3/RM-0 to RM-1/OL/CS/PUD and a proposed Planned Unit Development for a mixed use development; on property located Gilcrease Museum Road and the Keystone Expressway and abutting east of subject property, across North 25th West Avenue. The TMAPC recommended approval of the rezoning and PUD subject to the terms of the PUD Text, as amended by the applicant, and subject to conditions put on by TMAPC.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3.3± acres in size and is located abutting west of North 25th West Avenue (Gilcrease Museum Road) between West Cameron Street and West Brady Street. The property appears to be in single-family residential use, partially vacant and is zoned RS-3.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North 25 th West Avenue	Secondary arterial	100'	4
West Brady Street	N/A	N/A	2
West Cameron Street	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by an existing convenience store, zoned PUD-431-B; on the north by single-family residential uses, zoned RS-3; on the south by an expressway, zoned RS-3; and on the west by single-family residential uses, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 10 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-Residential land use. According to the Zoning Matrix, the requested CS zoning **is not** in accord with the Plan.

STAFF RECOMMENDATION FOR ZONING:

The current application is not in accord with the District 10 Detail Plan, but neither was the existing location of the convenience store that is proposing to be relocated. The existing facility has worked out well for the neighborhood (which is lacking in retail establishments) and the community as a whole. Lying adjacent to an expressway, these properties are perhaps better suited to medium intensity uses. The residential zoning predates construction of the expressway, reflecting the fact that this is an older neighborhood and in all likelihood, one in transition. Therefore, staff recommends **APPROVAL** of CS zoning for Z-7150, provided that the TMAPC deems it appropriate to recommend approval of the accompanying PUD.

STAFF RECOMMENDATION FOR PUD:

Proposed PUD-776 is a 3.3 (+/-) acre/143,748 \pm SF site located on the southwest corner of Gilcrease Museum Road/North 25th West Avenue and West Cameron Street. There is an existing QuikTrip (QT) store located immediately across Gilcrease Museum Road.

The applicant describes the existing QT facility as undersized and located on a cramped site with difficult access both entering and leaving the site. The existing fuel pump islands are of insufficient number to adequately serve the neighborhood's demands. There is no land available adjacent to the existing store site where the store and fuel pump areas could be expanded.

PUD-776 proposes to close the existing QT facility and construct a store directly across the street (see attached Sheet 1 and 2 – conceptual site and landscape plans). The new QT store would be a prototype store designed to provide increased capacity to serve existing demand, better vehicular and pedestrian access and circulation, and increased visibility and safety. If approved, the entire property will be platted as a one lot, one block subdivision.

The new store design utilizes excessive landscaping combined with a minimum six-foot masonry screening wall and fence along the west and north boundaries as a buffer for the neighborhood. The west boundary will have a 65-foot wide landscaped buffer and 6' masonry screening wall with extensive plantings of 12-foot tall trees at the time of planting. Along the north boundary, a 42" decorative wrought-iron style fence will be placed on the retaining/screening wall for aesthetics. The Cameron Street frontage will also be heavily landscaped (see Sheet 2 and attached 3-D renderings).

There will be no vehicular access to or from West Cameron Street. Direct vehicular access will be provided from Gilcrease Museum Road and West Brady Street, allowing for easy access to Highway 412. New sidewalks will be constructed along West Brady Street, Gilcrease Museum Road and West Cameron Street where there are none existing, with a direct ADA compliant pedestrian access point located at the northwest corner of the site through the masonry screening wall along the west boundary of the PUD.

Please refer to the attached three-dimensional renderings of the new store, as well as a letter of support from City Councilor Jack Henderson and residents of the abutting neighborhood. Having conducted site visits (see attached case photographs) and with familiarity of this area staff supports this application.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-776 to be: (1) in harmony with the existing and expected development of surrounding areas; (2) a unified treatment of the development possibilities of the site; and (3) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-776 subject to the following conditions as amended by staff and the Technical Advisory Committee (TAC) (items with strikethrough have been removed, underlined items added in):

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

Land Area:

Net 94,604.67 square feet = 2.17 acres
Excluding abutting street rights of way – existing and proposed

Gross 143,774.03 square feet = 3.30 acres
Including abutting street rights of way to center lines¹

Permitted Uses:

Uses permitted as a matter of right in Use Units 10 - Off-Street Parking; 12 - Eating Establishments other than Drive-ins; 13 - Convenience Goods and Services; 14 - Shopping Goods and Services; Outdoor Advertising as permitted

¹ For the purposes of this PUD and the calculation of land area and building and fuel canopy setbacks, the "center line" of Gilcrease Museum Road on the East side of the PUD is considered to be the "Quarter Line," that is, the East line of the Northwest Quarter of Section 3 in Township 19 North, Range 12 East.

within Use Unit 21 (see #4 under “signs” below); and uses customarily accessory to such permitted principal uses

Maximum Building Floor Area: 6,000 SF

Maximum Building Height: 25 feet*

**25' maximum building height includes roof top mounted mechanical equipment.*

Minimum Building Setbacks:

Building:

From center line of Gilcrease Museum Road ¹	215 feet
From South line of Cameron Street ²	60 feet
From center line of Brady Street ³	105 feet
From West property boundary	105 feet

Fuel Pumps Canopy:

From center line of Gilcrease Museum Road	110 feet
From South line of Cameron Street	55 feet
From center line of Brady Street	70 feet
From West property boundary	220 feet

Off-Street Parking:

As required by the applicable Use Unit designation of the *Tulsa Zoning Code*

Signs:

1. One double-faced ground sign shall be permitted near the Northeast corner of the Development Area (along the Gilcrease Museum Road frontage) with a maximum display surface area of 90 square feet and a maximum height of 16 feet. This sign may, at

² For the purposes of this PUD and the calculation of the building and fuel pumps canopy setbacks, the “South line” of Cameron Street on the North side of the PUD is considered to be the South line of the parcel of land described in a General Warranty Deed in favor of the City of Tulsa, recorded in Book 2738 at Page 405 in the Office of the County Clerk of Tulsa County.

³ For the purposes of this PUD and the calculation of the building and fuel pumps canopy setbacks, the “center line” of Brady Street on the South side of the PUD is considered to be the center line of the parcel of land described in an Easement grant in favor of Tulsa County, recorded in Book 2038 at Page 584 in the Office of the County Clerk of Tulsa County.

QuikTrip's option, be located within the utility easement along the Gilcrease Museum Road frontage.

2. One double-faced ground sign shall be permitted at the Southwest corner of the Development Area (along the Brady Street frontage, which parallels and abuts the Keystone Expressway/U.S. Highway 412) with a maximum display surface area of 130 square feet and a maximum height of 50 feet. This sign may, at QuikTrip's option, be located within the utility easement along the Brady Street frontage.
3. Wall or canopy signs shall not exceed an aggregate display surface area of two square feet per lineal foot of building wall to which such sign is attached. There shall be no wall signs placed on the west facing building wall.
4. An outdoor advertising sign promoting the City of Tulsa's nearby Gilcrease Museum only will be permitted at the southeast corner of the Development Area (facing the intersection of Gilcrease Museum Road and Brady Street) with a maximum display surface area of ~~200~~ 80 square feet and a maximum height of four feet. This sign may, at QuikTrip's option, be located within the utility easement* along the Brady Street and Gilcrease Museum Road frontages. Additional information regarding this sign is provided below. Should the property owner wish to construct a "traditional" outdoor advertising sign/billboard on premises a variance from the spacing requirement of §1221, F-2 from the City of Tulsa Board of Adjustment (BOA) and major amendment to the PUD would be required.
5. No roof or projecting signs shall be permitted.

* See TAC comments below under the sub-title "General".

Site Perimeter Illumination:

Illumination of the perimeter of the site shall be reduced in intensity when adjacent to residential areas or uses or when adjacent to public rights-of-way in a manner that the light producing element is not visible to a person standing at ground level in a residential area. Light intensity shall be measured at the property line in foot-candles three feet above grade as listed below and shall be verified through the submission of a photometric plan:

West property line (measured at the top of the screening wall):	1-foot-candle
North, South and East property lines (adjoining public streets):	5-foot-candles

Landscaped Areas*:

Minimum internal landscaped open space 10% of net lot area

Minimum width of landscaped areas
(including sidewalks) along streets:

Cameron Street frontage*	5 feet ^{4,5}
Gilcrease Museum Road frontage	5 feet ⁴
Brady Street frontage	10 feet ⁴

** For the purposes of calculating street yard landscape area along West Cameron Street only, the building setback shall be 25'.*

Minimum width of landscaped area along West boundary of PUD:
60 feet adjacent to parking area five feet along driveway at Southwest corner.

** Additional or excess landscaping components shall be provided in the street yards and at the rear of the PUD in lieu of the location of parking spaces on the east side of the store within the requisite distances from landscaped areas, as alternative compliance with the Zoning Code's Landscape Requirements, pursuant to Section 1002.B. of the Zoning Code.*

Landscape and Screening Plan:

A minimum six-foot masonry or masonry type screening wall* with extensive planting of Honey Locust trees (12 feet high at planting) and Leyland Cypress trees (12 feet high at planting) in the expanse between the store building and the West boundary of the PUD, and (with extensive plantings of shrubs) along the Cameron Street frontage, as shown on the accompanying Landscape Plan. The landscaped area along the West side of the PUD will also contain a sidewalk with ADA-compliant access to and from the PUD.

Accent planting areas will be installed along the Gilcrease Museum Road and Brady Street driveway entrances in strict conformance with the attached "Sheet 2 – Conceptual Landscape Plan. Honey Locust and

⁴ Provided that not less than 20% of the street yard shall be established and maintained as landscaped area

⁵ The pavement for Cameron Street adjoining the PUD veers southward slightly as it progresses toward the West end of the PUD, thus narrowing the land available for the new sidewalk and landscaping area along the North side of the PUD. The concept landscaping and screening plan attempts to take this fact into account.

~~Grape Myrtle trees will be planted and maintained along all street frontages, along with additional shrubs and other plantings as shown on accompanying "Sheet 2". The remainder of the landscaped areas outside the tree and shrub areas will be Bermuda sod.~~

~~* Within 50' of the centerline of Brady Street and Cameron Street the height of the wall as it approaches the Brady and Cameron Street frontages will drop from 6 feet to 4 feet in graduating sections, and the wall itself will be set back 50 feet from the centerlines of those streets, to permit acceptable visibility for vehicle traffic entering and leaving the nearby residential properties along Brady and Cameron Streets. The location of the screening wall will be per Conceptual Landscape Plan submitted as "Sheet 2". In addition, the setback of the retaining wall in the utility easement along Cameron Street will accommodate the new sidewalk to be constructed.~~

Public and Private Traffic Circulation System

There will be no vehicular access to and from Cameron Street.

Sidewalks shall be constructed and maintained along or near the South, East and North boundaries of the PUD. In addition, an ADA-compliant sidewalk in through the screening wall on the west portion of the PUD will provide convenient pedestrian access to and from the neighborhood to the west.

3. No zoning clearance permit shall be issued for construction within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. 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 concept landscape alternative compliance plan for the PUD, 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. See "General" under TAC comments below.

6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. The interiors of 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 adjacent at ground level on the adjoining concrete driveways and parking areas within the PUD. The trash enclosure may, at QuikTrip's option, be located within the utility easement along the Cameron Street frontage.
8. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
9. No building permit shall be issued until the requirements of Section 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC and are outlined below.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
12. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, 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: The TAC waives the requirement of the utility easement along the north boundary of the PUD. Any structure, sign, or planting material placed in any utility easement will be repaired or replaced at the expense of QuikTrip® or owner of the property should damage occur during maintenance in said utility easement.

Water: A six-inch diameter water main line is available along Brady Street for water services.

Fire: No comments.

Stormwater: Consistent with the IDP Plans.

Wastewater: The existing utility easement bisecting the site must be closed, and the sewer line either removed or filled before a building permit can be issued. Also, you must contact Engineering Wastewater Design to get permission to remove the existing sanitary sewer line from service. ~~Do not plant your landscaping trees within the Utility Easement.~~ Landscaping trees within the utility easement will be allowed to meet the landscaping plans approved by the TMAPC and with the addition of a covenant in the plat that acknowledges that the owner of the property is responsible for the replacement of any trees that are removed due to maintenance of any utilities within the easement.

Transportation: In the development standards include pedestrian access and sidewalks.

INCOG Transportation:

MSHP: Gilcrease Museum Rd. is a designated secondary arterial.

LRTP: Per TMAPC subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.

TMP: No comments.

Transit: No comments.

GIS: No comments.

Street Addressing: No comments.

AT & T: At this time we have existing facilities within the scope of the new plan and would expect a request to close the utility easement and a custom work request from QT representatives to remove our existing facilities after any existing service has been disconnected.

TMAPC COMMENTS:

In response to Mr. Marshall, Mr. Sansone explained site perimeter illumination and how ambient light is measured. He assured Mr. Marshall that the applicant will have to submit a detail site plan and it will come before the TMAPC for approval.

In response to Mr. McArtor, Mr. Sansone stated that the existing store will be closed, petroleum tanks and the canopy will be removed. QuikTrip will rent the building out.

Ms. Cantrell asked if it is normal to see so many things being placed in the utility easement. In response, Mr. Sansone stated that it is happening frequently and it requires a license agreement.

Ms. Cantrell stated that there doesn't seem to be anything in the staff recommendation limiting the height of the lights. Mr. Sansone stated that it is somewhat unique and amendable. Mr. Schuller will address that and the Planning Commission may want to put a height restriction on the height of the lighting.

Ms. Cantrell stated that she also noticed that there are no limitations on where the lighting can be placed with respect to Cameron Street. Mr. Sansone stated that the applicant is not exempt from Chapter 13 of the Zoning Code.

Applicant's Comments:

Steve Schuller, representing QuikTrip Corporation, 100 West 5th Street, Suite 1100, 74103, stated that the subject area is not platted and has never been platted, but it will be now that is a QuikTrip site. The streets are in place by various dedications or deeded by small parcels and strips. It was necessary for him to make it clear as to where the setbacks are measured from and where the centerlines of these streets are from a perspective of various deeds and dedications of record.

Mr. Schuller stated that the applicant is in large part in accord with the staff recommendations, but there are a few things he should probably point out as he goes along to perhaps clarify some of the questions that the Planning Commission might have.

Mr. Schuller cited the setbacks for the proposed building and explained that it is more than the width of two lots from the property line and three lots from the nearest residence.

Mr. Schuller indicated that he had several meetings with the neighbors in the subject area. He is pleased to have their support for the proposed project.

Mr. Schuller wanted the following comments for the record:

The subject PUD is compatible with the adjoining and nearby properties by virtue of the landscaping and screening provisions. QuikTrip will install a new sidewalk along the north side of the subject property and will be ADA compliant sidewalk in the western part of the subject property. The perimeter sidewalks along Gilcrease Museum Road and Brady Street will be replaced with new sidewalks.

The lighting standards are a more restrictive lighting standard than simply applying the Kennebunkport Formula. The brightness of the lights will be brought down at the perimeter of the PUD.

Mr. Schuller stated that QuikTrip has worked out an agreement with the City of Tulsa to put a sign promoting the Gilcrease Museum and the sign design was worked out by the University of Tulsa, which is operating the museum for the City. The sign design has changed and will have an arrow pointing northward with some mention that the museum is 4.5 miles to the north. The design will be the same regarding the wall with the stucco behind the letters. It will be low to the ground and tasteful. The sign will not be any taller than four feet in height and have an 80 SF display surface area and the text or copy will state Gilcrease Museum with an arrow pointing northward and the mileage of 4.5 miles.

Mr. Schuller described the screening wall and the agreement that he has reached with the property owner along the Brady Street frontage to raise the wall along his property to eight feet in height and then the wall along Cameron will be six feet in height. The screening walls will be no closer to the centerline than 50 feet. The fence will step down from eight-feet to four feet in height. He would like the minutes to reflect that the eight-foot or six-foot height of the main portion of the masonry wall would come no closer to the centerlines of those two streets (Brady and Cameron) than 50 feet, but the wall would then come closer to the those streets at a four-foot height.

Mr. Schuller stated that on the QuikTrip site there will be a wall that will screen the store site from properties to the north and also block the headlights.

Ms. Cantrell requested that Mr. Schuller wind up his presentation and to point out something that is significantly different than staff's recommendation that he would like to change. There are no interested parties wishing to speak on this application. She reminded Mr. Schuller that he has had 20 minutes to speak. Mr. Schuller stated that he appreciates the Planning Commission's indulgence because this PUD is complicated.

Mr. Carnes stated that Mr. Schuller indicated that he had some disagreements with staff and he hasn't pointed that out yet. Mr. Schuller stated that he didn't mean to imply that he had disagreements with staff as much as he wanted to clarify some of the staff's recommendations and how they apply to the subject site. Mr. Schuller reiterated that he is generally in agreement with staff. Mr. Carnes asked what he opposes in the staff recommendation. Mr. Schuller stated that he doesn't oppose anything in the staff recommendation. He just wanted to make sure that it was clear when the Planning Commission votes. Mr. Carnes stated one either agrees with or opposes the staff recommendation. Mr. Schuller stated that he agrees with it. Mr. Carnes stated that the Planning Commission can make a motion to approve staff recommendation if Mr. Schuller agrees with it. Ms. Cantrell stated that she appreciates Mr. Schuller for clarifying the PUD, but if he is in agreement with the staff, then she believes that Mr. Carnes is trying to point out that it is approaching a late hour and unless there is a tremendous amount of protest, she is not sure it is necessary to go into quite the detail with this. Mr. Midget stated that he heard Mr. Schuller state that there are some things he specifically wanted on the record and recorded in the minutes. Mr. Schuller stated that is correct and those are matters he has already addressed. Mr. Midget stated that he wanted to make sure that Mr. Schuller had the opportunity to address all those matters. Unless there is some reason to oppose the staff recommendation, then he can make a motion to approve the staff recommendation with their amendments.

Mr. Schuller stated that the only thing he would like to add and to make sure it is in the record is with regard to the signs being in the utility easements. The precise width of those utility easements will, in all likelihood, not be as shown as

on the conceptual site plan that is in the packets. He has been working with the Technical Advisory Committee to remove or make some of the utility easements much smaller and it is still being worked out. He suggested that the easements be determined at the platting stage.

Ms. Cantrell thanked Mr. Schuller and stated that she doesn't intend to cut him short, but the item is a non-controversial issue and there are no interested parties signed up to speak against it. Mr. Schuller stated that it is not controversial but he thinks the Planning Commission understands that there were some details that he did have to bring to the Planning Commission attention and that they would be addressed in the motion and approval of the PUD. Ms. Cantrell stated that she appreciates that.

Mr. Carnes stated that Mr. Schuller has had his 20 minutes plus and he would like to make a motion to approve staff recommendations.

Mr. McArtor seconded.

Mr. Sansone stated that with respect to the screening wall dropping from six feet to four feet he believes he can change the wording to make it clearer. Mr. Sansone recommended changing the footnote. Mr. Schuller agreed.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Liotta, Marshall, McArtor, Midget, Walker, "aye"; no "nays"; none "abstaining"; Dix, Leighty, Shivel, Wright "absent") to recommend **APPROVAL** of **CS** zoning for Z-7150 per staff recommendation and recommend **APPROVAL** of PUD-776 per staff recommendation as amended by staff.

Legal Description for Z-7150/PUD-776:

A tract of land situated in the SE/4 NW/4 of Section 3, Township 19 North, Range 12 East, Tulsa County, Oklahoma, said tract being more particularly described as follows: Commencing at the Northeast Corner of the SE/4 NW/4 of said Section 3; thence South 01°20'34" East along the East Line of said SE/4 NW/4 a distance of 330.00 feet to the North line of the tract of land described in the General Warranty Deed recorded in Book 2738 Page 405 of the records of Tulsa County Clerk and the Point of Beginning; thence South 88°52'04" West along said North line of such tract of land and parallel to the North Line of said SE/4 NW/4 a distance of 405.00 feet; thence South 01°20'34" East a distance of 355.00 feet to the center of the East 405.00 feet of an Easement recorded in Book 2038 Page 584 of the records of Tulsa County Clerk; thence North 88°52'04" East a distance of 405.00 feet to a point on the East Line of the said SE/4 NW/4; thence North 01°20'34" West along the East Line of the said SE/4 NW/4 a distance of 355.00 feet to the Point of Beginning, Said tract containing 143,774.03 sq. ft. / 3.30

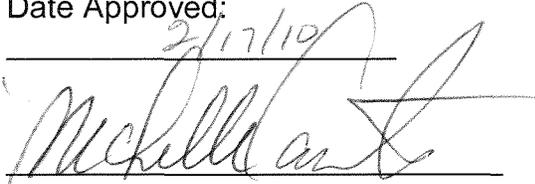
acres, more or less. (The non-astronomic bearings for said tract are based on an assumed bearing of South 01°20'34" East along the East Line of the NW/4 of Section 3, Township 19 North, Range 12 East, Tulsa County, Oklahoma.)

OTHER BUSINESS:

None.

There being no further business, the Chair declared the meeting adjourned at 5:44 p.m.

Date Approved:

2/17/10


Chairman

ATTEST: Joshua G. Walker
Secretary