

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2573

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

City Council Chambers

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, February 25, 2010 at 2:38 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 there will be public hearing held March 10, 2010 at 1:30 p.m. for PLANitULSA. At the end of the meeting on March 10, the Planning Commission will have to decide whether to keep the public hearing open or whether ready to close and begin deliberations. Ms. Cantrell encouraged anyone wishing to submit written comments to do so before next Wednesday.

#### Director's Report:

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

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## CONSENT AGENDA

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

1. **LS-20357** – Lou Reynolds (8314) (PD18) (CD8)  
East of the Southeast corner of East 81<sup>st</sup> Street and South Sheridan Road
2. **LS-20332** – Jack Arnold (9317) (PD6) (CD9)  
Northeast of the Northeast corner of 31<sup>st</sup> Street and Lewis Avenue, 2525 East 30<sup>th</sup> Street
3. **LS-20360** – Roger K. Eldridge (9201) (PD1) (CD4)  
Northeast of intersection of Detroit Avenue and Brady Street
4. **LC-232** – Sack & Associates, Mark Capron (9201) (PD1) (CD4)  
Northeast corner of South Main Street and East 1<sup>st</sup> Street, 42 South Boston Avenue East
5. **LS-20362** – Travis Butler (9229) (PD6) (CD9)  
4548 South Gary Avenue

**Consent Agenda (cont'd)**

6. **PUD-411-C-15 – Sack & Associates/Mark B. Capron** (PD-26) (CD-8)

Northeast corner of 101<sup>st</sup> Street South and South Memorial Drive (Minor Amendment to reallocate 225 square feet of floor area from Lot 2/3 to Lot 4, Block 1 – South Town Market.) (Related to Item 7.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to reallocate 225 square feet of floor area from Lot 2/3 to Lot 4, Block 1 – South Town Market. There is no request to increase the over-all floor area of the development area.

The floor area re-allocation request is as follows:

<u>Lot</u>	<u>Lot Area</u>	<u>Previous Allocation</u>	<u>FAR</u>	<u>Allocation per Amendment PUD-411-C-15</u>	<u>New FAR</u>	<u>% Change</u>
1	38,900	6,000	.16	6,000	.16	0
2/3*	80,117	19,000	.24	18,775	.24	-2%
4	45,191	6,200	.14	6,425	.14	+4%
5	582,610	186,200	.32	186,200	.32	0
6	35,693	10,000	.28	10,000	.28	0
7	132,884	32,010	.24	32,010	.24	0
<b>Totals</b>	<b>915,395</b>	<b>259,410</b>	<b>.28</b>	<b>259,410</b>	<b>.28</b>	<b>-</b>

*\*Lots 2 and 3, Block 1 – South Town Market were combined by lot combination LC-218 and minor amendment PUD-411-C-14.*

Since the overall permitted floor area in Area 1A-1 is not changing and the re-allocation would result in an increase of only 4% on Lot 4 accompanied by a 2% decrease on Lot 2/3, staff recommends **APPROVAL** of minor amendment PUD-411-C-15.

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

## Consent Agenda (cont'd)

7. **PUD-411-C – Sack & Associates, Inc./Mark Capron/South Town Market** (PD-26) (CD-8)

Northeast corner of 101<sup>st</sup> Street South and South Memorial Drive (Detail Site Plan for a 6,398 square foot multi-tenant restaurant building.) (Related to Item 6.)

### **STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 6,398 square foot (sf) multi-tenant restaurant building. The proposed use, Use Unit 12 – Eating Establishments Other than Drive-ins is a permitted use within Development Area 1A-1 of PUD-411-C.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site is provided from 101<sup>st</sup> Street South. Parking has been provided per the applicable Use Unit of the Zoning Code. Landscaping is provided per the landscape chapter of the Zoning Code. A trash enclosure has been provided as required by the PUD. A sidewalk has been provided along 101<sup>st</sup> Street as required by PUD Development Standards and Subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for Lot 4, Block 1 – South Town Market.

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

8. **PUD-747-A-1 – Tanner Consulting, LLC/Penn Office Park** (PD-18) (CD-8)

North of the northeast corner of 91<sup>st</sup> Street South and South Yale Avenue (Minor Amendment to permit a detached accessory structure to allow for a two-car enclosed garage.)

### **STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to permit a detached accessory structure to allow for a 2-car enclosed garage. The 14'3" high, 520 square foot (SF) structure would be located on the south boundary of the lot, approximately 115' from the nearest residential boundary line to the east (see Exhibit DSP1).

The PUD chapter of the code defers to the underlying zoning district for regulations regarding detached accessory buildings. The underlying zoning of this lot is RS-3, which per Section 210, B-5b and Section 402, B-1d of the code,

allows a structure with this proposed floor area, height, and setback. Immediately adjacent to the south of the garage is a federal credit union.

Staff recommends **APPROVAL** of minor amendment PUD-747-A-1.

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

10. **PUD-775 – Larry Kester/Victory Christian Center** (PD-18a) (CD-2)

Southwest of the southwest corner of East 71<sup>st</sup> Street South and South Lewis Avenue (Detail Site Plan for a 95-unit apartment complex to be used by Victory Christian missionary students.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 95-unit apartment complex to be used by Victory Christian missionary students. The proposed use, Use Unit 8 – Multi-family and Similar Uses is a permitted use in PUD-775.

The submitted site plan meets all applicable density, open space, building height and setback limitations. Access to the site is provided via mutual access easement from South Wheeling Avenue and an emergency access entrance on 74<sup>th</sup> Place. Parking has been provided per the applicable Use Unit of the Zoning Code. There is an existing 6' screening fence along the entire PUD boundary. Landscaping is provided per the landscape chapter of the Zoning Code with a 10-foot landscape buffer along the PUD boundary line as required. All sight lighting is limited to 20-feet in height and will be directed down and away from adjoining properties. A trash enclosure has been provided as required by the PUD. Sidewalks will be provided as required by PUD Development Standards and Subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for PUD-775.

(Note: Detail site plan approval does not constitute landscape plan, sign plan, or entry gate plan approval.)

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Midget, Shivel "absent") to **APPROVE** the consent agenda Items 1 through 8 and Item 10 per staff recommendation.

**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

**9. PUD-776 – HRAOK, Inc./QuikTrip Corporation (PD-10) (CD-1)**

Northwest corner of West Brady Street and Gilcrease Museum Road  
(Detail Site Plan for construction of a 5,668 square foot convenience store  
and gas station.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for construction of a 5,668 square foot (SF) Convenience Store and Gas Station. The proposed use, Use Unit 13 – Convenience Goods and Services is a permitted use in PUD-776.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site is provided from West Brady Street and Gilcrease Museum Road. There is no vehicular access to West Cameron Street as required. Parking has been provided per the applicable Use Unit of the Zoning Code. A 6' screening fence will be constructed along the west and north boundary line as required. Landscaping is provided per PUD development standards including a 65-foot landscape buffer along the west boundary line as required. All sight lighting will be directed down and away from adjoining residential properties. A trash enclosure has been provided as required by the PUD. Sidewalks will be provided along West Brady, Gilcrease Museum Road and West Cameron Street as required by PUD Development Standards and Subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for PUD-776.

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

**Mr. Dix abstained from this item.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-1** (Cantrell, Carnes, Leighty, Liotta, Marshall, Walker, Wright "aye"; no "nays"; Dix "abstaining"; McArtor, Midget, Shivel "absent") to **APPROVE** the detail site plan for PUD-776 per staff recommendation.

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Ms. Cantrell stated that there has been a request for a continuance for Items 16, 17 and 20.

- 16. **The Shops on Peoria** – (2330) Minor Subdivision Plat (PD 2) (CD 3)  
Northeast corner of North Peoria Avenue and East Reading Street  
(Related to Item 17.)
- 17. **The Shops on Peoria** – (2330) Accelerated Building Permit (PD 2) (CD 3)  
Northeast corner of North Peoria Avenue and East Reading Street  
(Related to Item 16.)

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated that the applicant is requesting a continuance to March 17, 2010 due to the appeal regarding the sidewalk waiver at City Council.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Midget, Shivel "absent") to **CONTINUE** the minor subdivision plat and accelerated building permit for The Shops on Peoria to March 17, 2010.

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- 20. **Z-7151 – David Rogers** **IM to CS**  
Southeast corner East 6<sup>th</sup> Street and South Xanthus Avenue ( **This item is being continued to 3/17/10 to renotify due to error in mapping the legal description**) (PD-4) (CD-4)

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Midget, Shivel "absent") to **CONTINUE** Z-7151 to March 17, 2010.

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

## **PUBLIC HEARING**

11. **LS-20356** – Ryan Corbin (2334) (County)  
East of the southeast corner of North Yale Avenue and East 136<sup>th</sup> Street North,

### **STAFF RECOMMENDATION:**

The lot-split proposal is to split 2.10 acres +/- from the current 9.98 acre +/- Tract leaving 7.88 acres +/- as the resulting Tract. The proposed tracts meet the AG bulk and area requirements of the Tulsa County Zoning Code.

However both tracts would have more than three side lot lines as required by the Subdivision Regulations. The applicant is requesting a waiver of the *Subdivision Regulations* that no tract have more than three-side lot lines.

The Technical Advisory Committee expressed no concerns at their February 18, 2010, meeting.

Staff believes this lot-split would not have an adverse affect on the surrounding properties and recommends **APPROVAL** of the waiver of *Subdivision Regulations* and of the lot-split.

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

### **TMAPC Action; 8 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Midget, Shivel "absent") to **APPROVE** the waiver of *Subdivision Regulations* and of the lot-split for LS-20356 per staff recommendation.

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**Mr. McArtor in at 4:10 p.m.**

12. **LS-20357** – Mike Marrara (Harden & Associates) (County)  
(2335)

North of East 126<sup>th</sup> Street North and east of North Sheridan Road, 13031  
North Sheridan Road

**STAFF RECOMMENDATION:**

The Lot-split proposal is to split 3.18 acres +/- from the existing ten-acre +/- tract resulting in a 6.82 acre +/- tract. One of the resulting tracts does not meet the AG bulk and area requirements of the Tulsa County Zoning Code. This tract requires a variance of the minimum required lot width in an AG district from 150 ft. (Section 330) from the County Board of Adjustment.

The County Board of Adjustment voted to approve the variance of the minimum required lot width in an AG district from 150 feet (Section 330) on February 16, 2010.

However one of the resulting tracts would have more than three side lot lines as required by the Subdivision Regulations. The applicant is requesting a waiver of the *Subdivision Regulations* that no tract have more than three side lot lines.

The Technical Advisory Committee expressed no concerns at their February 18, 2010, meeting.

Staff believes this lot-split would not have an adverse affect on the surrounding properties and recommends **APPROVAL** of the waiver of *Subdivision Regulations* and of the lot-split based on the approval of the Variance of the minimum required lot width in an AG district from 150 feet (Section 330) by the County Board of Adjustment.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to **APPROVE** the waiver of *Subdivision Regulations* and of the lot-split based on the approval of the Variance of the minimum required lot width in an AG district from 150 feet (Section 330) by the County Board of Adjustment for LS-20357 per staff recommendation.

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13. **Rockdale Estates** – (7335) Preliminary Plat (County)  
North of the northeast corner of East 181<sup>st</sup> Street  
South and South Sheridan Road (continued from  
2/2/2010 for changes to plat)

**STAFF RECOMMENDATION:**

This plat consists of eight lots, two blocks, on 37 acres.

The following issues were discussed January 21, 2010 and February 18, 2010 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG (agricultural). The plat has been revised from the first submittal to include a cul-de-sac for the northern part of the existing South 71<sup>st</sup> East Avenue from the existing Village at Sparta subdivision to the south. A fire department release showing who will service the site and that the water lines are adequate must be received. Any private streets or gates proposed in the area would require a Planned Unit Development zoning.
2. **Streets:** Length of road ending in cul-de-sac cannot exceed 750 feet according to subdivision regulations (71<sup>st</sup> East Avenue exceeds that length). Sidewalk Language required. Show sidewalks.
3. **Sewer:** Aerobic systems planned.
4. **Water:** Okmulgee Rural Water District # 6 will serve water.
5. **Storm Drainage:** If these ponds are meant to serve as stormwater detention facilities, then they should be placed in a Reserve for stormwater detention. If their purpose is not detention they should be placed in a Reserve for Overland Drainage because multiple lots are involved. Reserves are to be maintained by the Homeowners Association. Significant off-site drainage flows onto the site at locations other than the pond area. It should be collected and conveyed across the site in a storm water drainage system. Standard language for Overland Drainage Easement in a Reserve should be added. Drainage should not have to flow outside of the Overland Drainage Easements to access the Roadway Drainage Structures.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Outside of Tulsa jurisdiction. There would be a concern about the water line only being a four-inch line with fire hydrants being served from line. Tulsa would require a minimum of a six-inch line.

**GIS:** Label point of commencement and point of beginning on face of plat. Provide e-mail and certification number and renewal date for the surveyor. Submit Subdivision Control Data Form.

**County Engineer:** Radius changes on Sheridan are required and must be acceptable to County Engineer. Subdivision is acceptable as presented.

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. A waiver to the length of the cul-de-sac is requested.

**Special Conditions:**

1. The concerns of the County Engineer must be taken care of to his 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.

Mrs. Fernandez stated that the cul-de-sac is new on the plans at the request of the adjacent neighbors. The adjacent neighbors had concerns with the access and drainage.

**TMAPC COMMENTS:**

Mr. Leighty asked what the option would be if the cul-de-sac wasn't installed. Mrs. Fernandez stated that previously the access would go through to the developable property nearby. There would have been a stub street to the north if there wasn't a cul-de-sac, but the developer changed his plans and put in the cul-de-sac after hearing from the neighboring development.

**Applicant's Comments:**

**J.R. Donelson**, 12800 South Memorial Drive, 74008, stated that the cul-de-sac from the intersection to the south and the Village of Sparta to the center of the cul-de-sac is 1,000 feet and Subdivision Regulations require 750 feet. He explained that he placed the cul-de-sac at the current location at the request of the County Engineer after discussing this with the property owners to the south. The property owners to the south did not want traffic to travel from the subject property into their subdivision.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to **APPROVE** the preliminary plat for Rockdale Estates and approve the waiver to the length of the cul-de-sac per, subject to special conditions and standard conditions per staff recommendation.

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14. **The Lighthouse Church** – (8202) Minor Subdivision (PD 8) (CD 2)  
Plat

Northeast corner of West 71<sup>st</sup> Street South and South Union Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 14.38 acres.

The following issues were discussed February 18, 2010 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CS (commercial shopping). Check to make sure parking can occur over easements as shown on submitted site plan. Billboard easements are shown on site but must meet any applicable spacing requirements.
2. **Streets:** No comments.
3. **Sewer:** No comments.
4. **Water:** No comments.
5. **Storm Drainage:** No comments.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
7. **Other: Fire:** Additional fire hydrants may be needed. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

**GIS:** Provide e-mail address for the engineer.

**Airport:** If any expansion is contemplated please talk to the airport about Part 77 of their plans as there may be interference with flight paths in the future. Recommend vacating mutual access easement at entrance of 71<sup>st</sup> Street.

Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and the special and standard conditions below. Release letters have been received.

**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.

**TMAPC Action; 9 members present:**

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

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15. **Avignon Amended** –(8307) Minor Subdivision Plat (PD 18A) (CD 2)  
South of East 71<sup>st</sup> Street South and east of South  
Wheeling Avenue

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on 6.15 acres.

The following issues were discussed February 18, 2010 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under Planned Unit Development 775. All PUD standards must be shown in covenants. Check setback and yard standards and typos in covenants.
2. **Streets:** No comments.
3. **Sewer:** The existing sanitary sewer pipe must be brought up to City of Tulsa standards before building permits can be issued.
4. **Water:** No comments.
5. **Storm Drainage:** No comments.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
7. **Other: Fire:** Relocate fire hydrants out of new drives.

**GIS:** Submit subdivision control data form. Provide the renewal date for the surveyor. Provide e-mail address for engineer and surveyor. Fix degree symbols in legal description.

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.**

**TMAPC Action; 9 members present:**

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

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18. **PUD-601-A/Z-6631-SP-2 – Andrew A. Shank** (PD-18) (CD-7)

West of the intersection of East 67<sup>th</sup> Street and South 107<sup>th</sup> East Avenue (Major Amendment/Corridor Site Plan proposes to add outdoor advertising within Use Unit 21 to allow for a billboard on US 169.)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 19487 dated March 1, 1999, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**BOA-21025 January 26, 2010:** The Board of Adjustment *ACCEPT* a 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 this sign, on property located West of the intersection of East 67<sup>th</sup> Street and South 107<sup>th</sup> East Avenue and the subject property.

**Z-6277-SP-3/Z-6484-SP-1/Z-6718-SP-1 October 2006:** All concurred in approval of a proposed Corridor Site Plan on a 13.1± acre tract for commercial development that approved Use Unit 21 on property located on the northwest corner of South 105<sup>th</sup> Avenue and East 66<sup>th</sup> Street, per staff recommendation as amended by the applicant.

**PUD-601/Z-6631-SP-1 March 1999:** All concurred in approval of a proposed Planned Unit Development and Corridor Site Plan on a 55.84± acre tract of land for a mixed use development broken into five Development Areas; on property located on the northeast corner of East 71<sup>st</sup> Street and Mingo Valley Expressway and a part of the subject property.

**PUD-602/Z-6127-SP-1 March 1999:** All concurred in approval of a proposed Planned Unit Development and Corridor Site Plan on a 27.06± acre tract of land for a commercial development on property located northwest corner of East 71<sup>st</sup> Street and South Garnett Road and southeast of subject property.

**Z-6722-SP-2 March 1999:** On a proposed Corridor Site Plan to re-approve an existing outdoor advertising sign (Z-6722-SP-1 originally approved sign April 17, 1990 for a period of 5 years) on a 2.2± acre tract, staff recommended denial but TMAPC recommended approval due to it's placement in a freeway corridor. The City Council approved it per TMAPC recommendation.

**Z-6631 May 1998:** All concurred in approval of a request for rezoning a 4± acre tract of land from RS-3 to CO on property located north of northwest corner of East 71<sup>st</sup> Street and South Garnett Road and a part of subject property.

**Z-5659-SP-1 November 1982:** All concurred in approval of a proposed Corridor Site Plan for a 28.3± acre tract of land for single-family and multifamily uses on property located north of East 67<sup>th</sup> Street, on either side of South 107<sup>th</sup> East Avenue and abutting north of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 10.21± acres in size and is located north of the northeast corner of US 169 and 71<sup>st</sup> Street South. The property is vacant and is zoned CO/PUD-601.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
South 107 <sup>th</sup> East Avenue	Residential Collector	60'	2

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

**SURROUNDING AREA:** The subject tract is abutted on the north and east by The Bedford, zoned CO; on the south by Tulsa Commons, zoned CO; and on the west by U.S. Highway 169, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

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

**STAFF RECOMMENDATION:**

PUD-601-A/Z6631-SP-2 is a 10.125 acre/441,045 square foot (sf) tract located north of the northeast corner of 71<sup>st</sup> Street South and U.S. Highway 169. The property is a vacant relatively flat tract with the corridor (CO) zoning designation. The property is entirely surrounded by CO zoned property (see attached zoning map and aerial photograph).

Major amendment PUD-601-A and Corridor District Site Plan Z-6631-SP-2 proposes to add outdoor advertising within Use Unit 21 – Business Signs and Outdoor Advertising, as a permitted use within PUD-601/Z-6631-SP-1 to allow for a billboard in the US 169 freeway sign corridor. There is no rezone request with this application as the underlying CO zoning allows for outdoor advertising signs with detail site plan approval. The major amendment request does not seek to change or modify any existing development standard of PUD-601 or Corridor District Site Plan Z-6631-SP-1.

There are two residentially used, corridor zoned tracts adjacent to the property to the north and east with multi-family uses. The proposed sign location is in conformance with §1221, F-4-b requiring the sign to be 200' or greater from any residentially zoned or used district (see Exhibit B).

On January 26, 2010 in case #21025, the City of Tulsa Board of Adjustment (BOA) verified the 1,200 foot spacing requirement between outdoor advertising signs for this location. The freeway frontage of this tract will allow for a 672 sf sign at 50' in height by right.

Since the use is allowed within the CO District with site plan approval, there are no changes being sought to existing development standards, and the sign location meets all spacing requirements, staff can support this request.

Staff finds the use proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-601-A/Z-6631-SP-2 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD and Corridor chapters of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-601-A/Z-6631-SP-2 subject to the following conditions:

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

**\*All development standards approved for Development Area B within PUD-601/Z-6631-SP-1 remain effective unless modified herein.**

**Net Land Area:** 10.125 acres 441,045 SF

**Permitted Uses:**

Offices and Studios as permitted in Use Unit 11; Multifamily Dwellings as permitted in Use Unit 8; Outdoor Advertising as permitted within Use Unit 21; and uses customarily accessory to permitted uses.

**Other Requirements:**

The proposed outdoor advertising sign shall meet the requirements of Section 1221, F and G of the Tulsa Zoning Code.

3. A lot in Development Area B may not contain more than one use unless approved by minor amendment or subdivision plat. Uses within the same Use Unit in the Tulsa Zoning Code are considered the same use.
4. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
6. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Sign Plan review.

**TAC Comments:**

**General:** No comments.

**Water:** No comments.

**Fire:** No Comments

**Stormwater:** The placement of the proposed sign will not be allowed to interfere with public storms sewers and overland drainage, and their easements.

**Wastewater:** No comments.

**Transportation:** No comments.

**INCOG Transportation (amended 2/18/10):**

- **MSHP:** S. Garnett Road is a designated secondary arterial.
- **LRTP:** US-169, between S. 61<sup>st</sup> St. and S. 71<sup>st</sup> St., planned 8 lanes.
- **TMP:** No comments.
- **Transit:** No comments.

**GIS:** No comments.

**Street Addressing:** No comments.

**Mr. Midget in at 4:30 p.m.**

**TMAPC COMMENTS:**

In response to Ms. Cantrell, Mr. Sansone stated the Mathis Brother's sign is not an outdoor advertising sign it is a business sign and the applicant didn't have to get a spacing verification, but they did have to get one for the Outdoor advertising sign that is located near Mathis Brothers. The applicant meets the requirement of the Zoning Code.

**INTERESTED PARTIES COMMENTS:**

**John Allred**, 7741 South 69<sup>th</sup> East Avenue, 74133, stated that he has a question regarding the interpretation. He commented that he didn't think the ordinance read that there had to be 1200 feet of distance from another digital sign. He thought that it had to be 1200 feet from any structure that had digital on it.

Mr. Sansone stated that it is 1200 feet from any digital sign facing the same traveled way. If the northern sign across the highway were to have digital on both sides, the applicant wouldn't make the spacing verification for any digital signage. The sign across the highway only has digital on the north-facing side. Two double-faced digital signs would have to space from each other 1200 feet across the highway. There is a spacing requirement from across the highway from digital signs or the same-traveled way, but if it is not digital there is no spacing requirement across the highway.

**TMAPC COMMENTS:**

Ms. Cantrell asked if the sign across the highway was given permission to be digital on both sides and would that take away their right if today's application is approved. Ms. Cantrell commented that she doesn't remember limiting the digital to only one side. Mr. Sansone stated that he doesn't know either, but they would have to go through the same spacing verifications and obtain a variance from the BOA. Mr. Sansone suggested that if the Planning Commission is inclined to approve this application that they limit the digital to the southern-face only.

Ms. Cantrell stated that her question is not for the applicant's proposal, but if the one across the highway has already been given permission to put digital on either side, she doesn't want to end up with the same issues like at 91<sup>st</sup> Street.

Mr. Sansone stated that if the existing sign came in and proposed to put digital on their south-facing sign, then they would be asked to verify the spacing requirement and again they would have to go before the Board of Adjustment. There is an existing sign plan that doesn't have digital on the south-face of the existing sign.

Mr. Allred stated that the permit that he has states that the spacing verification is 1200 feet from another digital, but it doesn't say which side. Mr. Allred stated that he doesn't have any information on the existing signage across the highway. Mr. Sansone stated that the existing sign is not on the Mathis Brothers property. He further stated that it was approved at such a time that there was no question whether it met the 1200 feet from both directions and there was no limit put on it, but should they come in and add digital to the south-face it would be considered a change in use. Mr. Sansone stated that in the case report for relevant zoning the first item is the BOA case for the sign across the way and it states in their language of their approval would be void should another outdoor advertising sign be constructed prior to the requested sign.

**Applicant's Comments:**

**Andrew Shank**, 2727 East 21<sup>st</sup> Street, 74114, stated that he is asking to add Use Unit 21 to allow an outdoor advertising sign. There are other checks and balances that don't allow him to have a double-faced digital sign and he hasn't asked for that. He is asking for the south-face digital and the north-face to be static. He requested that the Planning Commission not limit the use unit any further than Use Unit 21.

**TMAPC COMMENTS:**

Mr. Leighty asked Mr. Shank if he is asking for the Planning Commission to leave this unlimited so that if the other sign disappeared his client would have the right to put digital on the opposite side. Mr. Shank stated that he would like his client to have the opportunity to have digital on both sides if the other sign should go away and not have to amend the PUD again. Mr. Shank further stated that there are balances and checks in place to prevent his client from putting a digital sign in until the other sign goes away.

Mr. Dix stated that he would have a problem with that since there are apartments close by. Mr. Shank stated that he understands, but he complies with the Zoning Code in that area as well because they are farther than 200 feet away from the residents, which is zoned CO. Mr. Dix stated that complying with the Code is one thing, but looking at a digital sign night after night is another.

Ms. Cantrell stated that she is not in support of this application. She doesn't mind the billboard, but she doesn't like the digital billboard. It was actually TMAPC's fault when they classified the Mathis Brothers sign as a business sign. This created a lot of murkiness and in all technicality, it is a digital billboard and the whole purpose of putting spacing between digital billboards was to prevent

too much clutter and bright blinking lights on the highway. This is a distraction and she is concerned about the safety. She understands that in the past this has been discussed and Legal has stated that it could be characterized as both a business sign and a billboard and for the purpose of spacing she believes it is a billboard. Mr. Shank stated that in all technicality, the Mathis Brothers sign falls within the category of a business sign because it promotes onsite advertising, but he understands Ms. Cantrell's concerns. Mr. Shank explained that he is trying to guide his clients through a Code that the City of Tulsa provides.

Ms. Wright stated that she can't support this application because there is no need for more digital signs along U.S. 169 and there is no need for more billboards in the Tulsa skyline.

Ms. Cantrell stated that she would advise that the motion be done in two parts, and separating the digital from the regular approval of a Use Unit 21.

Mr. Carnes moved to deny the digital portion of the request.

Mr. Marshall stated that he doesn't believe the Planning Commission should penalize the applicant because the Planning Commission made a mistake with the Mathis Brothers business sign. He remembers the Mathis Brother's sign and he had some real reservations with it, but voted for it. Mr. Marshall indicated that he will support this application.

Mr. Leighty stated that he would like to support the south-facing side to be digital only.

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

Ms. Cantrell stated that she would like to respond to Mr. Marshall's comments. She explained that she is not here to penalize anyone, but she is trying to look out for the safety. Ms. Cantrell commented that she is sorry that the Planning Commission approved the Mathis Brothers sign. This is not an intention to punish, but to try and keep U.S. 169 as safe as possible.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **6-4-0** (Cantrell, Carnes, Dix, Midget, Walker, Wright "aye"; Leighty, Liotta, Marshall, McArtor "nays"; none "abstaining"; Shivel "absent") to recommend **DENIAL** of the request for a digital sign for PUD-601-A/Z-6631-SP-2.

Mr. McArtor moved to approve an outdoor advertising sign, Use Unit 21.

After discussion Mr. McArtor removed his motion and requested to make an additional motion.

**TMAPC Action; 10 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **9-1-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; Midget "nay"; none "abstaining"; Shivel "absent") to recommend **APPROVAL** of a non-digital advertising sign (on both sides), Use Unit 21 – Business Signs and Outdoor Advertising as amended by the Planning Commission.

**Legal Description for PUD-601-A/Z06631-SP-2:**

Lot 2, Block 1, the Tulsa Commons, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

19. **PUD-661-A – Peter McGraw** (PD-18c) (CD-5)

West of northwest corner of East 42<sup>nd</sup> Place and South Memorial Drive (Major Amendment proposes to add the Health Club use only within Use Unit 19 0 Hotel, Motel and Recreation to the permitted uses within PUD-661.)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 20374 dated June 27, 2002, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**PUD-661 June 2002:** All concurred in approval of a proposed Planned Unit Development a 4.13± acre tract of land to permit uses by right in an IL district on property located west of northwest corner of East 42<sup>nd</sup> Place and South Memorial Drive and the subject property.

**BOA-20872 February 2009:** The Board of Adjustment denied a Special Exception to permit a public school facility (Use Unit 5) in an IL district, on property located at 7635 East 42<sup>nd</sup> Place and abutting west of subject property.

**BOA-10388 March 1979:** The Board of Adjustment approved a Special Exception to operate the following uses in an IL District: Use Unit 12, 13, 14 and 19, with the provision that the applicant is going to add on to the east end of the building with the same architectural style and dimensions as the existing one-story portion of the building, on property located at 7966 East 41<sup>st</sup> Street and abutting north of subject property, across the railroad tracks.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 4.12± acres in size and is located west of northwest corner of East 42<sup>nd</sup> Place and South Memorial Drive. The property is developed and is zoned IL/PUD-661.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
East 42 <sup>nd</sup> Place South	Industrial Collector	80'	2

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

**SURROUNDING AREA:** The subject tract is abutted on the east by Industrial Equipment Center, zoned IL; on the north by railroad tracks and then Industrial Equipment Center, zoned IL; on the south by Industrial Equipment Center 2<sup>nd</sup> Addition, zoned IL; and on the west by Industrial Equipment Center, zoned IL.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18c Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within an Industrial Special District. There is no zoning change requested so the existing IL zoning is in accord with the Plan.

**STAFF RECOMMENDATION:**

PUD-661 is a 4.2 acre/182,952 square foot (sf) tract located west of the northwest corner of East 42<sup>nd</sup> Place South and South Memorial Drive. The tract is flat, developed, and is entirely surrounded by industrially zoned property (see attached aerial photograph).

Major amendment PUD-661-A proposes to add the Health Club use only within Use Unit 19 – Hotel, Motel and Recreation to the permitted uses within PUD-661. This would allow for a small fitness facility as a tenant within the development. PUD-661 currently allows all uses permitted by right in the IL District. There is no rezoning, relief or modification of any existing bulk and area requirement of PUD-661 being sought. If approved, all existing use conditions and bulk and area requirements for PUD-661 would remain effective.

Since this use amendment does not seek to change any existing requirements of PUD-661, staff supports the request. Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-661-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-661-A subject to the following conditions:

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

2. Development Standards:

**Gross Land Area:** 4.2 Acres/182,952 SF

**Permitted Uses:**

Those permitted as a matter of right in the IL district and Health Club use only, within Use unit 19.

**Maximum Number of Lots:** 8

**Minimum Lot Frontage on a Public Street or a Private Roadway Meeting the Requirements of the PUD:** 75'

**Other Bulk and Area Requirements:**

As established within the IL District.

**Signs:** Shall comply with section 1103, B-2 of the Tulsa Zoning Code.

**Parking:**

Per the applicable Use Unit within the City of Tulsa Zoning Code.

**Minimum Landscape Requirements:**

5% of the lot area shall be dedicated to open space. Street yard and parking area landscaping shall be per Chapter 10 of the Tulsa Zoning Code.

**OTHER REQUIREMENTS:**

3. No zoning clearance permit shall be issued 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 for the development area shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening will be installed by a specific date in accordance with the approved landscape plan, 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. 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.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures or existing stormwater drainage structures and detention areas serving the development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. An owners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets or other commonly owned structures within the PUD where applicable.
9. No building permit shall be issued until the platting 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.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
12. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Receptacle screening shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. Trucks or truck trailers may not be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.
13. There shall be no development in the regulatory floodplain.

**TAC COMMENTS:**

**General:** No comments.

**Water:** No comments.

**Fire:** No Comments

**Stormwater:** No objection.

**Wastewater:** No comments.

**Transportation:** No comments.

**INCOG Transportation:**

- **MSHP:** No comment.
- **LRTP:** Per TMAPC subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comment.
- **Transit:** Currently, Tulsa Transit operates existing routes on Memorial Drive and E. 41<sup>st</sup> St. S. 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.

**GIS:** No comments.

**Street Addressing:** No comments.

**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 **8-0-2** (Cantrell, Carnes, Dix, Liotta, Marshall, McArtor, Midget, Wright "aye"; no "nays"; Leighty, Walker "abstaining"; Shivel "absent") to recommend **APPROVAL** of the major amendment for PUD-661-A per staff recommendation.

**Legal Description for PUD-661-A:**

Lot 1, Block 1, Memorial Trade Center Replat Pt. Lt 2, Bl. 2, Industrial Equipment Center, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\*\*\*\*\*

**OTHER BUSINESS:**

- 21. \*PUD-648-B/Z- Z-6001-SP-3 – Roy D. Johnsen (PD-8) (CD-2)  
 Northeast corner Highway 75 and West 71<sup>st</sup> Street South (Major Amendment/ Corridor Plan approved 8/5/09) (Scrivener’s error on applicant’s electronically transmitted legal description.)

**STAFF RECOMMENDATION:**

**NOTE:** This PUD major amendment and Corridor District Site Plan was approved by the TMAPC on 8/5/09 and by the Tulsa City Council on 8/27/09. The ordinance ratifying the major amendment/corridor plan was published on 9/17/09 as ordinance #22118. Upon publishing of the ordinance it was discovered by staff responsible for mapping the amendment, that the legal description of the affected property provided by the applicant was wrong and did not accurately describe the property under application.

As a result, the PUD Major Amendment/Corridor District Site Plan must be re-advertised and subsequently re-approved by the TMAPC and Tulsa City Council, having been advertised with the corrected legal description.

TRS 8202

Atlas 1012

CZM 51

PD-8 CD-2

TMAPC Hearing Date: August 5, 2009

Applicant: Roy D. Johnsen

Tract Size: 7.16± acres, 311,889± SF, 53± acres (entire PUD)

**ADDRESS/GENERAL LOCATION:** Northeast corner of Highway 75 South and West 71<sup>st</sup> Street South.

**EXISTING ZONING:** CO/PUD-648-A

**EXISTING USE:** Office/vacant

**PROPOSED ZONING:** CO/PUD-648-B

**PROPOSED USE:** Amend permitted uses, add 2 Development Areas, and reallocate/increase floor area

**ZONING ORDINANCE:** Ordinance number 22058 dated May 22, 2009, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-7130 May 2009:** All concurred in approval of a request for rezoning a 2.29± acre tract of land from AG to CS for commercial uses on property located at the northwest corner of Highway 75 South and West 71<sup>st</sup> Street.

**Z-7122/PUD-768 February 2009:** All concurred in approval of a request for rezoning a 6.39± acre tract of land from AG to OL/CS and a proposed Planned Unit Development for mixed use development including retail/office/hotel on property located east of the northeast corner of Highway 75 South and West 71<sup>st</sup> Street.

**Z-7119 December 2008:** A request was made, for rezoning a 2.3± acre tract of land from AG to CS for CS uses and outdoor advertising sign, on property located on the northwest corner of West 71<sup>st</sup> Street and Highway 75 South. The applicant withdrew the application prior to meeting date.

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

**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 71<sup>st</sup> and West 81<sup>st</sup> Streets.

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

**Z-6589 May 1997:** A request to rezone a 5.8± acre tract of land from AG to CS was approved for CS to a depth of 660' south from the center of the section line on West 71<sup>st</sup> Street South, with the balance of the tract to remain AG on property located south of the southwest corner of West 71<sup>st</sup> Street and U. S. Highway 75 South.

**Z-6468 January 1995:** All concurred in approval of a request to rezone a 5± acre tract from AG to CS on property located on the southwest corner of West 71<sup>st</sup> Street and U. S. Highway 75 South.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 53± acres in size, is located Northeast corner of Highway 75 South and West 71<sup>st</sup> Street and has a general slope from west to east. The property is partially developed with office uses, including the Tulsa Spine Hospital and is zoned CO/PUD-648-A.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
West 71 <sup>st</sup> Street South	Primary Arterial	120'	Four
South Olympia Avenue	Commercial Collector	80'	Two

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

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant land zoned AG and RS-3, two developed large lots zoned RS-3 and OL/CS/PUD zoned property; on the north by vacant land zoned AG; on the west by U.S. Highway 75; and on the south by West 71<sup>st</sup> Street and then CO zoned property.

**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 part of the Turkey Mountain Special District, Corridor area. According to the Zoning Matrix, the requested PUD major amendment **may be found** in accord with the Plan by virtue of the subject site's location within a Special District. In May of 2001 the TMAPC found the existing CO zoning to be in accord with the plan.

**STAFF RECOMMENDATION:**

PUD-648/Corridor District Site Plan Z-6001-SP-1 is a 53 (+/-) acre tract located at the northeast corner of West 71<sup>st</sup> Street South and U.S. Highway 75. The property which is the subject of this major amendment, designated as PUD-648-B and Corridor District Site Plan Z-6001-SP-3, consists of approximately 7.16 net acres of the initial 55 acres of PUD-648 (refer to attached case map and aerial photographs).

As stated above the subject tract is abutted on the east by unplatted vacant land zoned AG and RS-3. The tract is also boarded on the east by platted RS-3 zoned land – Cates Addition and CS/OL/PUD-768 zoned property; on the north by unplatted vacant land zoned AG; on the west by U.S. Highway 75; and on the south by West 71<sup>st</sup> Street South and then the Tulsa Hills Regional Shopping Center, zoned CO (see attached zoning case map).

The applicant contends the result of the increase in commercial activity in the area generated by Tulsa Hills, is the demand for commercial lots fronting 71<sup>st</sup> Street rather than lots dedicated to office uses (see attached Exhibit A). In response to this demand the applicant is proposing to convert two former storm water detention reserves, originally platted as Reserve Areas A and D, into lots dedicated to commercial development. The conversion of these lots from stormwater detention to developable lots has received the approval of the City of Tulsa Stormwater Management per the Technical Advisory Committee (TAC) comments below which read; "This is an approved privately funded public

improvement project (PFPI) to eliminate the two detention areas in question, and to transfer stormwater intended for these detention areas to the larger 'Reserve Area B' which has the capacity to handle this transfer.

The purpose of this major amendment is to:

- Establish permitted uses within these areas;
- Allocate floor area to the new development areas;
- Establish and set forth bulk and area requirements for former Reserve Areas and to include them within Phase I development;
- To reallocate floor area from Development Area E to Development Areas A and D; and
- To add Use Unit #13, Convenience Goods and Services, to the permitted uses of Tract 2C, Block 1, Olympia Medical Park II and Development Area E (see Exhibit B).

Referring to Exhibit C, Reserve Areas A and D would now be Tract A and Tract D and will remain in Development Area A. The two tracts are intended for retail and/or office uses. To the two new tracts, 20,000 square feet of floor area is proposed for allocation. The 40,000 SF of floor area dedicated to these tracts comes from a reallocation of 10,000 square feet from Lot 1, Block 2, Olympia Medical Park II in Development Area E and 30,000 square feet from a proposed increase in aggregate floor area for the over-all development. The underlying CO zoning would allow 3,039,077.5 square feet of floor area at a 1.25 floor-to-area ratio (FAR). Given that, proposed increase in aggregate floor area from 823,800 square feet (.34 FAR) to 853,800 square feet (.35 FAR) is viewed by staff as a modest increase in floor area (3%) (see Exhibit D).

Part of the approval of PUD-648-A included a requirement that once Phase I of Olympia Medical Park reached a floor area of 315,000 SF, a review of the intersection of West 71<sup>st</sup> Street and Olympia Avenue would be done to investigate the necessity for improvements to the intersection due to increased traffic. This Phase I requirement will remain in effect in spite of the fact that an additional 30,000 SF of floor area is being added to Phase I.

Staff has reviewed the development proposal and can support the application. Particularly since the City of Tulsa Stormwater Management team has determined that the extra stormwater run-off generated by the elimination of the two small detention ponds can be handled by the remaining detention area within the Olympia Medical Park.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-648-B/Corridor District Plan Z-6001-SP-3 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD and CO Chapters of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-648-B/Z-6001-SP-3 subject to the following conditions:

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

**DEVELOPMENT AREA A – Tract A\***

**Permitted Uses:**

Uses included within Use Unit 11- Office, Studios and Support Services including financial institutions with drive-thru facilities; Hospitals, as provided within Use Unit 5 - Community Services and Similar Uses; Hotels, Motels as provided within Use Unit 19 - Hotel, Motel and Recreation Facilities; Uses included within Use Unit 12 - Eating Establishments Other Than Drive-Ins, including restaurants with an accessory bar; Uses included within Use Unit 13 - Convenience Goods and Services; and those uses customary and accessory thereto.

**Maximum Building Floor Area:** 20,000 SF

**Maximum Building Height:** 65 feet.

**Minimum Building Setbacks:**

**From 71st Street right of way:** 50 feet

**From centerline of Olympia:** 65 feet

**From other boundaries:** 10 feet

**Off-street Parking:** As required by the applicable use unit.

**Minimum Landscaped Area:** 10% of net lot area

*\* Except as modified above the development standards for PUD-648-A shall remain applicable.*

**DEVELOPMENT AREA A – Tract D\***

**Permitted Uses:**

Uses included within Use Unit 11 - Office, Studios and Support Services including financial institutions with drive-thru facilities; Hospitals, as provided within Use Unit 5 - Community Services and Similar Uses; Hotels and Motels as provided within Use Unit 19 - Hotel, Motel and Recreation Facilities; Uses included within Use Unit 12 - Eating Establishments Other Than Drive-Ins, including restaurants with an accessory bar; Uses included within Use Unit 13 - Convenience Goods and Services; and those uses customary and accessory thereto.

**Maximum Building Floor Area:** 20,000 SF

**Maximum Building Height:** 65 feet

**Minimum Building Setbacks:**

From centerline of Olympia:	65 feet
From east boundary:	77.5 feet
From other boundaries:	10 feet

**Off-street Parking:** As required by the applicable use unit.

**Minimum Landscaped Area:** 10% of net lot area

*\* Except as modified above the development standards for PUD-648-A shall remain applicable.*

**DEVELOPMENT AREA E\***

**Permitted Uses:**

Uses included within Use Unit 11 -Office, Studios and Support Services including financial institutions with drive-thru facilities; Hospitals, as provided within Use Unit 5 - Community Services and Similar Uses; Hotels and motels as provided within Use Unit 19 - Hotel, Motel and Recreation Facilities; Uses included within Use Unit 12 - Eating Establishments Other Than Drive-Ins, including restaurants with an accessory bar; Uses included within Use Unit 13 - Convenience Goods and Services; and those uses customary and accessory thereto.

**Maximum Building Floor Area:** 15,000 SF

*\* Except as modified above the development standards for PUD-648-A shall remain applicable.*

## **DEVELOPMENT AREA D-TRACT 2-C\***

### **Permitted Uses:**

Uses included within Use Unit 11. Office, Studios and Support Services including financial institutions with drive-thru facilities; hospitals, as provided within Use Unit 5; Community Services and Similar Uses; hotels and motels as provided within Use Unit 19. Hotel, Motel and Recreation Facilities; Uses included within Use Unit 12; Eating Establishments Other Than Drive-Ins., including restaurants with accessory bar; Uses included within Use Unit 13; Convenience Goods and Services; and those uses customary and accessory thereto.

**Maximum Building Floor Area:**

35,000 SF

### **PLATTING REQUIREMENT**

Development areas may be developed in phases, and no building permit shall issue until the development phase for which a permit is sought has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Council of the City of Tulsa, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved planned unit development and the City of Tulsa shall be a beneficiary thereof. Existing platting (Olympia Medical Park and Olympia Medical Park II) shall constitute the required platting of the properties therein located and covenants of record implementing these amendments shall be effectuated by separate instrument, submitted to and approved by the Tulsa Metropolitan Area Planning Commission and filed of record.

3. No building permit shall be issued for a lot within the PUD/ Corridor Site Plan 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/ Corridor Site Plan development standards.
4. The minimum parking setbacks from the east boundary of the PUD shall be 75 feet.
5. Screening along the north and east boundaries of the PUD shall be determined by TMAPC at the time of Detail Site Plan Review.
6. Sidewalks shall be provided and/or maintained along the north side of West 71<sup>st</sup> Street South and along both sides of South Olympia Avenue. In addition, designated pedestrian access (i.e., paving or striping) shall be provided from West 71<sup>st</sup> Street South or South Olympia Avenue sidewalks to each building with frontage on that arterial or collector street.

7. Accommodation for transit buses is required, either through bus pullouts or other means (i.e. access through parking lots) which allow buses to load and unload and return south on South Olympia Avenue.
8. Within a development area, allocated floor area may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area is to be allocated provided however the allocation shall not exceed 10% of the initial allocation to the lot to which the transfer of floor area is to be made.
9. Parcelization within development areas is permitted subject to approval by the Tulsa Metropolitan Area Planning Commission of a minor amendment establishing floor area allocations and confirming the existence of any necessary cross parking and mutual access easements.
10. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed or will be installed within 30 days 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.
11. No sign permits shall be issued for erection of a sign on a lot within the PUD/ Corridor Site Plan until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD/ Corridor Site Plan development standards.
12. 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.
13. 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.
14. An owners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD/ Corridor Site Plan.

15. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
16. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
17. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
18. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
19. Approval of the PUD/ Corridor Site Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
20. 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/ Corridor Site Plan except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD/ Corridor Site Plan.

**TAC COMMENTS:**

**General:** No comments.

**Water:** Each lot must abut a water main.

**Fire:** No comments.

**Stormwater:** This is an approved privately funded public improvement project (PFPI) to eliminate the two detention areas in question, and to transfer stormwater intended for these detention areas to the larger 'Reserve Area B' which has the capacity to handle this transfer.

**Wastewater:** Access to Sanitary Sewer Service must be provided for all lots within the PUD.

**Transportation:** In the Development Standards add an Access and Pedestrian circulation saying sidewalks and handicap access will be provided for pedestrian circulation.

**INCOG Transportation:**

- MSHP: 71<sup>st</sup> Street between Union Avenue and Elwood Avenue is a designated Primary Arterial.

- LRTP: US-75, between 61<sup>st</sup> St. S. and 71<sup>st</sup> St. S., planned 6 lanes. 71<sup>st</sup> St. S., between Peoria Ave. and US-75, planned 6 lanes. Sidewalks should be constructed if non-existing or maintained if existing.
- TMP: No comment
- Transit: Currently, Tulsa Transit operates existing routes on 71<sup>st</sup> St. S. all the way to Union Ave. 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.

**GIS:** No comments.

**Street Addressing:** No comments.

**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, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to recommend **APPROVAL** of PUD-648-B/Z-6001-SP-3 correction on legal description per staff recommendation.

**Legal Description for PUD-648-B/Z-6001-SP-3:**

Reserve-A and Reserve-D Olympia Medical Park, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat #5567; **and** Lots 1 and 2, Block 2, Olympia Medical Park II, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat #6070; **and** A tract of land that is part of the East half of the Southwest quarter (E/2 SW/4) of section two (2), Township eighteen (18) North, Range twelve (12) East of the Indian Base and Meridian, Tulsa, County, State of Oklahoma, according to the United States Government survey thereof, said tract of land being described as follows, to-wit: Commencing at the Southeast corner of said E/2 of the SW/4 of said section 2; thence North 00°05'16" West along the Easterly line thereof for 80.00 Feet to a point on the Northerly Right-of-Way line of West 71<sup>st</sup> Street South; thence North 89°42'48" West along said Right-of-Way line a distance of 430.00 feet; thence South 00°05'16" East a distance of 5.00 feet; thence North 89°42'48" West along said Right-of-Way line a distance of 120.00 feet to the Southwest corner of Reserve A of Olympia Medical Park, Plat No. 5567, said point being **The Point of Beginning**; thence North 15°43'07" West along the West line of said Reserve A, a distance of 220.00 feet; thence North 17°32'44" East a distance of 193.11 feet; thence north 57°53'56" East a distance of 40.00 feet to a point of the West Right-of-Way of South Olympia Avenue; thence North 32°06'04" West a distance of 0.00 feet to a point of curve to the right; thence along said curve to the right having a radius of 350.00 feet a distance of 69.68 feet; thence South 69°10'43" West a distance of 366.77 feet to a point on the East right of U.S. Highway No. 75; thence South 11°56'23" East a distance of 327.08 feet along said East Right-of-Way to a point of intersection of the East

Right-of-Way of U.S. Highway No. 75 and the North Right-of-Way of West 71<sup>st</sup> Street South; thence South 89°42'22" East a distance of 265.77 feet along said North Right-of-Way to **The Point of Beginning**, containing 2.54 acres, more or less.

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**Commissioners' Comments**

Mr. Marshall stated that this will probably be his last meeting for the Planning Commission. He thanked INCOG staff, TMAPC members, and the Legal Department for their work and stated that he has enjoyed working with them. Mr. Marshall thanked former Mayor Kathy Taylor and Susan Neal who appointed him to serve on the Planning Commission. It has been a fulfilling experience and privilege to serve on the Planning Commission as a volunteer for the City of Tulsa.

[Applause]

Mr. Leighty thanked Mr. Marshall for his service.

Ms. Cantrell wished Mr. Marshall the best of luck and stated that he would be missed.

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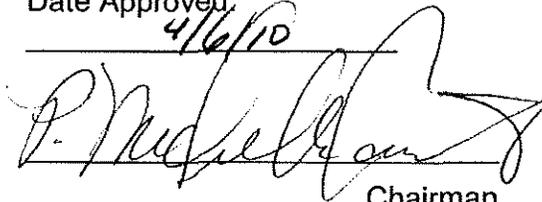
Ms. Wright wanted to discuss the appealed sidewalk issue with regard to the Shops on Peoria. Ms. Cantrell stated that she will have to adjourn the meeting and discuss this issue with Mrs. Fernandez and Mr. Sansone.

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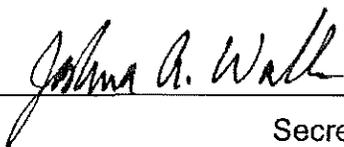
There being no further business, the Chair declared the meeting adjourned at 4:53 p.m.

Date Approved:

4/6/10



Chairman

ATTEST:   
Secretary