

# **TULSA METROPOLITAN AREA PLANNING COMMISSION**

## **Minutes of Meeting No. 2579**

Tuesday, June 1, 2010, 4:00 p.m.

City Council Chamber

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	McArton	Alberty	Boulden, Legal
Carnes	Shivel	Bates	Steele, Sr. Eng.
Dix		Fernandez	Schultz, COT
Leighty		Huntsinger	Warlick, COT
Liotta		Matthews	
Marshall		Sansone	
Midget			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 27, 2010 at 1:00 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:**

#### **Comprehensive Plan Report:**

Ms. Schultz reported on the draft updates for PLANiTULSA and indicated that the final draft should be on the website by the end of the day, June 1, 2010.

#### **Director's Report:**

Mr. Alberty reported on the BOCC and City Council agendas. Mr. Alberty further reported that training sessions will be starting again this month.

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**Minutes:**

**Approval of the minutes of March 10, 2010 TMAPC Special Meeting – PLANiTULSA.**

On **MOTION** of **LEIGHTY**, the TMAPC voted 8-0-1 (Cantrell, Dix, Leighty, Liotta, Marshall, Midget, Walker, Wright "aye"; no "nays"; Carnes "abstaining"; McArtor, Shivel "absent") to **APPROVE** the minutes of the meeting of March 10, 2010, TMAPC Special Meeting - PLANiTULSA.

**Minutes:**

**Approval of the minutes of May 4, 2010 Meeting No. 2577**

On **MOTION** of **LEIGHTY**, the TMAPC voted 8-0-1 (Cantrell, Dix, Leighty, Liotta, Marshall, Midget, Walker, Wright "aye"; no "nays"; Carnes "abstaining"; McArtor, Shivel "absent") to **APPROVE** the minutes of the meeting of May 4, 2010, Meeting No. 2577.

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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.

2. **LC-251** – Jeff Adams (9302) (PD 5) (CD 3)  
North of the northwest corner of East 2<sup>nd</sup> Street South and South 67<sup>th</sup>  
East Avenue, 42 South 67<sup>th</sup> East Avenue
3. **LC-252**– Stephen A. Schuller/Gable Gotwals (9306) (PD 4) (CD 4)  
North of the northeast corner of East 8<sup>th</sup> Street South and South Peoria  
Avenue, 631-639 South Peoria Avenue
4. **LS-20372**– Chris Evertz (8211) (PD 8) (CD 2)  
North of the northwest corner of West 81<sup>st</sup> Street South and South  
Olympia Avenue (Related to Items 5. and 13.)
5. **LC-248**– Chris Evertz (8211) (PD 8) (CD 2)  
North of the northwest corner of West 81<sup>st</sup> Street South and South  
Olympia Avenue (Related to Items 4. and 13.)
7. **LC-18** – Dewey Miller (9230) (Rescind) (County)  
Southeast corner of West 41<sup>st</sup> Street and South 69<sup>th</sup> West Avenue

## **CONSENT AGENDA (cont'd)**

8. **La Nueva Jerusalem** – (9308) Final Plat (PD 17) (CD 6)  
1302 South 119<sup>th</sup> East Avenue, southwest corner of East 13<sup>th</sup> Street and  
South 119<sup>th</sup> East Avenue

### **STAFF RECOMMENDATION:**

The plat consist one lot in one block on 4.45 acres.

All release letters have been received and staff recommends **APPROVAL**.

9. **Rockdale Estates** – (7335) Final Plat (County)  
North of the northeast Corner of East 181<sup>st</sup> Street South and South  
Sheridan Road

### **STAFF RECOMMENDATION:**

This plat consists of eight lots in two blocks on 37 acres. An oil well was reported to be in the section per Corporation records, but it is located off the subject site and does not affect the proposed subdivision.

All release letters have been received and staff recommends **APPROVAL**.

10. **PUD-600-C-3** – Thomas F. Birmingham (PD-18) (CD-8)  
Southwest of the southwest corner of East 91<sup>st</sup> Street South and South  
Yale Avenue (Minor Amendment to reduce the required side setback  
along the western lot line only from 4' to 3'6".)

### **STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to reduce the required side setback along the western lot line only from 4' to 3' 6". The reduction would be applicable to only the portions of the house as depicted in the attached exhibit.

This dwelling unit is currently under construction.

Staff contends that a six-inch reduction in side setback will not substantially alter the approved Development Plan, the approved PUD standards or the character of the development.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-600-C-3.

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

## **CONSENT AGENDA (cont'd)**

12. **PUD-312-A** – Walter P. Moore/Oklahoma Oncology (PD-18) (CD-6)  
Cancer Center

West of the southwest corner of South Garnett Road and East 48<sup>th</sup> Street South (Detail Site Plan for a 44,926 square foot medical office building.)

### **STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for 44,926 square foot medical office building. The proposed use, Use Unit 11 – Offices, Studios and Support Services is a permitted use in PUD-312-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 48<sup>th</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. 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 along East 48<sup>th</sup> Street as required by PUD Development Standards and Subdivision Regulations.

Staff recommends **APPROVAL** of the detail site plan for Oklahoma Oncology, Lot 1, Block 1 – Oklahoma Oncology.

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

13. **Z-7008-SP-1o** – Chris Evertz/Collett & Associates, LLC (PD-8) (CD-2)

North of the northwest corner of West 81<sup>st</sup> Street South and South Olympia Avenue (Corridor Plan Minor Amendment to combine the northern portion of Lot 9 to the remainder of Lot 8, Block 1, Tulsa Hills, and reallocate permitted floor area.) (Related to Items 4. and 5.)

### **STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to combine the northern portion of Lot 9 to the remainder of Lot 8, Block 1 – Tulsa Hills and reallocate permitted floor area. There is no request to increase the permitted floor area on the combined lot (see Exhibit A).

Associated with this minor amendment is lot-split application LS – 20372, splitting the northern portion of Lot 9 and lot combination application LC-248 combining the remainder of Lot 8 with the northern portion of Lot 9, both appearing on the June 1 agenda of the TMAPC.

Floor area calculations are as follows:

<u>LOT</u>	<u>Existing Land Area*</u>	<u>Permitted Floor Area @ .25 FAR</u>
<b>Remaining Lot 8</b> (after northern portion of Lot 8 was combined with southern ½ Lot 7)	36,879 SF	9,219 SF
Northern portion of <b>Lot 9</b>	11,565 SF	2,892 SF
<b>TOTAL</b>	<b>48,444 SF</b>	<b>12,111 SF</b>

*\* Land Area is defined in the Tulsa Zoning Code as the total lot area plus ½ of the dedicated street right-of-way. This is the figure used when calculating permitted floor area.*

Staff contends that the adjustment will not substantially alter the allocation of land to any particular use or the relationship of uses within the project area.

Therefore, staff recommends **APPROVAL** of minor amendment Z-7008-SP-1o contingent upon approval of lot split, LS-20372 and lot combination, LC-248.

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

14. **Z-7008-SP-1** – Terence L. Haynes/Collett & Associates, (PD-8) (CD-2) LLC

North of the northwest corner of West 81<sup>st</sup> Street South and South Olympia Avenue (Detail Site Plan for a Sam's Club gasoline fueling facility.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 134,608 square foot Sam's Club store. The proposed use, Use Unit 14 – Shopping Goods and Services, is a permissible use within Development Area E of the Tulsa Hills Corridor District.

Associated with this detail site plan is minor amendment Z-7008-SP-1n (to allow an extra bay door on an accessory auto service) also appearing on the June 1 agenda of the TMAPC.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Zoning Code. Landscaping is provided per the Landscape Chapter of the Zoning Code. All sight lighting is limited to 15' in

height if within the east 120' of the development area and 35 feet in height elsewhere, and will be directed down and away from adjoining residential properties. Mechanical equipment areas will be screened and a trash enclosure has been provided as required by the Corridor District Development Plan. Sidewalks have been provided along Olympia Avenue as required by CO District Development Standards and Subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for Lots 3 and 4, Block 2 – Tulsa Hills, contingent upon approval of minor amendment Z-7008-SP-1n.

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

**TMAPC COMMENTS:**

Mr. Walker requested Item 6 to be pulled for abstaining purposes. Mr. Leighty requested that Item 11 be pulled from the consent agenda.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **APPROVE** the consent agenda Items 2 through 5, 7 through 10; and 12 through 14 per staff recommendation.

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

6. **LC-253**– John Gaberino (0236) (PD-2) (CD-1)

West of the Northwest corner of East Admiral Boulevard and North Peoria Avenue, 1229 E. Admiral Boulevard

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

**TMAPC Action; 9 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-1** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Wright "aye"; no "nays"; Walker "abstaining"; McArtor, Shivel "absent") to **APPROVE** the lot-combination for LC-253 per staff recommendation.

11. **PUD-659-3** – Roy D. Johnsen/Andalusia

(PD-6) (CD-9)

West of the southwest corner of East 31<sup>st</sup> Street South and South Utica Avenue (Minor Amendment to eliminate the sprinkling requirement and delete two required parking spaces at the exterior of the garage on Lot 1 only.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to eliminate the sprinkling requirement as well as to delete two required parking spaces at the exterior of the garage, on Lot 1 only of the development. This is a fully gated, private townhome development and a townhome has been constructed on Lot 1. This minor amendment seeks to reflect as-built conditions.

The approval of PUD-659 included the requirements that each townhome be fully sprinkled, and provide six off-street parking spaces as follows:

- Two spaces within a garage accessed from the west drive.
- Two driveway parking spaces in front of the garage, each space being at least 18 feet in length extending to the driving lane of the west drive.
- Two guest spaces accessed from the east drive.

Fire suppression is a requirement of 13 R - National Fire Protection standards. Exhibit A is a letter from the City of Tulsa Fire Marshal waiving this requirement, given the lot having adequate emergency access since the lot is immediately adjacent to 31<sup>st</sup> Street.

Use Unit 7a - Townhome developments require each unit to provide two off-street parking spaces. Referring to the attached photographs, Lot 1 has an attached three-car garage and two guest parking spaces on the east side totaling five parking spaces. It should be further noted that the existing driveway is 13.5 feet in length from the face of garage to the access drive, and if an automobile were parked there, one-way passage on the driving lane would remain available.

Staff recommends **APPROVAL** of minor amendment PUD-659-3.

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

**Applicant's Comments:**

**Roy D. Johnsen**, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing the current owner of the subject property, stated that his client did not own nor develop the subject property, but did purchase it with the

issues that are before the Planning Commission today. Mr. Johnsen further stated that he is not sure why the Building Inspector didn't find these issues at the time of development. He indicated that the requirements were covered in the deed-of-dedication and he doesn't know how it was missed.

Mr. Johnsen stated that a small SUV can be parked in the driveway and traffic is able to pass by on the street. He would like the Planning Commission to keep in mind that the subject project exceeds the normal standard for off-street parking. Mr. Johnsen commented that he now puts both setback lines on the plat so that this will not be missed again. The deed-of-dedication and the minutes reflect the requirement, but somehow the previous owner/developer missed.

Mr. Johnsen explained that since this unit is next to 31<sup>st</sup> Street the Fire Marshal was satisfied that it would be possible to access the unit from the street to fight a fire if needed and wouldn't require the sprinkling.

Mr. Johnsen concluded that it is regretful that this happened and it isn't the current owner's fault.

**TMAPC COMMENTS:**

Mr. Leighty asked Mr. Johnsen what it would cost to install the sprinkling. Mr. Johnsen stated that probably four to five thousand dollars. Mr. Johnsen further stated that the unit is already built so the cost would be double the amount or more. Mr. Leighty expressed concern that this was built without the requirements. He further expressed concerns that other units within the development would come in for the same relief. Mr. Johnsen stated that he would inform the developer to not request the same relief for the remainder units.

After a lengthy discussion, the following Planning Commissioners indicated that they are unhappy that the requirements were not followed, but considering the letter from the Fire Marshal and understanding the parking situation, they will support this application: Mr. Marshall, Mr. Midget, Ms. Cantrell, and Mr. Leighty.

Ms. Wright indicated that she couldn't support this request because the subject site is overbuilt and difficult for fire trucks to enter.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, TMAPC voted **8-1-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Walker, "aye"; Wright "nay"; none "abstaining"; McArtor, Shivel "absent") to **APPROVE** the minor amendment for PUD-659-3 per staff recommendation.

\* \* \* \* \*

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

## **PUBLIC HEARING**

19. PUD-564-B – Lou Reynolds/Sonic Automotive, Inc. **OM/PUD-564-A to OM/PUD-564-B**  
North and east of northeast corner East 31st Street and (PD17) (CD3)  
South Memorial Drive

### **STAFF RECOMMENDATION:**

This application will have to be continued in order to renotice including the entire property. Staff recommends a continuance to July 6, 2010.

**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, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **CONTINUE** the PUD-564-B to July 6, 2010.

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15. **LS-20375** – Jerry D. & Patricia A. Mercer (1408) (County)  
West of the northwest corner of East 106<sup>th</sup> Street North and North 129<sup>th</sup>  
East Avenue, 12723 East 106<sup>th</sup> Street North

### **STAFF RECOMMENDATION:**

The lot-split proposal is to split 1.33 acres +/- from an existing 4.85 acre +/- tract creating a 3.52 acre +/- remainder tract. The proposed tracts meet the AG-R bulk and area requirements of the Tulsa County Zoning Code.

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 May 20, 2010, meeting.

Staff believes this lot-split would not have an adverse effect 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.

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, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **APPROVE** the waiver of *Subdivision Regulations* and of the lot-split for LS-20375 per staff recommendation.

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17. **Z-7154/PUD-482-B – Tanner** **OL/OMH/PUD-482-A to CS**  
Consulting/Brighton Gardens of Tulsa  
South of the southeast corner of East 51<sup>st</sup> Street and (PD18) (CD9)  
South Lewis Avenue (Major Amendment to abandon a  
portion of PUD-482-A.) (Related to Item 16.)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 17688 dated February 20, 1992; and Ordinance number 19123 dated October 27, 1997, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**PUD-502-A August 2000:** All concurred in approval of a proposed Major Amendment to PUD on a 1.28+ acre tract of land for office use, on property located northeast corner of East 53rd Street South and South Lewis Avenue

**Z-6703/PUD-613 July 1999:** All concurred in approval of a request to rezone a 1.04-acre lot located on the southeast corner of East 53<sup>rd</sup> Street South and South Lewis Avenue, south of the subject tract, from RS-2 to OL/PUD-613 for office use.

**PUD-482-A September 1997:** All concurred in approval of a major amendment to PUD-482 to change the permitted uses from motel to two development areas. One area allows elderly/retirement housing and life care retirement center and the second area permits office use on property located south of the southeast corner of 51st Street and South Lewis Avenue and a part of the subject property.

**Z-6416/PUD-502 September 1993:** All concurred to approve a request to rezone a .8+ acre tract from RS-2 to OL/PUD-502 to permit an office development located on the northeast corner of East 53rd Street South and South Lewis Avenue

**Z-6346/PUD-482/PUD-373-A January 1992:** A request was filed to rezone a half-acre tract from OL to OMH and to abandon an existing PUD-373. The request was to combine the half-acre tract with the adjoining property under a new Planned Unit Development (PUD-482) for the development of a motel complex with offices, restaurant, living quarters for the manager, conference area and pool area. Staff recommended denial of OMH zoning and approval of OL/PUD subject to conditions on property located south of the southeast corner of 51<sup>st</sup> Street and South Lewis Avenue and a part of the subject property.

**Z-5882/PUD-373 January 1985:** All concurred in approval of a request to rezone a .5± acre tract from RS-2 to OL/PUD for an office development, located south of the southeast corner of East 51<sup>st</sup> Street and South Lewis Avenue and a part of the subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1± acre in size and is located south of the southeast corner of East 51<sup>st</sup> Street and South Lewis Avenue. The property is vacant and zoned OL/OMH/PUD-482-A.

**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 Lewis Avenue	Secondary arterial	100'	4 (with turning lanes at 51 <sup>st</sup> Street); soon to be improved due to ODOT and other related enhancements to the expressway and East 51 <sup>st</sup> Street changes.

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

**SURROUNDING AREA:** The subject tract is abutted on the east by apartments, zoned RM-1; on the north by a shopping center, zoned CS; on the south by a retirement home/living center, zoned OL/PUD 482-A; and on the west by apartments, zoned RM-1.

**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 Low Intensity-No Specific land use and Linear Development Area. According to the Zoning Matrix, the requested CS zoning **is not** in accord with the Low Intensity designation of the Plan.

**STAFF RECOMMENDATION FOR ZONING:**

Staff understands that this requested rezoning is to relocate some of the shopping center businesses now to the north at such time as the improvements are made to East 51<sup>st</sup> Street in conjunction with ongoing ODOT improvements to the Skelly expressway. Due to imminent changes in the adjacent roadway, existing medium intensity land uses on all sides and traffic access, staff can support the requested rezoning to CS of Z-7154, so long as the TMAPC deems it appropriate to approve PUD-482-B. Staff therefore recommends **APPROVAL** of CS zoning for Z-7154.

**STAFF RECOMMENDATION FOR PUD:**

PUD-482-B is a .99 acre/43,124 square foot tract located south of the southeast corner of 51<sup>st</sup> Street South and South Lewis Avenue/I-44. The tract gradually slopes from west to east and is currently vacant.

The intent of major amendment PUD-482-B is to remove the tract identified on Exhibit A as "Tract B" from PUD-482/PUD-482-A. Accompanying the abandonment is rezone request Z-7154 also appearing on the 6/1 agenda of the TMAPC, which seeks to change the underlying zoning of the subject property from OMH/OL to CS.

This request is being facilitated by the widening and realignment of I-44 and reconstruction of the intersection of South Lewis and 51<sup>st</sup> Street. Please refer again to Exhibit A. The I-44 project will result in the demolition of the northern portion of the Fikes Shopping Center. If approved, PUD-482-B would allow for the well-established northern tenant spaces of the shopping center to be reconstructed on the subject property and permit the affected businesses to remain in the same general location.

A change to CS zoning on the subject tract would make the property subject to the requirements of Chapter 7 the Zoning Code as applicable. In addition the property would need to be screened from the property to the east, as well as landscaped according to the requirements of Chapter 10 of the Zoning Code.

Due to the imminent changes in the adjacent roadway, existing medium intensity land uses on all sides and traffic access, staff can support the requested abandonment and subsequent rezone to CS, so long as the TMAPC deems it appropriate to approve rezone application Z-7154.

Staff therefore recommends **APPROVAL** of PUD-482-B subject to the TAC comments below which are a condition of the approval of the major amendment.

**TAC Comments:**

**General:** No comments.

**Water:** No objection.

**Fire:** No objection to abandonment of Tract B from existing PUD.

**Stormwater:** No objection.

**Wastewater:** Does this also close the existing 17.5' easement along the northern boundary of Tract B? If the easement is not closed, then the proposed building can not be located over it.

**Transportation:** No comments.

**INCOG Transportation:**

- **MSHP:** E 51<sup>st</sup> Street is a designated secondary arterial. S. Lewis Ave is a designated secondary arterial.
- **LRTP:** E. 51<sup>st</sup> St. S., between S. Lewis Ave and S. Harvard Ave, existing 4 lanes. Lewis Avenue, between 51<sup>st</sup> St. S. and 61<sup>st</sup> St. S., existing 4 lanes. Per TMAPC subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments
- **Transit:** Currently, Tulsa Transit operates an existing route on Lewis Avenue, between 51<sup>st</sup> St. S. and 61<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. Replacement of transit bus shelter is also recommended.

**Traffic:** No comments.

**GIS:** No comments

**Street Addressing:** No comments.

**TMAPC COMMENTS:**

Ms. Wright expressed concerns that the intensity of CS zoning would affect the Brighton Gardens. Mr. Sansone pointed out the surrounding areas and the density already in place. Brighton Gardens is for residential use, but it is a medium intensity. Mr. Sansone explained that the shopping center is losing a portion to the north and rather than trying to relocate the established businesses they want to stay and this abandonment and rezoning would allow that. Mr. Sansone doesn't believe it will greatly impact the area since the businesses are already established and will simply be moving to the south. Ms. Wright asked why they didn't request OMH since it is replicating the tenants from the north side of the building. Mr. Sansone stated that it is retail uses and they are not permitted in the OMH/OL district. Ms. Wright stated that CS has many uses that might not be compatible with residential and the zoning remains with the land. Mr. Sansone stated that this is a one-acre lot and he doesn't believe it will impact the subject area.

Mr. Leighty stated that he would like to give relief to the existing tenants because that is a good and valid request, but the traffic in the subject area is bad. He would hate to see a traffic increase in the subject area.

Mr. Boulden asked if PUD-373-A is currently totally abandoned. In response, Mr. Sansone answered affirmatively. Ms. Cantrell stated that the Planning

Commission is being asked to abandon PUD-482-A and it would become PUD-482-B. Mr. Sansone concurred with Ms. Cantrell.

**Applicant's Comments:**

**Ricky Jones**, 5323 S. Lewis Avenue, 74105, stated that the north end of the existing shopping center is being displaced with the taking of the property for the I-44 improvement. Clients in the existing shopping center would like to remain there and do not wish to relocate.

Mr. Jones explained that when Brighton Gardens was originally platted the subject area was an excess piece of property. They do not need it to accommodate their assisted living facility and it was platted as a separate lot. Several years later his client purchased the subject property anticipating going forward if ever needing to expand the shopping center to the south.

Mr. Jones requested to abandon the PUD on the subject property and rezone it to CS zoning. There is a good buffer on the south end on the Brighton Gardens land with a 15-foot strip and there is a 20-foot restrictive waterline easement. With straight zoning his client will be held to setback requirements for the CS district. He doesn't believe a PUD is needed and the plat will clean up the entire property.

**TMAPC COMMENTS:**

Mr. Walker asked if the ODOT is going to eliminate the western gross leasable area [GLA] for the north-facing store fronts. In response, Mr. Jones stated it will affect the western GLA on the north-facing store fronts and he is still working with ODOT on how much will be saved. Mr. Walker stated that Tract B will not have good visibility. Mr. Jones stated that his client would like to keep the existing tenants rather than moving to another community and losing tax dollars.

Ms. Cantrell stated that she sees it being an opportunity for the tenants of Brighton Gardens having something nearby to walk to for local shopping.

Mr. Carnes stated that this is probably the closest one can get to turn a bad situation into a good situation for relocating. Mr. Carnes indicated that he would be supporting this application.

Mr. Midget out at 4:50 p.m.

In response to Mr. Walker, Mr. Jones stated that the access points will be affected by a median that ODOT is proposing.

Ms. Wright expressed concerns that adult entertainment is allowed in the CS district, and this being straight zoning, there is no way to restrict that use. Mr. Jones stated that if one looks at the spacing requirement for sexually-orientated businesses he thinks the south end would be too close to the RM district to the

south and there is residential in every direction. He further stated that he hasn't crunched the numbers, but he would be surprised if the south end of the subject property would accommodate a sexually-oriented business by spacing requirements. Ms. Wright stated that she is glad to hear that, but it could accommodate a hotel. Mr. Jones stated that it could accommodate a hotel.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Midget, Shivel "absent") to recommend **APPROVAL** of the major amendment for PUD-482-B to abandon a portion of PUD-482-A.

**TMAPC Action; 8 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Midget, Shivel "absent") to recommend **APPROVAL** of CS zoning for Z-7154 per staff recommendation.

**Legal Description for Z-7154/PUD-482-B:**

PART OF LOT ONE (1), BLOCK ONE (I), BRIGHTON GARDENS OF TULSA, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 5258), SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, THENCE NORTH 88°37'10" EAST AND ALONG THE NORTHERLY LINE OF LOT 1, FOR A DISTANCE OF 279.39 FEET TO A POINT BEING THE MOST NORTHERLY NORTHEAST CORNER OF LOT 1; THENCE SOUTH 1°19'28" EAST AND ALONG THE MOST NORTHERLY EASTERLY LINE OF LOT 1, FOR A DISTANCE OF 132.00 FEET TO A POINT; THENCE SOUTH 88°37'11" WEST FOR A DISTANCE OF 279.54 FEET TO A POINT ON THE WESTERLY LINE OF LOT 1; THENCE NORTH 1°15'29" WEST AND ALONG SAID WESTERLY LINE, FOR A DISTANCE OF 132.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 36,889 SQUARE FEET OR 0.847 ACRES.

\* \* \* \* \*

16. **Fikes Center** – (9332) Preliminary Plat (PD 18B) (CD 9)  
Southeast corner of East 51<sup>st</sup> Street South and South Lewis Avenue  
(Related to Item 17.)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 3.75 acres.

The following issues were discussed May 20, 2010, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned CS with CS (commercial shopping) pending and PUD 482 A (pending abandonment).
2. **Streets:** Right-of-way currently existing is not clear. Both Lewis and 51<sup>st</sup> Street are secondary arterials with 100 feet of right-of-way requirement, i.e., 50 feet from the center line. Show the right-of-way available and reference the plat number or book and page number or call out additional right-of-way to be "dedicated by this plat." Additional eight feet of right-of-way required along Lewis for right turn lane. The total length required for turn lane is 388 feet from section line. Currently only 290 feet is provided. There are too many accesses along Lewis Avenue. Minimum distance between accesses must be at least 150 feet. Access width must be limited to 36 feet each. If additional right-of-way is required along Lewis then standard language must be included. Include standard sidewalk language. Sidewalks including ramps must be shown along Lewis and 51<sup>st</sup> Street.
3. **Sewer:** A perimeter easement, with a minimum width of 17.5 feet, must be dedicated along the south boundary line of the plat. If the existing 17.5-foot utility easement, along the north boundary line of the plat for Brighton Gardens of Tulsa, can be continued all the way across the new northern boundary line, then you will not be required to provide additional easement on your side of the boundary line. If not, then you will be required to provide the 17.5 foot utility easement within your platted area, adjacent to the southern perimeter of the plat.
4. **Water:** Should a water main line need to be extended an Infrastructure Development Project will be required.
5. **Storm Drainage:** Add an overland drainage easement or a storm sewer easement to convey the offsite drainage, flowing westward across the east property line at the location of the proposed building across the property. The existing storm drains and the proposed underground detention should be included in a storm sewer easement. Add a covenant for roof drainage so that all new roof drainage will be conveyed to the on-site detention facility.

Revise the stormwater detention easement language to be applicable to underground stormwater detention below a parking lot. There may be a need to provide the standard language for an overland drainage easement.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** 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: 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

**GIS:** Add the e-mail address for the surveyor. Provide name, address, phone number, e-mail address and CA number (with renewal date) of the Professional Engineer or change surveyor title to engineer/surveyor if information is the same. Add a leading zero to all single digit degree descriptions on the face of the plat and in the legal description (i.e. 01° instead of 1°). Include plat number for "50 feet of right-of-way dedicated by plat" on the face of the plat. Fix typos on the face of the plat and in legal description.

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 Development Services and 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.

Ms. Wright out at 4:53 p.m.

Mrs. Fernandez explained the process for filing of plats and the process.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Walker, "aye"; no "nays"; none "abstaining"; McArtor, Midget, Shivel, Wright "absent") to **APPROVE** the preliminary plat for Fikes Center, subject to special conditions and standard conditions per staff recommendation.

Ms. Wright in at 5:00 p.m.

18. **Z-7155** – Wilma L. Vonce

**CS to RS-4**

North of northeast corner of North Fulton Avenue and East Tecumseh Street (PD16) (CD3)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 17350 dated July 18, 1990, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-6476 February 1995:** All concurred in approval of a request for rezoning a .63± acre tract of land from RM-1 to RS-4 for residential on property bounded by Tecumseh, Canton, Young and the alley between Fulton/Irvington.

**Z-6335 December 1991:** All concurred in approval of a request for rezoning a .48± acre tract of land from RM-1/CH to IL for an existing warehouse and light manufacturing facility on property located on the northeast corner of East Tecumseh Street and North Fulton Avenue.

**Z-6286 July 1990:** All concurred in denial of a request for rezoning a 7,000± square foot tract of land from RM-1 to CG and approval for CS for animal kennel and grooming, on property located north and east of the northeast corner of East Ute Street and North Fulton Avenue and the subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1± acre in size and is located north of the northeast corner of North Fulton Avenue and East Tecumseh Street. The property appears to be residential/vacant and is zoned CS. Although within the City limits of Tulsa, it is within the Dawson area, which formerly was an industrial/commercial/residential area associated with many of the area businesses.

**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>
North Fulton Avenue	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 what appears to be an industrial area, zoned RM-1; on the north by a vacant/single-family residential use, zoned RS-4; on the south by single-family residential uses,

zoned RM-1; and on the west by vacant lots, zoned RS-4. This is the Dawson area and is one of mixed uses, which is exemplified in this area. Parts of this area, which were RM-zoned in the 1970s, were rezoned to RS-4 in the early 1990s at the requests of residents.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 16 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 RS-4 zoning is in accord with the Plan.

**STAFF RECOMMENDATION:**

Based on the District Plan and surrounding uses, staff can recommend **APPROVAL** of RS-4 for Z-7155.

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

**The applicant was not present.**

**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 recommend **APPROVAL** of RS-4 zoning for Z-7155 per staff recommendation.

**Legal Description for Z-7155:**

Lot 4 and west 5' vacated alley ADJ on E; and Lot 3 and west 5' vacated alley ADJ on E, Block 26, Dawson AMD (Original Townsite), an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\*\*\*\*\*

Mr. Midget in at 5:05 p.m.

20. **PUD-410-B – Roy D. Johnsen/Little Light House, Inc.**      **RS-2/RD/RM-1/PUD-410-A to RS-2/RD/RM-1/PUD-410-B**

Southeast corner East 36th Street South and South Yale Avenue      (PD6) (CD9)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 16952 dated February 23, 1988, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**BOA-17061 June 13, 1995:** The Board of Adjustment approved a Special Exception to permit a public park in an RS-2 district; per plan submitted, on property located at on the northeast corner of East 36<sup>th</sup> Street and South Yale Avenue.

**BOA-15637 January 22, 1991:** The Board of Adjustment approved a Variance to increase the display surface are for a wall sign from 3 sq. ft. per lineal foot of building wall to 3.66 sq ft to permit a lighted fascia band; per sign plan submitted; finding that the sign in question is being used for Star Lube businesses nationwide, on property located at south and east of southeast corner of East 36<sup>th</sup> Street and South Yale Avenue and a part of the subject property.

**PUD-410-A February 1988:** All concurred in approval of a proposed Major Amendment to PUD a 6.3± acre tract of land to divide into two development areas. Area A permits office use per Use Unit 11; and Area B permits Use Unit 5 being a privately operated school/Developmental Center, on property located south of the southeast corner of East 36<sup>th</sup> Street and South Yale Avenue and a part of the subject property.

**BOA-14716 January 12, 1988:** The Board of Adjustment approved a Variance of height from 35' to 43' and a Variance of setback from the centerline of 36<sup>th</sup> Street from 65' to 60' to permit an addition to an existing building; per plan submitted; subject to building materials being precast panels (no metal) which will be compatible with the existing building; and to a pitched roof with asphalt shingle covering; finding that the building will be compatible with the area and will align with, or be set back farther than, the other structures in the area, on property located at the southeast corner of East 36<sup>th</sup> Street and South Yale Avenue and a part of the subject property.

**Z-6092/PUD-410 February 1986:** Staff recommended denial of a request to rezone a 4.1± acre tract of land from RD to RM-1 and a proposed Planned Unit Development for office use. TMAPC recommended for denial of RM-1 and approval of RM-T and denial of PUD-410, on property located south of the southeast corner of East 36<sup>th</sup> Street and South Yale Avenue and a part of the subject property. It was appealed to City Council and they approved RM-1 and PUD-410.

**Z-5855/PUD-340 October 1983:** All concurred in approval of a proposed Planned Unit Development a tract of land for office use, on property located north of northeast corner of East 36<sup>th</sup> Street South and South Yale Avenue.

**BOA-9724 January 5, 1978:** The Board of Adjustment approved a Variance to use property for a senior citizens' home as an accessory use to a church; provided that there be no more than one-hundred units and per other conditions,

on property located at the southeast corner of East 36<sup>th</sup> Street and South Yale Avenue and a part of the subject property.

**BOA-2823 May 9, 1956:** The Board of Adjustment approved a Special Exception to permit a church (St. Andrew's Presbyterian Church), on property located at the southeast corner of East 36<sup>th</sup> Street and South Yale Avenue and a part of the subject property.

**BOA-2749 October 19, 1955:** The Board of Adjustment approved a Special Exception to permit a church (Yale Avenue Christian Church), on property located at the southwest corner of East 36<sup>th</sup> Street and South Yale Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 6.1± acres in size and is located southeast corner East 36<sup>th</sup> Street and South Yale Avenue. The property appears to be used as a Developmental Center and is zoned RS-2/RD/RM-1/ PUD-410-A.

**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 36 <sup>th</sup> Street South	Residential Collector	55'	2
South Yale Avenue	Primary Arterial	100'	5

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

**SURROUNDING AREA:** The subject tract is abutted on the east by Max Campbell 6<sup>th</sup> Addition and Max Campbell Sixth Addition – Resub of Resub L4 – 13, B1, zoned RS-2; on the north by East 36<sup>th</sup> Street and then Yorkshire Estates Resub L2-4, B3 & All of B4-13, zoned RS-2; on the south by Max Campbell 6<sup>th</sup> Addition Resub L16-28, B1 & L5-10, B3, zoned RS-2; and on the west by Yale Avenue and then Max Campbell Fourth Addition, zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being low intensity – No Specific Land Use. The existing RD, RM-1, and RS-2 zoning have been found by the TMAPC to be in accord with the Plan.

**STAFF RECOMMENDATION:**

Infill development proposal PUD-410-B is a 6.17 acres tract/268,765 square foot (SF) tract located at the southeast corner of South Yale Avenue and 36<sup>th</sup> Street South. The site is gradually sloped from the west to the east and is entirely surrounded by residentially zoned properties which include park, office, church

and residential uses. There is no zoning change requested or required with this amendment.

PUD-410-A was originally developed as a two-development area PUD and did not include the church on the corner of 36<sup>th</sup> Street and Yale Avenue, which has since been removed. Existing conditions are depicted on Exhibit A. Area A sits along Yale Avenue and is the site of the Junior League of Tulsa offices and Area B abuts on the east and is the site of the Little Light House Developmental Center and School.

The Little Light House serves young children with special needs on a tuition-free basis. The facility opened in 1990 with eight classrooms and 64 students. PUD-410-B proposes to expand the existing Development Area B, or the Little Light House tract, to include the former church property at the hard corner and allow the expansion of the facility to 16 classrooms and 128 students. The amendment also seeks an increase of the maximum permitted floor area from 24,218 SF to 91,000 SF. The underlying zoning of the property would permit 134,000 (+/-) SF of floor area.

The PUD major amendment is submitted herein to increase permitted floor area and extend Use Unit 5 to the new Development Area B, which is a use permitted within residential districts by special exception or by approved PUD.

Staff has conducted site visits and reviewed the development proposal and finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-410-B 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-410-B subject to the following conditions as modified by the TMAPC (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:

**NET LAND AREA:**

6.1 acres

**PERMITTED USES:**

Christian Developmental Center and school for children with special needs, and related common areas and customary accessory uses (Use Unit 5).

**MAXIMUM BUILDING FLOOR AREA:** 91,000 SF

**MINIMUM BUILDING SETBACKS:**

From center line of 36 <sup>th</sup> Street:	65 FT
From center line of Yale Avenue:	300 <u>290</u> FT
From east boundary:	70 FT
From south boundary:	70 FT
From other boundaries:	10 FT

**MAXIMUM BUILDING HEIGHT:**

Within 100 feet of east and south boundaries:

1 story not to exceed a top plate height of 755' mean sea level.

Other buildings: 2 stories not to exceed 35'\*.

\*A single section of the expansion project may reach a building height of 55' to allow for the construction of an observation deck in substantial conformance with sheet A5.1 as submitted to the TMAPC, the location of which shall be confirmed at PUD detail site plan review by the TMAPC.

**OFF-STREET PARKING:** As required by the applicable use unit.

**MINIMUM LANDSCAPED AREA:**

25% of net lot area of the combined Original Campus and Expansion Tract.

**LIGHTING:**

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from adjoining residential properties. Lighting shall be designed to prevent the light producing elements and the polished light reflecting elements of exterior lighting fixtures from being visible to a person standing within an adjacent residential area and shall be verified through the submittal of a photometric plan. No light standard shall be located within the east and south 70 feet of the Site. No light standard, including building mounted, shall exceed 20 feet in height.

**SIGNS:**

Signs shall be limited to monument style identification signs as follows:

- a. One sign at the intersection of Yale Avenue and 36<sup>th</sup> Street, not exceeding 12 feet in height or 84 square feet in display surface area.
- b. One sign at the east access to 36<sup>th</sup> Street, not exceeding 6 feet in height or 32 square feet of display surface.
- c. One sign at the at the shared access to Yale Avenue, not exceeding six feet in height or 32 square feet of display surface.

**LANDSCAPING AND SCREENING**

Landscaping shall meet the requirements of the landscape chapter of the Tulsa Zoning Code, provided however, alternative compliance applicable to the 36th Street, street yard may be permitted subject to landscape plan approval which while not meeting the technical requirements of Chapter 10 of the Code, meets or exceed the requirements somewhere else on the site.

An eight-foot solid screened wall or fence and a landscaped area of not less than ten feet in width shall be provided along the east and south boundaries of the Site. All trash, mechanical and equipment areas (not including franchise utilities) shall be screened from the view of a person standing at ground level.

**ACCESS AND CIRCULATION**

Mutual access for the Little Light House and the adjoining Junior League of Tulsa to and from Yale Avenue and to and from 36<sup>th</sup> Street has been established by instrument recorded July 5, 1990 in book 5263 at page 521 of the records of the County Clerk of Tulsa County, Oklahoma. The existing access drive will be rerouted through the Little Light House property and a second point of access to 36<sup>th</sup> Street will be established as depicted within Exhibit B - Conceptual Site Improvements. Sidewalks shall be installed along Yale Avenue and 36<sup>th</sup> Street where not existing, and maintained or improved where existing.

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 any 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 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.
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 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. 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.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
11. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Receptacle screening shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. Trucks or truck trailers may not be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and

shipping containers shall not be used for storage in the PUD.

**TAC Comments:**

**General:** There are numerous easements that must be given and numerous existing easements that must be vacated in the Infrastructure Development Process (IDP) for this project.

**Water:** IDP 5310 is currently under review addressing water concerns.

**Fire:** Hydrants shall be spaced according to IDP comments for this project.

**Stormwater:** Detention must be provided for existing and additional impervious area runoff.

**Wastewater:** No comments

**Transportation:** 36<sup>th</sup> St. is a collector with 60' ROW requirement. 5' additional ROW is required along 36<sup>th</sup> to make 30' south of the center line of 36<sup>th</sup> St. It should be noted that 36<sup>th</sup> St has 40' ROW on the south side for its entire length east of this site. Also, 36<sup>th</sup> St. to the west of Yale has a total ROW of 80' for its full length.

**INCOG Transportation:**

- **MSHP:** E. 36<sup>th</sup> Street is a designated residential collector. S. Yale Ave is a designated primary arterial.
- **LRTP:** Yale Ave, between 31<sup>st</sup> St. S. and 41<sup>st</sup> St. S., planned 6 lanes. Per TMAPC subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** E. 36<sup>th</sup> Street is a designated on-street bikeway.
- **Transit:** Currently, Tulsa Transit operates an existing route on Yale Ave, between 31<sup>st</sup> St. S. and 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.

**Traffic:** No comments.

**GIS:** No comments.

**Street Addressing:** No comments.

Mr. Sansone stated that there are two additional requests: 1) setback from the centerline of Yale Avenue to be 290 feet from the centerline; 2) to allow one portion of the building (middle of expansion) to be allowed to go up to 55 feet in height to provide an observation deck, which is utilized in therapy. The observation deck would primarily face the north and the west. If one is looking from the east they may be able to see a portion of the windows, but the main bank of windows is oriented to face the north and west. Limit to the portion of the subject building that would be allowed to be 55 feet in height. Staff is in agreement with these two additional requests.

**TMAPC COMMENTS:**

In response to Ms. Wright, Mr. Sansone stated that the original approval of the major amendment allowed this use and is worded as in today's recommendation. It goes along the lines of a school and possibly staff could change the permitted

uses from "Christian Developmental Center" to "Developmental Center and School".

Mr. Liotta asked staff if there has been a meeting between the applicant and the neighborhood. In response, Mr. Sansone stated that he understands that there has been a meeting and the neighbors are in support.

**Applicant's Comments:**

**Roy D. Johnsen**, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing the Little Light House of Tulsa, stated that the facility has an international reputation and was established in 1972. The Little House of Tulsa is recognized all over the world as a model project for children with special needs.

Mr. Johnsen stated that he did have a neighborhood meeting and received an excellent response from the neighbors who attended. There were ten to fifteen neighbors in attendance and they lived nearby.

Mr. Johnsen stated that the landscaping does include various areas of the subject property that are an integral part of the environment for the kids that attend the facility. There is no anticipation to come back for further expansions and should be no concern regarding the landscaping of 25%.

Mr. Johnsen addressed the additional height requested for the observation deck, which is for the kids and not as a tourist attraction. The children attending the facility basically looked down almost all of the time and the reason for the observation deck is to give them an opportunity to see the world from a different perspective.

Mr. Johnsen stated that for the original application that was established in the 1980's, it was determined that Use Unit 5 is the most appropriate type of unit. He is satisfied with the words "Development Center".

Mr. Johnsen stated that he delivered a copy of elevations to Chris Sansone and he is making a formal submittal today (Exhibit A-1) because one of the neighbors requested that this be a part of the approval.

**TMAPC COMMENTS:**

Ms. Cantrell stated that she has friends who attend this facility and it is a wonderful facility. This is a great expansion, but she does believe there will be problems at 36<sup>th</sup> Street because it is impossible to turn left and five o'clock is not a fun time to be in the subject area. Mr. Johnsen agreed and reminded Ms. Cantrell that the students come early and leave by 3:00 p.m.

In response to Ms. Cantrell, Mr. Johnsen stated that the observation deck will not be closer than 150 feet to the east boundary.

In response to Ms. Wright, Mr. Johnsen stated that the garden center will be secured from traffic. Ms. Wright indicated that she was concerned about cut-through traffic. Mr. Johnsen stated that if that should happen, it would be dealt with.

Mr. Marshall expressed concerns with the height of the light poles and thought it would nice if they were all kept the same height throughout the development. Mr. Johnsen stated that there are some restrictions on the east portion of the subject property and they are being changed. There is a dilemma that if you have lower standards, then to be able to reach secured lighting, there would have to be more poles. Mr. Marshall asked if there is a sidewalk on the north side of the subject property and would there be any on Yale. Mr. Johnsen stated that there is a sidewalk on the west side and it will be a requirement. Mr. Johnsen commented that TAC said there will be a sidewalk.

Mr. Boulden asked Mr. Johnsen if he would have a problem with the observation tower location and height being subject to approval at detail site plan review. Mr. Johnsen agreed.

Mr. Sansone stated that the sidewalk requirement can be added into the access and circulation section of the PUD.

**TMAPC Action; 9 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to recommend **APPROVAL** of the major amendment for PUD-410-B per staff recommendation, subject to allowing a setback from Yale Avenue be changed from 300 feet to 290 feet; limited exception to building height from 35 feet to 55 feet, which would be subject to review at detail site plan and subject to TMAPC Exhibit A-1, applicant's submittal A5-1, subject to language being added to the PUD that sidewalks shall be installed along Yale Avenue and 36<sup>th</sup> Street where not existing, and maintained or improved where existing. (Language with a strike-through has been deleted and language with an underline has been added.)

**Legal Description for PUD-410-B:**

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION TWENTY-TWO (22), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NW/4 SW/4; THENCE DUE SOUTH ALONG THE WESTERLY LINE OF SAID NW/4 SW/4 FOR 25.00 FEET; THENCE SOUTH 89°57'58" EAST PARALLEL TO THE

NORTHERLY LINE OF SAID NW/4 SW/4 FOR 50.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING SOUTH 89°57'58" EAST PARALLEL TO THE NORTHERLY LINE OF SAID NW/4 SW/4 FOR 503.91 FEET TO A POINT ON THE NORTHERLY EXTENSION OF A WESTERLY LINE OF LOT ONE (1), BLOCK ONE (1), LITTLE LIGHT HOUSE, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 00°00'55" WEST ALONG SAID NORTHERLY EXTENSION AND ALONG A WESTERLY LINE OF SAID LOT 1, BLOCK 1, LITTLE LIGHT HOUSE FOR 259.39 FEET; THENCE NORTH 89°57'58" WEST ALONG A NORTHERLY LINE OF SAID LOT 1, BLOCK 1, LITTLE LIGHT HOUSE, AND ALONG THE NORTH LINE OF RESERVE "A" (DETENTION AREA), JUNIOR LEAGUE OF TULSA HEADQUARTERS, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND A WESTERLY EXTENSION OF THE NORTH LINE OF SAID RESERVE "A" (DETENTION AREA) FOR 503.84 FEET TO A POINT THAT IS 50.00 FEET EASTERLY OF AS MEASURED PERPENDICULARLY TO THE WESTERLY LINE OF SAID NW/4 SW/4; THENCE DUE NORTH PARALLEL TO THE WESTERLY LINE OF SAID NW/4 SW/4 FOR 259.39 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. AND ALL OF LOT ONE (1), BLOCK ONE (1), LITTLE LIGHT HOUSE, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

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21. **Z-7008-SP-1n – Terence L. Haynes/Collett & Associates, LLC** (PD8) (CD2)

North of the northeast corner of West 81st Street South and South Olympia Avenue (Corridor Plan Minor Amendment to allow an extra service bay door on an accessory auto service.) (Related to Item 22.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to allow an extra service bay door on an accessory auto service as permitted within Use Unit 14, §1214, B-3 of the code (see Exhibit A).

Please refer to the attached Exhibits A and B. This lot is adjacent to a single-family residential neighborhood on the east side. The auto service will be located on the west side of the building, opposite the neighborhood approximately 500 feet away. Automotive work is limited to the inside of the building. Hours of operation for the auto service/tire mounting are Monday through Saturday 10 AM to 7 PM, and Sunday 10 Am to 6 PM.

Light automotive uses are permitted everywhere within Tulsa Hills under Use Unit 14. Heavier automotive uses have been introduced via corridor district site plans Z-7008-SP-2 (Hibdon Tires on Lot 11, Block 1) and Z-7008-SP-3 (the tunnel car wash and oil and lube express on Lot 2, Block 2). There will be a Sam's Club gas station on Lots 7 and 8, Block 1.

Since the auto service/tire mounting will be located over 500 feet away from the residences with an intervening building providing a buffer and the work is conducted entirely within the building, staff can support the addition of one service bay door.

Staff recommends **APPROVAL** of minor amendment Z-7008-SP-1n.

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

**Applicant's Comments:**

**Dennis Fox**, representing Wal-Mart, 522 Colcord Drive, Oklahoma City, Oklahoma, 73102, stated that he doesn't believe that one additional bay should not be a problem based on the location of the building.

**TMAPC Action; 9 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Shivel "absent") to **APPROVE** the minor amendment for Z-7008-SP-1n per staff recommendation.

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**22. Z-7008-SP-1 – Terence L. Haynes/Collett & Associates, (PD8) (CD2)  
Inc.**

North of the northeast corner of West 81st Street South and South Olympia Avenue (Detail Site Plan for a 134,608 square foot Sam's Club store.) (Related to Item 21.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 134,608 square foot Sam's Club store. The proposed use, Use Unit 14 – Shopping Goods and Services is a permissible use within Development Area E of the Tulsa Hills Corridor District.

Associated with this detail site plan is minor amendment Z-7008-SP-1n (to allow an extra bay door on an accessory auto service) also appearing on the June 1 agenda of the TMAPC.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Zoning Code. Landscaping is provided per the landscape chapter of the Zoning Code. All sight lighting is limited to 15' in height if within the east 120' of the development area and 35-feet in height elsewhere, and will be directed down and away from adjoining residential properties. Mechanical equipment areas will be screened and a trash enclosure has been provided as required by the Corridor District Development Plan. Sidewalks have been provided along Olympia Avenue as required by CO District Development Standards and Subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for Lots 3 and 4, Block 2 – Tulsa Hills, contingent upon approval of minor amendment Z-7008-SP-1n.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **8-1-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Walker "aye"; Wright "nay"; none "abstaining"; McArtor, Shivel "absent") to **APPROVE** the detail site plan for Lots 3 and 4, Block 1 – Tulsa Hills, Z-7008-SP-1 per staff recommendation.

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**OTHER BUSINESS:**

None.

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There being no further business, the Chair declared the meeting adjourned at 5:35 p.m.

Date Approved:

JUNE 16, 2010

Philip E. Marshall  
ACTING Chairman

ATTEST:

Joshua G. Walk  
Secretary