

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2581**

Tuesday, July 6, 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	Carnes	Bates	Boulden, Legal
Dix	Shivel	Fernandez	Steele, Sr. Eng.
Leighty	Walker	Huntsinger	Schultz, COT
Liotta		Matthews	Warlick, COT
Marshall			Carr, COT
McArtor			
Midget			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 1, 2010 at 1:57 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 4:12 p.m.

**REPORTS:**

**Director's Report:**

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

Ms. Matthews reported that there are several plans in the queue waiting for the Comprehensive Plan to be adopted.

**TMAPC COMMENTS:**

Ms. Cantrell announced that the Park Plan, Item 12, will have to be continued to the August 3<sup>rd</sup> meeting. PLANITULSA will have to be approved and adopted before looking at the Park Plan.

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**Minutes:**

**Approval of the minutes of March 23, 2010 Special TMAPC Meeting - PLANiTULSA**

On **MOTION** of **LEIGHTY**, the TMAPC voted 8-0-0 (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Wright "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Walker "absent") to **APPROVE** the minutes of the meeting of March 23, 2010, Special TMAPC Meeting - PLANiTULSA.

**Minutes:**

**Approval of the minutes of June 15, 2010 Special TMAPC Meeting PLANiTULSA**

On **MOTION** of **LEIGHTY**, the TMAPC voted 8-0-0 (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Wright "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Walker "absent") to **APPROVE** the minutes of the meeting of June 15, 2010, Special TMAPC Meeting - PLANiTULSA.

**Minutes:**

**Approval of the minutes of June 16, 2010 Meeting No. 2580**

On **MOTION** of **LEIGHTY**, the TMAPC voted 7-0-1 (Dix, Leighty, Liotta, Marshall, McArtor, Midget, Wright "aye"; no "nays"; Cantrell "abstaining"; Carnes, Shivel, Walker "absent") to **APPROVE** the minutes of the meeting of June 16, 2010, Meeting No. 2580.

**Minutes:**

**Approval of the minutes of June 24, 2010 Special TMAPC Meeting – PLANiTULSA**

On **MOTION** of **LEIGHTY**, the TMAPC voted 8-0-0 (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Wright "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Walker "absent") to **APPROVE** the minutes of the meeting of June 24, 2010, Special TMAPC Meeting - PLANiTULSA.

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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.

- 5. **LS-20380** – Mike Marrara, Harden & Associates (2305) (County)  
Southwest of 184<sup>th</sup> Street North and North Harvard Avenue
- 6. **LS-20383**– Rachel and Timothy Wallace (8210) (PD8) (CD2)  
Northwest corner of South Xenophon Avenue and West 78<sup>th</sup> Street  
South, 2001 West 78<sup>th</sup> Street

7. **CBOA – 2365** – Plat Waiver for Cell Tower (County)  
North of West 41<sup>st</sup> Street, east of South 265<sup>th</sup> West Avenue

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by CBOA-2365 (County Board of Adjustment case) which proposes a cell tower in an AG zoning district.

It is the policy of TMAPC to waive the platting requirement for the cell tower use (Use Unit 4 Public Protection and Utility Facilities/Antennas and Supporting Structures). Therefore, staff can recommend **APPROVAL** of the requested plat waiver. The County Board of Adjustment approved the cell tower at their June 15, 2010 meeting.

8. **AC – 098 – Sack & Associates, Inc./Mark Capron** (PD-26) (CD-8)  
Northeast corner of 101<sup>st</sup> Street South and South Memorial Drive (Alternative Compliance Landscape Plan to relocate required street yard trees to the interior of the lot and plant 151 lower profile shrubs/hedging along the street yards.)

**STAFF RECOMMENDATION:**

The applicant is requesting TMAPC approval of an alternative compliance landscape plan for the property located at the northeast corner of 101<sup>st</sup> Street South and South Memorial Drive in PUD-411-C.

The applicant wishes to relocate the required street yard trees to the interior of the lot; to line the mutual access easement per the attached landscape plan. The applicant cites overhead power lines and the possibility that mature trees may limit the exposure the small businesses have from the streets please see attached photographs).

In lieu of the relocated street yard trees the applicant proposes to plant 151 lower profile shrubs/hedging along the street yards. This alternative plan does not seek to decrease the required open space nor the total number of trees required for the lot. There will be three trees in the Memorial Drive street yard and two in the 101<sup>st</sup> street yard.

Considering the overhead power lines and an excessive amount of over-all trees and shrubs proposed in this plan, staff contends this alternative plan while not technically meeting the requirements of Chapter 10 of the Code, in the alternative meets or exceeds the requirements of the Landscape Chapter as required per Section 1103-D.

Therefore, staff recommends **APPROVAL** of AC-98.

9. PUD-306-G-10 – Sherwin Williams, Darby (PD-18b) (CD-2)  
Davison/Walmart Realty

Northeast corner of East 95<sup>th</sup> Street South and South Delaware Avenue  
(Minor Amendment to permit a second ground sign in Development Area  
A.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to permit a second ground sign in Development Area A/Lot 1, Block 1 of PUD-306-G.

PUD-306-G permits one ground sign in Development Area A, not to exceed 25-feet in height nor 225 square feet (SF) of display surface area.

Development Area A is the site of a WalMart Neighborhood Market. When first developed, the subject tract was the site of a Murphy's gas station, owned and operated by WalMart. At that time the intent was that WalMart would own and control this lot and subsequently did not require a separate ground sign for the gas station.

The lot is now being split off by WalMart and sold to Sherwin-Williams for the construction of a retail paint outlet. Sherwin-Williams would like an identification sign of their own, since they can not co-locate on the WalMart sign because the WalMart sign will need to be relocated on their own lot. There is no request to increase the permitted height of the sign or increase the total permitted display surface area for ground signs in Area A. Both signs, in the aggregate will remain under what the PUD permits the single sign for display area.

Staff contends that the additional sign will not substantially alter the size, location, number and character (type) of signs within the PUD.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-306-G-10 allowing one additional ground sign not to exceed 25' in height nor 100 SF in display area.

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

10. PUD-431-C – Tulsa Engineering & Planning/Tim (PD-26) (CD-8)  
Terral

Southwest of the southwest corner 101<sup>st</sup> Street South and South  
Sheridan Road (Detail Site Plan for a 5,398 square foot office building.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 5,398 square foot (SF) office building. The proposed use, Use Unit 11 – Office, Studios and Support Services is a permitted use in PUD-431-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 private street East 102<sup>nd</sup> Street South. Parking has been provided per the applicable Use Unit of the Zoning Code. Landscaping is provided per PUD requirements and the landscape chapter of the Zoning Code. There is no site lighting proposed at this time. A sidewalk will be provided along East 102<sup>nd</sup> Street as required by PUD Development Standards and Subdivision Regulations.

Staff recommends **APPROVAL** of the detail site plan for Lot 4, Block 1 – Copper Oaks Office Park.

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

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Wright "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Walker "absent") to **APPROVE** the consent agenda Items 5 through 10 per staff recommendation.

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**COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARING**

11. **Comprehensive Plan revision and amendments**

To consider adopting revisions and amendments to the Comprehensive Plan of the Tulsa Metropolitan Area. **Resolution 2581:900**

**STAFF RECOMMENDATION:**

Mr. Boulden presented the proposed resolution and also submitted alternative language for Section 3. Mr. Boulden informed the Planning Commission that prior to the start of the meeting, he was informed that in Section 1, the list failed to include the housing provisions. He corrected the list by adding "Housing" in Section 1 immediately following "Economic Development".

**RESOLUTION**

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

**Resolution No. 2581:900**

A RESOLUTION OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC), PURSUANT TO TITLE 19 OKLAHOMA STATUTES, SECTION 863.7; ADOPTING REVISIONS AND AMENDMENTS TO THE "COMPREHENSIVE PLAN OF THE TULSA METROPOLITAN AREA", ORIGINALLY ADOPTED ON JUNE 29, 1960 AND AS SUBSEQUENTLY AMENDED; AMENDING THE COMPREHENSIVE PLAN FOR PORTIONS OF THE TULSA METROPOLITAN AREA WITHIN THE INCORPORATED CITY LIMITS OF THE CITY OF TULSA, SITUATED WITHIN TULSA, OSAGE, AND WAGONER COUNTIES, IN THE STATE OF OKLAHOMA.

WHEREAS, the Tulsa Metropolitan Area Planning Commission ("Planning Commission") is required to prepare, adopt and amend, as needed, a master plan, also known as a comprehensive plan, for the Tulsa metropolitan area, in accord with Title 19 Oklahoma Statutes, Section 863.7; and

WHEREAS, the purpose of such a comprehensive plan is to bring about coordinated physical development of an area in accord with present and future needs and is developed so as to conserve the natural resources

of an area, to insure the efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity, and general welfare of the people of the area; and

WHEREAS, consistent with Title 19 Oklahoma Statutes, Sections 863.7 and 863.26, the Planning Commission published notice on Sunday, February 7, 2010 in the Tulsa World newspaper that public hearings would be held on adoption of a comprehensive plan before the Tulsa Metropolitan Area Planning Commission, at 175 East Second Street, 2<sup>nd</sup> Level, One Technology Center, Tulsa, Oklahoma, on Tuesday, February 23, 2010, on Wednesday, March 10, 2010, and on other such dates, times and at such locations as those hearings might be continued and reconvened by the Planning Commission; and

WHEREAS, the Planning Commission conducted public hearings on the adoption of a new comprehensive plan, or amendments to the current comprehensive plan related to portions of the Tulsa metropolitan area within the incorporated city limits of the City of Tulsa, situated within Tulsa, Osage, and Wagoner Counties, in the State of Oklahoma on February 23, 2010 at 4:00 p.m., March 10, 2010 at 1:30 p.m., March 23, 2010 at 6:00 p.m., April 28, 2010 at 1:30 p.m., June 15, 2010 at 4:00 p.m. and on June 24, 2010 at 12:30 p.m., all in accord with Title 19 Oklahoma Statutes, Section 863.7; and

WHEREAS, after receiving public comment and upon due study and deliberation the Tulsa Metropolitan Area Planning Commission deems it advisable and in keeping with the responsibilities of this Commission as set forth in Title 19 Oklahoma Statutes, Section 863.7 to amend the current Comprehensive Plan of the Tulsa Metropolitan Area;

NOW THEREFORE, BE IT RESOLVED, by the Tulsa Metropolitan Area Planning Commission:

Section 1. That the Comprehensive Plan of the Tulsa Metropolitan Area, as originally adopted by the Tulsa Metropolitan Area Planning Commission on June 29, 1960 and as amended from time to time, shall be and is hereby amended, regarding portions of the Tulsa metropolitan area within the incorporated city limits of the City of Tulsa, situated within Tulsa, Osage, and Wagoner Counties, to include the following planning guidelines, goals and policies:

Our Vision for Tulsa  
Land Use

Transportation  
Economic Development  
Housing  
Parks Trails and Open Space  
Appendices:  
Land use: Small Area Planning  
Transportation I: Context-Sensitive Solutions  
and Design  
Transportation II: Urban Corridors  
Transportation III: Sustainable Network  
Initiative  
Housing: Methodology and Assumptions  
Glossary

Section 2. That a true and correct copy of the guidelines, goals and policies identified in the foregoing Section One are attached to this Resolution and incorporated by reference as if fully written herein.

Section 3. That all provisions or parts of provisions of the Comprehensive Plan of the Tulsa Metropolitan Area, adopted by the Planning Commission on June 29, 1960, as amended, are hereby expressly superseded by the guidelines, goals and policies adopted by this Resolution; provided that the following existing plans that have been adopted by the Planning Commission shall not be superseded and shall continue, to the extent they are not in conflict with the guidelines, goals and policies adopted by this Resolution: the Tulsa City-County Major Street and Highway Plan; the Tulsa Metropolitan Area Trails Master Plan and Map; Arkansas River Corridor Master Plans; Tulsa University (TU) master plans and maps; master drainage, flood, and stormwater and similar plans and maps; and hazard mitigation and similar plans and maps.

Section 4. That upon adoption by the Tulsa Metropolitan Area Planning Commission, this Resolution shall be transmitted and submitted to the City Council of the City of Tulsa for its consideration, action and requested approval within forty-five (45) days of its submission.

Section 5. That upon approval by the Tulsa City Council, or should the City Council fail to act upon these amendments to the Comprehensive Plan with forty-five (45) days of their submission, this Plan shall be approved with the status of an official plan and immediately have full force and effect as to portions of the Tulsa metropolitan area within the incorporated city limits of the City of Tulsa.

ADOPTED on this 6th day of July 2010 by a majority of the full membership of the Tulsa Metropolitan Area Planning Commission, including its *ex officio* members.

**(Language underlined has been added and language with a strike-through has been deleted.)**

**TMAPC COMMENTS:**

After a lengthy discussion, it was determined to add "Housing" to Section 1 and the alternative language for Section 3 as amended by the Planning Commission.

Ms. Cantrell stated that a lot of people have been thanked for their work on the Comprehensive Plan except Mr. Boulden. She commented that Mr. Boulden worked very hard on this over his holiday weekend to prepare the resolution and alternative language.

Ms. Cantrell stated that she thinks it would be a nice symbol if this was a unanimous vote to send to the City Council. After all of the work that has been done, she is proud of this plan and the Planning Commission did a good job with it.

**TMAPC Action; 8 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Wright "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Walker "absent") to recommend **APPROVAL** of a resolution of the Tulsa Metropolitan Area Planning Commission (TMAPC), pursuant to Title 19 Oklahoma Statutes, Section 863.7; Adopting Revisions and Amendments to the "Comprehensive Plan of the Tulsa Metropolitan Area", Originally adopted on June 29, 1960 and as Subsequently Amended; Amending the Comprehensive Plan for portions of the Tulsa Metropolitan Area within the incorporated City limits of the City of Tulsa, Situated within Tulsa, Osage, and Wagoner Counties, in the State of Oklahoma, Resolution No. 2581:900 per staff recommendation and adding the alternative language as amended by the Planning Commission. **(Language with a strike-through has been deleted and language with an underline has been added.)**

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12. **Park Plan**

Public hearing to consider adopting the City of Tulsa Park Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.  
**Resolution 2581:899**

**TMAPC COMMENTS:**

Ms. Cantrell stated that Legal has recommended that this item be continued to August 3, 2010 in order to have the amended Comprehensive Plan in place.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Wright "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Walker, "absent") to **CONTINUE** the public hearing to consider adopting the City of Tulsa Park Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area to August 3, 2010.

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13. **Additional CIP for FY2011**

Consider and review additional CIP for FY2011 to find in conformance with the Comprehensive Plan for the Tulsa Metropolitan Area.

**STAFF RECOMMENDATION:**

As requested, the Land Development Services staff of the TMAPC has reviewed the proposed EECBG capital improvement project applications from the City of Tulsa. Our review involves comparison with the adopted Comprehensive Plan, relationship to other adopted plans and possible regional effects. It is staff's understanding that the Brady Village Geothermal Project may be delayed or eliminated, so these comments will not specifically address that project.

The remaining projects include a retrofit project at the OSU Medical Center, an energy audit at the City of Tulsa and a project for energy efficient lighting on the highway system within the City. All of these are certainly within the spirit and intent of the Comprehensive Plan, but are more specific than a general plan would address. Staff finds the submitted projects in accord with the Plan and recommends the TMAPC do likewise.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Wright "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Walker "absent") to **APPROVE** finding the additional CIP for FY2011 in conformance with the Comprehensive Plan for the Tulsa Metropolitan Area.

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Ms. Matthews informed Ms. Cantrell that Mr. Sober would like to say something to the Planning Commission.

Bob Sober, Chair of the Citizen's Team for PLANiTULSA, thanked the Planning Commission for their hard work put into the plan and listening to everyone's comments.

**PUBLIC HEARING**

14. **Hyde Park at Tulsa Hills** (revised) – (8211) (PD 8) (CD 2)  
Preliminary Plat  
East of U.S. 75, South of West 81<sup>st</sup> Street (continued from 6/16/2010)

**STAFF RECOMMENDATION:**

This plat consists of 166 Lots, 6 Blocks, on 41 acres.

The following issues were discussed June 3, 2010, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned CO (Corridor District) – Z-7140-SP-1 for a residential subdivision. Plans for gates, phasing, north buffer, and development areas should be submitted. On December 23, 2009 the City Council approved of the Corridor District for Hyde Park, for 185 units of single-family subdivision (9-0-0) with the condition that Maybelle be upgraded to its full width in accordance with Major Street and Highway Plan and per City of Tulsa design standards within the project limits, and resurfaced to 22 feet wide with improved bar ditch from the northern boundary of the subdivision to West 81<sup>st</sup> Street. Easements are not clearly marked. Show additional easement identification especially fence and landscape easements. A Homeowners Association needs to be formed. Make 25-foot access at northeast corner of site a viable access and show it on the plat. An avigation easement may be required by the Airport. Show trail system. PUD requirements must be met and detailed in the covenants. Lot frontages per PUD requirements need to be met. Patio homes and Garden homes are defined by their size and lot size per PUD standards in

the covenants and are all detached single family homes. These types of homes are not further defined in the Zoning Code.

2. **Streets:** South Phoenix W must have 30 feet of right-of-way for its entire length. Show S Nogales Avenue West extending to South Maybelle Avenue West. Access widths may not exceed throat width of streets, e.g. if West 84<sup>th</sup> boulevard south is 63 feet wide then access must be limited to 63 feet. Curves C15, C 20 must be minimum 28 feet. Modify Section 1.1.9 to omit reference to "...along arterial street frontages of abutting lots having access to minor streets..." Pavement everywhere must be minimum 26 feet wide except at hammerhead and fire access off Maybelle Avenue may be 20 feet wide.
3. **Sewer:** Along the north boundary of the plat, give the dimension for the area of Reserve C, between the plat boundary and the lots within Block 2. Since walls are allowed within Reserves C and E, and the Reserves already allows for utilities, begin the 17.5-foot utility easement at the north and west property line of the perimeter lots in Block 2. Extension of the sanitary sewer main must be provided from the existing 12-inch line at the Stonebrooke Development, as agreed in the pre-development meetings. Each proposed lot must have access to the sanitary sewer for service. The new extension must be deep enough, and large enough to serve the entire basin. There are existing properties that need to be served along the east side of Maybelle, so you will need to provide TEE locations for those services with your design.
4. **Water:** The building lines along Block 2, Lots 43 through 47; Block 3, Lots 1 through 10; Block 5, Lots 1, 5 through 10; and Block 6, Lots 1 through 34 should be a b/u (building line/utility) designation. A water main extension line to serve all lots is under an Infrastructure development plan review. In Block 3, Lot 1, along the Westside of the lot a 15-foot utility easement is needed to be shown.
5. **Storm Drainage:** Do not place contours on the face of plat. The easements for storm sewer pipes conveying drainage into the stormwater detention facilities must be storm sewer easements, not utility easements. The sewer lines must be centered in the easements. Within Reserve E please clarify the meaning of the 115 foot utility easement. Between Lots 21 and 22 of Block 6 is a reference to an 11 foot utility easement that points to the wrong line. Along the west property line identify the strip of land as Reserve C just like the strip along the north property line was identified as Reserve E. It appears that at least Blocks 3, 5 and 6 will require overland drainage easements. Sections 1.12.6 and 2.2.3 must state that if a City of Tulsa Statement of Costs is not paid then a lien is filed against each lot in the Subdivision and the owners will be responsible for their prorated share of the cost. Add City of Tulsa standard language for "Roof Drainage Requirements" and "Overland Drainage Easement". Separate/clarify

Reserve and other easements.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
7. **Other: Fire:** Two separate fire department access roads shall be provided per the 2006 International Fire Code Section D107. D107.1 One or two family dwelling residential developments, Developments of one or two family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3. Exceptions: 1. Where there are more than 30 dwelling units on a single public or private fire access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required. 2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official. The south end of Maybelle must have a turn around. The hammerhead at West 85<sup>th</sup> Place shall meet the dimension requirements of the International Fire Code Appendix D Section D103.4. Provide fire hydrants along West 84th Boulevard South per appendix C of the International Fire Code. The requirement is: Maximum distance from any point on street or road frontage to a hydrant shall not exceed 250 feet. Average spacing between hydrants shall not exceed 500 feet. More hydrants will be needed. Sprinkler systems need to be detailed in covenants.

**GIS:** Add the phrase "Date of Preparation" in place of "Date" on sheet 1 on the face of the plat. Add "Date of Preparation" to sheet 2. Fix date format inconsistencies between sheets 1, 2 and 3. Add a scale to the Location Map. Fix the plat location description at the top of sheet 1 under Hyde Park at Tulsa Hills to include "NW/4" to match the legal description on sheet 2. For number of Lots Sheet 1 states 166 lots while sheet 2 states 167 lots. Remove contour lines from the face of the Preliminary Plat. Fix inconsistencies between what is stated on sheets 1 and 2 for basis of bearings. Add a leading zero to the bearing degrees of 0° 38 ' 46" in the metes and bounds legal description to match what is shown on the face of the plat. Submit a subdivision control data form (Appendix D); last page of the subdivision regulations, in which the first point shall be the point of beginning with two other points on or near the plat's boundary. Please make the following street name changes: West 85<sup>th</sup> Place South should be West 85<sup>th</sup> Court South, South Quanah Avenue West will also be West 85<sup>th</sup> Court South, West 86<sup>th</sup> Place South should be West 86<sup>th</sup> Street South and South Nogales Place West located just east of Block 5 should be South Olympia Avenue West. How does the creation of the Hyde Park Property Management Company protect the future lot owners or the City from future liability? In order to use this management company instead of a home owners association concurrence by the Director of Public Works and by City

Council must be obtained.

**Airport:** The development falls within the traffic pattern zone for Jones Riverside Airport and the airport requests that aviation easement language be in place for the plat. (Comment received 6/10/2010.)

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Public Works Department staff and development services 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.

**TMAPC COMMENTS:**

In response to Ms. Wright, Mrs. Fernandez stated that stub streets to the south are needed since it is unknown what will develop in the future. There is adequate access and stubs in place and there is a good connectivity with cul-de-sacs in the project as well.

In response to Mr. Liotta, Mrs. Fernandez explained that reserve areas are explained in the covenants and private streets are in Reserve A and the maintenance will be the responsibility of the homeowners association.

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

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

Ms. Wright requested to speak with Mr. Steele regarding flooding issues for the subject site.

David Steele, Senior Engineer for the City of Tulsa stated that there are two reserve areas for containment of additional runoff caused by this subdivision. It will be released into the existing drain system of the subject area at a rate that will not cause additional flooding.

Ms. Wright stated that there has been flooding in the subject area and now there will be more impervious area. Mr. Steele stated that the project engineer could discuss this in more detail, but in the City's review they were assured that the additional runoff can be contained in the reserve areas and will be released into the existing system in that area, granted there has been flooding in the past in the record and the streams in this subject area; the City was aware of that when reviewing the hydrology of the project itself. The runoff calculation for the subject property is based on being fully developed.

**TMAPC Action; 8 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **7-1-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget "aye"; Wright "nay"; none "abstaining"; Carnes, Shivel, Walker "absent") to **APPROVE** the preliminary plat for Hyde Park at Tulsa Hills per staff recommendation, subject to special conditions and standard conditions.

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

15. **PUD-196-3 – Taco Bueno Restaurants, LP/DMG** (PD-18c) (CD-8)  
**Tulsa Properties**

West of the southwest corner of 71<sup>st</sup> Street South and South Memorial Drive (Minor Amendment to increase the permitted floor area in Development Area C-2 from 10,000 SF to 11,500 SF.) (Related to Item 16)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to increase the permitted floor area in Development Area C-2 of PUD-196 from 10,000 square feet (SF) to 11,500 SF (see Exhibit A) to allow for the construction of a 2,800 (+/-) SF restaurant.

The 1,500 SF increase represents a 14% increase in floor area for Development Area C-2 and a 1% increase for the entire commercial area of the PUD. Currently the PUD allows for 245,000 SF in total commercial floor area, while the underlying CS zoning would allow for 280,000 SF. Staff views the 1% increase in over-all floor area in the PUD as negligible and the 14% increase in floor area for the development area within the limits of a minor amendment per Section 1107, H-4 of the Zoning Code.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-196-3 increasing the permitted floor area within Development Area C-2 to 11,500 SF in the aggregate not to exceed three buildings per PUD-196.

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

**TMAPC COMMENTS:**

Ms. Cantrell questioned if there was 30 feet separation between the buildings. Ms. Matthews stated that according to Mr. Sansone this does meet the 30-foot separation.

**Applicant's Comments:**

**Jeff Wohead**, Director of Construction, 1605 LBJ Freeway, Farmer's Branch, Texas, 75234, stated that he is requesting this as an existing 8,700 square foot building on the subject property. In order to construct the Taco Bueno building in the new location it is necessary to have an additional 1,500 square feet.

### **INTERESTED PARTIES COMMENTS:**

**Mack Amini and Rajeanna Amini**, 8529 South Maplewood, 74137, expressed concerns with the possibility of a curb-cut and traffic going through their parking lot. Ms. Amini expressed concerns that people would park in her parking lot and walk over to the Taco Bueno. She expressed that it could be dangerous for her patrons to have additional cars using their parking lot. She further stated that vehicles cannot make a left-hand turn into the subject property due to a center median and use the side street East 77<sup>th</sup> Street and then through her parking lot to get back out to 71<sup>st</sup> Street. She believes that vehicles will pass Taco Bueno and turn around on 77<sup>th</sup> Street and through her parking lot or park in her parking lot to access the Taco Bueno. She believes this will destroy her parking lot and perhaps make customers and potential customers angry if they tow them away. Ms. Amini stated that she doesn't want the curb-cut and Taco Bueno was aware that they would have parking issues when they purchased the subject property.

### **TMAPC COMMENTS:**

Ms. Cantrell stated that she doesn't see a curb-cut on the plans submitted and if it is not approved, then the applicant wouldn't be able to do so. Ms. Amini stated that Taco Bueno requested a curb-cut. Ms. Amini further stated that the customers of Taco Bueno will drive through her parking lot and park in her parking lot. Ms. Amini indicated that they already get turnaround traffic in their parking lot. Ms. Amini commented that she turned down Taco Bueno's request for a curb-cut and for access to their parking lot.

Mr. Midget stated that Amini's could put up signage stating that the parking is for their customer parking only and all others will be towed away. However, if there is a concern that this will make them angry, then they should deal with the possibility of future clients parking in their parking lot and walking to the Taco Bueno. Ms. Amini stated that she wouldn't want to tow them away because it would make them mad and they could possibly be a client in the future. Mr. Midget stated that he was simply stating this as a reasonable alternative without punishing the applicant because he wants to build a building. Mr. Midget stated that the Amini's control their own parking lot and they will have to make a decision on whether to control it or live with the possibility that someone might park there and walk to the Taco Bueno. Mr. Midget commented that he doesn't park in places where it says that violators will be towed. Mr. Amini stated that it is not about Amini's Galleria, but how poorly the City designed the streets and center medians. Mr. Amini stated that the only way anyone can turn is at 71<sup>st</sup> and it is too busy so they come to his parking lot and turnaround. Mr. Amini stated now they are asking for a larger building and it is dangerous the where it is located. The City needs to do a better design for the traffic. Mr. Amini stated that Taco Bueno offered him a lot of money to allow a curb-cut, but he turned them down.

Mr. Leighty asked Mr. Amini how this land would be developed. Mr. Amini stated he envisioned that a smaller or different business that doesn't attract a lot of

parking like a fast food business would be appropriate. Mr. Amini explained that another business wouldn't attract that much traffic. Mr. Leighty asked Mr. Amini if his property is part of the PUD. In response, staff informed Mr. Leighty that it isn't part of the PUD.

Ms. Wright asked if there are any turns from 71<sup>st</sup> Street into the businesses. Ms. Amini stated that there are only at the side street next to her property. Ms. Wright stated that unless one is traveling east, one can't get into the subject property without going through the side street and through various parking lots. Ms. Amini agreed.

Ms. Cantrell stated that she understands the Aminis' concerns, but a lot of the problems they are stating exist today are separate from the applicant's request. Ms. Cantrell further stated that the Planning Commission needs to figure out if there is a justifiable reason for denying the applicant. A fast-food restaurant is already allowed in the PUD and the Planning Commission can't deny the applicant his fast-food store. She is not sure that 10,000 SF versus an 11,000 SF restaurant will make a lot of difference in the Aminis' situation. Ms. Cantrell suggested that the Aminis' get in touch with their City Councilor to see about how the street is designed and perhaps there needs to be more cuts for westerly traffic. Ms. Cantrell noted that the applicant is only asking for a slightly larger building and she would need something more than a slightly larger building is going to aggravate a problem that is clearly already in existence. Mr. Amini stated that the Taco Bueno will take away from their site and they have been there for 22 years. The bigger building will block the view of their building and they will be right in front of us.

Mr. Leighty stated that the Amini parking lot is in front of their building and the subject building couldn't be in front of theirs. Ms. Cantrell stated that the proposed building will not be taller. Ms. Cantrell asked Mr. Amini if he was ever told that no one would build on the subject property when he purchased his property. Someone will build a building on the subject property and it will block the Amini site to some extent.

Mr. Dix stated that the applicant is trying to build a 2,830 square foot restaurant and they need the permitted increase by 1,500 feet, where before they could only build a 1,300 square foot restaurant. Mr. Dix further stated that the real issue is the site visibility from oncoming traffic (west bound traffic). That the interested parties are asking us to consider denying this in order to allow them to control their site visibility is what he is getting out of what they are saying and he doesn't believe that is within the Planning Commission's purview. The Aminis' should have discussed this with the seller of the property and attempted to get a visibility easement from him.

Ms. Wright asked the Aminis' if they had ever heard of a visibility easement or ever known it was a possibility. In response, Mr. Amini stated that Taco Bueno

approached him last year to cut the curb. Mr. Amini indicated that he had not heard of a visibility easement. Ms. Wright stated that this could be added as a new tool to our kit.

**Applicant's Rebuttal:**

Mr. Wohead stated that he did approach the Aminis' about having access across their property and obviously would pay for it, but they didn't want to do so. Mr. Wohead demonstrated the entrance to the shopping center and the left-turn lane that goes into the shopping center. Cars will be able to turn left off of 71<sup>st</sup> if traveling to the west and turn into the shopping center heading south and the Taco Bueno entry is within the shopping center. Cars can also go around the subject building and actually go between the buildings and behind the existing shopping center to access out to the side street. Mr. Wohead stated that there is proper parking for the subject site and to say that there is no left-turn off of 71<sup>st</sup> Street is inaccurate.

**TMAPC COMMENTS:**

Mr. Dix stated that he measured from the plans and if they are to scale, it would appear the subject building setback is somewhere from 30 to 35 feet and it clears.

In response to Mr. Leighty, Mr. Wohead stated that it would be impossible to build the restaurant at 1,300 square feet. He explained that the new stores are on a smaller footprint, but they would still need a 2,830 square foot building.

Mr. Midget moved to approve the minor amendment per staff recommendation and Mr. Leighty seconded the motion.

Mr. Dix stated that he doesn't want to reprimand the Aminis, but he believes that they are being short-sighted by not providing cross access and cross parking. This could be done with a maintenance agreement and pay so much a year to help maintain the parking lot. This will cut the Aminis off from the traffic that the rest of the shopping center has and when a business cuts itself off from traffic, it cuts them off from customers.

Ms. Wright stated that she completely supports that the Aminis would like to protect their property and because we are so strong on property rights in Tulsa, she supports them on whatever they have to do to protect their parking lot. Ms. Wright indicated that she would be voting against this application.

Ms. Cantrell stated that she believes she understands the Aminis' concerns, but she doesn't see the correlation between this request and the problems that already exist for the Aminis'. She encouraged the Aminis' to talk with their City Councilor to work on these issues and to see if there is any engineering that could be done on 71<sup>st</sup> to help them out. Ms. Cantrell indicated that she would be supporting the minor amendment because it is an area that would develop one

way or the other, and a fast food restaurant is what would more than likely move into the subject area.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-1-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, "aye"; Wright "nay"; none "abstaining"; Carnes, Shivel Walker "absent") to **APPROVE** the minor amendment for PUD-196-3 per staff recommendation.

16. **PUD-196 – Jeff Wohead/Taco Bueno** (PD-18c) (CD-8)

West of the southwest corner of 71<sup>st</sup> Street South and South Memorial Drive (Detail Site Plan for a 2,830 square foot restaurant.) (Related to Item 15)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 2,830 square foot (SF) restaurant. The proposed use, Use Unit 12 – Eating Establishments other Than Drive-ins, is a permitted use in PUD-196. Associated with this site plan is minor amendment PUD-196-3 also on the July 6<sup>th</sup> agenda of the TMAPC. The minor amendment request is to increase the permitted floor area in Area C-2 of PUD-196 by 1,500 SF, an increase in permitted floor area of 14%.

Pending the approval of the aforementioned minor amendment, the submitted site plan is within permitted floor area limits. The plan meets all open space, building height and setback limitations. Access to the site is provided via mutual access easement from 71<sup>st</sup> Street South. Parking has been provided per the applicable Use Unit of the Zoning Code. Landscaping is provided per PUD requirements and the landscape chapter of the Zoning Code. All sight lighting, including building mounted, is limited to 25' 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 where not existing along 71<sup>st</sup> Street South as required by Subdivision Regulations. The plan also meets the minimum 30-foot building separation required by the PUD.

Staff recommends **APPROVAL** of the detail site plan contingent upon approval of minor amendment PUD-196-3.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-1-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget "aye"; Wright "nay"; none "abstaining"; Carnes, Shivel Walker "absent") to **APPROVE** the detail site plan for PUD-196 per staff recommendation.

17. **PUD-564-B – Lou Reynolds/Sonic Automotive, Inc.** OM/PUD-564-A/ to OM/PUD-564-B

North and east of the northeast corner of East 31<sup>st</sup> Street and South Memorial Drive (Major Amendment add Use Unit 15, Other Trade and Services; increase maximum building floor area from 12,000 SF to 13,500 SF and reduce the minimum building setback from easterly boundary from 100 feet to 90 feet.) (Continued from 6/1/10) (PD-17) (CD-3)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 20594 dated May 15, 2003, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**PUD-533-B December 2006:** All concurred in approval of a proposed Major Amendment to PUD on a 8± acre tract of land for furniture retail sales (Grizzly Mountain Rustic furniture) and related accessories with onsite manufacture of the furniture, on property located on the northwest corner of East 27<sup>th</sup> Street and East Skelly Drive.

**Z-6993 August 2005:** All concurred in approval of rezoning a tract from CS to CG, on property located north of the northwest corner of South Memorial Drive and East Skelly Drive.

**PUD-533-A June 2005:** All concurred in approval of a proposed PUD Major Amendment 7.9± acres to allow agricultural implement sales, on property located on the northeast corner of East 27<sup>th</sup> Street and East Skelly Drive.

**PUD-564-A May 2003:** All concurred in approval of a proposed Major Amendment to PUD-564 to include an 8± acre tract that was originally the Carpenters' Union, to permit office use for the auto/truck dealership, on the property located North and east of northeast corner East 31<sup>st</sup> Street and South Memorial Drive and a part of the subject property.

**BOA-19006 March 2001:** The Board of Adjustment approved a special exception to permit use of church parking for non-church purposes, on property located east of northeast corner of East 31<sup>st</sup> Street and South Memorial Drive.

**Z-6806 February 2001:** All concurred in approval of a request to rezone a 1.5-acre tract from RS-3 to PK to provide additional parking for the adjoining automotive sales and service business located west of the church located south of the subject tract and east of the northeast corner of East 31<sup>st</sup> Street and South Memorial Drive.

**BOA-18756 May 23, 2000:** The Board of Adjustment approved a Variance of Section 403 of the allowable height in a RS zoned district from 35' to 95' for church steeple and structure, per plan submitted, on property located at southeast corner South 87<sup>th</sup> East Avenue and East Skelly Drive and abutting east of subject property.

**Z-6557/PUD-564 September 1997:** All concurred in approval of a request to rezone the 5.4-acre tract from RS-2 to CS/PUD for indoor automobile and light truck service and repair, on the property located North and east of northeast corner East 31<sup>st</sup> Street and South Memorial Drive and a part of the subject property.

**PUD-533 June 1995:** All concurred in approval of a request for rezoning a tract of land from CS/OM to CS/OM/PUD to allow mixed uses, on property located on the northeast corner of East 27<sup>th</sup> Street and East Skelly Drive.

**BOA-12820 October 1983:** The Board of Adjustment approved a special exception to allow a daycare facility in an existing church, on property located east of northeast corner of East 31<sup>st</sup> Street and South Memorial Drive.

**BOA-3155 March 11, 1959:** The Board of Adjustment approved a Special Exception to permit church use and accessory uses, on property located at southeast corner South 87<sup>th</sup> East Avenue and East Skelly Drive and abutting east of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.6± acres in size and is located north and east of northeast corner East 31<sup>st</sup> Street and South Memorial Drive. The property appears to be vacant and is zoned OM/ PUD-564-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 Skelly Drive	Freeway Access Road	100'	1 - 2

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

**SURROUNDING AREA:** The subject tract is abutted on the east by Candlelight, zoned RS-3; on the north by I-44, zoned RS-2; on the south by Groveland Addition, zoned RS-2/OM/CS/PUD-564; and on the west by Groveland Addition, zoned RS-2/OM/CS/PUD-564.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity – No Specific Land Use. According to the Zoning Matrix, the existing OM zoning on the lot is in accord with the Plan.

**STAFF RECOMMENDATION:**

PUD-564-B is an adaptive re-use proposal consisting of 2.6 acres/113,256 square feet (SF) located along Skelly Drive/the I-44 service road. The site is located northeast, of the northeast corner of 31<sup>st</sup> Street South and South Memorial Drive. The property is flat and was developed for office uses as the headquarters of Carpenter's Union Local Number 943. The building is currently vacant. There is no zoning change requested or required with this application and the property has already been platted (please refer to Exhibit A).

PUD-564 was approved to permit the expansion of existing automobile and light truck sales along Skelly Drive, while providing a landscaped area that would be developed as a channel for Audubon Creek with a capacity to carry the 100-year storm runoff. Major amendment PUD-564-A added the subject tract with the intent of removing the Carpenter's Hall and further expanding the auto dealership for an office and the display and sale of new and used automobiles.

Major amendment PUD-564-B now seeks to utilize the existing building and:

1. Add as a Permitted Use, Use Unit 15 - Other Trade and Services, limited to Contract Construction Services only and uses customarily accessory thereto;
2. Increase the Maximum Building Floor Area from 12,000 SF to 13,500 SF (a .11 FAR in the OM district which allows a .5 FAR); and
3. Reduce the Minimum Building Setback from the easterly boundary of Development Area "B" from 100' to 90'.

Staff has conducted site visits, the photographs of which can be viewed in Exhibit C. In addition to the TMAPC property owner's notification, the applicant notified the abutting property owners and held a public meeting in a nearby church which was unattended (see Exhibit D).

Considering the site location along a freeway, the buffering mechanisms proposed (see Exhibit B and landscape, screening, lighting and other requirements below) and the proximity to a residential subdivision in relationship to the proposed use, staff can support the request. Staff generally supports the adaptive reuse of properties where appropriate.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-564-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-564-B subject to the following conditions as amended 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:

**LAND AREA:** 2.595 Net Acres

**PERMITTED USES:**

Those uses included within Use Unit 10, Off-Street Parking, Use Unit 11, Offices and Studios, and display for sale of new and used automobiles and light trucks, and Use Unit 15, Other Trades and Services, limited to Contract Construction Services and Uses Customarily and Accessory thereto.

**MAXIMUM BUILDING FLOOR AREA:** 13,500 SF

**MAXIMUM BUILDING HEIGHT:** One-story not to exceed 20'.

**MINIMUM BUILDING SETBACKS:**

From the residential development area to the east:	90'
From southerly boundary of the Development Area:	85'
From westerly boundary of the Development Area:	0'
From Northerly boundary of the Development Area:	50'

**MINIMUM BULK WASTE CONTAINER SETBACK:**

No exterior trash collection facilities shall be located within 150 feet of the easterly boundary of Development Area B. Bulk waste containers will be completely screened from the view of a person standing at ground level.

**OFF-STREET PARKING:**

As required by the applicable use unit of the Tulsa Zoning Code. All parking areas for the display for sale of automobiles and light trucks shall have an all-weather, dust-free surface.

**SIGNS:**

- A. One ground sign shall be permitted along the I-44 service road frontage which shall not exceed 160 square feet of display surface area and 20 feet in height or the height of the building, whichever is lower. Such ground sign shall be located at least 225 feet from the easterly boundary of Development Area B.
- B. Wall signs shall be permitted not exceeding two square feet of display surface area per lineal foot of building wall to which attached, provided wall signs shall not be permitted on the easterly or southerly facing building walls within Development Area B.

**INTERNAL LANDSCAPED AREAS:**

- A. A minimum of fifteen percent of the net land area shall be developed in accord with the Landscape Chapter of the Tulsa Zoning Code and in accord with the screening and landscape plan, Exhibit B, provided areas for the display for sale of automobiles and light trucks shall not be considered as required off-street parking for the administration of the off-street parking and Landscape Chapter requirements of the Tulsa Zoning Code.
- B. The landscaped buffer area in Development Area A shall be tapered to follow the existing easternmost driveway in Development Area B and then widened to include an area approximately 140 feet wide at the northeastern corner of Development Area B. Deciduous trees shall be installed within the new landscaped area as shown on Exhibit B, screening and landscaping plan, with a minimum caliper of two inches and a minimum height of ten to twelve feet at planting, spaced approximately 25 feet apart to permit canopy development.

**SCREENING:**

~~An eight (8) foot high solid screen masonry type wall shall be constructed on the westerly side of the landscaped area within Development Area B to a point at the north boundary of Lot 11, Block 2 – Candlelight Addition, and then connect to the northwest corner of that lot. The extension of the screening fence shall create a visual barrier between the two residences adjacent to Development Area B and the vehicles displayed and an effective physical barrier to prevent trespassers from entering the landscaped buffer area.~~

The existing 6 ft. screening fence along the easterly boundary of Development Area B shall be maintained by the owner of Development Area B from the southeast corner of Development Area B to the northwest corner of Lot 11, Block 2 – Candlelight Addition, and a 4 ft. round rail wooden fence with black vinyl coated chain link fencing shall be constructed on the westerly side of the landscaped area along the easterly boundary of Development

Area B and connected to the northwest corner of Lot 11, Block 2 – Candlelight Addition. Together with the landscaping, the maintenance of the 6 ft. screening fence along the easterly boundary of Development Area B and the round rail wooden fence and vinyl coated chain link fencing will create an effective physical barrier and visual buffer with regard to the commercial use of Development Area B as well as, provide visibility into the landscaped buffer area of Development Area B so as to prevent trespassers from entering the landscaped buffer area.

The City of Tulsa has the right of lien on the applicant's property to enforce maintenance of the landscape buffer area and fence.

**LIGHTING:**

Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas. No light standards shall be located within 80 feet of the east boundary of the Development Area. No light standard shall be located within the landscape buffer area along the easterly boundary of Development Area B as shown on the screening and landscape plan, Exhibit B. Light standards within 100 feet of the easterly boundary of Development Area B shall not exceed 16 feet in height. No light standard, including building-mounted shall exceed 25 feet in height.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan 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 in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign 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. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
9. No building permit shall be issued until the requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
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. Truck trailers shall not be used for storage of bulk waste.
13. An external public address speaker system shall be prohibited.
14. There shall be no access from the PUD to East 28<sup>th</sup> Place South.

**TAC Comments:**

**General:** No comments.

**Water:** An IDP project will be required to provide fire protection and water service needs.

**Fire:** There are no fire hydrants meeting the spacing requirements of the International Fire Code for this facility. A fire Hydrant shall be provided.

**Stormwater:** No objection.

**Wastewater:** No comments

**Transportation:** East access is located within LNA. Access width must be limited to 36' each. Sidewalks required.

**INCOG Transportation:**

- **MSHP:** E. Skelly Drive is a designated highway.

- **LRTP:** 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 Memorial Drive, between 21<sup>st</sup> St. S. and 31<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.

**TMAPC COMMENTS:**

Ms. Cantrell asked if the only change would be adding the contract construction. In response, Ms. Matthews answered affirmatively.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Suite 200, 74114, representing Gregg Walters with Community Builders, stated that his client will be purchasing the subject property from Sonic Automotive. He indicated that he spoke with eight to nine of the neighbors about the subject project and all were supportive. Letters were mailed to everyone within 300 feet of the development area with an invitation for a meeting and no one came to the meeting.

Mr. Reynolds explained that the reason this is a major amendment it to approve the construction use on the subject property because the underlying zoning is OM. The PUD has commercial zoning and can be spread to allow the proposed use. The use will be inside only and no activities outdoors.

Mr. Reynolds stated that he is in agreement with staff on every point except the screening concept. The screening concept will create a trap and there needs to be some visibility to it. Mr. Reynolds proposed to install landscaping along the 200 feet of the subject property boundary and on the west side of the landscaping there is an existing six-foot screening fence in place. On the west side of the landscaping, staff is asking that he install an eight-foot concrete fence and he fears this will create a trap. There are some transient activities in the subject area and there needs to be some visibility. Mr. Reynolds proposed taking over the maintenance of the six-foot screening fence, installing the landscaping and installing the rounded pole fence with the vinyl dark-colored chain link fence to be a barrier, but people will be able to see through it. Mr. Reynolds proposed new language for the screening:

The existing 6 FT screening fence along the easterly boundary of Development Area B shall be maintained by the owner of Development Area B from the southeast corner of Development Area B to the northwest corner of Lot Eleven (11), Block Two (2),

CANDLELIGHT ADDITION, and a 4 FT round rail wooden fence with black vinyl coated chain link fencing shall be constructed on the westerly side of the landscaped area along the easterly boundary of Development Area B and connected to the northwest corner of Lot Eleven (11), Block Two (2), CANDLELIGHT ADDITION. Together with the landscaping, the maintenance of the 6 FT screening fence along the easterly boundary of Development Area B and the round rail wooden fence and vinyl coated chain link fencing will create an effective physical barrier and visual buffer with regard to the commercial use of Development Area B as well as provide visibility into the landscaped buffer area of Development Area B so as to prevent trespassers from entering the landscape buffer area.

**TMAPC COMMENTS:**

Mr. Dix asked how the enforcement would be handled regarding the fence. In response, Mr. Reynolds stated that it would be in the covenants and the City of Tulsa would enforce it. Mr. Dix suggested that a bond or escrow be in place so that the neighbors and the property owners won't get in to a battle over the maintenance of the fence. Mr. Reynolds suggested giving the City of Tulsa lien rights and if the City has to fix it they can file a lien against the owner for the costs.

Ms. Cantrell asked if the applicant is willing to take over the maintenance of the existing screening fence and installing landscape, then does the applicant still want the chain link fence. Mr. Reynolds stated that he was offering it as a benefit and if it isn't seen as positive, his client would happy to not do it and save some money. He believes it would be helpful to have the chain link will be positive. There will be room to mow and maintain it between the two fences.

**INTERESTED PARTIES COMMENTS:**

**Rodney Orton**, 3012 South 86<sup>th</sup> East Avenue, 74129, stated that he didn't speak with Mr. Reynolds prior to the meeting. He expressed concerns with the vegetation, drainage and wildlife in the subject area. He explained that there are rats in the subject area and he would like to see the two tall trees behind the church to remain because they are useful for the predatory birds that catch the rats and rabbits. Mr. Orton explained the transient issues in the subject area. He has no objections to the proposal and requested that some tall trees be put in to bring the population of predator birds up. Mr. Orton complained about the noise from the local car dealerships that tune up race cars.

**TMAPC COMMENTS:**

Ms. Cantrell explained that the PUD does require landscaping and it requires several trees to be planted that are at least ten to twelve feet in height at the time of planting.

**Applicant's Rebuttal:**

Mr. Reynolds stated that he has heard about the rats in the subject area when he spoke with the neighbors.

In response to Ms. Wright, Mr. Midget stated that vermin infestation is the responsibility of the Tulsa City/County Health Department.

In response to Ms. Wright, Mr. Reynolds stated that the car dealership is not a part of this application and he doesn't know anything about them tuning up race cars. This is the first time he has heard of this. Mr. Orton stated that there is a lot of noise when they open up the car dealerships and turn off all of the alarms and close car doors. Mr. Dix asked how this relates to what is before the Planning Commission today. Ms. Wright stated that it actually reveals the fact that the PUD might be in violation of its use units.

Mr. Dix stated that he doesn't see the need to have two fences in the subject area. He suggested that the applicant build a masonry fence and take down the wood screening fence.

Mr. Midget asked Mr. Reynolds if the chain link fence would provide his client any protection or comfort. In response, Mr. Reynolds stated that he believes it is a better solution.

**TMAPC Action; 8 members present:**

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Wright "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Walker "absent") to recommend **APPROVAL** of the major amendment for PUD-564-B per staff recommendation, with the provision that the City would have the right to place a lien on the applicant's property for the maintenance of the wood fence screening the adjacent property, subject to adding the proposed language provided by applicant. (Language with a strike-through has been deleted and language with an underline has been added.)

**Legal Description for PUD-564-B:**

A TRACT OF LAND BEING PART OF LOT 8, BLOCK 1, GROVELAND ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF LOT 8; THENCE S 48° 34' 30" W ALONG THE NORTHERLY LINE OF LOT 8 A DISTANCE OF 528.67 FEET TO THE NORTHWESTERLY CORNER OF LOT 8; THENCE S 00 ° 35' 30" E ALONG THE WEST LINE OF LOT 8 A DISTANCE OF 351.82 FEET TO A POINT; THENCE NORTHEASTERLY TO A POINT ON THE EAST LINE OF LOT 8, SAID POINT BEING N 00° 35' 30" W A DISTANCE OF 505 FEET FROM THE SOUTHEAST CORNER OF LOT 8; THENCE N 00° 35' 30" W ALONG THE EAST LINE OF LOT 8 A DISTANCE OF 572.19 FEET TO THE NORTHEAST

CORNER OF LOT 8 AND THE POINT OF BEGINNING; **AND** ALL OF LOT 7, BLOCK 1, AND VACATED SOUTH 85<sup>TH</sup> EAST AVENUE RUNNING THROUGH AND ADJACENT TO SAID LOT 7, GROVELAND ADDITION, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

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18. **CZ-403 – Roger K. Eldredge/Blue Sky Farms, LLC** **AG to AG-R**  
North of northwest corner of East 116<sup>th</sup> Street and (County)  
North Sheridan Road

**STAFF RECOMMENDATION:**

**ZONING RESOLUTION:** Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**CZ-302 August 2002:** All concurred in approval of a request for rezoning a 20+ acre tract of land from AG to AG-R for residential/agriculture use on property located south of the southeast corner of North Memorial Drive and East 116<sup>th</sup> Street and east of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1± acre in size and is located north of northwest corner of East 116<sup>th</sup> Street and North Sheridan Road. The property appears to be in agricultural and single-family residential use and is zoned AG.

**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 Sheridan Road	Secondary arterial	100	2

**UTILITIES:** The subject tract is served with water from a rural water system and no sewer available.

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant land, zoned AG; on the north by single-family residential and agricultural land, zoned AG; on the south by apparently agricultural and single-family residential land, zoned AG; and on the west by vacant/agricultural land, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The North Tulsa County Comprehensive Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as

being Agriculture. According to the Tulsa County Zoning Matrix, the requested AG-R zoning is **not** in accord with the Plan.

**STAFF RECOMMENDATION:**

If approved, this rezoning would clearly be spot zoning. The property is totally surrounded by AG-zoned and agriculturally-used properties. Staff therefore recommends **DENIAL** of AG-R zoning for CZ-403.

**Applicant's Comments:**

**Roger Eldredge**, 320 South Boston, Suite 1066, 74103, stated that he represents the Blue Sky Farms and his client would like to split off an existing residence and sell it to a third party.

**TMAPC COMMENTS:**

Mr. Dix asked Mr. Eldredge what would happen to the surrounding property. In response, Mr. Eldredge stated that it would remain as it is. Mr. Eldredge pointed out that the Tulsa County Zoning Code has two agricultural zonings, which are AG and AG-R and they are virtually identical as far as the allowed uses. The key difference is lot size and AG-R allows a minimum of one acre with 1.1 livability space and that will be achieved with this application. He pointed out a previous rezoning in the subject area from AG to AG-R and that it was pointed out by the Planning Commission that it wouldn't be injurious to the subject area. Mr. Eldredge didn't believe that this would be considered spot zoning or that spot zoning applies with this application.

Ms. Wright asked Mr. Eldredge if this really isn't just a lot-split. In response, Mr. Eldredge stated that this is a farmstead and in essence, it may be somewhat proper to think of it in terms of lot-split. Ms. Wright asked if the southernmost entrance accesses the other buildings and there would be a separate entrance for the house. In response, Mr. Eldredge answered affirmatively.

Mr. Leighty asked why the applicant didn't sell enough property to keep the zoning AG. In response to Mr. Leighty, Mr. Eldredge stated that his client would like to keep the balance of the land and buildings and only sell the residence.

Mr. Dix stated that he lives within two miles of the subject property and he doesn't see anything injurious about it.

Ms. Cantrell stated that she could not support this application because there is a need to preserve some agricultural land. She does see this as spot zoning, but not the worse case of spot zoning.

Mr. Leighty stated that he can't support this application.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **6-2-0** (Dix, Liotta, Marshall, McArtor, Midget, Wright "aye"; Cantrell, Leighty "nays"; none "abstaining"; Carnes, Shivel, Walker "absent") to recommend **APPROVAL** of the AG-R zoning for CZ-403.

**Legal Description for CZ-403:**

A TRACT OF LAND IN THE SOUTHEAST QUARTER (SE/4) OF SECTION 3, TOWNSHIP 21 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF THE SE/4 OF SECTION 3, TOWNSHIP 21 NORTH, RANGE 13 EAST. HENCE S 00°11'39"W ALONG THE EAST LINE OF SAID SE/4 A DISTANCE OF 349.50 FEET TO THE POINT OF BEGINNING. THENCE CONTINUING S 00°11'39"W A DISTANCE OF 207.73 FEET. THENCE N 89°48'20"W A DISTANCE OF 228.23 FEET. THENCE N 00°02'49"W A DISTANCE OF 211.35 FEET. THENCE S 88°54'09"E A DISTANCE OF 229.15 FEET TO THE POINT OF BEGINNING. CONTAINING 1.10 ACRES, MORE OR LESS.

\*\*\*\*\*

Ms. Wright out at 5:52 p.m.

19. **PUD-749-A – Sack & Associates, Inc./Mark Capron**      **RS-1/PUD-749 to RS-1/PUD-749-A**

East of the northeast corner of East 41<sup>st</sup> Street and South Utica Avenue (PUD Abandonment PUD-749 and return the property to the underlying RS-1 zoning.) (PD-6) (CD-9)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 21770 dated April 9, 2008, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**PUD-749 April 2008:** All concurred in approval of a proposed Planned Unit Development on a 2.07± acre tract of land for a small gated single-family subdivision on property located east of the northeast corner of East 41<sup>st</sup> Street and South Utica Avenue and the subject property.

**Z-7063 August 2007:** A request for rezoning a 1.96± acre tract of land from RS-1 to RS-2 was *withdrawn* on the subject property also described as east of northeast corner of East 41<sup>st</sup> Street South and South Utica Avenue.

**PUD-589 August 1998:** All concurred in approval of a proposed Planned Unit Development on a 2.9± acre tract of land for a gated subdivision with seven units maximum, retaining one of existing two houses, on property located west of the northwest corner of East 41<sup>st</sup> Street and South Lewis Avenue and abutting the subject property to the east.

**PUD-546 June 1996:** All concurred in approval of a proposed Planned Unit Development on a 2.3± acre tract of land for a five single-family lots with a private street on property located north of northeast corner of East 37<sup>th</sup> Street and South Lewis Avenue

**Z-6395 March 1993:** All concurred in approval of a request for rezoning a 200± acre tract of land from RS-1 to RE for single-family development on property located on the southwest corner of East 41<sup>st</sup> Street and South Lewis Avenue.

**PUD-493 October 1992:** All concurred in approval of a proposed Planned Unit Development on a 7± acre tract of land for an eight lot development of single-family homes with private streets on property located west of northwest corner of East 41<sup>st</sup> Street and South Lewis Avenue.

**PUD-416 June 1986:** All concurred in approval of a proposed Planned Unit Development on a 3.6± acre tract of land for a single-family, private street development with a maximum of 7 lots on property located west of northwest corner of East 41<sup>st</sup> Street and South Lewis Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.07 ± acres in size and is located east of the northeast corner of East 41<sup>st</sup> Street and South Utica Avenue. There is one large single family residence on the property which will be removed. The property is zoned RS-1.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 41 <sup>st</sup> Street	Urban Arterial	70'	2

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

**SURROUNDING AREA:** The subject tract is abutted on the east by a single-family residential development, zoned RS-1/PUD-589; on the north by single-family residential uses, zoned RS-1; on the south by single-family residential uses, zoned RE; and on the west by single-family residential uses, zoned RS-2.

**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-Residential land

use. According to the Zoning Matrix, the existing RS-1 underlying zoning is in accord with the Plan.

**STAFF RECOMMENDATION:**

This 2.07 acre/90,169 SF tract is located east of the northeast corner of East 41<sup>st</sup> Street and South Utica Avenue. The property is zoned RS-1/PUD-749.

Due to what the applicant identifies as changes in market conditions, major amendment PUD-749-A seeks to abandon PUD-749 and return the property to the underlying RS-1 zoning. There is no request to change the underlying zoning on the property. The property owner now wishes to build one single family residence on the property.

Originally approved in 2008, PUD-749 was a proposed five lot single family residential subdivision.

Staff supports the request to abandon the PUD since the development of the property will be less intensive with construction of one single family residence versus five.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-749-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 Residential Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-749-A subject to the following conditions:

1. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

**TAC Comments:**

**General:** No objection to the abandonment.

**Water:** No objection to the abandonment.

**Fire:** No objection to the abandonment.

**Stormwater:** This property drops over 25 feet from the southeast corner to the northwest corner. All additional impervious development of this property will require the Stormwater Detention Facility, shown as Reserve 'B', in the existing P.U.D.

**Wastewater:** No objection to the abandonment.

**Transportation:** No objection to the abandonment.

**Traffic:** No objection to the abandonment.

**INCOG Transportation:**

- **MSHP:** 41<sup>st</sup> Street between Peoria and Lewis is a designated Urban

Arterial.

- **L RTP:** 41<sup>st</sup> St. S., between Lewis Avenue and Peoria Ave, existing 4 lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations where applicable.
- **TMP:** No Comment
- **Transit:** Currently, Tulsa Transit operates services on this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development.

**GIS:** No objection to the abandonment.

**Street Addressing:** No objection to the abandonment.

**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 **LEIGHTY**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Walker, Wright "absent") to recommend **APPROVAL** of the major amendment to Abandon PUD-749 and return the property to the underlying RS-1 zoning per staff recommendation.

**Legal Description for PUD-749-A:**

The S 400' of the W 30' of Lot 9 and the S 400' of Lot 10, Royal Oak Heights, and the S 296.9' of the W 25' of vacated S. Wheeling Ave., lying between Royal Oak Heights and Block 13 of Highland Park Estates, additions to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plats thereof.

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Ms. Wright in at 5:53 p.m.

20. **PUD-761-A – Sack & Associates, Inc./Mark Capron** (PD-6) (CD-9)

Southeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue  
(Major Amendment to add Dry Cleaner Use, Use Unit 15)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 21960 dated December 17, 2008, established zoning for the subject property.

**PROPOSED ZONING:** RM-2/OL/CS/PUD-761-A      **PROPOSED USE:** Dry cleaner

**RELEVANT ZONING HISTORY:**

**PUD-761 December 2008:** All concurred in approval of a proposed Planned Unit Development a 6.87± acre tract of land for a neighborhood shopping center (Harvard Square) on property located on the southeast corner of East 41<sup>st</sup> Street and South Harvard Avenue and the subject property.

**Z-6906 December 2003:** A request for rezoning a 1.49± acre tract of land from RM-2 to CS/PUD to permit a Wal-Mart Neighborhood Market was recommended for approval by Staff based on the existing adjacent uses and trends in the area, provided that the TMAPC recommends approval of the accompanying PUD on property located on the southeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue and the subject property. The TMAPC recommended for approval of the CS zoning and the City Council denied the application.

**PUD-690 December 2003:** A proposed Planned Unit Development on a 5.67+ acre tract of land (related to rezoning case Z-6906) to permit a Wal-Mart Neighborhood Market was recommended for approval by Staff and TMAPC per Staff recommendation with modifications; on property located on the southeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue and the subject property. The City Council denied the application.

**PUD-592-C June 2003:** All concurred in approval of a request for a Major Amendment on a 3.08± acre tract of land to remove some existing structures within Development area C and to amend some permitted uses in Development area B on property located north and east of the northeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue and north of subject property.

**BOA-20338 September 26, 2006:** The Board of Adjustment approved a Special Exception to permit a beauty shop (Use Unit 13) in an OL district with condition to limit to one salon per this development, with no time limitation on property located on south of the southwest corner of East 41<sup>st</sup> Street South and South Harvard Avenue.

**BOA-20249 April 25, 2006:** The Board of Adjustment approved a Special Exception to permit Christmas tree sales in CS, RM-2, RS-1 and OL districts; a Special Exception to permit alternative parking materials; a Variance of the 100 foot setback from the centerline of 41<sup>st</sup> Street for temporary buildings and outdoor sales; a Variance of the setback from an R district; and a Variance to allow building across lot line, finding by reason of extraordinary exceptional conditions or circumstances, subject to previous conditions as listed in the staff comments (1-10); in accordance with the site plan on file; and with permanent approval, on property located on the southeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue and the subject property. This request has been made multiple times for this particular property.

**Z-6818 June 2001:** All concurred in approval of a request for rezoning a 1.34+ acre tract of land from RS-3 to OL within PUD-592 to permit funeral home with office use on property located north and east of the northeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue and north of subject property.

**PUD-592-B June 2001:** All concurred in approval of a request for a Major Amendment to PUD to permit a funeral home use (related to rezoning request Z-6818 for OL zoning, which was approved) on property located north and east of the northeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue and north of subject property.

**Z-6804/PUD-592-A March 2001:** A request to rezone a 2.09-acre RS-3 portion of the PUD to OM and a proposed Major Amendment to the PUD to add funeral home use. Staff recommended approval subject to modifications of the proposed standards. TMAPC denied the request. The applicant withdrew the application prior to consideration by the City Council; on property located north and east of the northeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue and north of subject property.

**PUD-642 February 2001:** All concurred in approval of a proposed Planned Unit Development on a 1.89+ acre tract of land for office development on property located south of the southeast corner East 41<sup>st</sup> Street South and South Harvard Avenue and abutting south of subject property.

**PUD-592 August 1998:** All concurred in approval of a proposed Planned Unit Development to allow two existing developments to share parking through a cross-parking easement, subject to modifications and conditions. One parcel contained a church, day nursery, parsonage and residence; the other parcel contained a movie, video and stage production company; on property located north and east of the northeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue and north of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.84+ acres in size and is located southeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue. The property appears to be vacant and is zoned RM-2/OL/CS/PUD.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Harvard Avenue	Secondary Arterial	100'	4
East 41 <sup>st</sup> Street South	Secondary Arterial	100'	4

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

**SURROUNDING AREA:** The subject tract is abutted on the east by Villa Grove Heights No. 1, zoned RS-1; on the north by 41<sup>st</sup> Street and then "41<sup>st</sup> Place", zoned OL/CH/RS-3/PUD-592-C; on the south by Peachtree Square Replat L5-6, Block 1 Villa Grove Heights No. 1, zoned OL/PUD-642; and on the west by Harvard Avenue and then Charles Teel Addition and Quadrangle Addition, zoned CS and OL respectively.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

In 2008, the TMAPC found a rezone of a small portion of the OL zoning on the property to CS to be in accord with the Plan with concurrent approval of PUD-761.

**STAFF RECOMMENDATION:**

PUD-761 is a 6.87 acre/299,257(+/-) square foot (SF) tract located at the southeast corner of 41<sup>st</sup> Street South and South Harvard Avenue. Approved in 2008, the PUD allows 60,000 SF of office, retail, restaurant and convenience uses with no single building to exceed 22,000 sf. A CVS pharmacy has been built on the hard corner of 41<sup>st</sup> Street and Harvard Avenue.

PUD-761 expressly forbids the following uses:

Pawn Shops, Pay Day Loan Offices, Tobacco Stores; Tattoo Parlors, Body Piercing Parlors, Self-Serve Laundromats, Drive-through Restaurants, Apartments, Auto Alarms Installation, Auto Parts & Accessories, Auto Radio and Stereo Installation, Auto Window Tinting, Bail Bond Office, Bars, Building Materials, Dance Halls, Day Labor Hiring, Electrical Supply, Gasoline Service Station, Gunsmith, Locksmith, Massage Parlor, Multi-family Dwellings, Night Clubs, Oil & Lubrication Service, Pawn Shop, Plumbing Fixtures, Pool Halls, Secondhand Store, Shoe Repair, Taverns, Tune-Up Service, Video Rentals.

In order to permit the construction of a dry cleaner on Lot 4 (see attached exhibits), Major Amendment PUD-761-A seeks to:

1. Add Dry Cleaner use only within Use Unit 15 to Lot 4, and limit the use to no more than 15,000 SF;
2. Waive the requirement that 50% of north side of the building on Lot 4 be landscaped;
3. Change the maximum height of an unoccupied architectural feature from 29' to 31 feet outside the east 100' of the PUD;
4. Tie the landscape requirement for the south boundary of the PUD to the development of Lot 3 rather than Lot 4 since Lot 3 borders the south boundary of the PUD;

5. Reflect a lot split; and
6. Change of access along 41<sup>st</sup> Street to allow for more direct access to Lot 4.

Staff supports the addition of Dry Cleaner use only within Use Unit 15 considering other uses that are permitted in the PUD. The waiver of the north side of building 50% landscape requirement is necessitated by the north end of the proposed building being under a canopy (see attached Detail Site Plan). In order to better keep with the approved "prairie style" architectural theme requiring a pitched roof, the two-foot increase in building height requested for unoccupied architectural features is appropriate. Since Lot 4 does not directly border the south boundary of the PUD staff supports having the developer of Lot 3 landscape Lot 3, rather than the developer of Lot 4. The change of access and lot split are viewed as minor in nature per Section 1107, H-6 and 10

Staff finds the proposed uses and intensities of development to be in harmony with the spirit and intent of the Code. Staff finds PUD-761-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-761-A subject to the following conditions:

1. All conditions of the approval of PUD-761 remain effective unless modified herein.
2. Development Standards:

**PERMITTED USES**

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Office, Studios and Support Services; 12, Eating Establishments, Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; Dry Cleaner only within Use Unit 15; and uses customarily accessory to permitted principal uses.

**MAXIMUM BUILDING FLOOR AREA:**

15,000 SF for Dry Cleaner use only within UU15.

**MAXIMUM BUILDING HEIGHT:**

Within 100 feet of east boundary:	17 FT
Unoccupied architectural features	23 FT*

Remainder of Harvard Square:	23 FT
Unoccupied Architectural Features	29 FT*
Unoccupied Architectural Features on Lot 4	31 FT*

*\*Architectural elements shall be subject to Detailed Site Plan approval.*

**LANDSCAPING AND SCREENING CONCEPT:**

Landscape and screening concept will comply with the requirements of the Tulsa Zoning Code for street frontage and parking area landscaping and additionally establish a 35 feet wide landscape buffer separating the development area from the four existing residences on South Jamestown Avenue adjacent to the development area on the east. A 20 foot wide landscape buffer will be established on the south boundary of the PUD (see "south boundary landscaping below").

**SOUTH BOUNDARY LANDSCAPING:**

The landscaping along the south boundary of the PUD will be as set forth on the South Boundary Landscape Details Exhibit, a copy of which is attached to PUD-761 as Exhibit "D-3" and will occur simultaneously with the Development of Lot 3.

**BUILDING LANDSCAPING:**

Landscaping will be installed along at least one-half (1/2) of the length of the front and side of the Lot Two (2), Lot Three (3) and Lot Four (4) buildings as follows:

- Lot Four (4): East side.

3. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

**TAC Comments:**

**General:** No comments.

**Water:** A water line extension or a fire hydrant installation could be required to meet fire code requirements.

**Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) 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 (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

**Stormwater:** No comments.

**Wastewater:** No comments.

**Transportation:** No comments.

**INCOG Transportation:**

- **MSHP:** 41<sup>st</sup> Street is a designated secondary arterial.
- **LRTP:** 41<sup>st</sup> St. S., between S. Yale Avenue and S. Harvard Ave, existing 4 lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- **TMP:** No Comments.
- **Transit:** Currently, Tulsa Transit operates services on this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development.

**Traffic:** No comments.

**GIS:** No comments.

**Street Addressing:** No comments.

**TMAPC COMMENTS:**

Ms. Cantrell asked staff if they had time to see Mr. Novick's letter requesting additional landscaping. In response, Ms. Matthews stated that she doesn't believe that Mr. Sansone did, but she was able to review it and it appears that the landscaping that the applicant is proposing is what they are required to do; she isn't sure that any additional landscaping is necessary. If the Planning Commission would like to continue this in order to review it would be their option. Staff believes that the applicant has met the requirement. Ms. Cantrell asked when the letter was received and Ms. Huntsinger indicated that staff received it July 1, 2010, but it was received too late for mailing. The letter was forwarded to the Planning Commission by email.

**Applicant's Comments:**

**Ted Sack**, 111 S. Elgin Avenue, 74120, representing Yale Cleaners, stated that he is requesting for a major amendment to allow dry cleaners within this PUD. He explained that he presented this application to the Patrick Henry Homeowners Association representative prior to the application. Mr. Sack indicated that he has also met with the property owner across the street to the north and he has no objections to the application.

Mr. Sack stated that he is in agreement with staff's recommendation. He further stated that he met with Mr. Novick two weeks ago and when he left the office he was very pleased with application as presented. Mr. Sack submitted photographs of two existing Yale Cleaner sites (A-1). Yale Cleaners uses an environmental friendly hydrocarbon solution for cleaning. Once Mr. Novick heard this he was pleased and there were no other questions about the use. Mr. Sack stated that he understood Mr. Novick's main concerns to be the landscaping areas and he states in his letter that he has no objection to the proposed amendment and to please address several items. Item 1 will be taken care of

with the proposal to landscape all along the east boundary and it is a part of the amendment. Item 2 will be addressed by proposing two large shade trees along the northern edge of the subject property instead of five. There will be two shade trees and four ornamental trees and there is not enough room to put five large shade trees. Mr. Sack explained that when he met with Mr. Novick this type of detail was not discussed. In Item 3, the proposal is to plant three additional Chinese Pistache trees to match the design of CVS. Mr. Sack reiterated that these issues never came up during their meeting held prior to today's meeting. Mr. Sack stated that he has a landscape architect who has developed this plan. In the detail site plan, Item 4 is addressed and Item 5 is also addressed with landscaping that is quite attractive. Yale Cleaners takes a lot of pride in the landscaping that they do on their sites. The property owner to the north was quite surprised that Yale Cleaners was being accepted for this site, knowing how Mr. Manly had created an architectural theme that they wanted to carry out in this development. The Yale Cleaners' architect has done a tremendous job to match that architectural theme that was set. Mr. Sack commented that he believes Yale Cleaners is doing a better job than CVS did.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Sack if he is in favor of the staff recommendation. In response, Mr. Sack answered affirmatively. He stated that he is in agreement with most of the items that Mr. Novick identified, except for the particulars where he is trying to design the landscaping. Mr. Midget stated that staff indicated that much of what Mr. Novick had indicated or asked for is in the recommendation and application. Mr. Midget further stated that he feels comfortable with staff's recommendation and he believes that Mr. Novick's concerns are being addressed, because the proposal is beyond adequate landscaping.

**INTERESTED PARTIES COMMENTS:**

**Kay Claxton**, 4122 South Jamestown, 74135, stated that her property is immediately affected by this application. She has objections to Yale Cleaners being put in Lot 4. She explained that the original proposal for the entire project was to be a mini Utica Square. Lot 4 was proposed to the neighbors for use as office light and would be the least objectionable adjacent to the residences. No one has met with the neighbors and there wasn't time for a meeting with the neighborhood association and everyone has found out about this piece-meal. Ms. Claxton stated that she didn't know that the applicant was going to ask for an additional height restriction and who would impact her property. The other neighbors with whom she spoke couldn't get off work and be here today (time 6:00 p.m.), but expressed concerns that the applicant come forward with every single building that is added to the development and make different requirements. Ms. Claxton expressed concerns about promises not being kept and compared this to the funeral home and bank across the street. Ms. Claxton stated that the proposed Yale Cleaners should be on Lot 3 or Lot 2 along Harvard where there are more commercial uses instead of adjacent to the residential area.

**TMAPC COMMENTS:**

Mr. Midget asked Ms. Claxton if there has been an opportunity to meet with the developers and discuss this application. In response, Ms. Claxton answered negatively.

**INTERESTED PARTIES COMMENTS:**

**Steve Summers**, 3731 East 43<sup>rd</sup> Street, 74135, stated that he is present in two capacities today. He is the Neighborhood Association President and he was approached by the developer, Mr. Rothrock and his group, about one month ago and unfortunately with summer schedules, he has not been able to pull a meeting together to discuss this. From a neighborhood prospective, there is no offer of support or denial at this point.

Mr. Summers stated that as a resident, he personally believes that the developer and Mr. Rothrock have gone to the extreme to make sure that residents are accommodated through their focus on landscaping and do something that is harmonious with the neighborhood. A dry cleaner is not the first pick for somebody who adjoins the subject property, but it is also something that is consistent with the development. Mr. Rothrock is strongly environmentally conscious and is probably the foremost objection one would get from a neighborhood residence. Mr. Summers indicated that he has talked with about a dozen of the residents and he has not received any objections. Sara Kobos, who is on a number of the committees, is aware of this and she has no objections to it either. Mr. Summers stated that he has seen Mr. Novick's letter and he appreciates what he put forth in the letter, but he believes the current landscape plans would be adequate.

**TMAPC COMMENTS:**

Ms. Cantrell asked Mr. Summers if the Planning Commission granted a continuance for a couple of weeks he would have time to meet with the neighborhood. In response, Mr. Summers stated that it has been difficult because they normally meet at the elementary school and with the summer schedule, they do not have their typical meeting place. The Vice President usually arranges the meetings and she has been ill and unable to bring this together. If the continuance is to allow the Claxtons to have more time to learn about this application and be more comfortable with it, then he wouldn't personally be opposed to a two-week continuance.

Mr. Dix asked if the two-week continuance would change anything. In response, Mr. Summers stated that the residents with whom he spoke are not opposed to the dry cleaners. He can see Ms. Claxton's point about moving it closer to Harvard and away from the residential area. Mr. Summers stated the concerns that he brought to the development team as far as the signage on the east side of the building. There is no signage and the lighting is kept at a low-level lighting. There is a focus on trying to reduce the impact on the adjacent neighborhood.

Mr. Leighty asked Ms. Claxton to indicate where she lives on the map. Ms. Claxton demonstrated where her home is located and stated that she did talk with her neighbors. They are opposed to this proposal and there is a need for a two-week continuance.

Mr. Leighty asked Mr. Sack to indicate where the proposal would be located on Lot 4. Mr. Sack demonstrated where the proposal would be located on Lot 4, and stated that the drive-through is on the west side of the proposed building. There is a 35-foot landscape buffering, then a parking lot for the employees and then an eight-foot masonry fence that is already constructed.

Mr. Dix asked Mr. Sack what the operating hours would be. In response, Mr. Sack stated that they are open 7:00 a.m. to 7:00 p.m. The CVS site is the only site that is allowed to have 24-hour service.

Mr. Marshall stated that the homeowners will have a hard time seeing this building.

Mr. Leighty asked why one of the other lots wasn't considered. In response, Mr. Sack stated that Lot 4 is probably the best location because it leaves the balance of the subject property in a larger tract in hopes of luring a larger user. Originally what was planned for the subject property was a restaurant and it was never planned to be light office.

Mr. Dix stated that the location of the site probably has a lot to do with the owner of the subject property.

Ms. Cantrell asked Mr. Sack about a two-week continuance to allow for a meeting with the residents. She understands that it isn't necessarily his fault that there hasn't been a meeting, but he could possibly speak with them about specifics. Mr. Sack stated that he believes that there is one property owner who is concerned. Mr. Sack stated that he has met with the President and Vice President of the Homeowners Association before actually making the application and they have exchanged numerous emails with them trying to push for a neighborhood meeting, which has not been accomplished. Mr. Sack indicated that he was informed that there was not a lot of opposition or concerns about the application. He stated that Mr. Novick did meet with him two weeks ago and he answered all of his questions.

After a lengthy discussion and at the request of Mr. Dix, the Planning Commission continued the major amendment for PUD-761-A to August 3, 2010.

**TMAPC Action; 8 members present:**

On **MOTION** of **WRIGHT**, TMAPC voted **7-1-0** (Cantrell, Dix, Leighty, Liotta, McArtor, Midget, Wright "aye"; Marshall "nay"; none "abstaining"; Carnes, Shivel, Walker "absent") to **CONTINUE** the major amendment for PUD-761-A to August 3, 2010.

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Ms. Wright out at 6:40 p.m.

21. **Z-7008-SP-1p – Terence L. Haynes, PE/Sam’s Club** (PD-8) (CD-2)

North of northeast corner of West 81<sup>st</sup> Street South and South Olympia Avenue (Corridor Plan Minor Amendment to change the style and size of a ground sign for a 30-foot tall pylon style sign with 99 square feet of display surface area.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to change the style and size of a ground sign permitted along the corridor collector street within Tulsa Hills. The request is to allow a 30-foot tall pylon style sign with 99 square feet (SF) of display surface area (DSA) (see Exhibit A).

Tulsa Hills sign standards permit each lot with frontage along the corridor collector street one monument style sign not to exceed 6-feet in height, nor 64 SF of display area. Please see the attached Exhibit B which is photos of the existing ground signs along Olympia Avenue. Staff contends that the proposed Sam’s sign is out of size, scope and character with the approved sign standards for Tulsa Hills. Approval of such would represent a substantial deviation from the character and type of approved signage for the development.

Please refer to Exhibit C – photographs of the Sam’s site from US Highway 75. Since the highway sits approximately 40 - 50 feet (+/-) above grade at Tulsa Hills, there does not seem to be a need for exposure to the highway since the store will be visible from Highway 75 once constructed. There are also three, 50-foot high center identification signs along the highway for the sole purpose of advertising tenants within Tulsa Hills.

Provided the aforementioned, staff recommends **DENIAL** of minor amendment Z-7008-SP-1p.

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

**Applicant's Comments:**

**Terry Haynes**, 815 West Main, Oklahoma City, Oklahoma 73106, representing Sam's Club, stated that he is requesting a minor amendment to change the style and size the ground sign that is permitted within the PUD. He is familiar with the PUD, but in light of what his customers are accustomed to seeing as they approach a Sam's Club, he is requesting for the taller sign and larger sign space. He agrees with staff that Sam's Club will be visible from the highway, but as development continues to grow and other commercial retail businesses continue to grow, the property will be on the backside. The taller sign with the larger space is more visible to the customers, which is based on many studies and years of experience.

**TMAPC COMMENTS:**

Mr. Leighty stated that this has been on the books for a while and he wondered why Sam's Club is just now coming before the Planning Commission for a change in signage. In response, Mr. Haynes cited the prior approvals and requests and indicated that it was recognized while going through final closing on the subject property and operations finally focused on it and they requested the change. Mr. Leighty asked Mr. Haynes if he wanted the Planning Commission to approve this just for Sam's Club or for all of the other tenants. Mr. Haynes stated that his request is for Sam's Club to keep within the customers' expectations of what they see when approaching the site. Mr. Haynes further stated that the 64 feet is relatively small for a ground sign. Mr. Leighty stated that Sam's Club is well above the grade where the sign would be located. In response, Mr. Haynes stated that it is about even with the grade in that area.

Ms. Cantrell stated that she is a frequent shopper of Target and they don't have a sign like the sign proposed and she has no problem seeing the store. She is sure that people looking for Sam's are going to be able to find it fairly easily.

Mr. Midget stated that he is a Sam's Club member and he has to pay for his membership, so he will not have a problem finding the store.

Mr. Haynes requested that the sign area be allowed to increase from 64 SF to 99 SF. Mr. McArtor asked Mr. Haynes if he is suggesting keeping the height as allowed and increasing the size. In response, Mr. Haynes answered affirmatively.

**INTERESTED PARTIES COMMENTS:**

**Eric Ernst**, 661 West 78<sup>th</sup> Place South, 74132, stated that he is a new resident to Tulsa and new resident to Stonebrook. This is a young, evolving neighborhood and he is ready to fight this undermining that has been going on for a while. He was not in favor of combining tracts and the neighborhood doesn't want the battling of signs. He expressed concerns with the amendments being made to the original PUD. Mr. Ernst stated that Sam's Club didn't contact the neighbors with regard to the signage application. Mr. Ernst concluded that he represents

the neighborhood and the neighborhood is ready to fight anything that is attempted to be overturned from the previous approvals for the PUD.

**TMAPC COMMENTS:**

Mr. McArtor asked Mr. Ernst if he would be against the sign remaining at the approved height and allowing the display area to be enlarged. In response, Mr. Ernst stated that he would be against the request.

Mr. Leighty stated that when one is stating that they represent other people, it would be helpful if they submitted a signed petition or declaration that everyone is in agreement with the statements being made by the one representing them. He doesn't doubt Mr. Ernst, but it is very difficult for the Planning Commission to take this at face value. Mr. Ernst stated that due to the holiday it was difficult to get organized and this is the first community action that his neighborhood has taken regarding a development that they didn't know about. Mr. Ernst submitted three emails that he brought with him (Exhibit B-1).

**INTERESTED PARTIES COMMENTS:**

**Michael Maurer**, 656 West 78<sup>th</sup> Place, 74132, stated that he lives across the street from Mr. Ernst. He is concerned about this application and what the benefit would be to have the proposed sign. Sam's Club and WalMart are already the largest retailers and no one will have any trouble finding them. He believes that the Sam's Club sign should be the same as what all of the other retailers has agreed to for this PUD.

**Chris Major**, 7738 South Indian, 74132, Treasurer of the Homeowners Association, stated that the neighborhood is against the sign and opposes any modifications or exceptions to the existing covenants. The developers worked very closely with Tulsa Hills and did an exceptional job trying to establish a community that is in harmony with each other. He isn't naïve enough to think the corridor wouldn't be developed. Mr. Major expressed concerns that the notice requirement is for a 300' radius and since the neighborhood is relatively new and still developing, the notice would have only gone to three people. Mr. Leighty stated that the Planning Commission requires that a minimum number of people have to be notified and it is more than three. Mr. Major stated that he did receive notice and informed his neighbors and that is why they are present today. Mr. Major concluded that he is opposed to the signage request. He stated that many of Sam's Club customers would be from Stonebrook and he is disappointed that Sam's Club has made no effort to meet with the residents.

**Mike Wooster**, 7726 South Indian, 74132, stated that he also backs up to the Sam's Club and he is opposed to the signage proposal. The developer stated that it is a standard that people expect from Sam's Club and this is the third minor amendment to the subject area. He finds it hard to believe that they are just now realizing that they have signage issues. Everyone works and can't be constantly coming to the meetings and battling the next amendment. There is a

lot of open land and he doesn't want the next applicant to come up and request an even larger sign.

**Larry Turner**, 647 West 79<sup>th</sup> Street, President of Stonebrook HOA, stated that he doesn't want to turn this into a crucifixion of Sam's or WalMart. The neighbors were promised one thing and with the incremental minor amendments, it would be easy to get to the point where 41<sup>st</sup> and Harvard residents are. They were promised one thing and now it is turning into something different. The Stonebrook developers and the Tulsa Hills builders went to a lot of trouble to make sure that the covenants agreed with what Stonebrook was doing and everyone was happy with it up until now. Mr. Turner reiterated that the Planning Commission should stay the course with the covenants and not allow them to be changed because it is working for everyone else that has developed in Tulsa Hills.

**TMAPC COMMENTS:**

In response to Mr. Leighty, Mr. Turner stated that the additional bay that was granted is not detrimental to the neighborhood because of its location; however, the covenants were not thrown at them at the last minute and Sam's Club could have requested all of these changes up front, but instead they are bringing them in one at a time and whether they are doing it on purpose or not, it definitely gives a feel that they are trying to do small changes a little at a time so that no one would raise any issues about it.

Mr. Midget advised Mr. Turner to make sure his homeowners association is registered with the Mayor's office.

Mr. Dix asked Mr. Haynes how big the signage is on the building. In response, a representative from the architect stated that there is a ten by ten internally illuminated sign on the front of the store and an eight by eight externally illuminated sign on the side of the store.

Mr. Boulden asked Mr. Haynes if this type of sign is located at the Sam's Club on Sheridan and 41<sup>st</sup> Street because he doesn't remember it. Mr. Haynes stated that he believes it is. Mr. Dix confirmed that this same type of signage is on the 71<sup>st</sup> Street store. Mr. Boulden stated that the sign is evidently not doing any good for him because he doesn't recall the signs.

Mr. Haynes stated that he only represents Sam's Club and not Tulsa Hills. For the record there has only been one minor amendment to the Corridor Site Plan for the extra bay and that came through with site plan approval for the Club and fuel station. This is the last minor amendment to the site plan approval coming forward for the subject site.

Ms. Cantrell stated that she would not support either the height or the increase in signage. Tulsa Hills and the Planning Commission worked very hard to come up

with the signage and making sure everyone was treated the same. Any variations for this sign will start a chain reaction and there would be no end to it. Sam's Club purchased the property with the restrictions and every other commercial enterprise had gone forward with those same restrictions.

**TMAPC Action; 7 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Walker, Wright "absent") to **DENY** the corridor plan minor amendment for Z-7008-SP-1p per staff recommendation.

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**OTHER BUSINESS:**

**TMAPC 2010 Meeting Schedule**

**TMAPC COMMENTS:**

Ms. Cantrell stated that when the time and dates of the meetings for 2010 were set, it was with the understanding they would try it for six months and revisit it. She is inclined to keep it and hasn't had any problems with it. It has worked fairly well and possibly they should revisit it again in six months.

Mr. Leighty and Mr. Midget agreed with Ms. Cantrell.

Mr. Liotta stated that he doesn't disagree with what has been said, but he likes to look at the reality of what has happened. At the first couple of meetings, he counted how many people were attending and he didn't see any increase in the participation of the meetings so he quit counting because there wasn't any increase in attendance. The other side is there is an increase in cost in terms of staff time and other things that were identified for us when we first looked at this. He can't justify continuing to do the meetings at a later time and he initially opposed the first move. He would oppose continuing this time.

Mr. McArtor stated that he would like to try it six more months and then revisit it.

Ms. Cantrell stated that it is her understanding after talking with Mr. Brierre and staff that they have been able to accommodate by doing flex time and it is not incurring a great expense. She would like to keep it and revisit it in six months, and part of it is just perception.

Mr. Dix stated that he is retired and the time doesn't matter to him, but he does have concern that there hasn't been any increase in participation. If something is important enough for a person one time that affects them in their lives, they will make the time to come down here whether it is 1:30 p.m. or 4:00 p.m. He is sympathetic to the staff's difficulties in providing childcare and transportation and they have to deal with it every month, whereas a citizen may only have to deal

with it one time in their life. He is not opposed to trying it six more months because during this test period was when the Planning Commission had to deal with PLANITULSA and it was a skewed test.

**TMAPC Action; 7 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **6-1-0** (Cantrell, Dix, Leighty, Marshall, McArtor, Midget "aye"; Liotta "nay"; none "abstaining"; Carnes, Shivel, Walker, Wright "absent") to **APPROVE** to continue the 4:00 p.m. meeting on the first Tuesday of each month of six additional months.

Ms. Cantrell stated that the Planning Commission does appreciate the staff making the time available for the 4:00 p.m. meetings.

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**Commissioners' Comments**

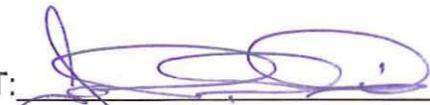
Ms. Cantrell thanked Mr. Marshall for his service and for continuing to come to the meetings after his term had expired. The Planning Commissioners agreed that Mr. Marshall will be missed and thanked him for his time served.

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There being no further business, the Chair declared the meeting adjourned at 7:16 p.m.

Date Approved: 8-3-10

Joshua G. Wolk - actin  
Chairman

ATTEST:   
Actina Secretary