CONSIDER, DISCUSS AND/OR TAKE ACTION ON

Call to Order:

REPORTS

Chairman's Report:

Worksession Report:

Comprehensive Plan Report:
Report on the update of the Comprehensive Plan

Director's Report:

CONSENT AGENDA

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

1. **LC-95** – Floyd Carr (6418)/Lot Combination (County)
   Southeast corner of East 201st Street and South Mingo

2. **L-20212** – Floyd Carr (6418)/Lot-Split (County)
   Southeast corner of East 201st Street and South Mingo

3. **L-20224** – John Koch (9329)/Lot-Split (PD 6) (CD 9)
   Northeast corner of South Florence Avenue and East 44th Street,
   3109 East 44th Street

   Northerly 466.12 feet of Lot 4 and Lot 5, Tallgrass Office Park
   (10109 East 79th Street South (Detail Site Plan for a 52,871 SF
   expansion of the Cancer Treatment Center.)

   Northeast, of the northeast corner of 71st Street South and South
   Mingo Road (Corridor Detail Site Plan for construction of a 15,665
   SF restaurant on Lots 7 and 8, Block 1.)

   South of the southwest corner of 81st Street South and South
   Garnett Road (Detail Site Plan for Ridgecrest Subdivision.)

7. **CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**
PUBLIC HEARINGS

8. PUD-206 – Joel Slaughter

South of the southwest corner of 91st Street South and South Sheridan Road (Detail Site Plan for one 9,858 SF and one 6,342 SF mixed use commercial buildings.)

OTHER BUSINESS


Amend minutes to reflect changes recommended by staff and approved by the Planning Commission during the March 5, 2008 TMAPC meeting for PUD-639-A-4.

10. Commissioners’ Comments

ADJOURN

PD = Planning District/CD = Council District

NOTICE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526

Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG.

Ringing/sound on all cell phones and pagers must be turned off during the Planning Commission.

Visit our website @ www.tmapc.org

The mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide comprehensive planning, zoning and land division services for the City of Tulsa and Tulsa County through a joint city-county cooperative planning commission resulting in the orderly development of the Tulsa Metropolitan Area and enhancing and preserving the quality of life for the region’s current and future residents.

TMAPC Mission Statement
AGENDA

TULSA METROPOLITAN AREA PLANNING COMMISSION

WORKSESSION

Francis Campbell City Council Room
Plaza Level

Wednesday, May 28, 2008–1:45 p.m.*
(*Or immediately following adjournment of the TMAPC Meeting)

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Discussion of platting requirement for temporary uses approved as Special Exception by the Board of Adjustment.

Adjourn.

Visit our website at www.tmapc.org

If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526
AGENDA

TULSA METROPOLITAN AREA PLANNING COMMISSION

TRAINING SESSION

INCOG
201 West 5th, Suite 550
5th Floor Conference Room

Wednesday, May 28, 2008
11:00 a.m.

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Presentation regarding the APA National Conference (Marshall)
2. Discussion regarding management of TMAPC agendas.

Adjourn

www.tmapc.org
May 28, 2008

STAFF RECOMMENDATION

**PUD-579-A/PUD-519-B:** Detail Site Plan – Northerly 466.12’ of Lot 4 and Lot 5 – Tallgrass Office Park; Cancer Treatment Center of America; 10109 East 79th Street South; TRS – 8407; CZM 54; Atlas 1413; PD 18 CD 8; CO/PUD.

The applicant is requesting approval of a detail site plan for a 52,871 square foot expansion of the Cancer Treatment Center. The expansion will include a four (4) story - 48,615 square foot (SF) outpatient accommodation, a new 1,708 sf staff dining room, a 947 SF storage addition and a 1,601 sf addition to the mechanical room.

With the expansion, the Cancer Treatment Center is within the maximum permitted building floor area and land coverage limits. The submitted site plan also meets applicable building height and setback limitations. Additional parking has been provided per the Zoning Code. Landscaping is being provided per the landscape chapter of the Zoning Code and adopted PUD development standards, and all sight lighting will be limited to 25-feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula.

Staff recommends **APPROVAL** of the detail site plan for the expansion of the Cancer Treatment Center, Northerly 466.12’ of Lot 4, and Lot 5 – Tallgrass Office Park.

*(Note: Detail site plan approval does not constitute landscape and sign plan approval.)*
PUD-595-B/
Z-5970-SP-5a dsp
May 28, 2008

STAFF RECOMMENDATION

PUD-595-B/Z-5970-SP-5a: Detail Site Plan – Northeast, of the northeast corner of 71st Street South and South Mingo Road; Lots 7 and 8, Block 1 – Home Center Amended; 6812 S. 105th East Avenue; TRS 18-14-06; CZM 110; Atlas 558; PD 18C CD 8; CO/PUD.

The applicant is requesting approval of a detail site plan for construction of a 15,665 square foot (sf) restaurant on Lots 7 and 8, Block 1 – Home Center Amended. The proposed Use Unit, Use Unit 12 – Eating Establishments, Other than Drive-ins is a permitted use within PUD-595-B.

The submitted site plan meets all applicable building floor area, lot coverage, building height and setback limitations. Parking has been provided per the Zoning Code, and a 6' screening fence will be constructed around all mechanical equipment and trash containers per PUD development standards. Landscaping and open space is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. All sight lighting will be limited to 25-feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula. Sidewalks are provided along 104th East Avenue and 105th East Avenue per subdivision and PUD regulations. Pedestrian circulation is provided from both of the private streets.

The applicant has applied for a lot combination (Application LC-99) for Lots 7 and 8. Concurrently, PUD minor amendment application #PUD-595-B-2 has been filed to reflect the aforementioned lot combination. Both the lot combination and minor amendment will be heard by the TMAPC on June 18th.

Therefore, staff recommends APPROVAL of the detail site plan for Dave & Buster’s, Lots 7 & 8, Block 1 – Home Center Amended, Development Area D of PUD-595-B. Approval of this site plan is contingent upon receipt of the approval of applications LC-99 and PUD-595-B-2.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)
Arm-Mounted Drop or Flat Lens Cutoff

**KAD**

**KAC**

**Contour**

**Intended Use**

For parking areas, street lighting, walkways and car lots.

**Features**

Housing – Rugged, die-cast, soft-corner aluminum housing with 0.12" nominal wall thickness. Extruded 4" soft corner arm for pole or wall mounting is standard.

Door Frame – KAD die-cast door frame has impact-resistant, tempered glass lens which is fully gasketed with one-piece bonded silicone. KAC die-cast aluminum door frame has prismatic, impact-resistant, tempered glass, drop dish acrylic lens or drop dish polycarbonate lens. Door frame is fully gasketed with one-piece silicone.

Optics – KAD reflectors are anodized hydro-formed or segmented aluminum. Four cutoff distributions are available: R2 (roadway), R3 (asymmetric), R4 (forward throw) and RS (symmetric). High-performance, segmented reflectors are rotatable and field-interchangeable. KAC reflector is optical-quality aluminum that works in tandem with a light-diffusing prismatic lens.

Electrical – Ballast is high resistance, high power factor (70-150W HPS, 100W and 150W) or high power factor constant-wattage autotransformer (175-400W MH and HPS). Ballast is copper wound and 100% factory tested.

Finish – Dark bronze corrosion-resistant polyester powder finish (DBP), with other architectural colors available.

Socket – Porcelain, horizontally (position) or vertically (model) oriented mogul-base socket (100W and 150W are medium-base) with copper alloy, nickel-plated screw shell and center contact. UL Listed 1500W-6000, 400V pulse rated.

**Listings**

UL Listed (standard), CSA Certified or NOM Certified (see Options). KAD UL Listed for wet locations. IP65 Rated.

**Ordering Information**

**Example: KAD 400M R3 120 SPD09 LPI**

**Intended Use**

For parking areas, street lighting, walkways and car lots.

**Features**

Housing – Rugged, die-cast, soft-corner aluminum housing with 0.12" nominal wall thickness. Extruded 4" soft corner arm for pole or wall mounting is standard.

Door Frame – KAD die-cast door frame has impact-resistant, tempered glass lens which is fully gasketed with one-piece bonded silicone. KAC die-cast aluminum door frame has prismatic, impact-resistant, tempered glass, drop dish acrylic lens or drop dish polycarbonate lens. Door frame is fully gasketed with one-piece silicone.

Optics – KAD reflectors are anodized hydro-formed or segmented aluminum. Four cutoff distributions are available: R2 (roadway), R3 (asymmetric), R4 (forward throw) and RS (symmetric). High-performance, segmented reflectors are rotatable and field-interchangeable. KAC reflector is optical-quality aluminum that works in tandem with a light-diffusing prismatic lens.

Electrical – Ballast is high resistance, high power factor (70-150W HPS, 100W and 150W) or high power factor constant-wattage autotransformer (175-400W MH and HPS). Ballast is copper wound and 100% factory tested.

Finish – Dark bronze corrosion-resistant polyester powder finish (DBP), with other architectural colors available.

Socket – Porcelain, horizontally (position) or vertically (model) oriented mogul-base socket (100W and 150W are medium-base) with copper alloy, nickel-plated screw shell and center contact. UL Listed 1500W-6000, 400V pulse rated.

**Listings**

UL Listed (standard), CSA Certified or NOM Certified (see Options). KAD UL Listed for wet locations. IP65 Rated.
May 28, 2008

STAFF RECOMMENDATION

**Z-7024-SP-1:** Detail Site Plan – South of the southwest corner of 81st Street South and South Garnett Road; Ridge Crest Subdivision; Plat 6129; TRS 18-14-18; CZM 54; Atlas 1567; PD 18 CD 7; CO.

The applicant is requesting approval of a detail site plan for Ridgecrest Subdivision, Corridor Site Plan #Z-7024-SP-1. The proposed use, Use Unit 8 – Multifamily Dwellings, and Similar Uses are permissible uses within this Corridor District.

The approval of corridor plan Z-7024-SP-1, in concept included the review of the required land area per dwelling unit and bulk and area requirements of the subdivision as a whole. This over-all detail site plan review was a requirement of the original concept plan approval. As is the case with most residential Corridor and PUD development within the City of Tulsa, the Bulk and Area requirements on a lot-by-lot basis will be reviewed and enforced in the building permit process by the City of Tulsa Zoning Official. Detail Site Plan review by the TMAPC will still be required for development in reserve or common areas.

Staff recommends **APPROVAL** of the overall detail plan for Ridge Crest Subdivision, Corridor Plan #Z-7024-SP-1.

(Nota: *Detail site plan approval does not constitute sign plan approval.*)
STAFF RECOMMENDATION

PUD-206

Detail Site Plan – South of the south-west corner of 91st Street South and South Sheridan Road; Lot 1, Block 1 – Boatman’s Bank, Parcel 1; TRS 8322: CZM 57; Atlas 1907; PD 18 CD 8; CS/PUD.

The applicant is requesting approval of a detail site plan for one 9,858 square foot (sf) and one 6,342 sf mixed use commercial buildings. The proposed uses, Use Units 11, 12, 13 and 14 are permitted uses within PUD-206.

The proposed 16,200 sf of floor area is within the 20,750 sf permitted by the PUD. Submitted plans meet all other applicable building height and setback limitations. Parking has been provided per the Zoning Code and all sight lighting will be limited to 12-feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula.

Sidewalks are being required along Sheridan Drive. A pedestrian circulation plan requirement was not included in the approval of this PUD. Also, the applicant has informed INCOG that Sheridan Drive is scheduled for widening in the near future. There are no other sidewalks along Sheridan Drive to the immediate north and south of the subject tract. Therefore, staff recommends approval of a fee in lieu of the sidewalk requirement so a sidewalk may be installed at the time Sheridan Road is widened for capacity purposes.

Staff therefore recommends APPROVAL of the detail site plan for Lot 1, Block 1 – “Parcel 1” of Boatman’s Bank; Development Area A – PUD-206 with the following conditions:

A fee in lieu of the sidewalk requirement is paid to the City of Tulsa so a sidewalk may be installed along Sheridan Road at the time the street is widened.

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

May 28, 2008
Waterford Plaza Phase II
91st and South Sheridan
Tulsa, Oklahoma
Architectural Site Plan
May 13, 2008
Waterford Plaza Phase II
91st and South Sheridan
Tulsa, Oklahoma
South Building Elevations
May 13, 2006

PHILLIPS
SLAUGHTER
ROSE
REFUSE WALL SECTION

Scale: 1/2 = 1'-0"
Staff has reviewed the proposed revised re-allocation of floor area and finds the new distribution of floor area to be constant with the approved development standards of Z-7008-SP-1 and well within the 1.25 recommended FAR in the Corridor chapter of the Zoning Code.

Since there is no over-all increase of permissible floor area being requested for the development area, staff finds the request to be minor in nature and therefore recommends APPROVAL of minor amendment Z-7008-SP-1d.

(Note: approval of a minor amendment does not constitute approval of a lot split or detail site plan)

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:
On MOTION of CARNES, TMAPC voted 8-0-0 (Ard, Cantrell, Carnes, Harmon, Marshall, Midget, Sparks, Shivel "aye"; no "nays"; none “abstaining”; Cantees, McArtor, Perry "absent") to APPROVE the corridor minor amendment for Z-7008-SP-1d per staff recommendation.

****************


Southeast corner of 21st Street South and Main Street (Minor Amendment to allow the split of the northern ½ of PUD into two development areas.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-639-A, Tract 2. The amendment request is to allow the split of the northern ½ of PUD-639-A, approved as Tract 2 (see Exhibit A), into two development areas – Tract 2-A and Tract 2-B (see Exhibit B). The amendment request is to allow for the construction of 13 dwelling units on Tract 2-A, referred to herein as "The Flats". Tract 2-B would be reserved for future development.

The request specifically seeks to establish the two new development areas; reduce the setback requirement along the southern boundary of original Tract 2 from 30 feet to 13-feet; establish a five-foot setback requirement from internal boundaries; increase the permitted height of a screening wall or fence permitted
along the public right-of-way from six-feet to seven-feet; eliminate Use Units 12, 13, and 14 as permissible uses in the development area; and increase the permitted height of residential structures from 35 feet, as permitted by the RM-2 District, to 42 feet.

Staff has reviewed the applicant's concept plans and views the above referenced requests as minor in nature. Therefore, staff recommends APPROVAL of minor amendment PUD-639-A-4 subject to the following development standards for Tracts 2-A and 2-B:

<table>
<thead>
<tr>
<th></th>
<th>Original Tract 2, PUD-639-A</th>
<th>Tract 2-A – “The Flats”</th>
<th>Tract 2-B - Future Development</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Net Land Area</strong></td>
<td>1.48 acres</td>
<td>0.867 acres</td>
<td>0.559</td>
</tr>
<tr>
<td><strong>Permitted Uses</strong></td>
<td>Multifamily uses as included within Use Unit 8; office and retail uses as included within Use Unit 11, Offices, Studios and Support Services; Use Unit 12, Eating Establishments Other Than Drive-Ins; Use Unit 13, Convenience Goods and Services, and Use Unit 14, Shopping Goods and Services.</td>
<td><strong>Condominium residences (Use Unit 8 – Multi-family Dwellings)</strong></td>
<td><strong>Use Unit 11 – Office Studios and Support Services</strong></td>
</tr>
<tr>
<td><strong>Maximum Number Dwelling Units</strong></td>
<td>12</td>
<td>13</td>
<td>n/a-0</td>
</tr>
<tr>
<td><strong>Maximum Building Floor Area</strong></td>
<td>Office - 24,850 SF; Office/Retail - 10,900 SF (37,750 total).</td>
<td>n/a</td>
<td>24,849-24,850 SF</td>
</tr>
</tbody>
</table>
| **Maximum Building Height** | five-stories not to exceed 66' | **North building –**  
  Max Ht N.  
  Elevation 43 FT.  
  Max. Ht. S.  
  Elevation 38 FT.  
  3-stories, not to exceed 40-feet. | **5-stories not to exceed 66 FT.** |

Setbacks:
<table>
<thead>
<tr>
<th>From the</th>
<th>40'</th>
<th>40'</th>
<th>40'</th>
</tr>
</thead>
<tbody>
<tr>
<td>centerline 21st Street:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From the</td>
<td>40'</td>
<td>40'</td>
<td>n/a</td>
</tr>
<tr>
<td>centerline Main Street:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From the</td>
<td>n/a</td>
<td>40'</td>
<td></td>
</tr>
<tr>
<td>centerline Boston Ave.:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From the South Boundary Tract 2:</td>
<td>30' – Principal Building; 0' Parking Garage</td>
<td>18'</td>
<td>18'</td>
</tr>
<tr>
<td>From Internal Development Area Boundary:</td>
<td>n/a</td>
<td>5'</td>
<td>5'</td>
</tr>
<tr>
<td>Minimum Livability Space Per CU:</td>
<td>200 SF</td>
<td>200 SF</td>
<td>n/a</td>
</tr>
<tr>
<td>Other Bulk and Area Requirements:</td>
<td>Per applicable Use Unit</td>
<td>As required by RM-2 District</td>
<td>As required by OM District.</td>
</tr>
<tr>
<td>Parking Requirements:</td>
<td>Per applicable Use Unit</td>
<td>As required by RM-2 District</td>
<td>As required by OM District.</td>
</tr>
<tr>
<td>Original Tract 2, PUD-639-A</td>
<td>Tract 2-A – “The Flats”</td>
<td>Tract 2-B - Future Development</td>
<td></td>
</tr>
<tr>
<td>Minimum Landscaped Open Space:</td>
<td>15% of net lot area*</td>
<td>45% of net lot area</td>
<td>15% of net lot area of tract 2B*</td>
</tr>
<tr>
<td>*May be located within the first and second levels. All landscaped areas must meet the requirements of the Landscape Chapter and PUD Chapter of the Zoning Code.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Screening:</td>
<td>6’ permitted along</td>
<td>Screening fences</td>
<td>Screening fences</td>
</tr>
</tbody>
</table>
property lines adjoining public streets.

or walls shall not be required, provided however that screening fences or walls up to seven feet in height are permitted along the property lines of Tract 2A adjoining public streets, and screening fences and walls up to eight feet in height are permitted along the other property lines of Tract 2A 7'-permitted along property lines adjoining public streets; and 8'-along internal boundaries As permitted in the Residential District per 402, B-4.

or walls shall not be required along interior boundaries; along Boston, fencing shall be required as provided by the applicable Use Unit, provided however, alternative screening may be provided pursuant to detail site plan review. As required per applicable Use Unit.

Signs: Wall signs shall be permitted on the north- and west-facing walls not to exceed 1.5 SF of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75 percent of the frontage of the building. No wall signs shall be permitted on south- and east-facing walls. Ground signs are not permitted.

Wall signs shall be permitted on the north- and west-facing walls not to exceed 1.5 SF of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75 percent of the frontage of the building. No wall signs shall be permitted on south- and east-facing walls. Ground signs are not permitted.

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 for Tracts 2-A and Tract 2-B.

4. A detail landscape plan for Tract 2-A and Tract 2-B shall be approved by the TMAPC prior to issuance of a building permit. A detail landscape plan for each development area shall be approved by the TMAPC prior to issuance of a building permit within the applicable development area. 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 within Tracts 2-A and 2-B, 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. All private roadways shall have a minimum right-of-way of 30’ and be a minimum of 26’ in width for two-way roads and 18’ for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent. Private drives shall be minimum 24 feet in width.

10. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
11. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.

12. Approval of the minor amendment is not an endorsement of the conceptual layout. This will be done during detail site plan review.

(Note: Approval of a minor amendment does not constitute detail site plan approval)

TMAPC COMMENTS:
Mr. Carnes asked Mr. Sansone if the applicant is in agreement with the changes that staff has made to the staff recommendation. In response, Mr. Sansone answered affirmatively. Mr. Sansone indicated that he met with the applicant this morning to review the changes.

Interested Parties Comments:
**Chip Atkins**, 1633 East 17th Place, 74120, stated that he is not here to comment on the subject proposal, but he is questioning what a minor amendment is in the City Zoning Code. When a PUD is granted, people have a chance to express that opinion, but what he sees today is two PUDs forming. He doesn't see how forming two PUDs is a minor amendment.

Mr. Sansone explained that there are three requests being made and by the definition this meets the definition of a minor amendment.

Mr. Ard stated that this is actually splitting an existing PUD into two development areas with reallocation of land within the same PUD. In response, Mr. Sansone agreed with Mr. Ard's statement and indicated that the applicant is actually reducing the impact to the lot with this minor amendment.

Mr. Ard asked Mr. Atkins if this answered his question. In response, Mr. Atkins stated that it doesn't because now there are two different plats now. Mr. Atkins further stated that he could understand if both sides are going to be identical, but they are not and now there are two separate plats. Mr. Atkins reiterated that he doesn't see how this could be the same PUD if it is separated down the middle with two different ideas. Mr. Atkins concluded that this is a very nice project and he commends Mr. Coury for this development.

**Joseph Dempsey**, 22 East 22nd Street, 74114, stated that he is the treasurer of the homeowners association that is directly north of the subject development. He explained that he only received information about this development this morning. He further explained that his investment to this project to the north is approximately one million dollars. Mr. Dempsey expressed concerns with the subject development and he is sure the homeowners association is as well. He indicated that the president of the homeowners association signed a letter approving this, which was unauthorized. He requested that the Planning
Commission allow the homeowners association the opportunity to look at this project before any action is taken.

**TMAPC COMMENTS:**
Ms. Cantrell asked Mr. Dempsey where he lives. In response, Mr. Dempsey stated that he lives on 22nd Street in the Tudors. Ms. Cantrell stated that she believes the letter of support is from Maple Ridge Homeowner's Association. Mr. Dempsey stated that he spoke with Maple Ridge Homeowner's Association President and he explained that he was informed that the residents at Tudors had approved the proposal, of which he is not sure. Mr. Dempsey believes that there is a misrepresentation, because Maple Ridge withdrew their request for a continuance based on false information.

Mr. Dempsey requested that everyone involved have ample opportunity to evaluate the proposal to make sure that it doesn't devalue properties.

**Applicant's Comments:**
Roy Johnsen, 2C1 West 5th Street, Suite 501, 74103, stated that he checked the notice file and it is in accordance with staff's procedures and there shows a mailing to Mr. Dempsey within the time required by the ordinance.

Mr. Johnsen stated that Mr. Coury met with people within Tudors I approximately one month ago. He further stated that his client met with residents in Tudors II last evening. Mr. Coury understood that there were no objections. He indicated that he recently received a letter from the president of the Tudors I Association stating their support (Exhibit A-1). Mr. Johnsen read the letter of support. He commented that Mr. Coury meant no misrepresentation because he believed that there were no objections from the residents. There have been notices, meetings and people who have actual knowledge of what is being proposed, and this meets the normal standards of procedure that the Planning Commission follows. Mr. Johnsen stated that Mr. Dempsey is certainly within his rights to object, but he will stand on the proposition that the majority of the people in this area are supportive of this proposal.

Mr. Johnsen cited the history of the approval for a five-story building on the subject property. He explained that there was also a four-story office building approved and he is not changing that except for deleting one condominium unit that had been allocated to it, which is on the east half of the subject property. His client is trying to create two development areas in the existing PUD and establish the standards for each development area. This is minor and it does not create two PUDs. The PUD includes the entire block, including the single-family that has been developed. This is the same PUD with development areas identified. The intensity of development on the subject PUD is going down and retail is being deleted. There is no change in uses and the underlying zoning is not changing. This is simply an internal assignment of a boundary in order to apply the appropriate development standards.
Mr. Johnsen stated that the financing for the condominium units will be separate from the financing for the office building because it is not ready to be developed at this time. When one borrows the money, the lender will want a mortgage and a defined parcel. This gives a defined parcel with the lot-split. The street right-of-way, drainage and utility easements have already been dealt with.

Mr. Johnsen concluded and requested the Planning Commission to approve the subject application in accordance with the staff recommendation as amended.

**TMAPC COMMENTS:**
Ms. Cantrell asked if there are two neighborhood associations. In response, Mr. Johnsen stated that he believes that there are two associations and his client has met with these associations and received favorable support. Ms. Cantrell requested that the letter of support be submitted (Exhibit A-1).

Mr. Carnes stated that he believes that this is a minor amendment and it has been done in the past.

Ms. Cantrell stated that she believes that one of the main reasons to have a major amendment is to assure that there is adequate notice and clearly the applicant has taken steps necessary to meet with the neighborhood association. She indicated that she is fine with treating this as a minor amendment.

**TMAPC Action; 8 members present:**
On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivell, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry "absent") to **APPROVE** the minor amendment per staff recommendation for PUD-639-A-4 as modified. (Language with a strike-through has been deleted and language with an underline has been added.)

* * * * * * * *

Mr. Ard announced that there are some continuances requested today. He further announced that during the public hearing to consider an ordinance amending Chapter 42 of the Zoning Code of the City of Tulsa regarding signs the temporary signs will not be addressed due to lack of notice. A notice will be prepared and this will be considered at another meeting.

15. **South Town Market**—(8324) Preliminary Plat (PD 26) (CD 8)
Northeast corner of East 101st Street South and Memorial Drive (A continuance is requested until March 19, 2008 so that the PUD standards can be established per an appeal to City Council.)