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:
Minutes of September 17, 2008, Meeting No. 2526
Minutes of September 24, 2008, Meeting No. 2527
Minutes of October 1, 2008, Meeting No. 2528

CONSENT AGENDA

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

2. **LS-20249** – Co eman Robinson (8305)/Lot-Split
   Northeast corner of South Delaware Place and East 71st Street,
   7007 South Delaware Place East
   (PD 18 B) (CD 2)

3. **LS-20257** – Julie Luna, Keller Williams (2336)/Lot-Split
   North of East 126th Street North and East of North Memorial Drive,
   12803 North Memorial Drive
   (County)

4. **LS-20258** – Bart James (8201)/Lot-Split
   West of South Peoria Avenue and North of East 63rd Street,
   (PD 18 A) (CD 2)

5. **LC-127** – Tanner Consulting, LLC (8309)/Lot Combination
   East of South Yale on East 74th Street
   (PD 18 B) (CD 8)

6. **LC-129** - Julie Luna, Keller Williams (2336)/Lot Combination
   North of East 126th Street North and East of North Memorial Drive,
   12803 North Memorial Drive
   (County)

7. **LC-127** – Tanner Consulting, LLC (8309)/Lot-Combination
   South of the southwest corner of East 71st Street South and South Yale Avenue (Related to Item 11.)
   (PD 18) (CD 8)
8. **LC-129 – Keller Williams (6213)/Lot-Combination**
   12803 North Memorial Drive, North of East 126th Street North and East of North Memorial Drive

9. **Gilcrease Hills Financial Center – Change of Access**
   Southwest corner of West Edison Road and North 25th West Avenue

10. **Home Depot at 91 Delaware Center – Change of Access**
    Northwest corner of East 91st Street South and South Delaware Avenue

    South of the southwest corner of East 71st Street South and South Yale Avenue (Minor Amendment to combine Lots 5 & 6, Block 1, to create Tract A of Development Area 1.) (Related to Item 7.)

12. **Z-7008-SP-1i – Sack and Associates/Mark Capron**
    Southwest corner of West 71st Street South and South Olympia Avenue (Corridor Plan Minor Amendment to allow east-facing wall signs on Lots 15, 17 and 17, Block 2 only.)

13. **PUD-760 – Joel Slaughter**
    Northwest corner of East 15th Street and South Troost Avenue (Detail Site Plan for construction of a 9,150 SF mixed use building.)

    Approximately 425 feet west of the southwest corner of East 91st Street South and South Yale Avenue (Minor Amendment to modify the landscape requirement along 91st Street right-of-way and to modify the screening requirement along the west boundary of the PUD.)

15. **PUD-636 – Architects Collective**
    Northwest corner of West 81st Street South and U.S. Highway 75 (Detail Site Plan for a 304 unit apartment complex and accessory club house.)

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

17. **Z-7106 – Lou Reynolds**
    Southeast corner of East 41st and South Harvard Avenue (Continued from 8/20/08, 9/24/08 and 10/01/08) (Related to Item 18.)

18. **PUD-761 – Lou Reynolds**
    Southeast corner of East 41st and South Harvard Avenue (PUD proposes (PUD for mixed-use development for small businesses, restaurants, offices and retail shops.) (Continued from 8/20/08, 9/24/08 and 10/01/08) (Related to Item 17.)
   10733 East 61st Street South

20. **Z-7113 – Wallace Engineering**
    West of the southwest corner of East Admiral Place & South 161st East Avenue

**OTHER BUSINESS**

21. 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](http://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**
Change of Access on Recorded Plat
TMAPC October 15, 2008

Gilcrease Hills Financial Center – (PD 10) (CD 1)
Southwest corner of West Edison Road and North 25th West Avenue

This application is made to allow a change of access to add access along West Easton Court. The
property is zoned OL.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and
approved the request. Staff recommends APPROVAL of the change of access as submitted.
WEST EDISON STREET

LOT 1
BLOCK 1
GILCREASE HILLS FINANCIAL CENTER

PROPOSED LIMITS OF ACCESS

WEST EASTON COURT
EXISTING LIMITS OF ACCESS

Legend
ACC = ACCESS PERMITTED
LNA = LIMITS OF NO ACCESS

CHANGE OF ACCESS
FOR
LOT 1 IN BLOCK 1
OF
'GILCREASE HILLS FINANCIAL CENTER'
SECTION 3, T-19-N, R-12-E
CITY OF TULSA, TULSA COUNTY, OKLAHOMA

SCALE IN FEET

Copyright © 2008 Sack and Associates, Inc.
Home Depot at 91 Delaware Center – (PD 18B) (CD 2)
Northwest corner of East 91st Street South and South Delaware Avenue

This application is made to allow a change of access to add access along South Delaware Avenue and change access on East 91st Street South. The property is zoned I-L.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends APPROVAL of the change of access as submitted.
October 15, 2008

STAFF RECOMMENDATION

PUD-136-A-2: Minor Amendment – South of the southwest corner of East 71st Street South and South Yale Avenue; Lots 5 and 6, block 1 – Silver Ridge; TRS 8309; CZM 52; Atlas 1134; PD 18B CD 8; PUD/OL/RS-3.

The applicant is requesting a minor amendment to combine Lots 5 and 6, Block 1 – Silver Ridge, effectively creating Tract A of Development Area 1 within PUD-136-A (see Exhibits A, A-1 and B). There are no changes to existing PUD development standards being requested. Associated lot-combination application LC-127 is also on the October 15, 2008 agenda of the TMAPC.

Since there are no proposed changes to the existing development standards of PUD-136-A, staff recommends APPROVAL of minor amendment PUD-136-A-2 creating Tract A of Development Area 1 – Lots 5 and 6, Block 1 – Silver Ridge.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.
ALL OF LOTS FIVE (5) AND SIX (6), BLOCK ONE (1), SILVER RIDGE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT SIX (6), BLOCK ONE (1) SILVER RIDGE ADDITION; THENCE NORTH 89°51'16" EAST ALONG THE NORTHERLY LINE OF LOT 6 FOR A DISTANCE OF 285.67 FEET TO THE NORTHEAST CORNER OF LOT 6; THENCE SOUTH 0°08'44" EAST ALONG THE EASTERLY LINE OF LOTS 5 AND 6 FOR A DISTANCE OF 238.13 FEET TO THE MOST SOUTHEASTERLY CORNER OF LOT 5; THENCE ALONG A 188.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 16°14'32", AN INITIAL TANGENT BEARING OF NORTH 38°41'12" WEST, FOR AN ARC DISTANCE OF 53.30 FEET, A CHORD DISTANCE OF 53.12 FEET AND A CHORD BEARING OF NORTH 59°26'04" WEST TO A POINT ON THE SOUTHERLY LINE OF LOT 5; THENCE NORTH 67°33'20" WEST ALONG THE SOUTHERLY LINE OF LOT 5 FOR A DISTANCE OF 79.81 FEET TO A POINT; THENCE SOUTH 89°51'16" WEST ALONG THE SOUTHERLY LINE OF LOT 5 FOR A DISTANCE OF 166.31 FEET TO THE SOUTHWEST CORNER OF LOT 5; THENCE NORTH 0°08'44" WEST ALONG THE WESTERLY LINE OF LOTS 5 AND 6 FOR A DISTANCE OF 180.34 FEET TO THE POINT OF BEGINNING.
SAID TRACT CONTAINING 54599.62 SQUARE FEET, OR 1.25 ACRES.

REAL PROPERTY CERTIFICATION
I, DAN E. TANNER, CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORDANCE WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

DAN E. TANNER, P.L.S.
Oklahoma P.L.S. No. 1435
Oklahoma Certificate of Authorization No. CA 2661
Expiration Date: 6/30/09

9.11.08
Date

DAN EDWIN TANNER
1435
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA

11.6
North: 5026.0565'   East: 4353.6193'
Segment #1 : Line
Course: N89° 51' 16.00"E   Length: 285.667'
North: 5026.7822'   East: 4639.2853'
Segment #2 : Line
Course: S0° 08' 44.00"E   Length: 238.127'
North: 4788.6560'   East: 4639.8903'
Segment #3 : Curve
Length: 53.295'   Radius: 188.000'
Delta: 16.2423 (d)   Tangent: 26.827'
Chord: 53.116'   Course: N59° 26' 03.80"W
Course In: S38° 41' 12.41"W   Course Out: N22° 26' 40.00"E
RP North: 4641.9080'   East: 4522.3785'
End North: 4815.6668'   East: 4594.1549'
Segment #4 : Line
Course: N67° 33' 20.00"W   Length: 79.813'
North: 4846.1384'   East: 4520.3877'
Segment #5 : Line
Course: S89° 51' 16.00"W   Length: 166.310'
North: 4845.7159'   East: 4354.0783'
Segment #6 : Line
Course: N0° 08' 44.00"W   Length: 180.341'
North: 5026.0563'   East: 4353.6201'
Perimeter: 1003.552'   Area: 54599.62 Sq. Ft.
Error Closure: 0.0009   Course: S76° 49' 04.46"E
Error North: -0.00020   East: 0.00084
Precision 1: 1114860.000
STAFF RECOMMENDATION

**Z-7008-SP-1i:** Corridor Plan Minor Amendment – Southeast corner of West 71st Street South and South Olympia Avenue; Lots 15, 16 and 17, Block 2 – Tulsa Hills; Development Area B; TRS 8211; CZM 51; PD 8 CD 2; CO.

The applicant is requesting a minor amendment to allow east-facing wall signs on Lots 15, 16 and 17, Block 2 only, of Tulsa Hills. The current sign standards for Development Areas B, E, and G read, “No wall signs shall be permitted on the east facing walls of a building” (see Exhibit A).

It is staff’s opinion that this standard was included in the approval of the Corridor Development Plan for Development Areas B, E, and G in an effort to help minimize the over-all impact of the development on the single-family residential district “Stone Brooke Glenn”, immediately adjacent to Tulsa Hills to the southeast, as well as, the three residually-zoned properties immediately adjacent to Lot 19, Block 2 at the northeastern corner of the development along West 71st Street (adjacent to the area identified as “1” – Development Area B of attached Exhibit A).

Staff contends that consideration was never given to allowing east-facing wall signs on Lots 15, 16 and 17, as the east-facing walls of buildings constructed on these lots will not be visible from the residential lots abutting the northeast corner of the development as shown on Exhibits B and C and confirmed through site visit by staff. Lots 15, 16 and 17 are also completely obscured from Stone Brooke Glenn by the “anchor” tenants identified on Exhibit A as 6, 7, 8 and 9 of Block 2. This was also confirmed through site visit.

Given the aforementioned, staff recommends APPROVAL of corridor plan minor amendment Z-70C8-SP-1i, allowing east-facing wall signs on Lots 15, 16 and 17, Block 2 only of Tulsa Hills.

*Note: Approval of a minor amendment does not constitute detail sign plan approval*
Exhibit B
for
'Tulsa Hills'
City of Tulsa, Tulsa County, Oklahoma
Corridor District Site Plan Z-7008-SP-1

09/08/2008
October 15, 2008

STAFF RECOMMENDATION

PUD-760: Detail Site Plan – Northwest corner of East 15th Street and South Troost Avenue; Cherry Street Ridge; TRS 9307; CZM 37; Atlas 14; PD 6 CD 4; CS/OL/RM-2/PUD.

The applicant is requesting approval of a detail site plan for construction of a 9,150 square foot (SF) mixed use building. The proposed uses, Use Unit 12 – Easting Establishments, Other than Drive-ins (4,875 SF) and Use Units 13 and 14 (4,275 SF) are permitted uses within PUD-760.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the Zoning Code, and a six-foot masonry screening wall will be constructed along the north and west boundary lines per PUD development standards. Trash receptacles will also be screened from view by the erection of a six-foot enclosure and will be similar in appearance to that of the principal building per PUD standards. Landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. All sight lighting will be limited to 15-feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula.

Therefore, staff recommends APPROVAL of the detail site plan for PUD-760.

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

Screen Wall Section

Refuse Wall Section

Cherry Street Ridge
South 15th and Troost Ave.
Tulsa, Oklahoma

Site Wall Sections
September 19, 2008

The Mayes Hotel
115 West 5th Street
Suite M100
Tulsa, OK 74103
918 483-0995
Site Area
56,000 SF (1.26 Acres) Gross
44,000 SF (1.03 Acres) Net

Permitted Uses
CH, CL, and RM-2 District
Use Units 10, 11, 12, 13, and 14

Proposed Use
Mixed Use
Use Unit-11 (Office)
Use Unit-12 (Retail Establishment)
Use Unit-13 and 14 (Convenience Goods and Services)
Use Unit-14 (Shopping Goods and Services)

Maximum Building Floor Area Permitted
10,150 SF
Proposed Building Floor Area
9,150 SF

Maximum Building Height Permitted
35'-0"
Proposed Building Height
32'-0"

Minimum Building Setbacks Required
From East Boundary (South Troost Ave)
35'-0" from Centerline of Street
From West Boundary
10'-0" from Centerline of Street
From South Boundary (South 15th Street)
35'-0" from Centerline of Street
From North Boundary
10'-0"

Minimum Percentage Landscaped Area Required
10% - 4,360 SF
Minimum Percentage Landscaped Area Provided
10.8% - 4,662 SF

Landscaped Street Yard Per Street Frontage
Street Yard Area
Required (To East Along Troost Ave.)
None
Required (To South Along 15th Street Ave.)
None

Off-Street Parking Ratio
Ratio per Use (Use Unit-11, Office)
1 per 300 SF of 0 SF = 0 Cars
Ratio per Use (Use Unit-12, Restaurant)
1 per 100 SF of 4,675 SF = 40 Cars
Ratio per Use (Use Units 13 and 14, Retail)
1 per 225 SF of 4,275 SF = 19 Cars

Total Number of Spaces Required
66
Total Number of Spaces Dedicated
75 (Including Accessible Spaces)
Total Number of H.S. Spaces Provided
3

Cherry Street Ridge
South 15th and Troost Ave.
Tulsa, Oklahoma

Site Lighting Plan
September 19, 2005
LIGHTING ANALYSIS
Scale: 1/8" = 1'-0"

Cherry Street Ridge
South 15th and Troost Ave.
Tulsa, Oklahoma
Lighting Plan Analysis
September 19, 2006

12' STEEL (4" SQUARE) POLE
PER SPECIFICATIONS. POLE
SHALL BE MADE PLUMB WITH
LEVELING NUTS.

HAND HOLE WITH COVER
1'-0" FROM BASE OF POLE.
4"x 6" MIN.

CONNECT ALL EQUIPMENT GROUND
CONDUCTORS TO GROUNDING LUG
IN POLE

TEMPORARY CAP
(TEMPORARY ALL CONDUIT)

5/8"x12" COPPERWELD GROUND ROD
CONNECTED TO EQUIPMENT GROUND
WIRE AT GROUND LUG IN POLE

(4) ANCHOR BOLTS
1" DIA.x 36" LONG x 4" HOOK
WITH 2 NUTS, 2 FLAT WASHERS
AND 1 LOCK WASHER EACH.

FINISH GRADE

CONDUIT AS
REQUIRED
(3/4" MIN.)

VERTICAL AND HORIZONTAL
BARS SHALL BE FIELD TIED.
WELDING NOT PERMITTED.
SUPPORT REINFORCEMENT IN ITS
PROPER LOCATION FROM THE
FORMWORK DURING CONCRETE
OPERATION.

2' BELOW FROST LINE

D = H
TAN (90 - x)

LIGHT POLE DETAIL
No Scale

13.11

PHILLIPS
SLAUGHTER
ROSE
STAFF RECOMMENDATION

PUD-275-5: Minor Amendment – Approximately 425’ west of the southwest corner of 91st Street South and South Yale Avenue; TRS 8321; CZM 56; Atlas 1909; PD 18 CD 8; CS/RM-2/RM-O/RS-3/PUD.

The applicant is requesting two minor amendments to PUD-275.

The first request is to modify the landscape requirement along the 91st Street right-of-way (ROW). The landscape requirement states:

“(Within Development Area A) An area on the west 100 feet adjacent to the 91st Street ROW ranging in depth from 25 feet to 50 feet (in depth). This area will be maintained in order to preserve some of the existing trees and natural terrain to provide a landscape buffer to the north. This area will connect to open space in the adjacent residential area”.

The above requirement is graphically represented on Exhibit A. The applicant states and site visit by staff verifies that the natural landscaped area that the above standard was designed to protect, was severely damaged by the ice storms of last winter and was removed from the site.

While this natural area along 91st Street will be reduced in size along the street right-of-way, the overall square footage of the in-kind replacement will increase the density of the landscaped area along the street right-of-way (from 3,700 SF to 4,125 SF – see exhibits B and C). The minimum five-foot width of landscaping required by the Zoning Code will also be maintained for the remainder of the length of all street right-of-way within the project limits preserving the intent that a buffer be provided to the north by the use of landscaping. Staff can support this request.

The applicant is also requesting a modification of the screening requirement along the west boundary only of the PUD. The requirement is for a six-foot screening fence along the west boundary of the PUD. In order to adequately provide drainage for the subject tract and not adversely affect the single-family development to the west the applicant is requesting that the screening be allowed to vary off the western boundary back into the subject tract of this application to allow for proposed open drainage channel improvements. Specifically, the screening will “jog” off the western boundary 286’ from the northern boundary of the PUD a distance of 55-feet to the east, and travel 135 feet: southwest back to the western boundary line (please refer to Exhibit D). In exchange the applicant is offering an eight-foot solid masonry wall to be constructed versus a six-foot wood screening fence along the entirety of the western boundary of the PUD.

Staff supports both these requests and recommends APPROVAL of minor amendment PUD-275-5.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.
In addition, the following open space and landscaping requests shall apply:

**Development Area "A"**

1. An area on the west 100 feet adjacent to the 91st Street right-of-way ranging in depth from 25 feet to 50 feet. This area will be maintained in order to preserve some of the existing trees and natural terrain to provide a landscape buffer to the north. This area will connect to open space in the adjacent residential development area.

2. An area within the south 300 feet adjacent to the Yale Avenue right-of-way with 25 feet of depth and 260 feet of frontage. This area will be maintained as open area and landscaped to provide a buffer to the properties to the east.

3. A minimum area of 5 feet on the remaining areas adjacent to the street right-of-way, except for driveways providing access to the property, will be maintained as open areas and landscaped with appropriate planting materials.

4. A minimum area of 10 feet on the entire perimeter area abutting Development Area "B" will be maintained as open area and landscaped with appropriate planting materials.

5. Interior landscaped areas will also be provided such as landscaped plazas and parking islands. These areas will be determined in the detailed landscape plan submitted for approval with the detailed site plan.

**Development Area "B"**

1. A minimum landscaped open area ranging from 20 feet to 50 feet will be maintained around the entire perimeter of the residential development area, except for driveways providing access to the property from 91st Street and Yale Avenue.

2. An open area with a minimum width of 100 feet shall be maintained along the drainage way located in the north of the development area. The actual width of the area to be maintained will vary from 100 feet to 200 feet in depth.

3. A minimum area of 2 acres will be maintained in the southwest corner of the development area as open area for recreational uses and other accessory uses to the residential area.

4. Interior landscaped areas will be provided throughout the residential area and will be specifically identified as part of the detailed site plan that will be submitted for approval.

Screening will be provided by a 6-foot solid surface fence between Development Area "A" and Development Area "B", except where pedestrian access points are to be provided.

(5) That a subdivision plat be approved by the TMAPC, incorporating within the restrictive covenants the PUD conditions of approval, and the City of Tulsa be made beneficiary to such covenants and filed of record in the County Clerk's Office prior to issuance of a building permit.
PUD-275-5

Approximate, and Existing Landscape Requirement
(not to scale)

AREA IDENTIFIED AS FUTURE DRIVE ON ATTACHED EXHIBIT C
PUD-275-5
Proposed Modification of Landscape Requirement

Area identified as future drive on attached Exhibit B
Modify solid fence between development areas A & B requirement to allow for a limited non-linear projection into area A.

Modify the screening requirement from a 6 ft. solid fence between development areas 1 & 2 to an 8 ft. masonry fence.

Proposed retaining wall.

Proposed open-channel improvements.

91st and Yale
Hunter Center

Screening Fence
EXHIBIT D
Amended Planned Unit Development Number 275-
October 15, 2008

STAFF RECOMMENDATION

PUD-636: Detail Site Plan – Northwest corner of West 81st Street South and U.S. Hwy. 75; The Villas at Nickel Creek; Development Areas B, D and E; TRS 8211; CZM 51; PD 8 CD 2; CO/PUD.

The applicant is requesting approval of a detail site plan for a 304 unit apartment complex and accessory club house. The proposed use, Use Unit 8 – Multifamily and Similar Uses is a permitted use within PUD-636.

The submitted site plan meets all applicable open space, livability space, land coverage, units per acre, building height and setback limitations. Parking has been provided per the Zoning Code. All sight lighting, including building mounted will be limited to a maximum of 18 feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula. Trash enclosures are provided per adopted development standards.

Therefore, staff recommends APPROVAL of the detail site plan for PUD-636.

(Note: Detail site plan approval does not constitute gated entry, perimeter wall, landscape and sign plan approval.)
TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT

APPLICATION: Z-7106

TRS 9328
CZM 47
TMAPC Hearing Date: October 15, 2008
(Continued from 8/20/08, 9/24/08 and 10/01/08)
Applicant: Charles E. Norman
Tract Size: 1.84+ acres/80,150+ SF

ADDRESS/GENERAL LOCATION: Southeast corner of East 41st Street South and South Harvard Avenue

EXISTING ZONING: CS/RM-2/OL/RS-1
EXISTING USE: Vacant

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: CS
PROPOSED USE: Neighborhood shopping center

RELEVANT ZONING HISTORY:

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 41st 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 41st 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 41st 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 41st 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 41st 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 41st 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 41st 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 41st 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 41st 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 41st 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 41st 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 41st Street South and South Harvard Avenue. The property appears to be vacant and is zoned RM-2/OL.

**STREETS:**

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Harvard Avenue</td>
<td>Secondary arterial</td>
<td>100'</td>
<td>4</td>
</tr>
<tr>
<td>East 41st Street South</td>
<td>Secondary arterial</td>
<td>100'</td>
<td>4</td>
</tr>
</tbody>
</table>

**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 use, zoned RS-1; on the north by commercial/office uses, zoned CS and RS-3; on the south by vacant land/office uses, zoned OL; and on the west by commercial uses, zoned CS.
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 Medium Intensity-Residential land use. According to the Zoning Matrix, the requested CS zoning is not in accord with the Plan.

STAFF RECOMMENDATION:
This property was the subject of an earlier rezoning application several years ago, which also requested a commercial use and which was denied. Staff could and did support that application. Staff could also support this application, subject to the accompanying PUD or some variation thereof and subject to the southern OL-zoned portion (approximately 50 by 300') remaining in OL zoning but still remaining in the PUD. This allows the commercial portion to more generally line up with the existing CS zoning across Harvard. Therefore, staff recommends APPROVAL of CS zoning for a portion of the subject property, as noted above, and further if accompanied by an appropriate PUD.

10-15-08
July 30, 2008

INCOG
201 W 5th Street
Suite 600
Tulsa, Ok 74103

RE; Case # Z-7106 Rezoning at So Harvard and E.41st Street

TO: MEMBERS OF THE METROPOLITAN AREA PLANNING COMMISION

Due to the fact that there are already FOUR Shopping Centers within one mile of this location, I am very much opposed to creating another. I think it would put hardship on existing businesses and simply is not needed. The area is already saturated with shopping centers. We have sufficient, even an abundance of shops of all kinds, to service the area and those who come from other areas to shop. Anymore would be over-kill and would cause some existing businesses to be forced out of business. Another Shopping Center would be counter productive.

I urge you as thinking, concerned people entrusted with important decisions regarding zoning to act in the interest of established businesses and the needs of the residents of Tulsa and the area being considered.

Sincerely,

Serena Cline, Resident at 41st and S. Harvard

SC:me
TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT
APPLICATION: PUD-761

TRS 9328
CZM 48

TMAPC Hearing Date: October 15, 2008
(Continued from 8/20, 9/24/08 and 10/1/08)

Applicant: Louis Reynolds for Charles E. Norman
Tract Size: 6.87+ acres/299,257+ SF

ADDRESS/GENERAL LOCATION: Southeast corner of East 41st Street South and South Harvard Avenue

EXISTING ZONING: RM-2/OL/CS EXISTING USE: Vacant

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: RM-2/OL/CS/PUD PROPOSED USE: Neighborhood shopping center

RELEVANT ZONING HISTORY:
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 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 41st 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 41st 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 41st 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 41st 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 41st 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 41st 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 41st 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 41st 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;
the 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 41st 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 41st 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 41st 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
southwest corner of East 41st Street South and South Harvard Avenue. The property appears
to be vacant and is zoned RM-2/OL.

STREETS:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Harvard Avenue</td>
<td>Secondary Arterial</td>
<td>100’</td>
<td>4</td>
</tr>
<tr>
<td>East 41st Street South</td>
<td>Secondary Arterial</td>
<td>100’</td>
<td>4</td>
</tr>
</tbody>
</table>

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 41st Street and then “41st 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:
This property was the subject of an earlier rezoning application several years ago, which also requested a commercial use and which was denied. Staff could and did support that application. Staff could also support this application, subject to the accompanying PUD or some variation thereof and subject to the southern OL-zoned portion (approximately 50’ by 300’) remaining in OL zoning but still remaining in the PUD. This allows the commercial portion to more generally line up with the existing CS zoning across Harvard. In case Z-7106, also appearing on the 8/20/08 agenda, staff has recommended “approval of CS zoning for a portion of the subject property, as noted above, and further if accompanied by an appropriate PUD”.

STAFF RECOMMENDATION:
PUD-761 is a 360,000 square foot (sf) (8.26 acre) mixed-use development proposed for the southeast corner of Harvard Avenue and 41st Street South. The development would be re-platted as a four (4) lot one (1) block subdivision. The applicant’s proposal includes commercial development for small businesses, restaurants, offices and retail shops.

There was a proposal in September 2003 which was narrowly recommended for approval by the TMACP and unanimously denied by the Tulsa City Council in December 2003. This proposal was for a 41,000 sf WalMart Neighborhood Market with an accessory 300-ftot gasoline kiosk and fueling facilities located on the immediate corner, or the “hard corner”. The market itself was to be located (approximately) in the southeast corner of the parcel (see Exhibit A-1).

As a result of the contentiousness with which that application was met, this application has introduced several design elements in an attempt to alleviate impacts to the surrounding neighborhoods. It is staff’s understanding that the applicant and nearby neighborhood associations negotiated many of the development standards herein and attached at the end of the agenda package. The applicant is proposing four small scale buildings the largest of which would be limited to 22,500, with a total maximum floor area requested of 60,000 square feet of commercial floor area. This should eliminate any interest from “big box” development. Permissible floor area will be discussed below.

The most intensive use of the lot would be a drug store proposed for the single lot located on the immediate corner for Harvard and 41st. The applicant also proposes to eliminate certain permissible uses such as gasoline service stations, thereby eliminating gas/convenience stores. There is also a limitation on hours of operation, excepting the drug store on the corner lot, further restricting the number of potential owners and tenants within Harvard Square and attempting to form a compatible relationship with nearby neighborhoods.

The applicant is also proposing to restrict maximum building heights within the development area contrary to commercial zoning which has no height limitations. Within one hundred feet of the east boundary the applicant is proposing that a building may not exceed 17 feet in height. Within the remainder of Harvard Square a 23 feet height restriction would apply.

Another design element the applicant is proposing is a mandatory “prairie style” architectural theme known for its low lying roofs, broad eaves, and a focus on horizontal elements of the design as shown on applicant’s Exhibit C – Architectural Theme. Design guidelines will limit permissible construction materials to include brick, cast and natural stone, stucco and horizontal bands of glass. These materials will be required on all sides of the various buildings in accord with Exhibit C. Also included are unoccupied tower elements at entries and corners of buildings and stainless steel track mounts for wall signage. The applicant’s concept plan for Harvard Square is shown on Exhibit A. Exhibits B and B-1 are aerial photographs indicating area land uses and the Harvard Square site.
Refer to Exhibit A-2 - the applicant’s proposed zoning of the parcel, and Exhibit A-3 – the existing zoning. Staff supports the rezone of the existing medium intensity residential area (the RM-2 area on A-2) to the requested low intensity commercial (CS) zoning. However, the 50’ by 400’ (including the ROW) section of existing OL zoning requested for CS zoning on A-2, is identified by the District 6 Comprehensive Plan as a Lineal Development Area limited to lower-intensity office uses (see Exhibit A-4). Staff can not support the requested rezone of the OL portion of the proposed development area. This directly affects the allowable commercial floor area within the development area.

Consequently, without the rezone of the small OL portion of the site, the permissible commercial floor area as allowed by the underlying zoning district is 52,500 sf. Additionally, the underlying OL zoning will also permit 30,000 square feet of office floor area (for a total of 82,500 sf total), as well as, nine (9) single family dwellings. The applicant is limiting the total permissible floor area to 60,000 and using the PUD over-lay to further place limitations on development of the PUD.

In addition to the use restrictions, building height limitations, hours of operation limits and architectural design requirements, the applicant is proposing extensive landscaping and screening along the east and south PUD boundary lines. An 8-foot solid screening masonry type wall (as depicted in applicant’s Exhibit D-1) will be constructed along the entirety of the east boundary and along the first 50-feet of the south boundary. A 35-foot landscape buffer with very specific planting requirements will be required in accordance with the attached Exhibit D-2. Exhibit D-2 is not a conceptual plan and would be used in Detail Landscape Plan review.

With the denial of rezone of the small OL portion of the site combined with the PUD over-lay and the development restrictions outlined in the standards below, 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 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 subject to the following conditions:

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

2. Development Standards:

<table>
<thead>
<tr>
<th>Land Area</th>
<th>8.2645 Acres</th>
<th>360,000 SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Area</td>
<td>6.8734 Acres</td>
<td>299,404 SF</td>
</tr>
</tbody>
</table>

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 and uses customarily accessory to permitted principal uses.

The following uses shall be expressly forbidden:

**Maximum Building Floor Area**:  
60,000 square feet total:  
52,500 SF commercial floor area  
7,500 SF office floor area  

*The maximum gross building floor area of a building on a lot or parcel within Harvard Square shall not exceed 22,500 square feet.*

**Maximum Building Height:**  
Within 100 feet of east boundary:  
Unoccupied architectural features 17 FT  
23 FT*  
Remainder of Harvard Square:  
Unoccupied Architectural Features 23 FT  
29 FT*  

*Architectural elements shall be subject to Detailed Site Plan approval according to Exhibit C.*

**Off Street Parking:**  
As required by the applicable Use Unit of the Tulsa Zone Code.

**Minimum Building Setbacks:**  
From the centerline of E. 41st Street  
125 FT*  
From the centerline of S. Harvard Ave.  
125 FT  
From the east boundary  
75 FT  
From the south boundary  
45 FT  

Internal lot side yards to be established by Detailed Site Plan.

*For purposes of calculating the street yard for landscaping purposes, the building set-back on E. 41st Street and S. Harvard Avenue shall be considered to be 100 feet.*

**Signs:**  
a. One ground sign shall be permitted for each lot with frontage on S. Harvard Avenue or E. 41st Street each with a maximum of 60 square feet of display surface area and 6 feet in height. Except for the sign faces the monument sign will be architecturally similar to the "prairie" style theme for the prairie style architectural theme for Harvard Square.

b. One (1) monument sign at the southeast corner of South Harvard Avenue and East 41st Street identifying Harvard Square with a maximum height of six (6) feet and a
maximum length of sixteen (16) feet. The monument sign will be architecturally similar to the “prairie” style architectural theme for Harvard Square.

c. Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building. Wall signs on east facing building walls shall not be permitted.

d. Changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs, flashing signs, or signs with moving parts are prohibited.

LIGHTING:
Within the east 150 feet of Harvard Square, light standards shall not exceed 12 feet in height; within the remainder of Harvard Square, light standards shall not exceed 25 feet in height. All light standards including building mounted shall be hooded and directed downward and away from the boundaries of the Harvard Square. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula or other Illuminating Engineering Society of North America (IESNA) recommended practice which will verify compliance with the City of Tulsa Zoning Code lighting standards. Consideration of topography must be included in the calculations.

TRASH AND MECHANICAL EQUIPMENT AREAS:
All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), 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.

ADDITIONAL DEVELOPMENT STANDARDS:
1. The opening of any business within Harvard Square shall not occur before 7:00 a.m. and businesses shall close by 11:00 p.m. Excepting a pharmacy and related store at the corner of E. 41st Street and S. Harvard Avenue (proposed Lot 1) shall not be subject to the limitations on hours of operation.

2. Except for Lot One (1), truck delivery hours will be restricted to 7:00 a.m. to 9:00 p.m. No idling of trucks or trash dumpster service shall be allowed between the hours of 9:00 p.m. and 7:00 a.m.

3. No access shall be permitted to or from Harvard Square to South Jamestown Ave.

4. The principal building materials used on the front of a building shall be used on all other sides of the building, although the design and details may vary.

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. The fourth house from the southeast corner of E. 41st Street and S. Jamestown Avenue will be removed (see Exhibit B-1); the remainder of the lot will be offered for sale as a single family lot under the RS-1 zoning district standards.

An eight foot high pre-cast masonry screening wall will be constructed along the east boundary of Harvard Square. The screening wall will commence 50 feet south of the northeast corner of the property and continue west 50 feet along the south boundary of Harvard Square. The design of the wall will be as shown on Exhibit D-1, East Boundary Screening Wall.

The eight foot high pre-cast masonry screening wall will be constructed in its entirety and simultaneously with the development of the first lot within the PUD.

An effort will be made to protect and save the several large native trees in the 35 foot wide buffer area. The existing trees will be supplemented with a dense mix of flowering, deciduous and evergreen trees as specified on Exhibit D-2, East Boundary Landscape Details. The additional trees will be a minimum of 10, 14 and 15 feet tall at planting to create an immediate visual barrier over and above the eight foot high masonry screening wall.

**LANDSCAPED AREA:**

A minimum of 18% of the total net land area of Harvard Square shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code. The minimum landscaped area of each lot shall be established at detail site plan review.

**STREET YARD LANDSCAPING:**

Where parking lots and drives are parallel to the street right-of-way, a minimum of three (3) shrubs for every ten (10) lineal feet of abutment to the right-of-way will be provided. The shrubs will be placed adjacent to and along the entire width of paving adjacent to the right-of-way and are in addition to the required number of trees required by Chapter 10 of the Zoning Code. The shrubs will be a minimum of five (5) gallons and twenty-four (24) inches tall at the time of planting.

**PARKING LOT LANDSCAPING:**

Any parking lot tree planted within five (5) feet of the internal boundary of a lot within PUD 761 shall be counted as one (1) tree for each such lot; provided that in no event shall the total number of parking lot trees within PUD-761 be less than forty-two (42) trees.

See the Parking Lct Landscape Illustration attached hereto as Exhibit D-3.

**SOUTH AND EAST BOUNDARY LANDSCAPING:**

Upon the first to develop of either Lot Three (3) or Lot Four (4), all of the landscaping along the south and east boundary of Harvard Square will be installed and irrigated.
BUILDING LANDSCAPING:
   i. Landscaping will be installed in the parking islands adjacent to the Lot One (1)
      building.

   ii. 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 Two (2): All sides;
           · Lot Three (3): North and east side;
           · Lot Four (4): North and east side.

ACCESS AND CIRCULATION:
Sidewalks will be constructed, or maintained if existing, along 41st Street and Harvard
Avenue. Internally, mutual access and parking easements will provide, where
appropriate, convenient parking for visitors to more than one store or restaurant within
Harvard Square as shown on Exhibit E – Access and Circulation Plan.

Harvard Square will have a total of four (4) access points: two (2) on South Harvard
Avenue and two (2) on East 41st Street South. See the Illustration attached hereto as
Exhibit D.

No access shall be permitted to or from Harvard Square to South Jamestown Avenue
on a permanent basis or during any construction within Harvard Square.

MINOR AMENDMENTS:
In addition to the requirements outlined for minor amendments in section 1107-H of the
Zoning Code, All amendments to PUD-761, whether major or minor, shall in addition to
TMAPC approval also require City Council approval, except for the following
amendments which shall continue to be treated as minor amendments under the zoning
code and only require TMAPC approval:

   i. Limitation or elimination of previously approved uses, provided the character of
      the development is not substantially altered.

   ii. Transfers of permitted floor area between lots; provided that no floor area of any
       lot shall exceed the Development Standard maximum of 22,500 square feet.

   iii. Changes in points of access provided the traffic design and capacity are not
        substantially altered; provided, further, that the total number of access points is
        not increased and approval of Tulsa Traffic Engineering and City of Tulsa Fire
        Marshall are received.

   iv. Changes in yards, open spaces, building coverage and lot widths or frontages,
        provided the approved Development Plan, the approved PUD standards and the
        character of the development are not substantially altered, provided that no floor
        area in any lot shall exceed the Development Standard maximum of 22,500
        square feet.
v. Lot splits which modify the recorded plat and which have been reviewed and approved by the Technical Advisory Committee.

vi. Modification to approve screening and landscaping plans provided the modification is not a substantial deviation from the original approved plan; provided, further, that there is no reduction in the number of trees or overall landscaping.

vii. Any change in the Permitted Uses to allow no more than one (1) drive through restaurant in the PUD.

3. No building permit shall be issued until the platting requirements of Section 1107F 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.

4. No building permit shall be issued for any building or structure within the development until a detail site plan has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the approved development standards.

5. No building permit shall be issued for any building or structure within the development until a detail landscape plan has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the approved development standards.

6. No sign permits shall be issued for erection of a sign within the PUD until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the applicable development standards.

7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all stormwater drainage and/or proposed detention is in accordance with applicable City requirements prior to issuance of an occupancy permit.

8. The City shall inspect all access points to certify that they meet City standards prior to any building permits being issued for the development. The developer shall pay all inspection fees required by the City.

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

10. Screening walls or fences, must receive detail site plan approval from TMAPC prior to issuance of a building permit for the aforementioned wall or fence.

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.

**TAC Comments:**
**General:** No comments.
**Water:** No Comments.

**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.

Provide additional hydrants to satisfy this requirement.

**Stormwater:** A Stormwater Detention Easement will be required. Drainage crossing lot lines will be Public Drainage, and it will be required to be conveyed in a 100-Year capacity Public Drainage System. Public overland drainage must be placed in an Overland Drainage Easement, and Public Storm Sewers must be in a Storm Sewer or Utility Easement with a minimum width of 15 feet.

**Wastewater:** Sanitary Sewer service must be provided for all proposed Lots within the development. In addition, service must be provided to adjacent existing properties as well.

**Transportation:**

**Traffic:** No Comments.

**GIS:** No Comments.

**Street Addressing:** No Comments.

**County Engineer:**

**INCOG Transportation:**
- MSHP: 41st St. S., between Harvard Avenue and Yale Avenue, is designated Secondary Arterial. Harvard Avenue, between 41st St. S. and 51st St. S., is designated Secondary Arterial.
- LRTP: 41st St. S., between Harvard Avenue and Yale Avenue, existing 4 lanes. Harvard Avenue, between 41st St. S. and 51st St. S., 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.
East 41st Street South

LIMITS OF PUD

South Harvard Avenue

LIMITS OF PUD

LIMITS OF PUD

Existing Zoning

<table>
<thead>
<tr>
<th>Zone</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>CS</td>
<td>40,000 SF</td>
</tr>
<tr>
<td>RM-2</td>
<td>65,000 SF</td>
</tr>
<tr>
<td>OL</td>
<td>100,000 SF</td>
</tr>
<tr>
<td>RS-1</td>
<td>155,000 SF</td>
</tr>
<tr>
<td>Total</td>
<td>360,000 SF</td>
</tr>
</tbody>
</table>

Proposed Zoning

<table>
<thead>
<tr>
<th>Zone</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>CS</td>
<td>40,000 SF</td>
</tr>
<tr>
<td>RM-2 to CS</td>
<td>65,000 SF</td>
</tr>
<tr>
<td>OL to CS</td>
<td>15,000 SF</td>
</tr>
<tr>
<td>Remaining OL</td>
<td>85,000 SF</td>
</tr>
<tr>
<td>RS-1</td>
<td>155,000 SF</td>
</tr>
<tr>
<td>Total</td>
<td>360,000 SF</td>
</tr>
</tbody>
</table>

Legend

- PROPOSED CS ZONING
- Per Applicant's Request

ZONING EXHIBIT
PUD NO. 761
Z-7106

SACK AND ASSOCIATES, INC.

EXHIBIT A-2
Permitted Floor Area per Underlying Zoning and the Comprehensive Plan

CS 105,000 sf x 0.5 FAR per commercial zoning = 52,500 sf commercial permitted
OL 100,000 sf x 0.3 FAR per office light zoning = 30,000 sf office permitted
RS-1 155,000 sf / 16,000 sf of land area per DU = 9 Dwelling Units

Total 360,000 sf

---

**Legend**

- **PROPOSED CS ZONING**
  - PER STAFF RECOMMENDATION

**ZONING EXHIBIT**

**PUD NO. 761**

**Z-7106**

---

**EXHIBIT A-3**
October 1, 2008

Tulsa Metropolitan Area Planning Commission
c/o Indian Nations Council of Governments
201 West 5th Street, 6th Floor
Tulsa, Oklahoma 74103

Re: Harvard Square
    TMAPC Case No. Z-7106
    TMAPC PUD No. 761

Dear Members of the Commission:

The Tulsa Metropolitan Area Planning Commission has continued the Harvard Square public hearing on two occasions to permit discussions between Harvard Square and neighborhood representatives from the Patrick Henry and Ranch Acres neighborhoods.

After several meetings between the various parties and their attorneys, and Harvard Square’s engineers, a number of agreements have been reached to provide for a project that is supported by such neighborhood representatives, which agreements are jointly submitted as amendments to the Development Standards. Additionally, in consideration of the property owner’s agreement to incorporate the amended development standards set forth below, the neighborhoods support Harvard Square’s request to re-zone to CS from OL approximately 15,000 square feet of OL zoned land along South Harvard Avenue.

As a result of such agreements, the parties respectfully request that the TMAPC and the City of Tulsa expressly incorporate the following revised PUD development standards in its approval of PUD-761 and further request approval of Z-7106 as applied for.

The Development Standards for PUD-761 are amended as follows. These amendments shall be in addition to the other development standards set forth in the original PUD application.

1. **Access.**

   A. Harvard Square will have a total of four (4) access points: two (2) on South Harvard Avenue and two (2) on East 41st Street South. See the revised Concept Illustration attached hereto as Exhibit “A”.
B. No access shall be permitted to or from Harvard Square to South Jamestown Avenue on a permanent basis or during any construction within Harvard Square.

2. Landscaping.

   A. Street Yard. Where parking spaces and drives are parallel to the street right-of-way, a minimum of three (3) shrubs for every ten (10) lineal feet of abutment to the right-of-way will be provided. The shrubs will be placed adjacent to and along the entire width of paving adjacent to the right-of-way, which shrubs are in addition to the required landscaping under Chapter 10 of the Zoning Code. The shrubs will be a minimum of five (5) gallons and twenty-four (24) inches tall at the time of planting.

   At least four (4) of the street yard trees along East 41st Street shall be evergreen and at least five (5) of the street yard trees along South Harvard Avenue shall be evergreen; provided, all of the trees in the street yard will comply with the applicable PSO guidelines. These evergreen trees shall be in addition to the ornamental trees shown on the revised Concept Illustration.

   B. Parking Lot. Any parking lot tree planted within five (5) feet of the internal boundary of a lot within PUD 761 may be counted as one (1) tree for either lot, but not both lots; provided that in no event shall the total number of parking lot trees within PUD 761 be less than forty-two (42) trees.

   See the Revised Concept Illustration attached hereto as Exhibit “A”.

   C. South and East Boundary Landscaping. Upon the first to develop of either Lot Three (3) or Lot Four (4), all of the landscaping along the south and east boundary of Harvard Square will be installed and irrigated.

   D. Building Landscaping.

   (i) Landscaping will be installed in the paved entryway and the sidewalk extension toward the rear of the Lot One (1) building.

   (ii) 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 Two (2): All sides.

       Lot Three (3): North and west side.

       Lot Four (4): North and west side.
3. **Pedestrian Access.** Pedestrian circulation will be provided by interior sidewalks and cross-walks.

4. **Permitted Uses.** In addition to the uses excluded in the original PUD text, the following shall also be excluded from Harvard Square:
   - Pawn shops;
   - Pay day loan offices;
   - Tobacco stores;
   - Tattoo parlors;
   - Body piercing parlors;
   - Laundromats (self-service); and
   - Drive through restaurants.

5. **Truck Delivery Hours.** Except for Lot One (1), truck delivery hours will be restricted to 7:00 a.m. to 9:00 p.m. No idling of trucks or trash dumpster service shall be allowed between the hours of 9:00 p.m. and 7:00 a.m.

6. **Signage.**

   (a) One (1) monument-style ground sign shall be permitted for each lot with frontage on South Harvard Avenue or East 41st Street each with a maximum of sixty (60) square feet of display surface area and six (6) feet in height. Except for the sign faces, the monument-style ground sign will be architecturally similar to the “prairie” style architectural theme for Harvard Square.

   (b) One (1) monument-style ground sign at the southeast corner of South Harvard Avenue and East 41st Street identifying Harvard Square with a maximum height of six (6) feet and a maximum length of sixteen (16) feet. The monument-style ground sign will be architecturally similar to the “prairie” style architectural theme for Harvard Square.

   (c) Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per linear foot of building walls to which attach. The length of a wall sign shall not exceed seventy five percent (75%) of the frontage of the building. No east facing wall signs shall be permitted.

   (d) LEDs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with moving shall be prohibited.

   (e) Pole signs shall be prohibited. Additionally, if any ground sign has twenty-four inches (24") or more of open space between the bottom of the sign face and the ground, such open space between the bottom of the sign face and the ground shall be
landscaped. The primary building materials for the monument-style ground sign structure shall be brick or stone.

7. **Easterly Boundary Screening Fence.** An eight (8) foot high pre-cast masonry screening fence will be constructed along the east boundary of Harvard Square. The screening fence will begin fifty (50) feet south of the northeast corner of the property and continue west fifty (50) feet along the south boundary of Harvard Square. The design of the screening fence is as shown on Exhibit “D-I”, East Boundary Screening Fence of the original PUD text.

The eight (8) foot high pre-cast masonry screening fence will be installed simultaneously with the development of the first lot within the PUD.

8. **Minor Amendments.** All amendments to PUD 761, whether major or minor, shall in addition to TMAPC approval also require City Council approval, except for the following amendments which shall continue to be treated as minor amendments under the zoning code and only require TMAPC approval:

   1. Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered.

   2. Transfers of permitted floor area between lots; provided, that no floor area in any lot shall exceed the Development Standard maximum of 22,500 square feet.

   3. Changes in points of access, provided the traffic design and capacity are not substantially altered; provided, further, that the total number of access points is not increased.

   4. Changes in yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered, provided, that no floor area in any lot shall exceed the Development Standard maximum of 22,500 square feet.

   5. Lot splits which modify the recorded plat and which have been reviewed and approved by the Technical Advisory Committee.

   6. Modification to approve screening and landscaping plans provided the modification is not a substantial deviation from the original approved plan; provided, further, that there is no reduction in the number of trees or overall landscaping.

   7. Any change in the Permitted Uses to allow no more than one (1) drive through restaurant in the PUD.
Harvard Square and the represented neighborhoods believe that the proposed amended Development Standards will achieve an acceptable relationship between Harvard Square and the neighborhoods and jointly request approval of Z-7106 and PUD 761, as amended herein.

Respectfully submitted,

R. Louis Reynolds
Attorney for Harvard Square

Steve A. Novick
Representative for interested parties
in the Patrick Henry and
Ranch Acres Neighborhoods

RLR: kfm
TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT

APPLICATION: Z-7112

TRS 9431  Atlas 757
CZM 49  PD-18c CD-5

TMAPC Hearing Date: October 15, 2008

Applicant: Sisemore Weisz & Associates, Inc  Tract Size: .438+ acres/19,079+ square feet

ADDRESS/GENERAL LOCATION: 10733 East 61st Street South

EXISTING ZONING: RS-3  EXISTING USE: Vacant

ZONING ORDINANCE: Ordinance number 11875 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: IL  PROPOSED USE: Future Irrigation System Supply Company

RELEVANT ZONING HISTORY:
Z-7021 June 2006: All concurred in approval of a request for rezoning a .93+ acre tract of land from RS-3 to IL for enclosed equipment building on property located at 5703-5705 South 107th East Avenue.

BOA-20118 September 2005: The Board of Adjustment approved a Special Exception to allow a public park on a 48+ acre tract that is a detention pond, subject to Public Works and/or Parks Department submitting a site plan addressing parking facilities and/or fencing according to the wishes of the neighborhood; per amended legal description and located northwest of the northwest corner of East 61st Street and South Garnett Road and abutting east of the subject property.

Z-6969 February 2005: All concurred in approval of a request to rezone a 1.9+ acre tract from RS-3 to IL for a water products company, located at 5903 South 107th East Avenue and abutting north of subject property.

Z-6877 February 2003: All concurred in approval for a request to rezone a 1.16-acre tract from RS-3 to IL for a landscape service, located north of the subject property.

BOA-19162 August 2001: The Board of Adjustment approved a Variance of the required 75’ setback from an RS district to 5’ for new construction located at 5700 South 107th East Avenue, finding that the hardship is the RS district is Highway 169, and the area is transitioning to industrial and commercial uses, and residential is not consistent with the use at this time.

Z-6662 December 1998: All concurred in approval of a request to rezone a 1.1-acre tract abutting the subject property on the south from RS-3 to IL.

Z-5956-SP-2 June 1993: Staff recommended denial of a proposed Corridor Site Plan on a 9.5+ acre tract of land for a convenience store at the northwest corner and a restaurant at the
northeast corner with the remainder undeveloped on property located east of the southeast corner of South 107th East Avenue and East 61st Street South and south of subject property. The TMAPC and City Council concurred in approval of the application.

**Z-6344-SP-1 April 1992:** Staff recommended denial of a proposed Corridor Site Plan on a 2.09+ acre tract of land for a retail/wholesale sprinkler system business that includes a two-story, 2,625 square foot building on property located on the southeast corner of East 61st Street South and Highway 169 South, and south of subject property. The TMAPC and City Council concurred in approval of the application.

**Z-5347 February 1980:** All concurred in approval of a request for rezoning a tract of land from RS-3 to IL on property located and abutting the southwest of subject property.

**Z-5302 April 1980:** All concurred in approval of a request for rezoning a tract of land from RS-3 to IL on property located and abutting the subject property to the west.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .438+ acres in size and is located 10733 East 61st Street South. The property appears to be largely vacant/undeveloped (the applicant's representative indicates that the outbuildings are to be cleared) and is zoned RS-3. Although not apparent on the lots/blocks map, South 107th East Avenue has been dedicated and now abuts the subject property on the south on land that was previously dedicated to the State of Oklahoma.

**STREETS:**

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>South 107th East Avenue</td>
<td>N/A</td>
<td>50’</td>
<td>2</td>
</tr>
<tr>
<td>East 61st Street</td>
<td>Secondary arterial</td>
<td>100’</td>
<td>4</td>
</tr>
</tbody>
</table>

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

**SURROUNDING AREA:** The subject tract is abutted on the east by stormwater facilities, zoned RS-3; on the north by vacant land, zoned IL; on the south by vacant land (dedicated State right-of-way), zoned RS-3; and on the west by-large-lot single-family residential/mixed uses and outbuildings, zoned IL.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**
The District 18c Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within Special District 1-Industrial Area. According to the Zoning Matrix, the requested IL zoning may be found in accord with the Plan by virtue of its location within a Special District. Plan policies encourage location of future industrial uses within this area.

**STAFF RECOMMENDATION:**
Based on the Comprehensive Plan, existing land uses and trends in the area, staff can support the requested rezoning and recommends APPROVAL of IL zoning for Z-7112.

10/15/08
TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT

APPLICATION: Z-7113

TRS 9403 Atlas 1539/1386
CZM 40 PD-17 CD-6

TMAPC Hearing Date: October 15, 2008

Applicant: Wallace Engineering

Tract Size: 30+ acres

ADDRESS/GENERAL LOCATION: West of the southwest corner of East Admiral Place and South 161st East Avenue

EXISTING ZONING: AG
EXISTING USE: Vacant

ZONING ORDINANCE: Ordinance number 11818 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: IL
PROPOSED USE: Undecided

RELEVANT ZONING HISTORY:

Z-6939 April 2004: All concurred in the approval of a request to rezone a 6 acre tract from RS-3 to IL for horse and cargo trailer sales and service located east of the northeast corner of East Admiral Place and South 145th East Avenue and northwest of subject property.

Z-6875/PUD-679 June 2003: All concurred in approval of a request for rezoning a 15 acre tract of land from AG/SR/CS/IL to IL/PUD for Auto Auction and storage, located on the southwest corner of East Admiral Place and South 161st East Avenue and east of subject property.

Z-6823 July 2001: All concurred in approval of a request to rezone a 2.04-acre tract from RS-3 to IL for the continuation of a parking and storage area for an automobile auction, located on the north side of East Admiral Place and west of South 161st East Avenue.

PUD-560-1 July, 1997: All concurred in approval of a minor PUD amendment to reconfigure Development Areas 1-3 to create Development Area 5, with no additional building floor area, signage or other changes to the PUD standards. Development Area 4 is to remain a drainage way.

Z-6587/PUD-560 May, 1997: All concurred in approval of a request for rezoning a 12.5-acre tract of land from AG to IL/PUD-560 per staff recommendations and including a 100' drainage way in Development Area 4, located west of the southwest corner of East Admiral Place and South 161st East Avenue and abutting north of subject property.

Z-6585/PUD-556 February 1997: A request was made to rezone a 4.5-acre tract, from SR to CS or IL and a Planned Jnt Development. Approval was granted for IL zoning to a depth of 350' fronting East Admiral Place with the balance of the tract to remain as SR zoning and approval of the proposed PUD, located on the south side of Admiral Place and west of 161st East Avenue, and abutting northeast of the subject property.
AREA DESCRIPTION:
SITE ANALYSIS: The subject property is approximately 30+ acres in size and is located west of the southwest corner of East Admiral Place and South 161st East Avenue. The property appears to be vacant and is zoned AG.

STREETS:
Exist. Access MSHP Design MSHP R/W Exist. # Lanes
East Admiral Place* Secondary arterial 100' 4
South 156th East Avenue N/A N/A 2

*This property does not have direct frontage on East Admiral Place, but the applicant's representative indicates the owner is also the owner of the property directly north, PUD-530, but does not wish to include this as part of the PUD.

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land, zoned PUD-679/SR; on the north by vacant land, zoned PUD-560/IL; on the south by vacant land and large-lot single-family residential uses, zoned AG; and on the west by vacant land, zoned RMH and AG. Farther north across Admiral Place are a mixture of industrial and related uses, zoned IL.

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-Industrial land use-. According to the Zoning Matrix, the requested IL zoning is in accord with the Plan.

STAFF RECOMMENDATION:
A number of industrial uses currently exist in this area and the Plan clearly contemplates that the area will continue to develop industrially. Therefore, based on the Comprehensive Plan, existing nearby uses and trends in the area, staff recommends APPROVAL of IL zoning for Z-7113.

10/15/08