# TULSA METROPOLITAN AREA PLANNING COMMISSION

For Meeting No. 2532,

# November 19, 2008, 1:30 PM

# Aaronson Auditorium, Central Library, 400 Civic Center

## **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. <u>LS-20261</u> – Jim Wimbish (8304)/Lot-Split

(PD-18B) (CD-7)

West of South Oswego Avenue and North of East 66<sup>th</sup> Street, 3720 East 64<sup>th</sup> Place (Continued from 11-05-08 agenda for renotification on related PUD-142-7 minor amendment)

2. <u>LS-20265</u> – JR Donelson (7317)/Lot-Split

(County)

East of South Lewis Avenue and North of East 151st Street, 14600 South Lewis Avenue

3. **LS-20266** – JR Donelson (9212)/Lot-Split

(PD-7) (CD-4)

East of South Cincinnati and South of East 15<sup>th</sup> Street, 1510 South Cincinnati Avenue

4. LC-132 – Venessa Hall-Harper (0225)/Lot-Combination

(PD-2) (CD-1)

Southwest corner of North Midland Avenue and East Reading Street, 1670 North Midland Avenue

5. <u>LC-133</u> – Holland Landscape, Inc. (8315)/Lot-Combination

(PD-18B) (CD-8)

West of South Lakewood Avenue and North of East 86<sup>th</sup> Street, 5929 East 86<sup>th</sup> Street

6. **PUD-142-7 – John B. Wimbish** 

(PD-18) (CD-7)

Southeast corner of the southeast corner of Harvard Avenue and 61<sup>st</sup> Street South (Minor Amendment to reflect a lot-split.) (Continued from 11/05/08 for renoticing)

7. <u>PUD-405-F-1 – William D. LaFortune</u>

(PD-18) (CD-8)

Northwest corner of South Memorial Drive and Creek Turnpike (Minor Amendment to allow the addition of digital/LED technology to a previously approved billboard.)

# 8. <u>PUD-575-B – John Sanford</u>

(PD-18) (CD-8)

North of the northeast corner of Mingo Road and 81<sup>st</sup> Street South (Detail Site Plan for an 11,016 SF school and clinic.)

# 9. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

## **PUBLIC HEARINGS**

10. Harvard Square South – (9328) Preliminary Plat

(PD 6) (CD 5)

Southeast corner of East 41<sup>st</sup> Street and South Harvard Avenue (Request continuance to 12/3/2008 for City Council to approve PUD standards, previously continued from 11/5/08)

11. Ewing Irrigation II – (9431) Preliminary Plat

(PD 18C) (CD 5)

East of South 107th East Avenue and north of East 61st Street

12. <u>51 Yale – (9328)</u> Preliminary Plat

(PD 18B) (CD 7)

Southwest of the intersection of East Skelly Drive and South Yale Avenue (Continuance to 12/3/08 requested for PUD standards to be considered by TMAPC.)

13. South Mingo Plaza – (8418) Preliminary Plat

(PD 18C) (CD 8)

South of Southeast corner of South Mingo Road and East 81st Street South

14. Z-7117-(0432) Plat Waiver

(PD 16) (CD 6)

West of southwest corner of East Pine Street and North 129<sup>th</sup> East Avenue (Related to Item 16.)

15. **Z-7117 – Dwight Siens** 

RS-3 to IL

West of southwest corner of East Pine Street and North 129<sup>th</sup> East Avenue (Related to Item 15.)

(PD-16) (CD-6)

16. **PUD-766 - Roy D. Johnsen** 

CS/CH to CS/CH/PUD

Southwest corner of South Yale Avenue and I-44 (PUD for mixed use commercial development including retail, hotel, restaurant and office use.)

(PD-18b) (CD-7)

17. Z-7118/PUD-767 - Storage Station of Tulsa, LLC

RS-3 to OL/PUD

West of the southwest corner of South Memorial Drive and East 31<sup>st</sup> Street South (PUD to permit Use Unit 11 uses, Office, Studio and Support Services, including drive-through banking facilities and Use Unit 16, Mini-Storage on the east tract and on the west tract.)

(PD-18) (CD-8)

#### **OTHER BUSINESS**

### 18. 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  $\underline{cell\ phones}$  and  $\underline{pagers}$  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

Aaronson Auditorium, Central Library, 400 Civic Center

Wednesday, November 19, 2008– 1:45 p.m.\* (\*Or immediately following adjournment of the TMAPC Meeting)

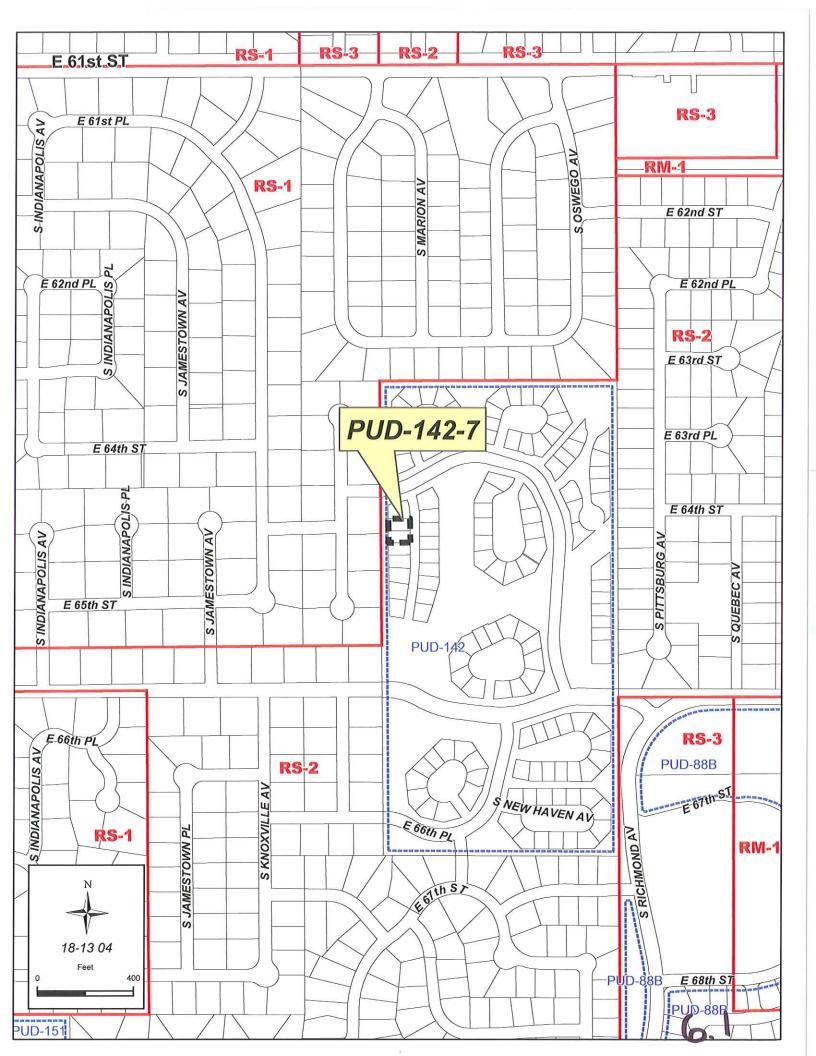
# CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

- 1. Discuss and Consider City Council Consensus 2008-03 directing the TMAPC to hold public hearings, analyze and recommend to the City Council Ordinance Amendments to the Zoning Code of the City of Tulsa governing the use or construction of property located in a residentially zoned area for the purpose of providing a home for independent living that provides room and board, personal care and/or habilitation service in a family environment as a single-housekeeping unit.
- Discuss and Review TMAPC Policies and Procedures and Code of Ethics.

## 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







#### STAFF RECOMMENDATION

PUD-142-7:

Minor Amendment – S/E of the s/e corner of Harvard Avenue and 61<sup>st</sup> Street South; Lots 15 and 16, Block 4 – Point South; TRS 8304; CZM 52; Atlas 881; PD 18 CD 7; RS-2/PUD.

The applicant is requesting a minor amendment to reflect a lot split. The lot split proposes removing a 5' x 90.08' portion from the northern boundary of Lot 15 and adding it to the southern boundary of Lot 16, of Block 4 – Point South. The lot split will correct an existing structural property line encroachment from Lot 16 onto Lot 15. Concurrently, lot split application LS 20261 appears on the November 5<sup>th</sup>, 2008 agenda.

Pending the approval of LS 20261, staff recommends **APPROVAL** of minor amendment PUD-142-7.

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

6.4





WHITE SURVEYING COMPANY

• 9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 663-6924

# LOT SPLIT EXHIBIT

INVOICE NO.: WS 08-43766 MORTGAGOR: WILSON, BETTY J.

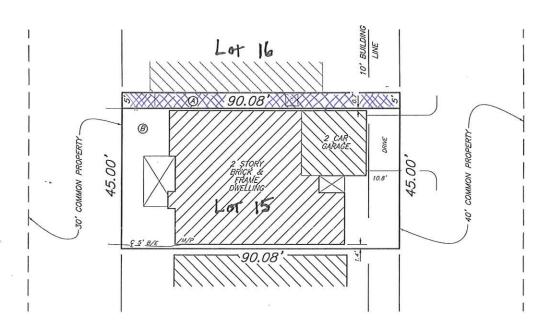
RIDDLE & WIMBISH, P.C.

LEGEND

LEGENU

FENCE
U/E UTILITY EASEMENT
D/E DRAIMAGE EASEMENT
M/P METERING POINT
B/E BURIED ELECTRIC &
TELEPHONE CASLE
EASEMENT
(APPROXIMATE
LOCATION)
BL. BULDING LINE
O.B.L. OUTBUILDING LINE
O.B.L. OUTBUILDING LINE
O.B.L. OUTBUILDING LINE





PLAT NO. 3544

#### UNDIVIDED TRACT

LOT FIFTEEN (15), BLOCK FOUR (4), POINT SOUTH, A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 3720 EAST 64TH PLACE.

#### PROPOSED SPLIT TRACT (A)

THE NORTH FIVE (5) FEET OF LOT FIFTEEN (15), BLOCK FOUR (4), POINT SOUTH, A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

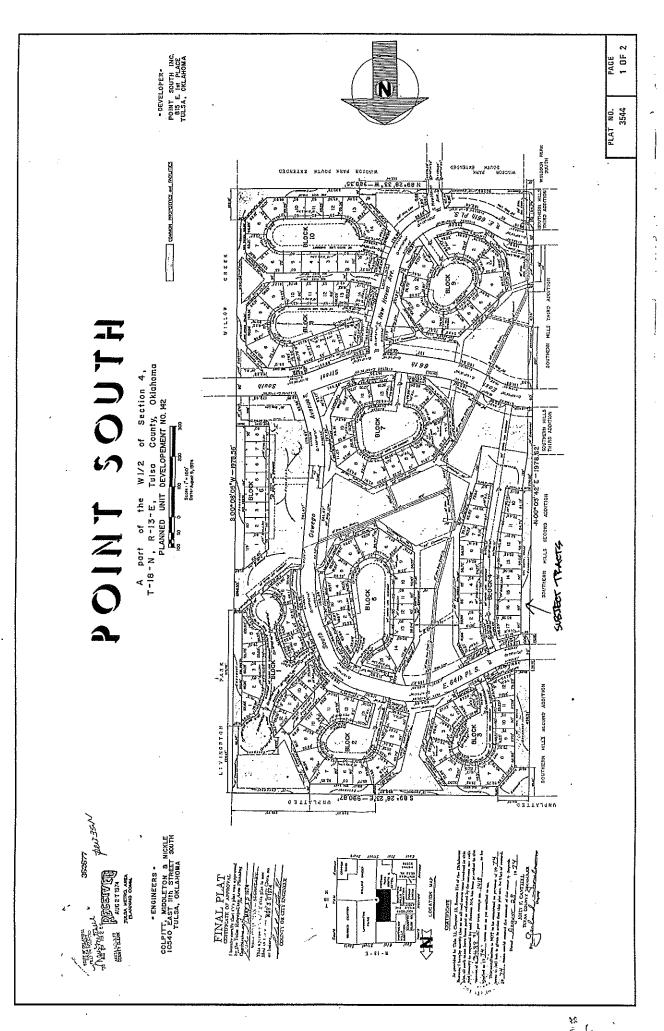
#### REMAINING TRACT (B)

LOT FIFTEEN (15), BLOCK FOUR (4), LESS & EXCEPT THE NORTH FIVE (5) FEET THEREOF, POINT SOUTH, A SUBDIMISION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 3720 EAST 64TH PLACE.

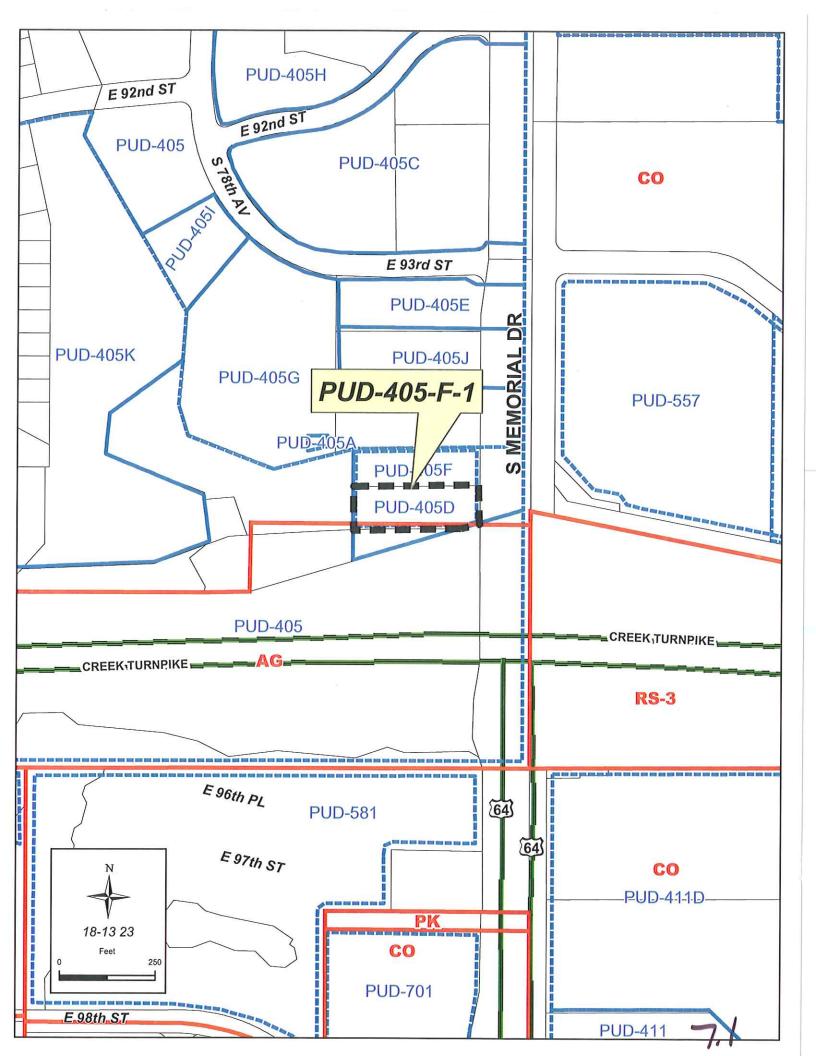
WITNESS MY HAND AND SEAL THIS DATE: 9/15/08

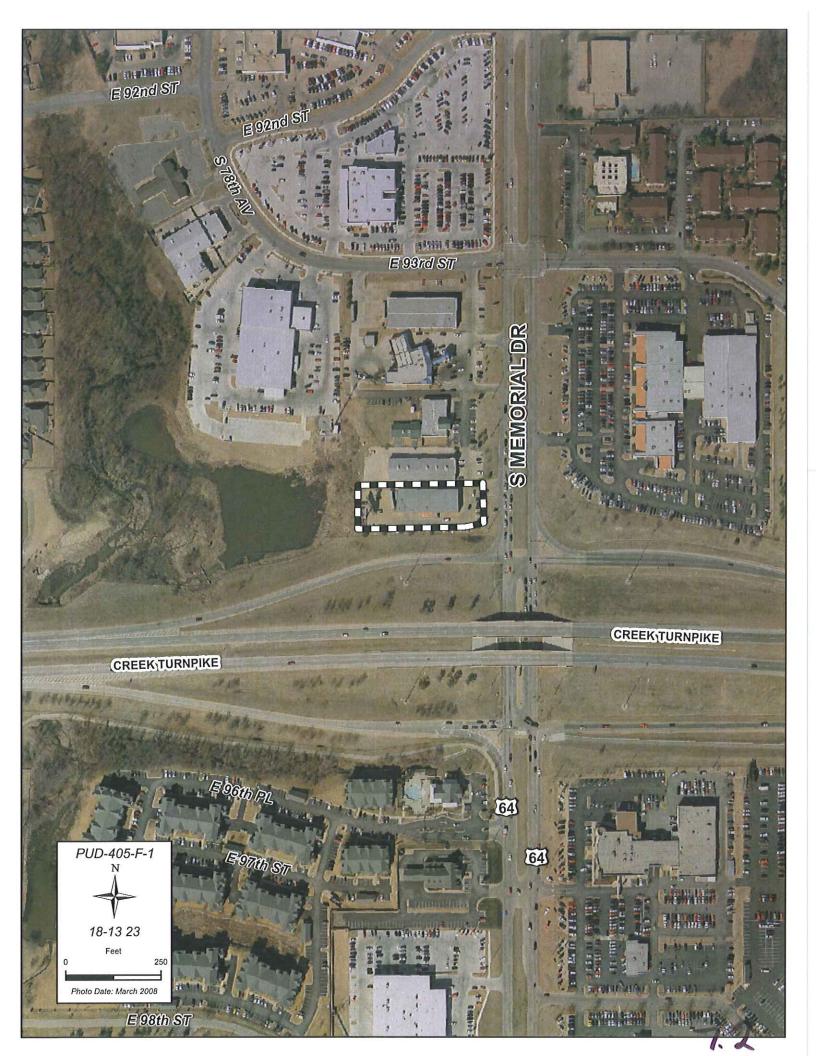
WARNING! If the seal on this document is not RED, it is an unauthorized copy which may have been altered or modified, and cannot be used for any purpose without the written permission of White Surveying Company.

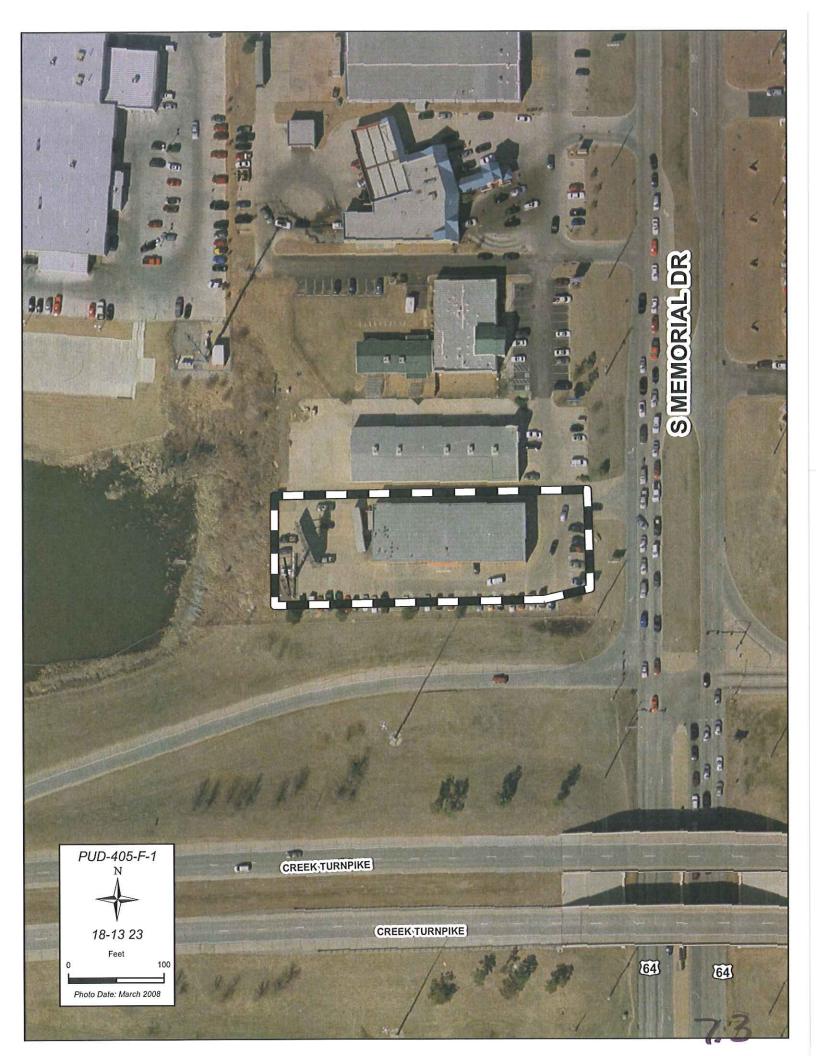
Copyright 2008 by White Surveying Company. All Rights reserved. No part of this plat may be reproduced, stored in a retrieval system, or transmitted in any form without prior written permission of White Surveying Company, P.O. Box 471675, Tulsa, Oxiohoma.



6.6







#### STAFF RECOMMENDATION

PUD-405-F:

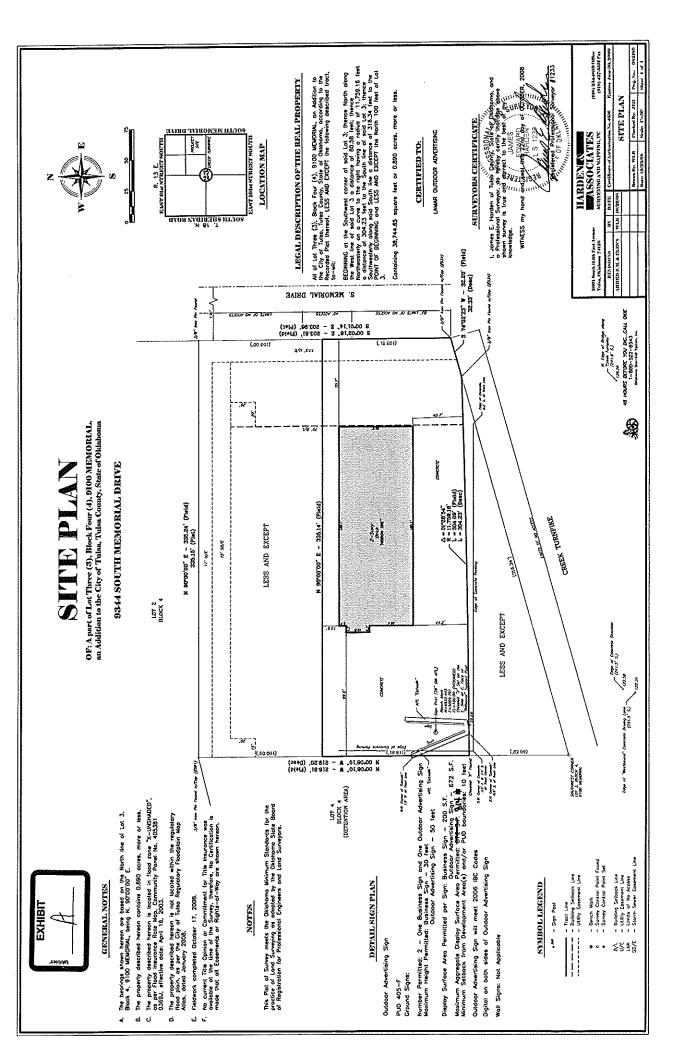
Minor Amendment – Northwest corner of S. Memorial Drive and the Creek Turnpike; Lot 3, Block 4 – 9100 Memorial; TRS 8323; CZM 57; Atlas 2084; PD 18 CD 8; CO/PUD

The applicant is requesting a minor amendment to PUD-405-F to allow the addition of Digital/LED technology to a previously approved billboard. The existing use, Outdoor Advertising Sign, under Use Unit 21 is a permitted use within PUD-533-F.

On August 26, 2008 the City of Tulsa Board of Adjustment (BOA) in case number 20753 approved spacing verification for this outdoor advertising sign at this location (See Exhibit A).

Staff recommends **APPROVAL** of minor amendment PUD-405-F-1 allowing LED digital technology to be added to an existing outdoor advertising sign subject to the conditions of sections 1103, B-2; 1221-C, 2; 1221-F and 1221-G attached hereto as Exhibit D.

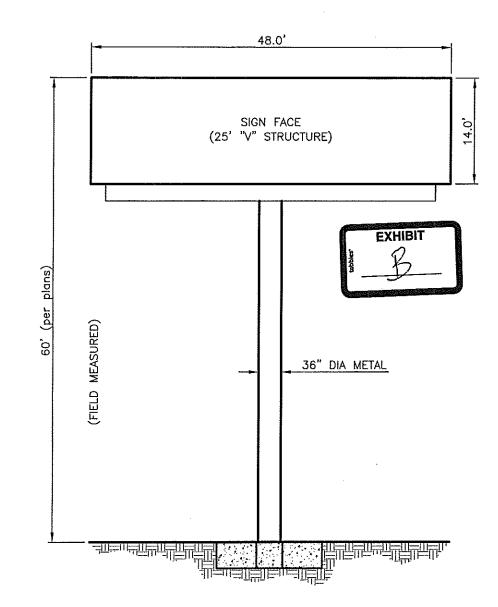
Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.





# DETAIL SIGN PLAN ELEVATIONS





### LEGAL DESCRIPTION OF THE REAL PROPERTY

All of Lot Three (3), Block Four (4), 9100 MEMORIAL, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, LESS AND EXCEPT the following described tract, to—wit:

BEGINNING at the Southwest corner of said Lot 3; thence North along the West line of said Lot 3 a distance of 80.58 feet; thence Northeasterly on a curve to the right having a radius of 11,759.16 feet a distance of 304.23 feet to the South line of said Lot 3; thence Southwesterly along said South line a distance of 316.34 feet to the POINT OF BEGINNING and LESS AND EXCEPT the North 100 feet of Lot 3.

HARDEN &
ASSOCIATES
SURVEYING AND MAPPING, PC

Date: October 22, 2008 9344 SOUTH MEMORIAL DRIVE

> (918) 234-4859 Office (918) 437-5551 Fax

Certificate of Authorization No. 4656

2001 South H4th East Avenue

Tulsa, Oklahoma 74128

Expires June 30, 2009



#### Address S Memorial Dr

Address is approximate Lot 3, Block 4 - 9100 Memorial 9344 S. Memorial Drive



1221, E-3, a - 2th disa per Lifit permitted since THERE
15 one Existing grand sign on premesis.

304.09 L.F.F x2 = 608 p 103 L.F.F dong Memorial = 206 p 814 p -> 672 p Max d.s.a peratted run 1221, F-17.

EXMISIT C 7.7

# Section 1221, C-2, F and G:

# **Use Conditions for Outdoor Advertising Signs**

- 1221, C-2: Flashing signs, digital signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be subject to the following limitations.
  - **a.** No such sign shall be located within fifty (50) feet of the driving surface of a signalized intersection. The fifty (50) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the signalized intersection.
  - **b.** No such sign shall be located within twenty (20) feet of the driving surface of a street. The twenty (20) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the street curb, or edge of the traveled roadway marked or understood as such.
  - c. No such sign, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be located within two hundred (200) feet of such district or area. The two hundred (200) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary line.
  - **d.** No such sign shall exceed an illumination of seventy (70) foot candles measured at a two (2) foot distance.
  - e. No such digital sign shall display an illuminative brightness exceeding five hundred (500) NITs at any time between one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise or six thousand five hundred (6,500) NITs between one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.
  - f. No such digital sign shall display an illuminative brightness of such intensity or brilliance that it impairs the vision or endangers the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.
  - g. No such digital sign shall resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light.
  - h. No such digital sign shall be permitted to operate unless it is equipped with:
    - (1) A default mechanism that shall freeze the sign in one position or static message if a malfunction occurs; and
    - (2) Notwithstanding paragraph 1221.C.2.e., a mechanism able to automatically adjust the display's illuminative brightness according to natural ambient light conditions by means of a light detector/photo cell by which the sign's brightness shall be dimmed.

7.8 Extribit D

# 1221-F: Use Conditions for Outdoor Advertising Signs

- 1. Outdoor advertising signs shall be permitted in CS, CG, CH, CBD, IL, IM and IH zoning districts only when located within a freeway sign corridor. Outdoor advertising signs may be permitted in the CO zoning district, subject to the site plan review as provided in Chapter 8 of this code and provided it is located within a freeway sign corridor. Outdoor advertising signs may be permitted in Planned Unit Developments, in accordance with Chapter 11 of this code, so long as the same is zoned CS, CG, CH, CBD, IL, IM or IH and is within a freeway sign corridor.
- 2. An outdoor advertising sign shall be separated a minimum distance of on thousand two hundred (1,200) feet from any other outdoor advertising sign. Spacing limitations shall not apply between signs separated by the freeway. The one thousand two hundred (1,200) feet shall be measured in a straight line from the center of an outdoor advertising sign's structure, as located on the ground, to the center of any other outdoor advertising sign's structure, as located on the ground.
- 3. No outdoor advertising sign shall be located within one hundred fifty (150) feet of a public park. The one hundred fifty (150) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point on the property of the park.
- **4.** Outdoor advertising signs, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be setback from such district or area a minimum distance as follows:
  - a. One hundred fifty (150) feet if the display surface area is three hundred (300) square feet or less; or
  - **b.** Two hundred (200) feet if the display surface area is greater than three hundred (300) square feet.
  - **c.** The setback requirement imposed by this paragraph 1221.F.4. shall be measured in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary line.
- 5. No portion of an outdoor advertising sign shall be located within ten (10) feet of a freeway right-of-way. The ten (10) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the freeway right-of-way boundary line.
- **6.** No outdoor advertising sign shall contain more than two (2) sides, and only one (1) side shall be included in the computation of display surface area. The two (2) sides shall face in opposite directions. "Opposite" shall, in addition to its ordinary meaning, include V-shaped signs when the angle of separation of the display surfaces does not exceed thirty degrees (30°).
- 7. An outdoor advertising sign shall be oriented to be primarily visible from the freeway.
- 8. No outdoor advertising sign shall contain flashing, blinking or traveling lights or reflective glitter.

- 9. Cutouts or extensions shall be permitted, in addition to the display surface area permitted in this section, so long as the cutouts or extensions do not exceed fifteen percent (15%) of the display surface area.
- 10. No outdoor advertising sign shall be supported by more than one (1) post or column unless required by site engineering considerations and is certified as such by a registered professional engineer.
- **11.** Outdoor advertising signs which have animation, revolving or rotating components or movement shall be subject to the following limitations:
  - a. No such sign shall be located within fifty (50) feet of the driving surface of a signalized intersection. The fifty (50) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the signalized intersection;
  - **b.** No such sign shall be located within twenty (20) feet of the driving surface of a street. The twenty (20) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the street curb, or edge of the traveled roadway marked or understood as such; and
  - **c.** No such sign, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be located within two hundred (200) feet of such district or area. The two hundred (200) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary line.
- **12.** Illumination on the face of outdoor advertising signs shall not be permitted to exceed seventy (70) foot candles measured at a two (2) foot distance.
- **13.** Outdoor advertising signs shall maintain a minimum separation of thirty (30) feet from any roof, projecting or ground sign.
- 14. Any illumination shall be by constant light.
- **15.** No outdoor advertising sign shall exceed fifty (50) feet in height; except when the freeway is elevated ten (10) feet or more above grade where the sign is to be located then, in that event no outdoor advertising sign height shall exceed sixty (60) feet in height.
- **16.** The maximum number of signs on a lot of record, including outdoor advertising signs but exclusive of business wall signs and promotional business signs shall be as provided in 1221.C.8.
- 17. The aggregate display surface area for all ground, roof or projecting signs, whether business or outdoor advertising, shall comply with the provisions of paragraphs 1221.C.4, 1221.D.3 and 1221.E.3, as applicable; provided that in no event shall an outdoor advertising sign exceed six hundred seventy-two (672) square feet of display surface area.
- 18. No outdoor advertising sign shall be permitted to be located upon or constructed within a required parking space or loading berth, nor to otherwise obstruct vehicular or pedestrian

access or circulation, or pose any other hazard to motor vehicle traffic exiting, entering or traveling within the site on which the sign is located.

- 19. A sign permitted as a business sign shall not thereafter be changed to an outdoor advertising sign without a permit for such use; nor shall a sign permitted as an outdoor advertising sign be changed to a business sign without a permit for such use.
- 20. Signs that have not been issued a sign permit shall not be located in any district.

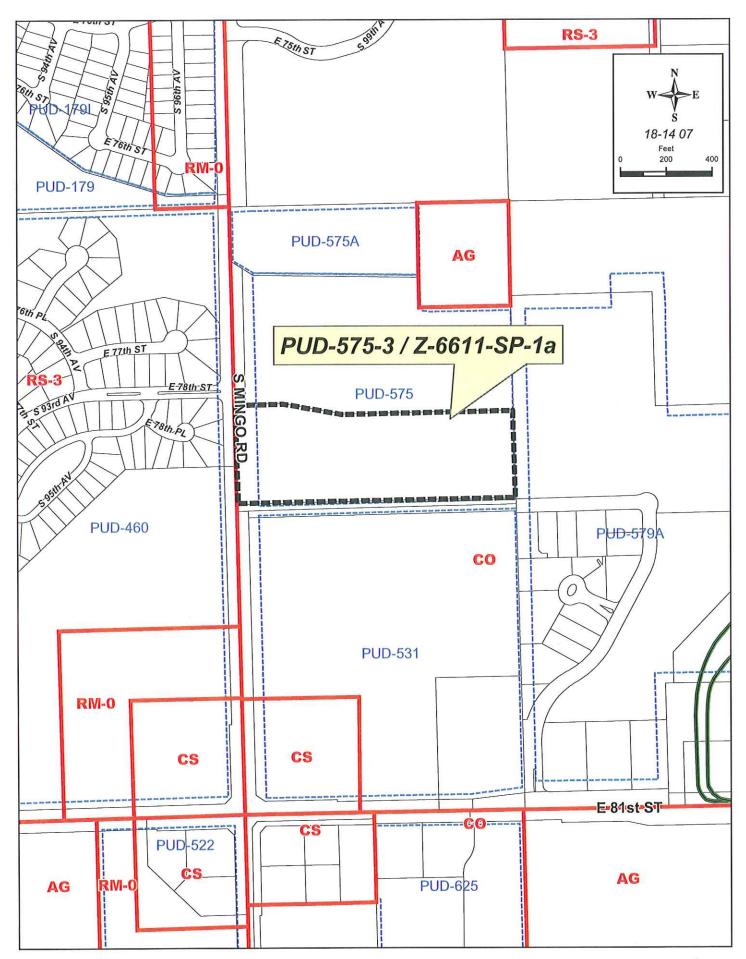
# 1221-G: Additional Use Conditions for Digital Outdoor Advertising Signs

In addition to the use conditions prescribed for outdoor advertising signs in subsection 1221.F., digital outdoor advertising signs shall also comply with the following use conditions:

- 1. Digital outdoor advertising signs shall only display a static message or messages..
- 2. Digital outdoor advertising signs which display more than one static message shall do so sequentially, with each static message having a dwell time of no less than eight (8) seconds and a transition time between static messages of no more than one (1) second.
- 3. Digital outdoor advertising signs shall not display an illuminative brightness exceeding five hundred (500) NITs at any time between one half (1/2) hour after sunset until one half (1/2) hour before sunrise or six thousand five hundred (6,500) NITs between one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.
- **4.** Use conditions establishing the minimum dwell time and maximum illuminative brightness levels for digital outdoor advertising signs codified in subsection 1221.G. shall be subject to future modification and regulation in the exercise of the City's police powers and no vested right shall ever be created in these use conditions.
- **5.** Digital outdoor advertising signs shall not display an illuminative brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.
- **6.** Digital outdoor advertising signs shall not resemble or simulate any warning or danger signal, or any official traffic control devise, sign, signal or light.
- 7. Digital outdoor advertising signs shall not be permitted to operate unless they are equipped with:
  - ${f a.}$  a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs; and
  - **b.** notwithstanding paragraph 1221.G.3., a mechanism able to automatically adjust the display's illuminative brightness according to natural ambient light conditions by means of a light detector/photo cell by which the sign's brightness shall be dimmed.
- 8. Digital outdoor advertising signs shall not display consecutive messages facing the same traveled way, which constitute a substantially similar theme or story and is a continuation of any immediately preceding message, thereby creating a storyboarding effect when viewed by

persons operating a motor vehicle. Nothing contained in this paragraph shall prohibit the display of identical consecutive messages.

- **9.** Any digital outdoor advertising sign for which a permit has been applied for prior to January 1, 2009, and the sign has been permitted and completed constructed prior to January 1, 2010, shall be separated by a minimum distance of one thousand two (1,200) feet from any other digital outdoor advertising sign. This spacing limitation shall not apply between signs separated by the freeway. The one thousand two hundred (1,200) feet shall be measured in a straight line from the center of an outdoor advertising sign's structure, as located on the ground, to the center of any other outdoor advertising sign's structure, as located on the ground.
- 10. Except as provided in paragraph 1221.G.9., any digital outdoor advertising sign having a permit issued on or after January 1, 2009, shall be separated by a minimum distance of one thousand two hundred (1,200) feet from any other digital outdoor advertising sign facing the same traveled way. The one thousand two hundred (1,200) feet shall be measured in a straight line from the center of a digital outdoor advertising sign's structure, as located on the ground, to the center of any other digital outdoor advertising sign's structure, as located on the ground.
- 11. Digital outdoor advertising signs, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be setback from such district or area a minimum distance of two hundred (200) feet. The two hundred (200) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary line.
- **12.** Prior to the issuance of any permit for the installation, testing, maintenance or use of any digital outdoor advertising sign, the operator shall provide written certification that the illuminative brightness of the display shall not exceed five hundred (500) NITs at any time between one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise.
- 13. No lawfully existing outdoor advertising sign, whether conforming or lawfully nonconforming, which incorporates any digital sign, electronically generated display or light emitting diode (LED) on its display surface, or attached to the sign structure, shall be deemed a lawfully existing digital outdoor advertising sign pursuant to this subsection 1221.G. and no such sign shall be modified, extended, or enlarged unless and until its installation or use has been permitted as a digital outdoor advertising sign on or after May 1, 2008, in compliance with this Section 1221.
- 14. No outdoor advertising sign which is lawfully nonconforming as to any requirement imposed by this Zoning Code shall be modified, changed or converted into a digital outdoor advertising sign unless it shall conform to all requirements imposed by this Code and all spacing requirements have been verified as required by this Code. For purposes of this Code, no digital outdoor advertising sign shall be considered lawfully nonconforming and the conversion of an outdoor advertising sign into a digital outdoor advertising sign shall be considered a change of use.





8.2



8.3

#### STAFF RECOMMENDATION

#### PUD-575-B

Detail Site Plan – North of the northeast corner of Mingo Road and 81<sup>st</sup> Street South; Lot 5, Block 1 – 7900 Mingo; TRS 8407; CZM 54; Atlas 1266; PD 18 CD 8; CO/PUD.

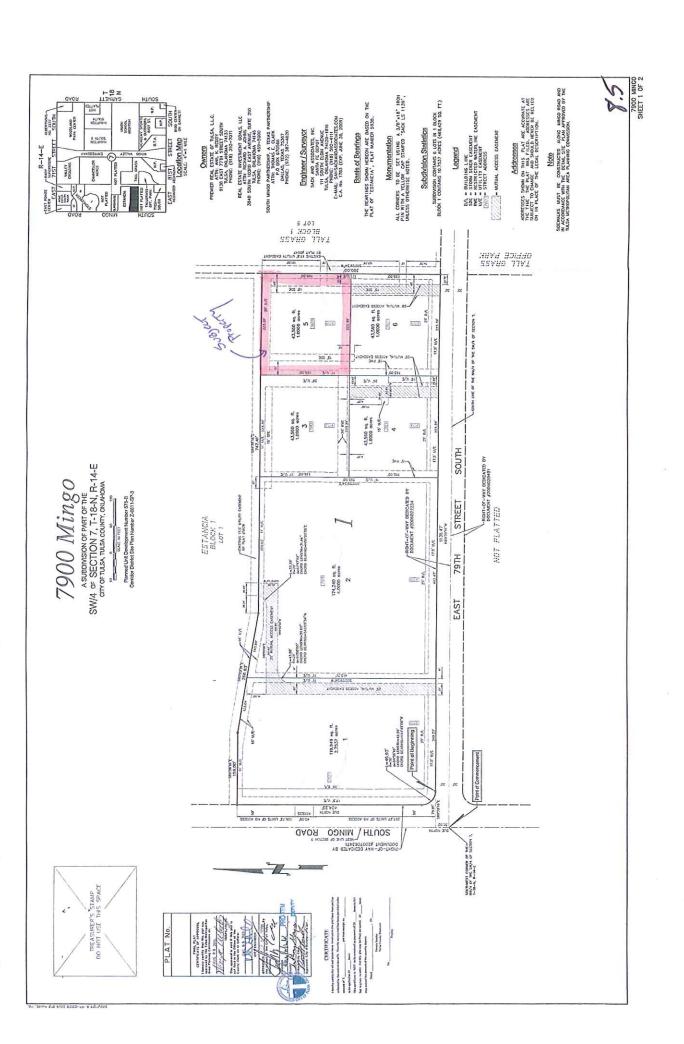
The applicant is requesting approval of a detail site plan for an 11,016 square foot (sf) school and clinic. The proposed use units, Use Unit 5 – Community Services and Similar uses and Use Unit 11 – Office, Studios and Support Services are permissible uses within PUD-575-B.

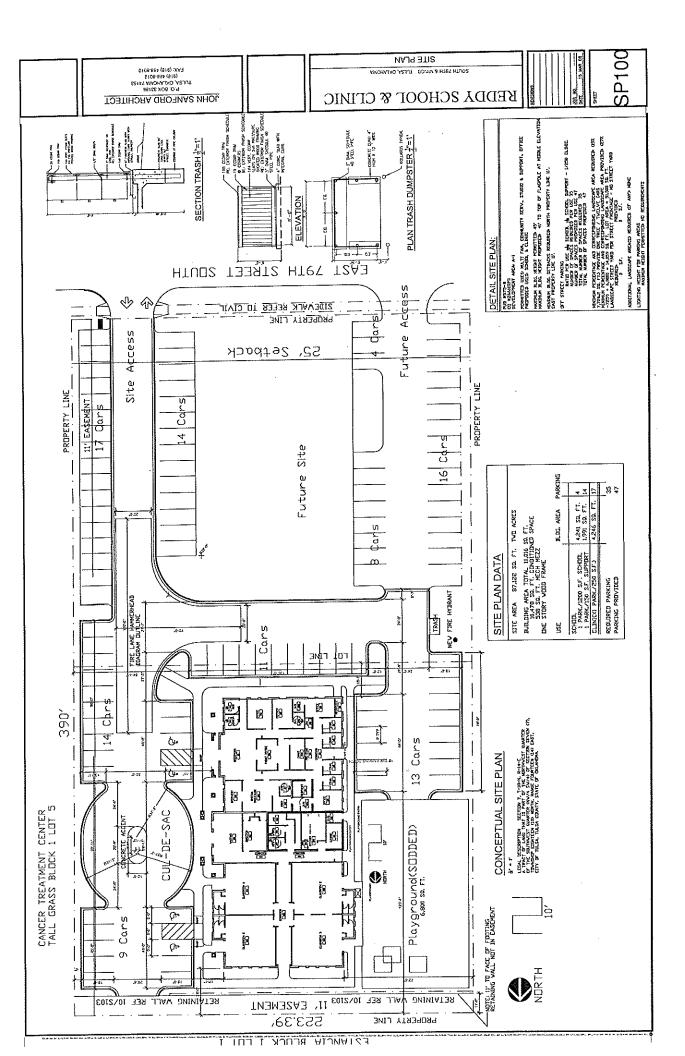
The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site is from East 79<sup>th</sup> Street South via a mutual access easement (MAE) thorough Lot 6 per the final plat of 7900 Mingo. Parking has been provided per the Zoning Code and landscaping 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 residential properties. No light standards will be placed within the northern 25 feet of the subject tract. Compliance with section 1303-C of the Code is verified by application of the Kennebunkport Formula. A trash enclosure is provided per PUD development standards.

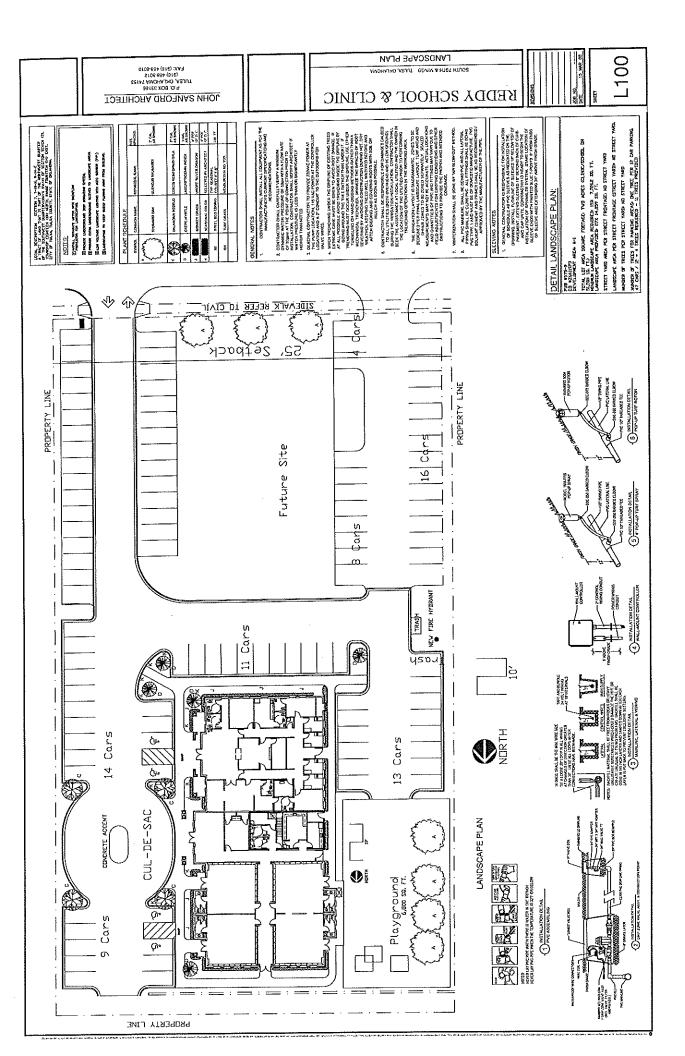
Staff recommends **APPROVAL** of the detail site plan for Lot 5, Block 1 – 7900 Mingo, the Reddy School and Clinic, with the following minor modifications to the plan:

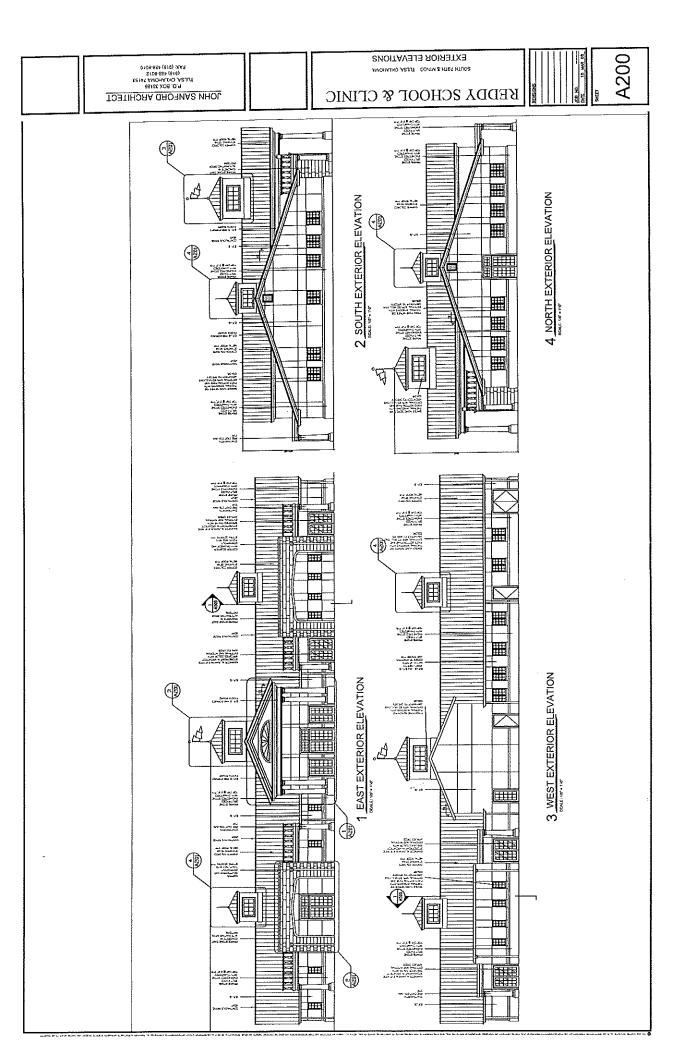
- Revise parking calculations to show parking requirements for Lot 5 only;
- Label 25' mutual access easement through Lot 6;
- Show lighting language and Kennebunkport calculations on electrical/lighting plan. Remove any light standards within 25-feet of north lot line;
- Revise "Site Area" to show 43,560 square foot/One Acre site;
- Show 195 foot east lot line for this lot as part of larger 390-foot east lot line for Lots 5 and 6.
- Label Lot 5 and Lot 6.

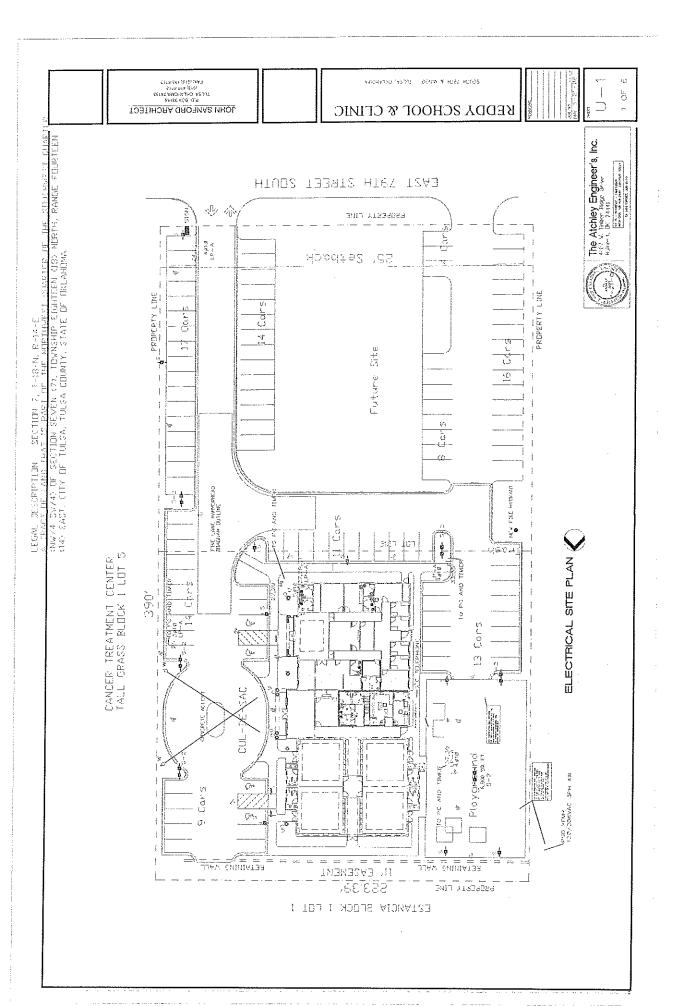
(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

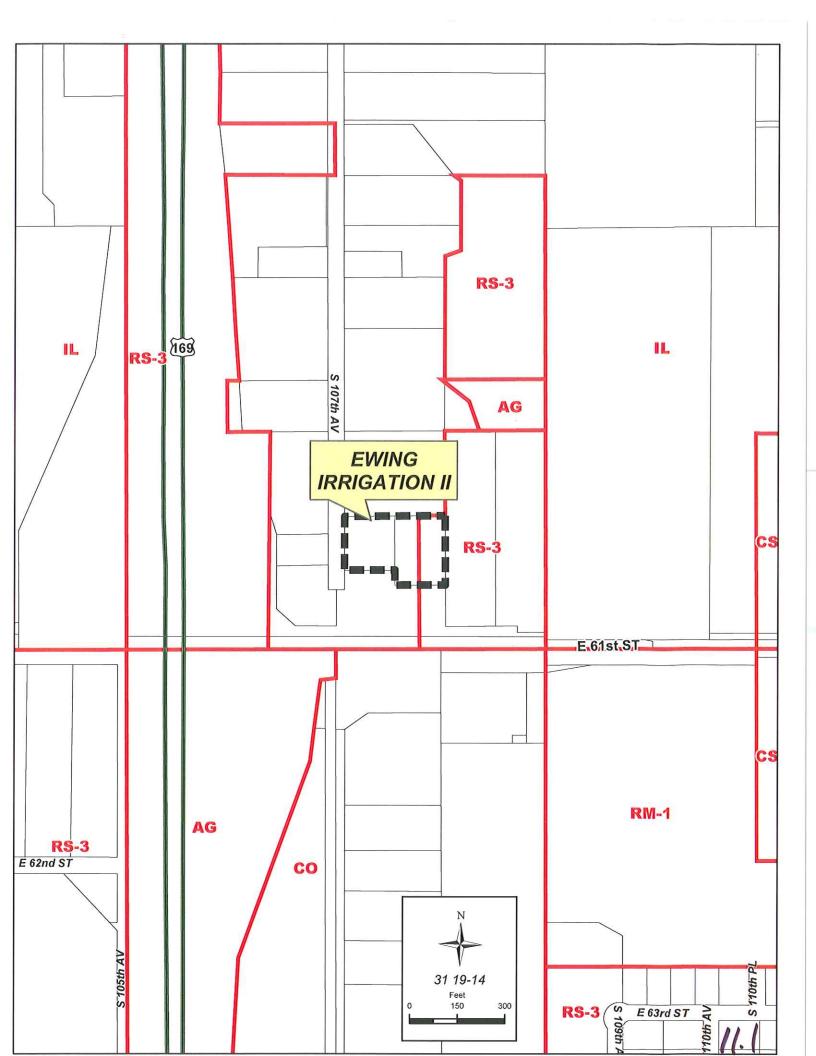














### PRELIMINARY SUBDIVISION PLAT

Ewing Irrigation II - (9431) (PD 18 C) (CD 5)
East of South 107<sup>th</sup> East Avenue and North of East 61<sup>st</sup> Street

This plat consists of 1 Lot, 1 Block, on 1.40 acres.

The following issues were discussed November 6, 2008 at the Technical Advisory Committee (TAC) meeting:

- 1. Zoning: The property is zoned IL. The existing underlying plat needs to be vacated. Streets need to be named correctly per Development Services. Right-of-way dedication needs to be made per the Major Street and Highway Plan.
- 2. Streets: Label the southern leg of 107<sup>th</sup> East Avenue as public or private. Recommend fees-in-lieu of sidewalks. City of Tulsa is planning to widen and rehabilitate the street and will tear up any sidewalks existing at that time. Call out and clearly indicate limits of no access and access points along 107<sup>th</sup> East Avenue. Show driveway widths and dimension driveway radii.
- 3. Sewer: No comment.
- **4. Water:** Field verify if a conflict exists between the new storm sewer manhole and the existing 6 inch water line.
- 5. Storm Drainage: No comment.
- 6. Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others: No comment.
- 7. Other: Fire: Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.

  2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

  GIS: Give the Basis

of Bearing for this plat in degrees, minutes and seconds.

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

### Waivers of Subdivision Regulations:

1. None requested.

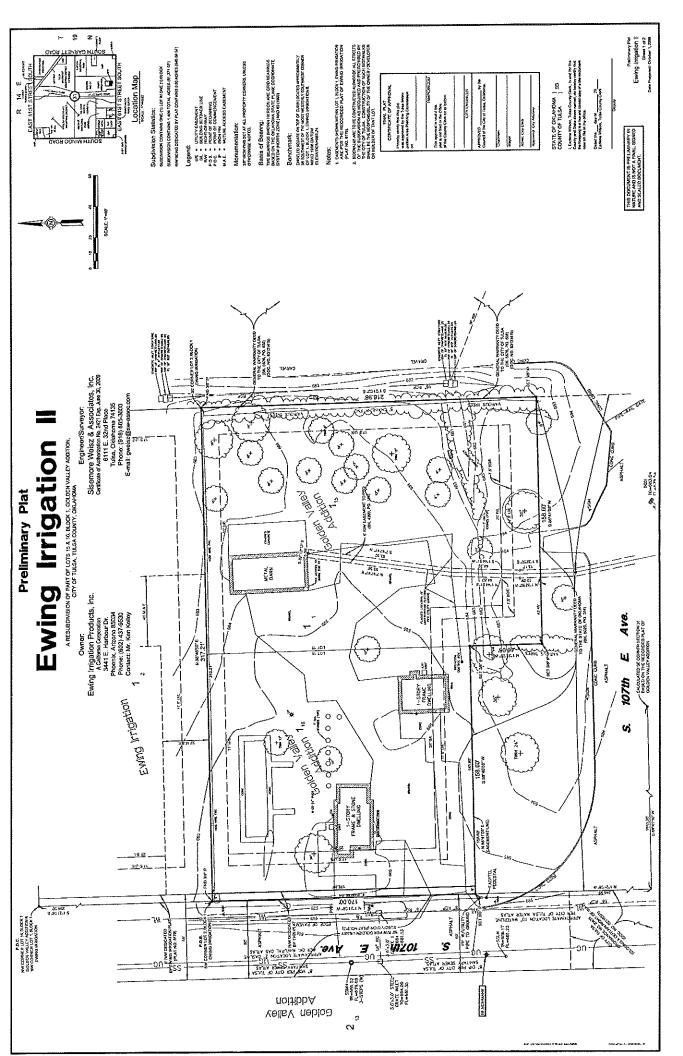
#### **Special Conditions:**

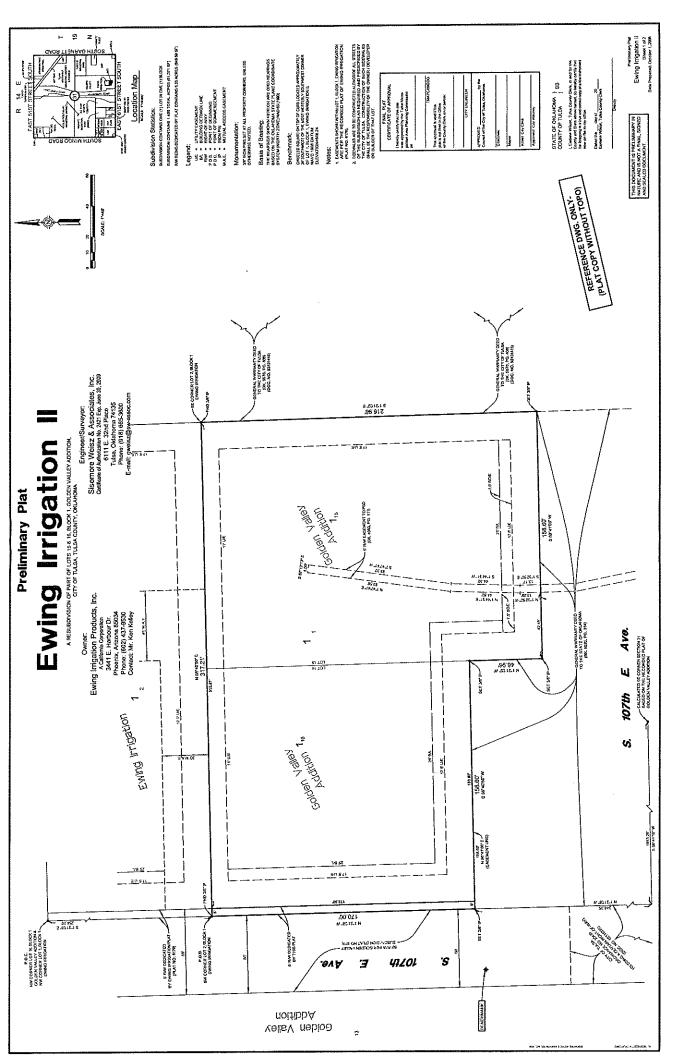
1. The concerns of the public works department staff must be taken care of to their satisfaction.

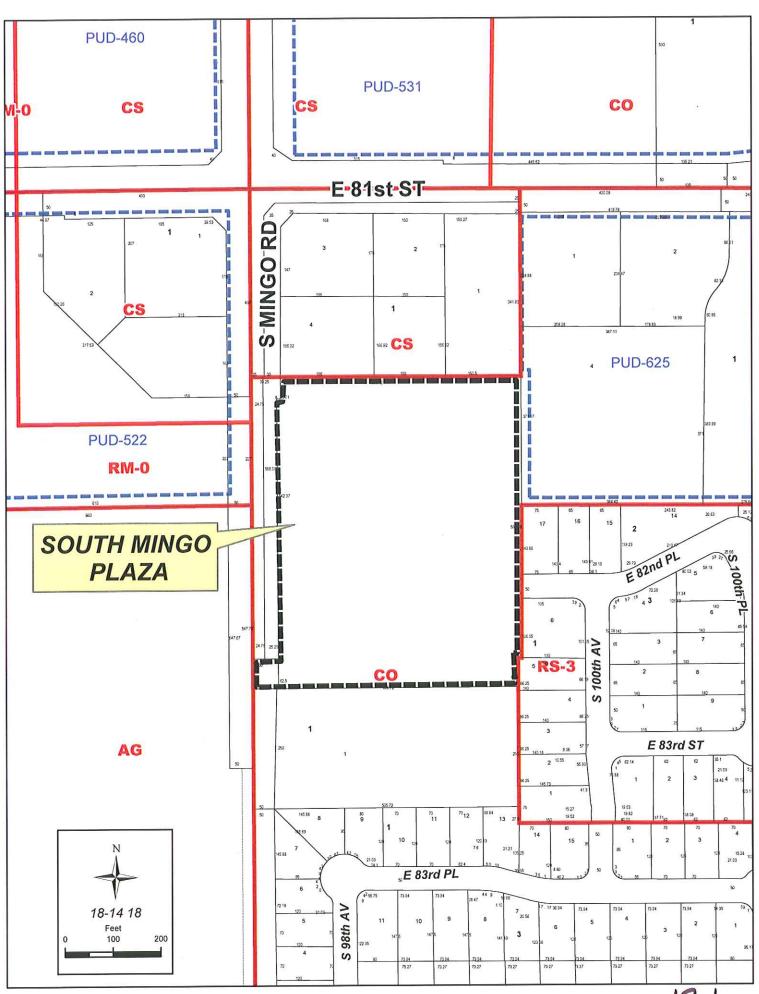
#### Standard Conditions:

- 1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
- 2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
- 3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
- 4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
- 5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
- 6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
- A topo map shall be submitted for review by TAC (Subdivision Regulations).
   (Submit with drainage plans as directed.)
- 8. Street names shall be approved by the Public Works Department and shown on plat.
- 9. All curve data, including corner radii, shall be shown on final plat as applicable.
- 10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.

- 11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
- 12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
- 13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
- 14. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
- 15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
- 16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
- 17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
- 18. The key or location map shall be complete.
- 19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
- 20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
- 21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
- 22. All other Subdivision Regulations shall be met prior to release of final plat.
- 23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
- 24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.







## PRELIMINARY SUBDIVISION PLAT

<u>South Mingo Plaza -</u> (8418) (PD 18 C) (CD 8) South of Southeast corner of South Mingo Road and East 81<sup>st</sup> Street South

This plat consists of 4 Lots, 1 Block, on 7.70 acres.

The following issues were discussed November 6, 2008 at the Technical Advisory Committee (TAC) meeting:

- 1. Zoning: The property is zoned CO 16426, Z-6052. All PUD standards must be followed and shown in the covenants.
- 2. Streets: Provide Book and Page # for existing right-of-way. Mutual access easement must be 30'? Provide note on face of plat that sidewalks will be constructed along Mingo Road in accordance with City of Tulsa design standards. Show "Right-of-way dedicated by this plat" for 50.00' x 62.50' area located along South Mingo. Change the 50 foot access to 40 foot access on Mingo Road at southern most access point. Change the eastwest mutual access easement to a 30 foot minimum in order to allow for a two foot clearance on both sides of the 26 foot curb-to-curb roadway.
- 3. Sewer: Increase the proposed 5 foot utility easement (U/E) along the north boundary of the plat to an 11' U/E. The proposed 17.5 'U/E along the east and south boundary line are okay. However, an 11' U/E would be sufficient as well. Continue the proposed 11' sanitary sewer easement all the way across the mutual access easement. Define "sanitary sewer easement" in the legend. Add language to the covenants restricting use of the proposed "sanitary sewer easement". The mainline extension to serve Lots 1-3 must be completed before the plat can be filed of record. At the pre-development meeting, the engineer was to submit proposed SSID(sanitary sewer improvement district) plans prior to approval of the plat.
- Water: List the book and page of the easement for the existing 48 inch water main line along South Mingo Road. A 20 foot water line easement (W/L/E) is required for the 6 inch proposed water line in lots 3 and 4. A minimum of 15 foot can be allowed if it is adjacent to another utility easement. Add standard language for the proposed water line easement. A water main line extension is required.
- 5. Storm Drainage: Nothing but the property line for the platted area. Both existing and proposed on-site easements, and off-site adjacent easements should be shown on the face of plat. Need standard language for water, sanitary and storm sewer services to replace B. May need standard

language for overland drainage easements, for floodplain and otherwise; and stormwater detention easement in a reserve. The conceptual plan should show all contours; and storm sewer easements, which are a minimum of 15 foot wide centered on the pipe.

- 6. Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others: No comment.
- 7. Other: Fire: The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and emergency operation shall be maintained operational at all times. GIS: Fix the inconsistencies between the metes and bounds description and the face of the plat. Tie the plat from a section corner using bearings and distances from a labeled point of commencement (POC) to a labeled point of beginning (POB).

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

# Waivers of Subdivision Regulations:

1. None requested.

## **Special Conditions:**

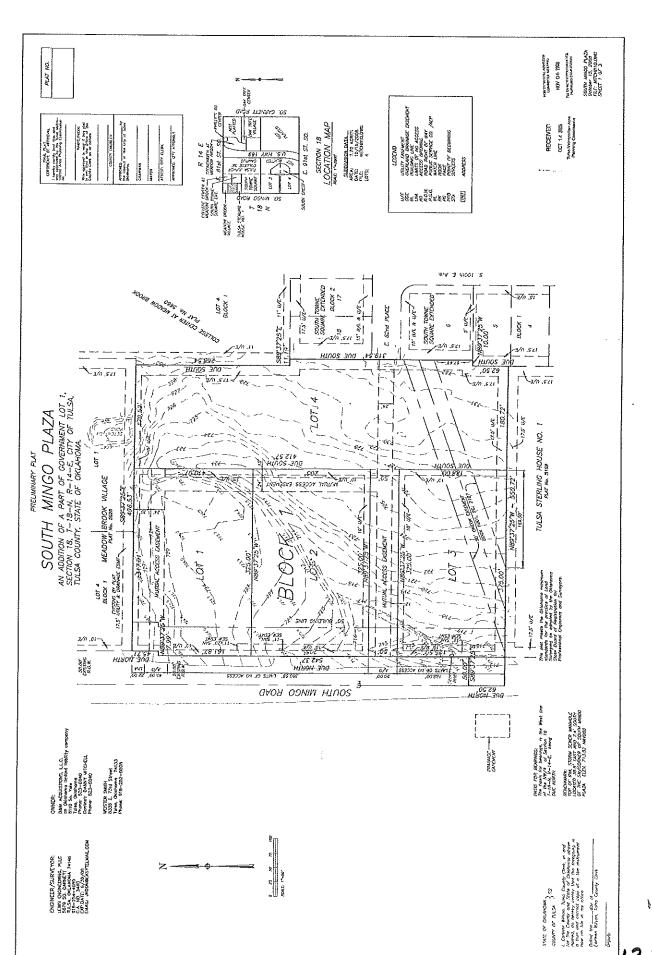
 The concerns of the public works department staff must be taken care of to their satisfaction.

### Standard Conditions:

- Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
- Water and sanitary sewer plans shall be approved by the Public Works
  Department prior to release of final plat. (Include language for W/S facilities
  in covenants.)
- 3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
- 4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

- 5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
- 6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
- 7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
- 8. Street names shall be approved by the Public Works Department and shown on plat.
- 9. All curve data, including corner radii, shall be shown on final plat as applicable.
- 10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
- All adjacent streets, intersections and/or widths thereof shall be shown on plat.
- 12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
- 13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
- 14. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
- 15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
- 16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
- 17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
- 18. The key or location map shall be complete.
- 19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
- 20. A "Letter of Assurance" regarding installation of improvements shall be

- provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
- 21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
- 22. All other Subdivision Regulations shall be met prior to release of final plat.
- 23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
- 24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.



# **PLAT WAIVER**

### November 19, 2008

**Z-7117-** (0432) (PD 16) (CD 6)

West of southwest corner of East Pine Street and North 129th East Avenue

The platting requirement is being triggered by a rezoning to IL from RS-3.

Staff provides the following information from TAC at their November 6, 2008 meeting:

### ZONING:

TMAPC Staff: The plat waiver is for property being rezoned to IL.

### STREETS:

Sidewalks required along Pine.

### SEWER:

• A mainline extension is required to serve the property, along with the usual perimeter utility easements.

### **WATER:**

There is a 6 inch water line on the south side of East Pine Street.

### STORM DRAIN:

• There was no drainage information provided with the plat waiver request. On the plat waiver list all items in 6)c) could be yes. Yes answers to this area of the list would generally NOT be favorable to a plat waiver.

### FIRE:

• Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

### **UTILITIES:**

No comment.

Staff recommends **Denial** of the plat waiver requested.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

1. 2.	Has Property previously been platted? Are there restrictive covenants contained in a previously filed plat?	Yes	NO X X
3.	Is property adequately described by surrounding platted properties or street right-of-way?	X	
A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:			
•		YES	NO
4.	Is right-of-way dedication required to comply with Major Street and Highway Plan?		Х
5.	Would restrictive covenants be required to be filed by separate instrument if the plat were waived?	Χ	
6.	Infrastructure requirements:		
	a) Water     i. Is a main line water extension required?		Х
	ii. Is an internal system or fire line required?		X
	iii. Are additional easements required? b) Sanitary Sewer		Х
	i. Is a main line extension required?	Χ	
	ii. Is an internal system required?	X	
	<ul><li>iii Are additional easements required?</li><li>c) Storm Sewer</li></ul>	Χ	
	i. Is a P.F.P.I. required?	X*	
	ii. Is an Overland Drainage Easement required?	X*	
	iii. Is on site detention required?	X*	
	iv. Are additional easements required?	X*	
7.	Floodplain		
	a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
8.	b) Does the property contain a F.E.M.A. (Federal) Floodplain? Change of Access		Χ
٠.	a) Are revisions to existing access locations necessary?		Χ
9.	Is the property in a P.U.D.?		X
10.	<ul><li>a) If yes, was plat recorded for the original P.U.D.</li><li>ls this a Major Amendment to a P.U.D.?</li></ul>		Х
10.	a) If yes, does the amendment make changes to the proposed		^
11.	physical development of the P.U.D.?  Are mutual access easements needed to assure adequate		Χ
4	access to the site?		
12.	Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

<sup>\*</sup>These may be necessary.



October 10, 2008

Diane Fernandez INCOG 201 W 5<sup>th</sup> St. Suite 600 Tulsa, Ok 74103-4236

RE: W85 OF NE NE NW NE SEC 32 20 14 UNPLATED

AND

E245 OF NE NE NW NE SEC 32 20 14 UNPLATTED

Dear Ms. Fernandez;

Precise Machining is an aerospace manufacturing company based in Tulsa for over 30 years. The past 15 years has been very exciting as growth has been strong in the commercial aerospace and defense markets. We have purchased land, built buildings, purchased high tech equipment, and hired people to support ongoing expansion. Our opportunities remain positive and we anticipate strong continued growth.

Managing this movement can be exciting yet very frustrating at times. For the past several months we have been developing a new business opportunity that obviously included facility location. As many cities would love to have another thriving business in their community we decided to keep ours in Tulsa. Once location was decided we began moving toward preparation for building. During this process we learned of a platting requirement while in a re-zoning meeting at the INCOG office. In and of itself this is no issue. However, the timeline to get this accomplished is of definite concern. It was soon learned that a typical platting review could take as much as 120 days not including the typical 30-day building permit approval.

In this connection, waiting another four to five months to simply break ground is not just frustrating but becomes a major obstacle. At this very moment, we are positioned to enter into contract for the building, release purchase orders for equipment, and begin hiring people. Our appeal is simple; we respectfully request waiving the platting requirement on the subject property.

Finally, beginning the permitting process as soon as the re-zoning is complete will accomplish much more than benefitting Precise Machining. Mayor Taylor was on television expressing her concerns about business leaving Tulsa and delays in expansion permits for thriving companies. She believes that 80% of the jobs in Tulsa will come from business like ours over the next several years and in past conversation with our V.P./General Manager expressed her desire to help PMM move forward any way that she can. Waiving this platting requirement will add much needed revenue to the City of Tulsa and provide employment opportunities for the unemployed four to five months sooner.

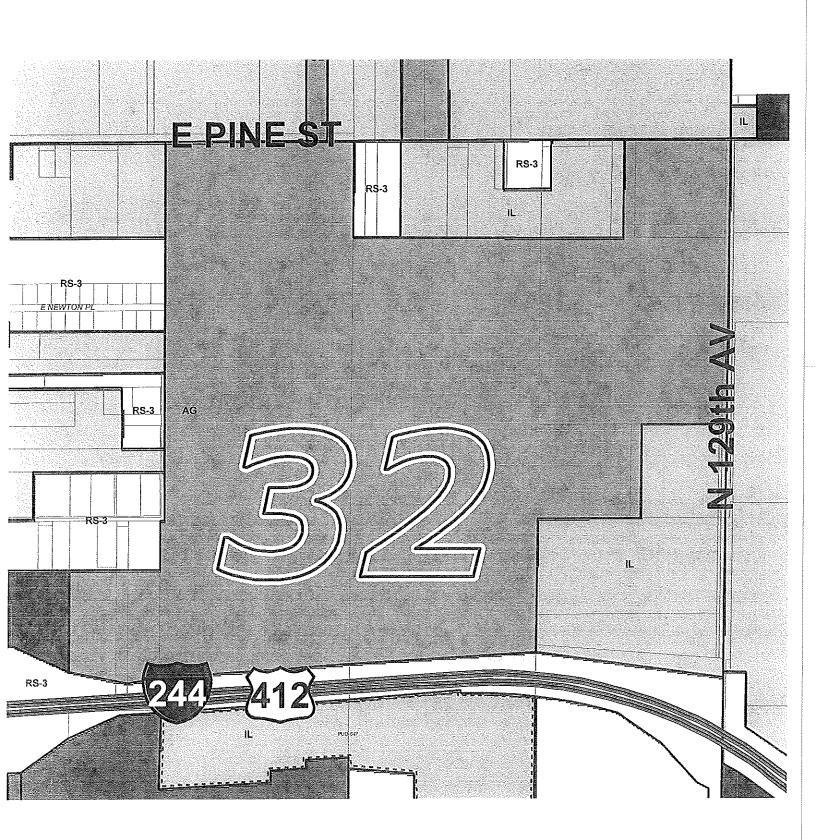


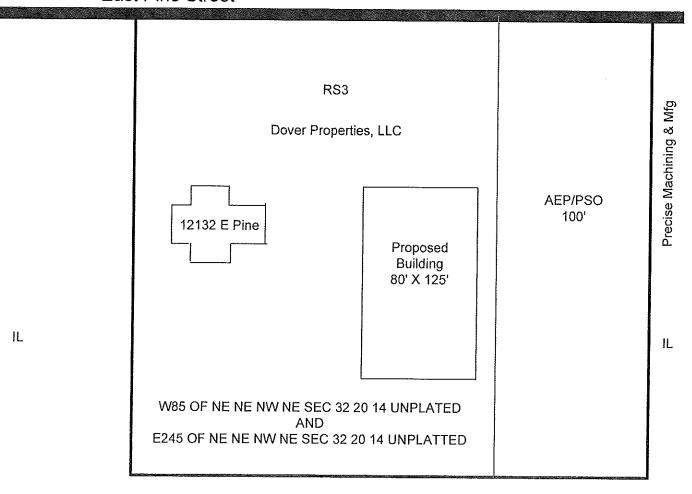
If I may answer any question or you require additional supporting documentation for our request, do not hesitate to contact me.

Best regards,

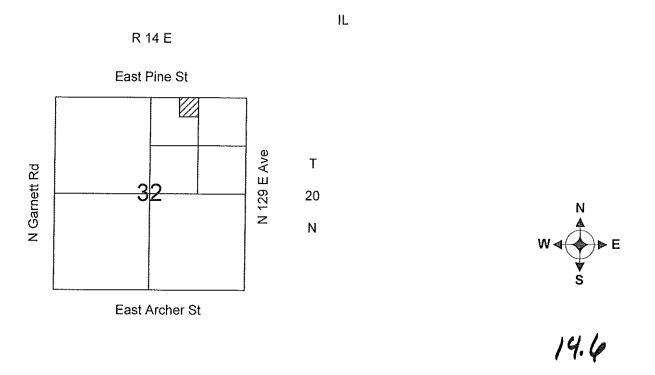
Dwight Siens

Facilities Manager

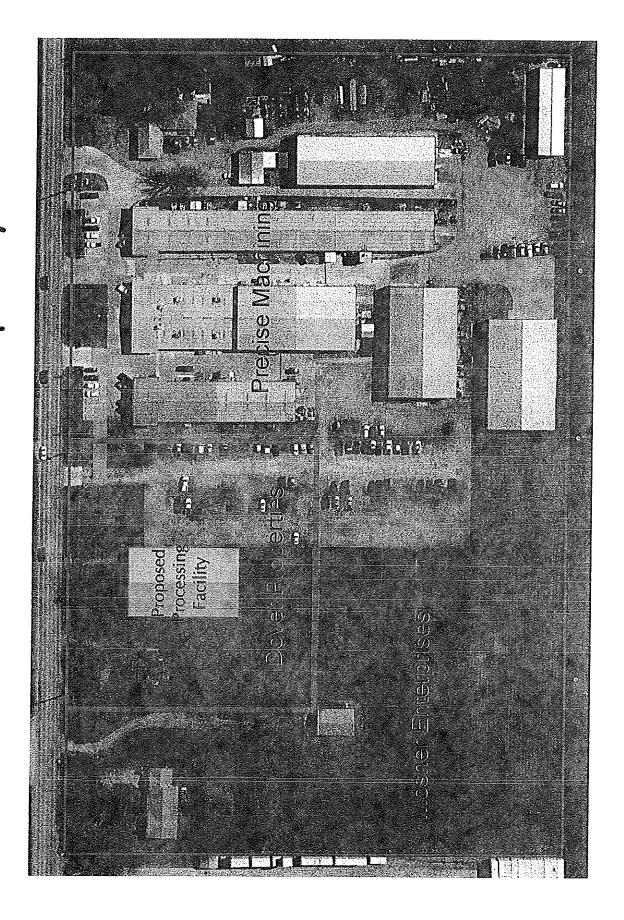


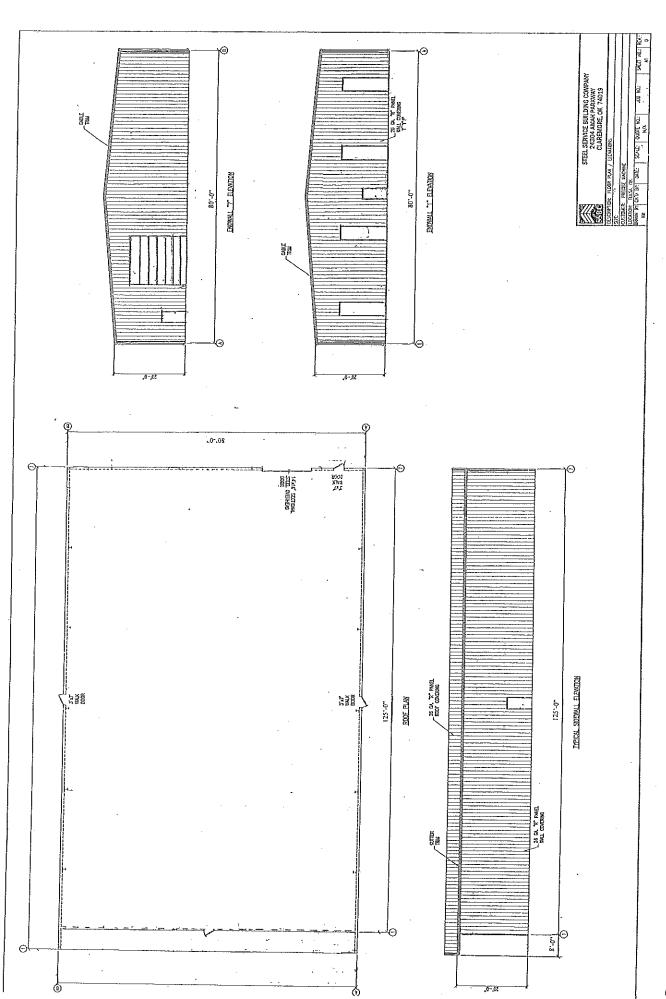


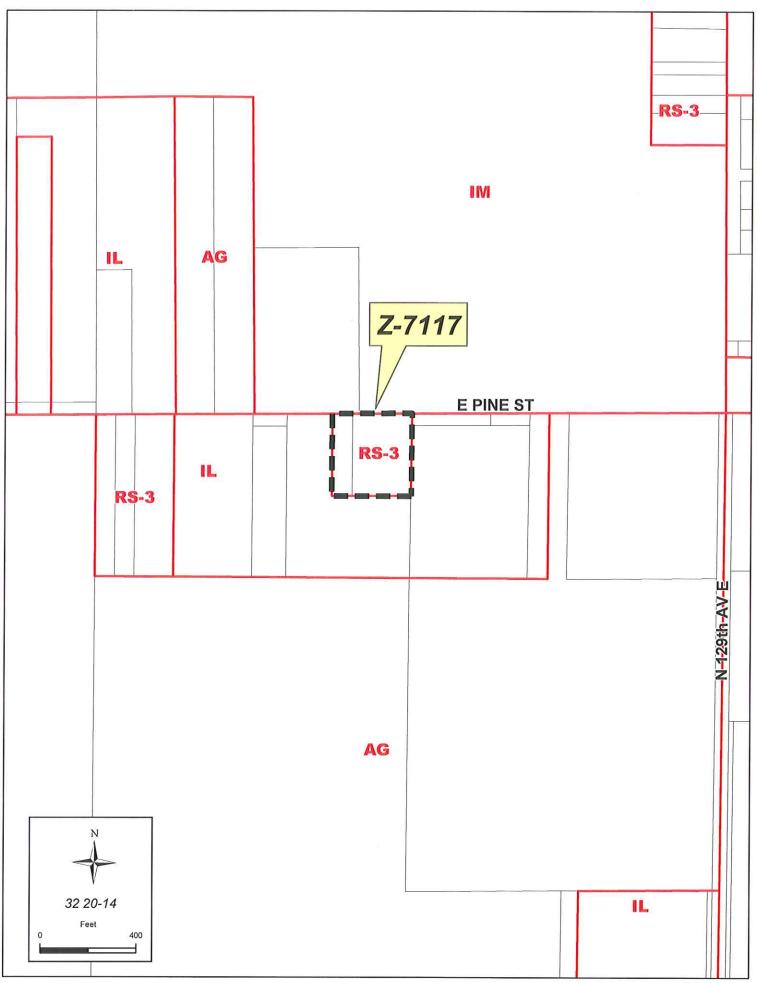
Mosher Enterprises, Inc.



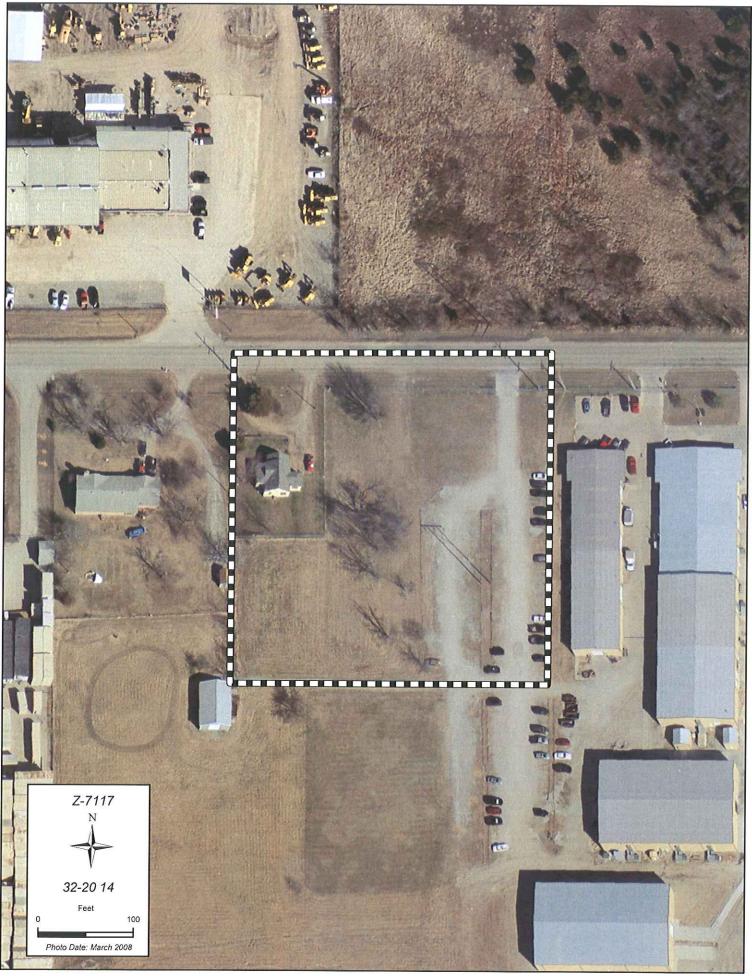
# Total Owned Property











### TULSA METROPOLITAN AREA PLANNING COMMISSION **CASE REPORT**

**APPLICATION:** Z-7117

**TRS** 0432

Atlas 972

**CZM** 31

PD-16 CD-6

TMAPC Hearing Date: November 19, 2008

**Applicant:** Dwight Siens

Tract Size: 2.5+ acres

108,900+ square feet

ADDRESS/GENERAL LOCATION: West of southwest corner of East Pine Street and North

129<sup>th</sup> East Avenue

**EXISTING ZONING: RS-3** 

**EXISTING USE:** Residential

**ZONING ORDINANCE:** Ordinance number 11811dated June 26, 1970, established zoning for

the subject property.

PROPOSED ZONING: IL

PROPOSED USE: Machine parts processing

### **RELEVANT ZONING HISTORY:**

<u>Z-6917 January 2004:</u> All concurred in approval of a request for rezoning a 2.25± acre tract of land from RS-3 to IL for storage of portable mini storages on property located west of the southwest corner of East Pine Street and North 129<sup>th</sup> East Avenue.

**Z-6764 June 2000:** All concurred in approval of a request for rezoning a 5.5+ acre tract from RS-3 to IL for a machine shop located west of southwest corner of East Pine Street and North 129<sup>th</sup> East Avenue and abutting south and west of the subject tract.

Z-6229 February 1989: All concurred in approval of a request for rezoning a 5+ acre tract from RS-3 to IL on property located west of the subject tract.

Z-4192 September 1972: All concurred in approval of a request for rezoning a tract of land from RS-3 to IL on property located west of the southwest corner of East Pine Street and North 129<sup>th</sup> East Avenue, and abutting east of the subject property.

### **AREA DESCRIPTION:**

SITE ANALYSIS: The subject property is approximately 2,5± acres in size and is located west of the southwest corner of East Pine Street and North 129th East Avenue. The property appears to be in residential single-family use and is zoned RS-3. A sparse stand of trees lies in the center of the property and it appears to have a utility pole on the east of the property.

### STREETS:

Exist. Access East Pine Street

MSHP Design Secondary arterial MSHP R/W

Exist. # Lanes

100'

2

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

SURROUNDING AREA: The subject tract is abutted on the east by industrial uses, zoned IL; on the north by industrial uses, zoned IM; on the south by vacant land, zoned IL; and on the west by industrial uses, zoned IL.

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within Special District 2- Industrial and Related Uses.. 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.

<u>STAFF RECOMMENDATION:</u>
The District 16 Plan clearly envisioned this entire area to develop/redevelop industrially. There are many existing industrial uses adjacent and nearby. Therefore, based on the District Plan, surrounding uses and trends in the area, staff recommends APPROVAL of IL zoning for Z-7117.

11/19/08



October 9, 2008

Tulsa Metropolitan Area Planning Commission 201 W 5<sup>th</sup> St. Suite 600 Tulsa, Ok 74103-4236

RE: W85 OF NE NE NW NE SEC 32 20 14 UNPLATED

AND

E245 OF NE NE NW NE SEC 32 20 14 UNPLATTED

### To Whom It May Concern:

Precise Machining & Manufacturing is a vibrant manufacturing company in the city of Tulsa that continues to expand its close-tolerance machining and assembly operation as well as seek new opportunities for growth. Our work centers around the commercial aerospace and defense markets and we are presently working to expand the business to include processing of the components that we produce.

At this time we are positioned to release a purchase order for an additional building and begin acquiring equipment to support this new opportunity. However, this decision hinges on a necessary rezoning and relief of building setback lines at the desired site. In this connection, we respectfully request that this letter and attached data be accepted as our request for this amendment.

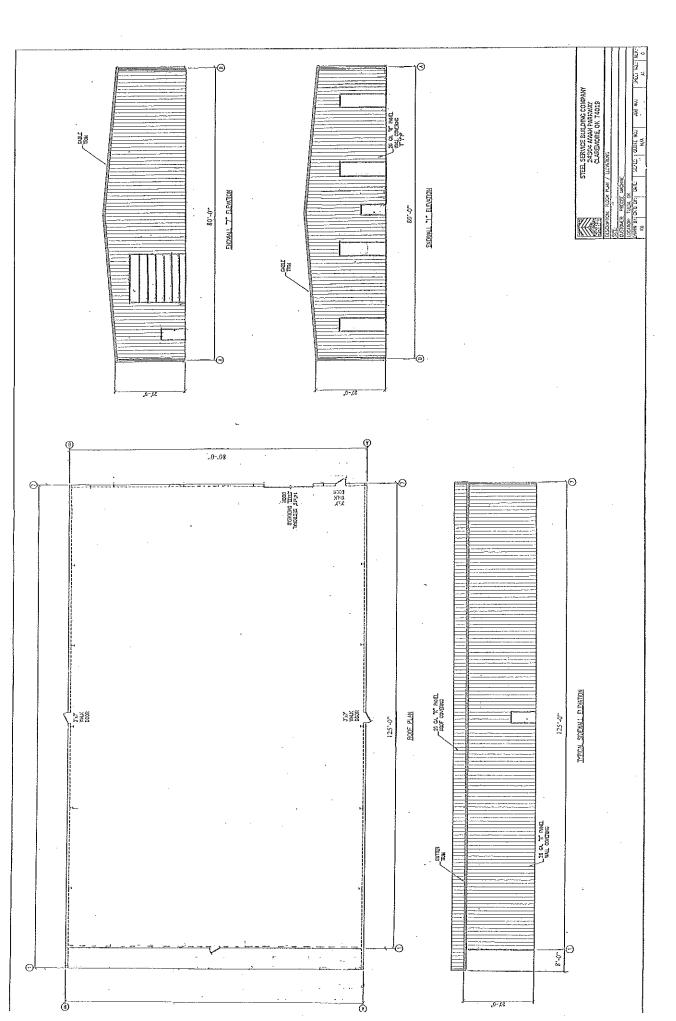
To further explain the request, the same individual owns three adjoining properties, (Mosher Enterprises, Inc, Dover Properties, LLC, and Precise Machining & Manufacturing, LLC.), as copies of the filed documents will reflect. In view of common ownership and that the property is surrounded by IL zoning, we are requesting the referenced property to be re-zoned from residential to light industrial.

If I may answer any question or you require additional supporting documentation for our request, do not hesitate to contact me.

Best regards,

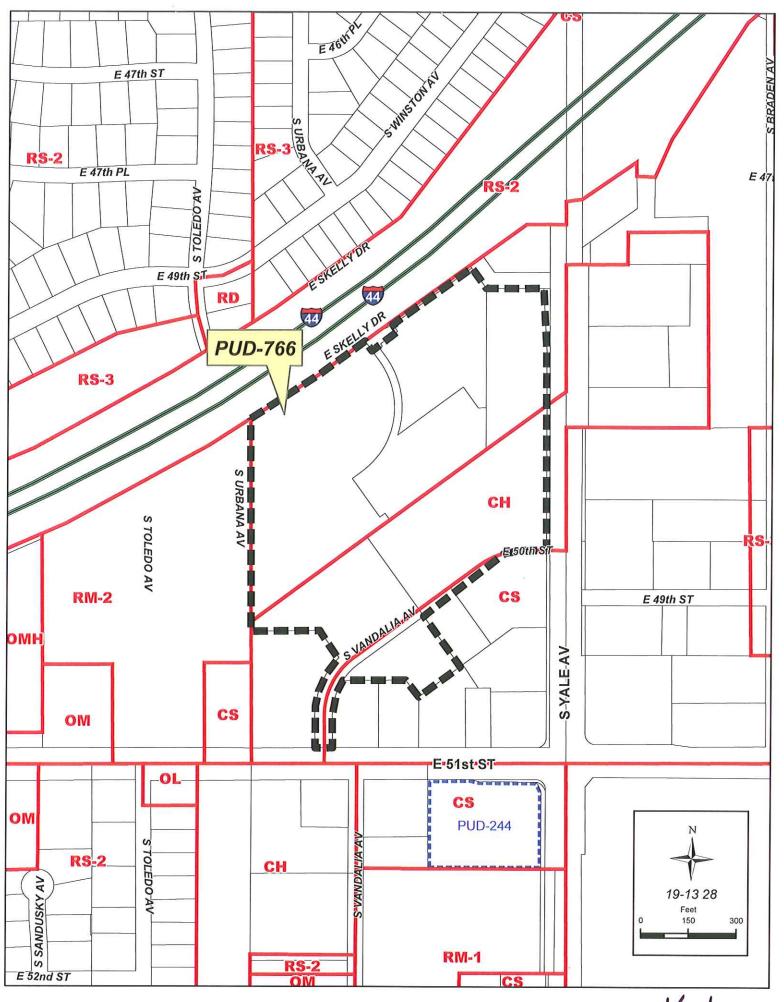
Dwight Siens

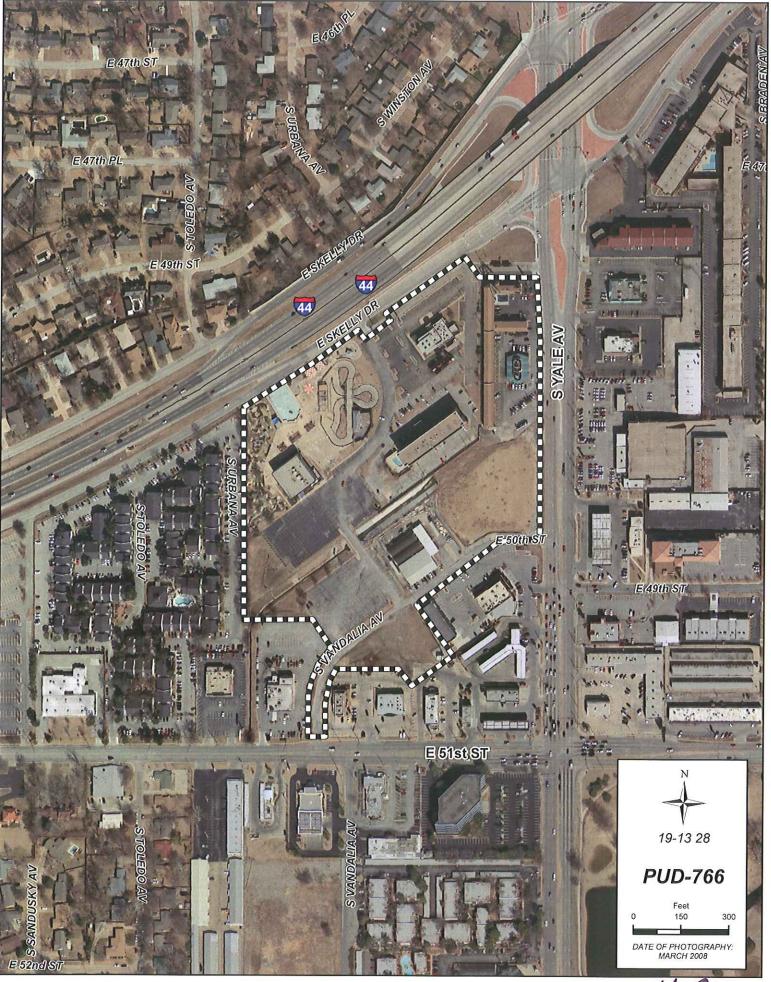
Facilities Manager

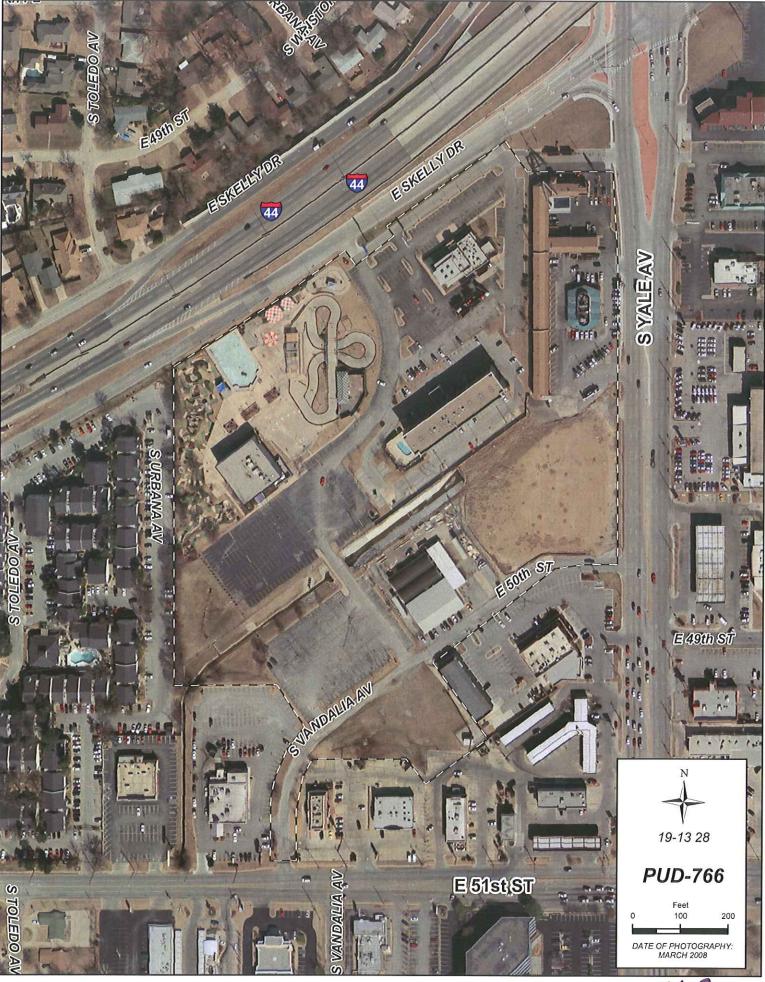


# Total Owned Property









### TULSA METROPOLITAN AREA PLANNING COMMISSION CASE REPORT

**APPLICATION: PUD-766** 

TRS 9328 Atlas 468

CZM 47 PD-18b CD-7

TMAPC Hearing Date: November 19, 2008

**Applicant:** Roy D Johnsen **Tract Size**: 17.73+ acres

ADDRESS/GENERAL LOCATION: Southwest corner of South Yale Avenue and I-44

**EXISTING ZONING:** CS/CH **EXISTING USE:** Motel/building

materials/restaurant/vacant

**ZONING ORDINANCE:** Ordinance number 11823 dated June 26, 1970, established zoning for

the subject property.

PROPOSED ZONING: CS/CH/PUD PROPOSED USE: Commercial

### **RELEVANT ZONING HISTORY:**

<u>Z-7099/PUD-764 October 2008:</u> All concurred in approval of a request for rezoning a 1.55± acre tract of land from RS-2/OM to CG and a Planned Unit Development for hotel use on property located south of the southwest corner of East 51<sup>st</sup> Street South and South Vandalia Avenue and south of subject property.

<u>BOA-20431 February 27, 2007:</u> The Board of Adjustment approved a Verification of spacing for an outdoor advertising sign (Use Unit 21), on property located south of the southwest corner of East Skelly Drive and South Yale Avenue, and a part of the subject property.

<u>BOA-18262 December 8, 1998:</u> The Board of Adjustment approved a Special Exception to permit Use Unit 17, Auto Sales, in a CS zoned district, on property located at the southwest corner of East Skelly Drive and South Yale Avenue and abutting northeast of subject property.

BOA-16080 July 14, 1992: The Board of Adjustment approved a Special Exception to permit commercial recreation uses, per plan submitted, which include outdoor miniature golf, batting cages, bumper boats, go-karts and kiddie rides (Use Unit 20); and a Variance of the required lot frontage in a CS district from 150' to 0' to permit a lot split, subject to the owner sharing 50% of the cost of a sound study in the event a petition of protest is signed by 25 nearby property owners alleging a violation of the 70 decibel restriction; subject to operating standards and restrictions, finding that the use, per conditions, is compatible with the surrounding area, and in harmony with the spirit and intent of the Code, on property located west of the southwest corner of South Yale Avenue and Interstate 44 and a part of the subject property.

BOA-16031 May 12, 1992: The Board of Adjustment approved a Special Exception to permit a car wash in a CS zoned district (Use Unit 17); and a Variance of the 110' setback from the centerline of South Yale to 100' to permit the construction of a car wash; per plan submitted;

finding the use to be compatible with the area, and that the proposed building will align with other structure along the street, on property located north of the northwest corner of South Yale Avenue and East 51<sup>st</sup> Street.

<u>BOA-15553 September 20, 1990:</u> The Board of Adjustment approved a Special Exception to permit a dry cleaning business (Use Unit 15); per plan submitted, and subject to Health Department approval; finding that the business will not be detrimental to the surrounding uses, as the walls are sealed to the roof to prevent seeping of cleaning solvents to other businesses, on property located west of the northwest corner of East 51<sup>st</sup> Street South and South Yale Avenue and abutting south of subject property.

**Z-6191 May 1988:** All concurred in approval of a request for rezoning a 2.79± acre tract of land from OMH to CS restaurant and service station use, on property located on the northwest corner of East 51<sup>st</sup> Street and South Yale Avenue and abutting south of subject property.

<u>PUD-244 October 1980:</u> All concurred in approval of a propose Planned Unit Development on a 2.47± acre tract of land for multi-story office use on property located on the southwest corner of East 51<sup>st</sup> Street South and South Yale Avenue.

<u>BOA-8269 May 16, 1974:</u> The Board of Adjustment approved a Special Exception to permit an auto-rental agency in a CS district, on property located west of the northwest corner of East 51<sup>st</sup> Street South and South Yale Avenue and abutting south of subject property.

### AREA DESCRIPTION:

**SITE ANALYSIS:** The subject property is approximately 17.73± acres in size and is located southwest corner of South Yale Avenue and I-44. The property appears to have motel, restaurant, and building materials use with some vacant land and is zoned CS/CH.

### STREETS:

Exist. Access MSHP Design MSHP R/W Exist. # Lanes
South Yale Avenue Primary arterial 120' 6

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

**SURROUNDING AREA:** The subject tract is abutted on the east by Yale Avenue and then Lincoln Estates Second Resub\division and Staiger Addition, zoned CH and CS respectively; on the north by I-44, zoned RS-2; on the south by Interstate Central Extension, zoned CS; and on the west by Lincoln Estates Third Resub., zoned RM-2.

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18b Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium and High Intensity-No Specific land use/Corridor. According to the Zoning Matrix, the requested PUD zoning is in accord with the Plan.

### STAFF RECOMMENDATION:

PUD-766 is a 17.83 acre site located at the southwest corner of Interstate 44 (I-44) and Yale Avenue (see Exhibit A and case map aerial photographs). For the most part the site has been fully developed and is zoned CS and CH. There are no zoning changes requested with this application as all requested use units are permissible in the underlying zoning districts.

The subject property is abutted on the north by I-44; on the east by Yale Avenue and then CH and CS zoned property; on the south by CS zoned property and on the west by RM-2 zoned property.

The proposed re-use of the land encompassing PUD-766 is for a mixed use commercial development including retail, hotel, restaurant and office use served by an interior private drive and street system with access to the I-44 Service Road/Skelly Drive, South Yale Avenue and E. 51<sup>st</sup> Street South. The entire property will be re-platted as an 8-lot, one block subdivision known as Yale 51.

Utilities are at the site or accessible by customary extension. The existing storm drainage system consists of box culverts that discharge into an open, concrete lined channel that flows southwest through the mid portions of the site. The various lots drain overland into the existing system. The proposed drainage system will consist of enhancement by enclosing all or substantial portions of the open channel and by providing within each lot, inlets and underground storm pipes. Storm water detention may not be required and the determination will be made at the time of finalization of the drainage plans.

The proposed concept plan is submitted to achieve development flexibility pertaining to the allocation of permitted floor area and interior private drive/easement access to interior lots. The PUD is intended to establish a conceptual site plan with designation of development areas, allocation of uses and intensity of those uses permitted on each lot. Parking, landscaping, screening, and lighting requirements will be met, the standards of which are established herein are conditions to be followed and will be verified by the TMAPC by approval of a detailed site plan for each phase of development on each lot. Also, no lot may be developed until all platting requirements have been satisfied.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-766 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-766 subject to the following conditions:

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

# Lot 1

Net Land Area:

.976 acres 42,555 sf

Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods

and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.25 FAR): 10,638 sf

Minimum Building Setbacks:

From northerly boundary: 20 ft. From other boundaries: 0 ft.

Maximum Building Height: 3 stories, not to exceed 35 ft.

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

Minimum Landscaped Area: 10% of net lot area

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 30 feet in height.

### Signs:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One monument sign not exceeding 8 feet in height and 64 square feet of display surface area.
- (c) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

# Lot 2

Net Land Area: 2.83 acres 99.473 sf

Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.95 FAR): 94,156 sf

Minimum Building Setbacks:

From southerly boundary: 20 ft. From westernmost boundary: 60 ft. From private drive reserve area: 20 ft. From other boundaries: 0 ft.

Maximum Building Height:

5 stories, not to exceed 64 ft.

Off-street Parking:

As required by the applicable use unit.

Minimum Landscaped Area:

10% of net lot area

### Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 30 feet in height.

### Signs:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One monument sign not exceeding 8 feet in height and 64 square feet of display surface area.
- (c) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

# Lot 3

Net Land Area

2.512 acres

109,461 sf

Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.71 FAR):

77,590 sf

Minimum Building Setbacks:

From private drive reserve area: 20 ft. From west boundary: 60 ft. From other boundaries: 0 ft.

Maximum Building Height: 5 stories, not to exceed 70 ft.

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

Minimum Landscaped Area: 10% of net lot area

## Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 30 feet in height.

### Signs:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One monument sign not exceeding 8 feet in height and 64 square feet of display surface area.
- (c) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

# <u>Lot 4</u>

Net Land Area: 2.976 acres 126.689 sf

### Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.25 FAR): 31,670 sf

Minimum Building Setbacks:

From I-44 service road: 50 ft. From easterly boundary: 20 ft. From west boundary: 60 ft.

From other boundaries:

0 ft.

Maximum Building Height:

3 stories, not to exceed 35 ft.

Off-street Parking:

As required by the applicable use unit.

Minimum Landscaped Area:

10% of net lot area

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 30 feet in height.

## Signs:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) Two ground signs, identifying a tenant or tenants within the lot, each not exceeding 25 feet in height and 128 square feet of display surface area.
- (c) One project identification sign, which may include designation of tenants located within other lots, and shall be located along the I-44 service road frontage and shall not exceed 35 feet in height and 500 square feet of display surface area. The project identification sign, may alternatively, be located within Lot 5.
- (d) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

# Lot 5

Net Land Area:

1.824 acres 79,489 sf

Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.25 FAR)

19,870 sf

Minimum Building Setbacks:

From I-44 service road:

50 ft.

From westerly boundary: 20 ft. From other boundaries: 0 ft.

Maximum Building Height: 3 stories, not to exceed 35 ft.

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

Minimum Landscaped Area: 10% of net lot area

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 30 feet in height.

## Signs:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One ground signs, identifying a tenant or tenants within the lot, not exceeding 25 feet in height and 128 square feet of display surface area.
- (c) One project identification sign, which may include designation of tenants located within other lots, and shall be located along the I-44 service road frontage and shall not exceed 35 feet in height and 500 square feet of display surface area. The project identification sign, may alternatively, be located within Lot 4.
- (d) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

# Lot 6

Net Land Area: 1.208 acres 52,630 sq. ft.

Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.25 FAR): 13,155 sf

Minimum Building Setbacks:

From I-44 service road: 50 ft. From Yale Avenue: 50 ft. From other boundaries: 0 ft.

Maximum Building Height: 3 stories, not to exceed 35 ft.

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

Minimum Landscaped Area: 10% of net lot area

### Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 30 feet in height.

### Signs:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One ground signs, identifying a tenant or tenants within the lot, not exceeding 25 feet in height and 128 square feet of display surface area.
- (c) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

# Lot 7

Net Land Area: 1.594 acres 69.442 sf

### Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.25 FAR): 17,360 sf

Minimum Building Setbacks:

From Yale Avenue: 50 ft. From other boundaries: 0 ft.

Maximum Building Height:

3 stories, not to exceed 40 ft.

Off-street Parking:

As required by the applicable use unit.

Minimum Landscaped Area:

10% of net lot area.

### Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 30 feet in height.

### Signs:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One ground signs, identifying a tenant or tenants within the lot, not exceeding 25 feet in height and 128 square feet of display surface area.
- (c) One project identification sign, which may include designation of tenants located within other lots, and shall be located along the Yale Avenue frontage and shall not exceed 35 feet in height and 500 square feet of display surface area. The project identification sign, may alternatively, be located within Lot 8.
- (d) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

### <u>Lot 8</u>

Net Land Area

2.816 acres 122,662 sf

### Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.39 FAR)

47,470 sf

Minimum Building Setbacks:

From Yale Avenue:

50 ft.

From westerly boundary: 20 ft. From southerly boundary: 20 ft. From other boundaries: 0 ft.

Maximum Building Height: 4 stories, not to exceed 55 ft.

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

Minimum Landscaped Area: 10% of net lot area.

### Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. No light standard shall exceed 30 feet in height.

### Signs:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One ground signs, identifying a tenant or tenants within the lot, not exceeding 25 feet in height and 128 square feet of display surface area.
- (c) One project identification sign, which may include designation of tenants located within other lots, and shall be located along the Yale Avenue frontage and shall not exceed 35 feet in height and 500 square feet of display surface area. The project identification sign, may alternatively, be located within Lot 7.
- (d) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

### **General Provisions and Development Standards**

### A. Landscaping and Screening

Landscaping shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code, except as hereinafter modified. For the purposes of determining the street yard as defined by the Landscape Chapter, the minimum setback from I-44, Yale Avenue and 51<sup>st</sup> Street shall be deemed to be 50 feet. In addition to the requirements of the Landscape Chapter, a minimum landscape perimeter of not less than 5 feet shall be maintained along the I-44, Yale Avenue and 51<sup>st</sup> Street frontages provided however that within Lot 5 a landscape perimeter along I-44 shall not be required. The required perimeter landscaping shall include plant materials designed to achieve an attractive street view. A screening fence not less than 6 feet in height and a landscaped area of not less than 10 feet shall be maintained along the west boundary of the planned unit development.

### B. Sidewalks, Access and Circulation

Access is to be derived from the I-44 Service Road, Yale Avenue, and 51<sup>st</sup> Street and connection with an interior private drive system comprised of East 50<sup>th</sup> Street, a private street (Reserve Area B) and mutual access easements as depicted within Exhibit D. Portions of the private drives are existing and will be maintained. New drive construction within Reserve Area A shall provide a driving surface of not less than 24 feet in width and shall meet or exceed geotechnical engineered standards for first class commercial development in the City of Tulsa.

Pedestrian access shall be provided by sidewalks to be constructed along both sides of the interior private streets and drives and along a portion of the I-44 service road; and sidewalks existing along the Yale and 51<sup>st</sup> Street frontages. The proposed pedestrian access is depicted within Exhibit D-1, Pedestrian Access Plan.

### C. Utilities and Drainage

Utilities are at the site or accessible by customary extension. The existing storm drainage system consists of box culverts that discharge into an open, concrete lined channel that flows southwest through the mid portions of the site. The various lots drain overland into the existing system. The proposed drainage system will consist of enhancement by enclosing all or substantial portions of the open channel and by providing within each lot, inlets and underground storm pipes. Storm water detention may not be required and the determination will be made at the time of finalization of the drainage plans.

### D. Parcelization

After initial platting setting forth the allocation of floor area, division of lots may occur by approved lot split application and subject to the further approval by the Tulsa Metropolitan Area Planning Commission of proposed floor area allocations and confirmation of the existence of any necessary cross parking and mutual access easements.

### E. Transfer of Allocated Floor Area

Allocated floor area may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area is to be allocated provided however the allocation shall not exceed 10 % of the initial allocation to the lot to which the transfer of floor area is to be made.

### F. Detailed Site Plan Review

Development areas may be developed in phases and no building permit shall issue until a detailed site plan (including landscaping) of the proposed improvements has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the development concept and the development standards. No certificate of occupancy shall issue for a building until the landscaping of the applicable phase of development has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by the Tulsa Metropolitan Area Planning Commission.

### G. Platting Requirement

Development areas may be developed in phases, and no building permit shall issue until the development phase for which a permit is sought has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Council of the City of Tulsa, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved corridor district conceptual site plan and the City of Tulsa shall be a beneficiary thereof.

### H. Existing Improvements

The use of existing improvements, including but not limited to, buildings parking areas, drives, buildings, lighting, signs and outdoor advertising, may be continued, provided however, any expansion or modification of an existing building or parking area, or change of use of an existing building shall meet the development standards applicable to new construction.

Any modification of the existing outdoor advertising sign shall be subject to the approval of a PUD minor amendment and spacing re-verification from the City of Tulsa Board of Adjustment.

- 3. A detail landscape plan for each development area shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed by a specific date 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.
- 4. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
- 5. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
- 6. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
- 7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures 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.
- 8. All private roadways shall be a minimum of 24' in width 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.

- 9. 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.
- 10. No building permit shall be issued until the requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
- 11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
- 12. 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.
- 13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

### TAC Comments:

General: No comments.

Water: A water line extension inside of a 20 foot water line easement will be required.

<u>Fire:</u> 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.

<u>Stormwater:</u> The Conceptual Plan Text, for all 8 Lots, does not discuss drainage. EXHIBIT E indicates that off-site drainage flows across Lots 3 and 4, and overland drainage ways exist on these lots to convey the drainage. EXHIBIT A shows buildings being constructed on both Lots 3 and 4, which would block those existing overland drainage ways. Please add information to the Conceptual Plan Text and the Conceptual Plan Sheets, which addresses the drainage issues in the PUD.

<u>Wastewater:</u> Sanitary Sewer Service must be provided to all proposed lots. Capacity issues must be resolved prior to approval of the Plat.

<u>Transportation:</u> Include Access and Circulation Section. Include sidewalk access language, mutual access easement, and additional Right-of-Way (ROW).

### **INCOG Transportation:**

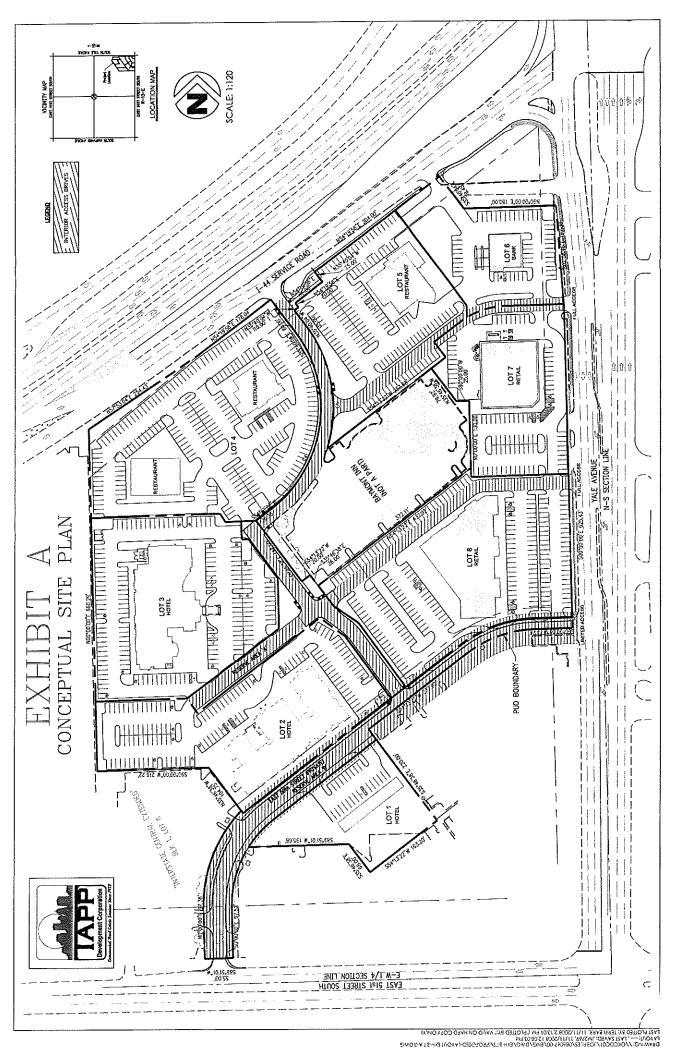
- MSHP: S. Yale, between 41st St. S. and 51st St. S., is designated Primary Arterial.
- LRTP: S. Yale, between Skelly Drive and 51<sup>st</sup> St. S., existing 6 lanes. Skelly Drive, between Harvard Avenue and Yale Ave, planned 6 lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- TMP: No comment.
- Transit: Currently, Tulsa Transit operates services on this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development.

<u>Traffic:</u> The proposed development significantly increases trip generation in the area. A traffic impact analysis shall be required to define these impacts and assess mitigation measures.

GIS: No comments.

Street Addressing: No comments.

11/19/08





## PROXIMITY AERIAL PHOTO



225 N. MacArthur Bhd, Sulls 200 Oktahoma City, Oklahoma 73127

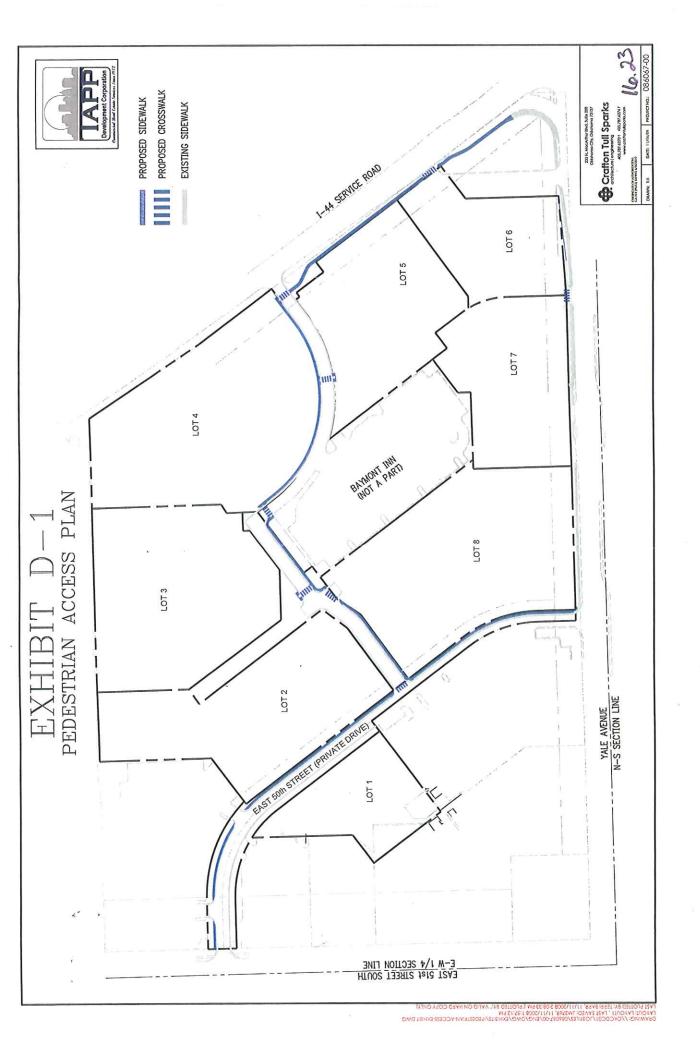
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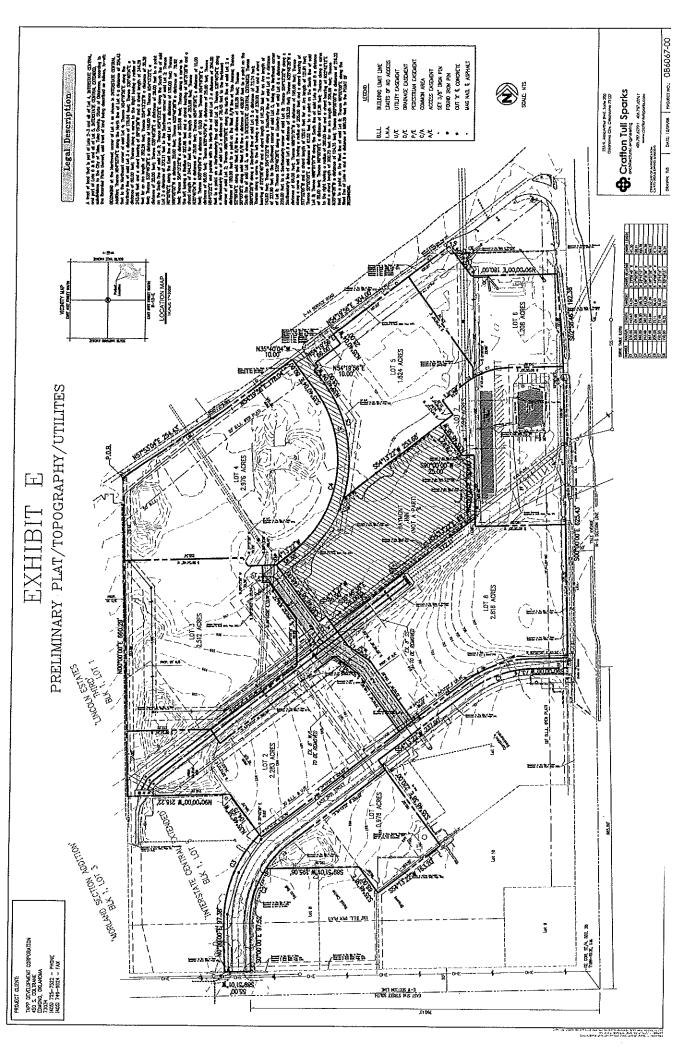
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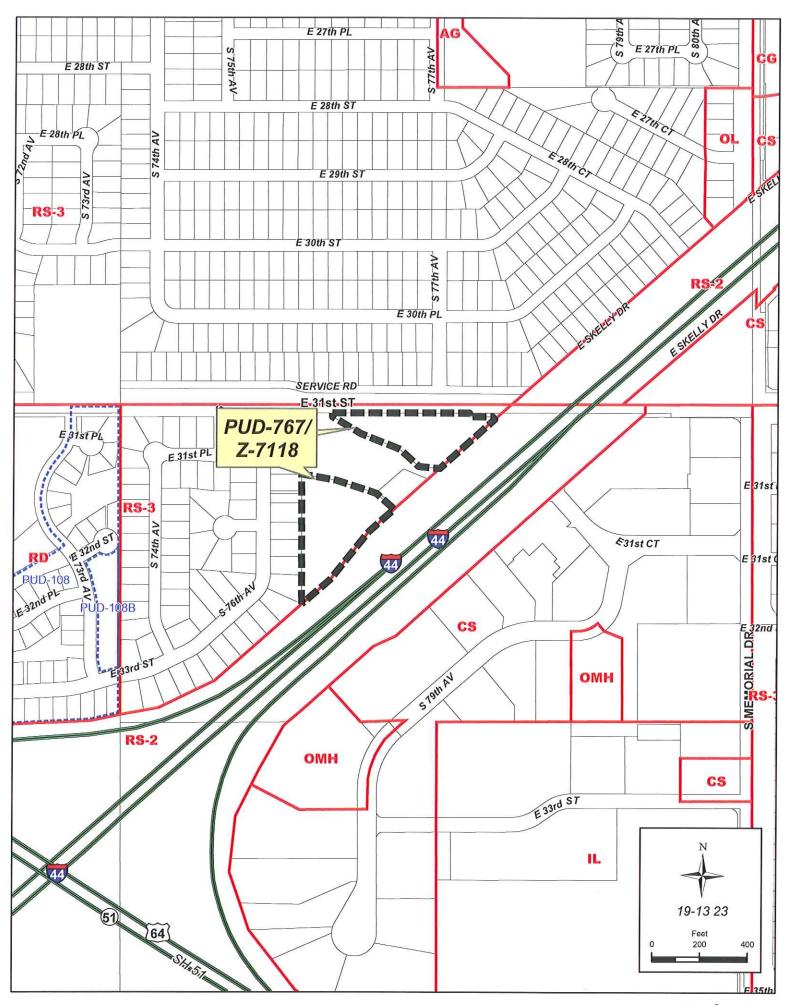
SITE AERIAL PHOTO/SITE PLAN OVERLAY



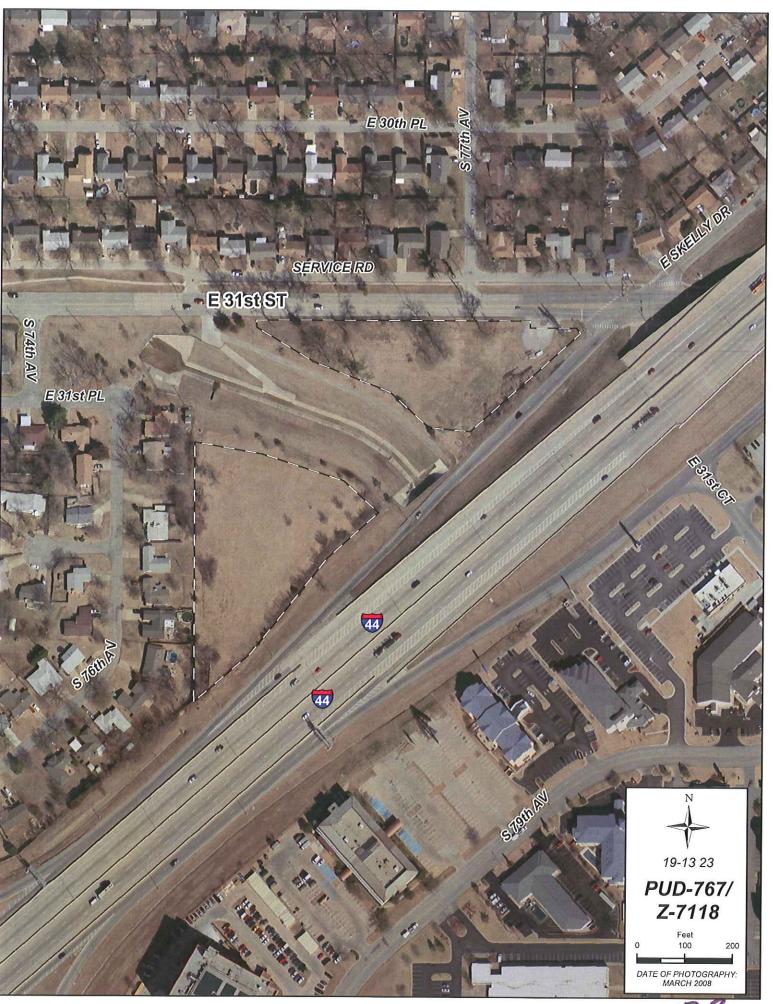












17.3

## TULSA METROPOLITAN AREA PLANNING COMMISSION CASE REPORT

**APPLICATION:** Z-7118/PUD-767

TRS 9323 Atlas 377

CZM 48 PD-5 CD-5

TMAPC Hearing Date: November 19, 2008

Applicant: Kevin Coutant/Storage Station of Tract Size: 4.57+ acres

Tulsa, LLC 199,069.2 +

**ADDRESS/GENERAL LOCATION:** West of the southwest corner of South Memorial Drive and East 31<sup>st</sup> Street South (at one time these were one lot, but the City of Tulsa drainage improvements consumed a large portion of the middle. For assessment purposes, they are still part of one lot, but are separated by the drainage facility).

**EXISTING ZONING:** RS-3 **EXISTING USE:** Vacant

**ZONING ORDINANCE:** Ordinance number 11824 dated June 26, 1970, established zoning for

the subject property.

PROPOSED ZONING: OL PROPOSED USE: Mini-storage/Use Unit 11

(Offices, Studios and Support Services)

### **RELEVANT ZONING HISTORY:**

<u>Z-7079/PUD-748 January 2008:</u> A request for rezoning a 4.57± acre tract of land from RS-3 to RM-1 and a Planned Unit Development, for Mini-storage and Use Unit 11 uses, was withdrawn on property located west of southwest corner of South Memorial Drive & East 31<sup>st</sup> Street South and the subject property.

<u>Z-6355 May 1992:</u> A request for rezoning a 2.97± acre tract of land from RS-2 to CG or CS for car sales on property located on the northeast corner of East 31<sup>st</sup> Street South and South Memorial Drive and northeast of subject property. All concurred in denial of the request for CG and approval of CS zoning.

<u>BOA-15261 October 1989:</u> The City Board of Adjustment approved of a Special Exception to permit Christmas tree sales (Use Unit 2) in an RS-3 district, on property located on the southwest corner of East 31<sup>st</sup> Street South and Skelly Drive and a part of the subject property.

<u>BOA-11168 September 1980:</u> The City Board of Adjustment approved of a Variance to permit the erection of a 50' high, 40" diameter steel pole containing one double-faced 14' x 48' panel to be illuminated for outdoor advertising on property located and a part of the subject property.

### **AREA DESCRIPTION:**

SITE ANALYSIS: The subject property is approximately 4.57± acres in size and is located west of the southwest corner of South Memorial Drive and East 31st Street South. The property is vacant and zoned RS-3. The City of Tulsa acquired land in the center of the site

many years ago for a stormwater drainage facility and land to the east and south was acquired for the expressway. This resulted, de facto, in two lots, separated by a major stormwater site. Without access to frontage from East 31<sup>st</sup> Street South, this western portion of the lot would be inaccessible. (It appears some type of access, perhaps through an easement or informal means, has developed to this western portion through residential properties to the west.)

### STREETS:

Exist. Access MSHP Design MSHP R/W Exist. # Lanes

East 31<sup>st</sup> Street South Secondary arterial 100' 4 (with turn lanes in some areas)

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

**SURROUNDING AREA:** The subject tract is abutted on the east by an expressway, zoned RS-2; on the north across East 31<sup>st</sup> South by single-family residential uses, zoned RS-3; on the south by an expressway, zoned RS-2; and on the west by single-family residential uses, zoned RS-3.

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 5 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity – No Specific Land Use. According to the Zoning Matrix, the requested OL zoning may be found in accord with the Plan.

### STAFF RECOMMENDATION FOR Z-7118:

This property has been the subject of several plans for its development, always thwarted by the defacto splitting of it by the drainage facility, thus rendering the western part inaccessible and without frontage to a roadway. Staff can support the requested OL on the northern portion that fronts East 31<sup>st</sup> Street and therefore recommends **APPROVAL** of OL for that piece. Staff cannot support approval of OL for the western piece as it currently exists, as access appears to be through the adjacent residential area. Therefore, staff recommends **DENIAL** of OL zoning on that portion, **UNLESS** access from East 31<sup>st</sup> Street can be provided, as well as access from the residential neighborhood to the west being prohibited. If proof of access from 31<sup>st</sup> Street can be shown and the access point from the residential neighborhood prohibited per PUD Development Standards and reflected on the plat, staff could then recommend **APPROVAL** of OL on both portions of Z-7118, provided that the TMAPC deem it appropriate to recommend approval of the accompanying PUD-767 or some variation thereof.

### **STAFF RECOMMENDATION FOR PUD-767:**

PUD-767 is a 4.5 acre site (see Exhibits C, D, and E) located at the southwest corner of 31<sup>st</sup> Street South and Interstate-44 (I-44) just west of Memorial Drive. The subject tract is a triangular shaped lot which abuts directly to 31<sup>st</sup> Street on the north and then RS-3 zoned property, the I-44 Service Road/Skelly Drive on the east and RS-3 zoned property on the west.

Unique to this property is the City of Tulsa owned improved drainage channel which divides the parcel into two tracts, the "East" tract abutting 31<sup>st</sup> Street (2.53 gross acres/110,361 gross sf) and the "west" tract (2.66 gross acres/115,869 gross sf)(see Exhibit G). The concept of the PUD is to divide the tract into two development areas. The west tract would be accessed from 31<sup>st</sup> Street via mutual access easement and over the drainage channel by construction of a bridge. Approval of this PUD would be contingent upon the applicant securing the required easement, over the existing City of Tulsa easement for construction of the bridge.

The proposed development would permit Use Unit 11 uses (Office, Studio and Support Services, including drive-thru banking facilities) and Use unit 16 – Mini-storage on the east tract, and Use Unit 16 – Mini-storage only, on the west tract. The mini-storage use on the

west tract would be limited to 12' in total height. There would be no outside storage permitted at either location (see Exhibits A and B).

The proposed concept plan is submitted to achieve development flexibility pertaining to permitted uses and interior private drive/easement access to the interior west lot. The PUD is intended to establish a conceptual site plan with designation of development areas, allocation of uses and intensity of those uses permitted on each lot. Parking, landscaping, screening, and lighting requirements will be met per the zoning code, the standards of which are established herein and are conditions to be followed and will be verified by the TMAPC by approval of a detailed site plan for each phase of development on each tract. Also, neither tract may be developed until all platting requirements have been satisfied.

Staff finds the uses and intensities of this development as proposed to be in harmony with the spirit and intent of the Code. Staff considers PUD-767 as proposed 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.

Staff can recommend APPROVAL of PUD-766 subject to the following conditions:

- That any access through the neighboring residential property to the west be prohibited;
- That an easement be secured from the City of Tulsa, allowing access to the "west" tract allowing construction of a bridge over the City of Tulsa drainage channel;
- A five foot landscape buffer be provided along the entire western boundary, between the western most mini-storage building and the neighboring property to the west;
- That any portion of the western boundary not covered by the western most mini-storage wall be screened from view by the erection of an 8-foot masonry type wall extending along the rest of the western boundary (the screening wall and mini-storage shall be of similar masonry construction
- There will be no windows on any west facing wall along the west boundary of the western tract.
- 1. The applicant's Concept Development Plan and Text be made a condition of approval, unless modified herein.
- 2. Development Standards:

	Gross	<u>Net</u>
East Parcel Area:	110,361 sf	83,227 sf
West Parcel Area:	115,756 sq. ft.	115,756 sf

### Permitted Uses:

East Parcel: Use Unit 11 uses (including drive-in bank facilities) and 16 (mini-storage)

and customary accessory uses\*.

West Parcel: Use Unit 16 – Mini Storage only and

customary accessory uses\*.

<sup>\*</sup>No outside storage of boats, vehicles, trailers or other items is permitted.

Maximum Floor Area:

Use Unit 11 uses: 30,000 feet
Mini-storage uses: 100,000 feet
Any building floor area not used for
mini-storage may be added to the
permitted building floor area for Use
Unit 11 uses by minor amendment

Maximum Building Height:

Use Unit 11 uses: 35 feet Mini-storage uses: 12 feet

Minimum Perimeter Building Setbacks:

From centerline of 31<sup>st</sup> Street 100 feet
From West property line 5 feet
From Southeast property line (I-44) 5 feet
From drainage way 0 feet

Minimum Internal Building Setbacks:

0 feet

Minimum Required Off Street Parking:

Per the applicable use unit.

Minimum Lot Frontage:

75 feet for lots abutting 31st Street

Minimum Landscaped Open Space:

Use Unit 11 uses: 15% Mini-storage uses: 10%

Maximum Signage:

As permitted by the Zoning Code

### **Exterior Walls:**

Exterior perimeter walls of mini-storage building shall not exceed eight (8) feet in height and shall consist of masonry construction using brick, stone, stucco or concrete tilt-up panels.

### **Door Openings:**

The mini-storage shall be designed so that all openings to mini-storage buildings are screened from view by persons standing at ground level at the boundaries of the PUD. This screening shall be accomplished by the use of the exterior building walls of storage units. Access gates shall be opaque if needed to screen interior door openings.

### Trash/Mechanical:

All trash, mechanical and equipment areas, including building mounted, shall be screened from public view by persons standing at ground level.

### **Storage Limitations**

No hazardous, toxic or explosive materials will be permitted to be stored in the mini-storage facilities. All open-air storage will be prohibited.

### Screening and Landscaping

A screening fence shall be required along the west boundary of the property provided that the wall of a mini-storage building may be used to comply with this requirement (no screening is required along the drainage channel). There shall be no windows permitted on the western facing building wall of the western most building on the western tract. The remainder of the western most boundary that is not building wall, shall be screened by the erection of an 8-foot masonry wall similar in architectural style to the building wall. The entire west boundary of the west tract shall have a minimum 5-foot landscaped buffer

The Development Standards require that at least ten percent (10%) of the property be landscaped in open area for mini-storage use and at least fifteen percent (15%) for Use Unit 11 uses. The landscaped areas will be located predominately along 31<sup>st</sup> Street to maximize the appeal of the entrance to this mixed-use project.

A Detailed Landscaping Plan shall be submitted to and approved by the Tulsa Metropolitan Area Planning Commission and a statement from a licensed landscape architect that the required landscaping is installed shall be delivered to the City of Tulsa prior to occupancy of a building.

### Lighting

Exterior light standards shall not exceed 15 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element of reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards and section 1303-C of the Code shall be verified by application of the Kennebunkport Formula or other IESNA accepted standard. Consideration of topography must be included in the calculations.

### Sidewalks, Access and Circulation

Sidewalks will be constructed along 31<sup>st</sup> Street per subdivision regulations. Access to the property is provided by 31<sup>st</sup> Street which runs along the northerly boundary of the property. Access to the East Parcel is directly from 31<sup>st</sup> Street.

Access to the West Parcel is through the East Parcel from 31<sup>st</sup> Street, over a bridge across the drainage way pursuant to an Ingress-Egress Easement. The design of such bridge shall be subject to acceptable standards as set forth by the City of Tulsa and shall be approved by the City of Tulsa Traffic Engineering and Fire Marshall prior to submittal to the TMAPC. Internal circulation will be provided by interior private drives.

- 3. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the same, which includes all buildings, required parking, and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards. Entry gates and guardhouses, where proposed shall receive detail site plan review and approval from the TMAPC and shall also be subject to approval of Tulsa Traffic Engineering and the City of Tulsa Fire Marshall, prior to submission to the TMAPC.
- 4. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. 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 that development area prior to issuance of an Occupancy permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy permit.

- 5. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
- 6. 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.
- 7. No building permit shall be issued until the 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.
- 8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
- 9. 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: A water line extension inside a 20 foot water line easement will be required.

<u>Fire:</u> 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.

The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times.

Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO *Standard Specification for Highway Bridges*. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus (75,000 lbs). Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

**Stormwater:** No Comments.

Wastewater: No comments.

<u>Transportation:</u> Provide Book and Page # for Right-of-Way (ROW). 50' ROW required on 31<sup>st</sup> St. Verify existing ROW. It is shown as 35' while City of Tulsa Atlas shows 40'. Dedicate additional 15'(10').

### **INCOG Transportation:**

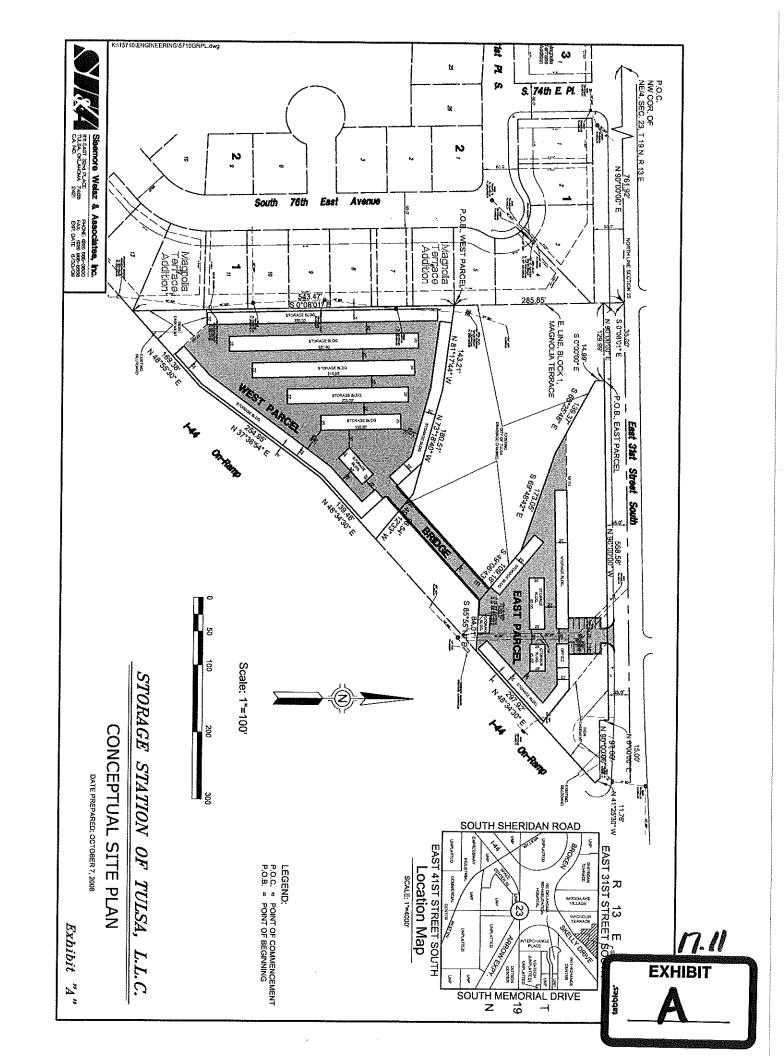
- MSHP: 31<sup>st</sup> St. S., between Sheridan Rd and Memorial Drive, is designated secondary arterial.
- LRTP: 31<sup>st</sup> St. S., between Sheridan Rd and Memorial Drive, existing 4 lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- 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.

GIS: No comments.

Street Addressing: No comments.

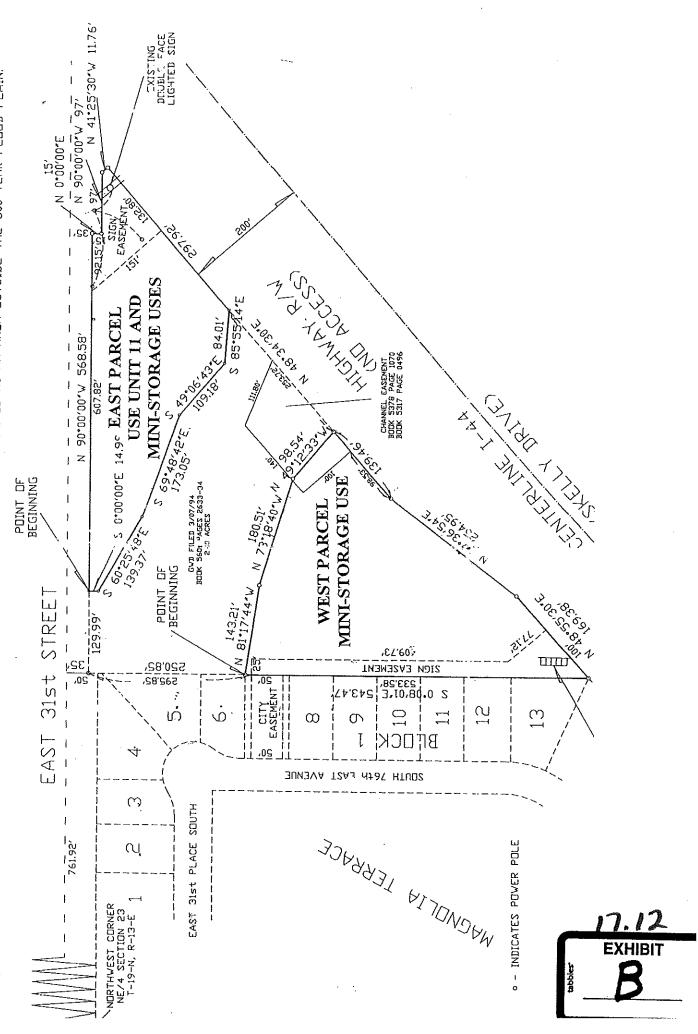
### **County Engineer:**

11/19/08



# ALIA/ACSM LAND TITLE SURVEY

) TRACT IS IN FLOOD ZONES AE AND X AS DETERMINED BY FIRM, 40143C0510H MAP EFFECTIVE SEPTEMBER 22,1999, FLOOD ZONE A IS CONFINED TO AREA SHOWN BELOW AND DESCRIBED IN BOOK 5601 PAGE 2633-34. FLCOD ZONE X IS DEFINED AS AN AREA OUTSIDE THE 500 YEAR FLOOD PLAIN.



A tract of land in the Northeast Quarter (NE/4) of Section Twenty-three (23), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to wit:

COMMENCING at the Northwest corner of said Northeast Quarter (NE/4);

THENCE North 90°00'00" East along the North line of said NE/4 for 761.92 feet;

THENCE South 0°08'01" East for 35 feet;

THENCE North 90°00'00" East along the South Right of Way line of East 31" Street for 129.99 feet to the POINT OF BEGINNING;

THENCE South 0°00'00" East for 14.99 feet;

THENCE South 60°25'48" East for 139.37 feet;

THENCE South 69°48'42" East for 173.05 feet;

THENCE South 49"06'43" East for 109.18 feet;

THENCE South 85°55'14" Bast for 84.01 feet to a point on the 1-44 Right of Way;

THENCE North 48°34'30" East along said I-44 Right of Way for 297.92 feet;

THENCE North 41°25'30" West for 11.76 feet;

THENCE North 90°00'00" West for 97 feet:

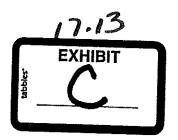
THENCE North 0°00'00" East for 15 feet to a point on the South Right of Way line of said 31" Street;

THENCE North 90°00'00" West along said Right of Way line for 568.58 feet to the POINT OF BEGINNING.

### AND

A tract of land in the Northeast Quarter (NE/4) of Section Twenty-three (23), Township Nineteen (19) North, Range Thirteen (13) East, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof being more particularly described as follows, to wit:

COMMENCING at the Northwest corner of said Northeast Quarter (NE/4);



THENCE North 90°00'00" East along the North line of said NE/4 for 761.92 feet;

THENCE South 0°08'01" East partly along the East line of Block One (1), MAGNOLÍA TERRACE, and Addition to the City of Tulsa, Tulsa County, Oklahoma for 285.85 feet to the POINT OF BEGINNING;

THENCE continuing South 0°08'01" East along the East line of said Block One (1) for 543.47 feet to a point on the North Right of Way line of I-44;

THENCE North 48°55'30" East along said Right of Way for 169.38 feet;

THENCE North 37°36'54" East along said Right of Way for 254.95 feet;

THENCE North 48°34'30" East along said Right of Way line for 139.46 feet;

THENCE North 49°12'33" West for 98.54 feet;

THENCE North 73°18'40" West for 180.51 feet;

THENCE North 81°17'44" West for 143.21 feet to the POINT OF BEGINNING.

LESS AND EXCEPT the following tract of land:

A strip, piece or parcel of land lying in part of the North Half (N/2) of the Northeast Quarter (NE/4) of Section Twenty-three (23), Township Nineteen (19) North, Range Thirteen (13) East in Tulsa County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the present West right-of-way line of Interstate Highway No. 44, a distance of 1347.23 feet West of and 325.99 feet South of the Northeast corner of said North Half of the Northeast Quarter;

THENCE Southwesterly along said right-of-way line a distance of 190.00 feet;

THENCE West 42°21'11" West a distance of 100.00 feet;

THENCE North 47°38'49" East a distance of 140,00 feet;

THENCE South 68°55'05" East a distance of 111.80 feet to the POINT OF BEGINNING.



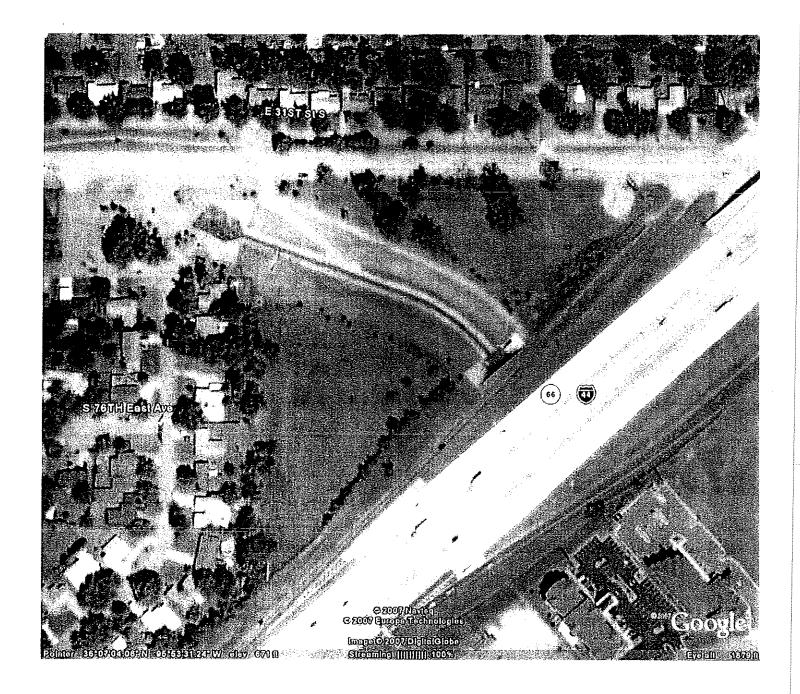
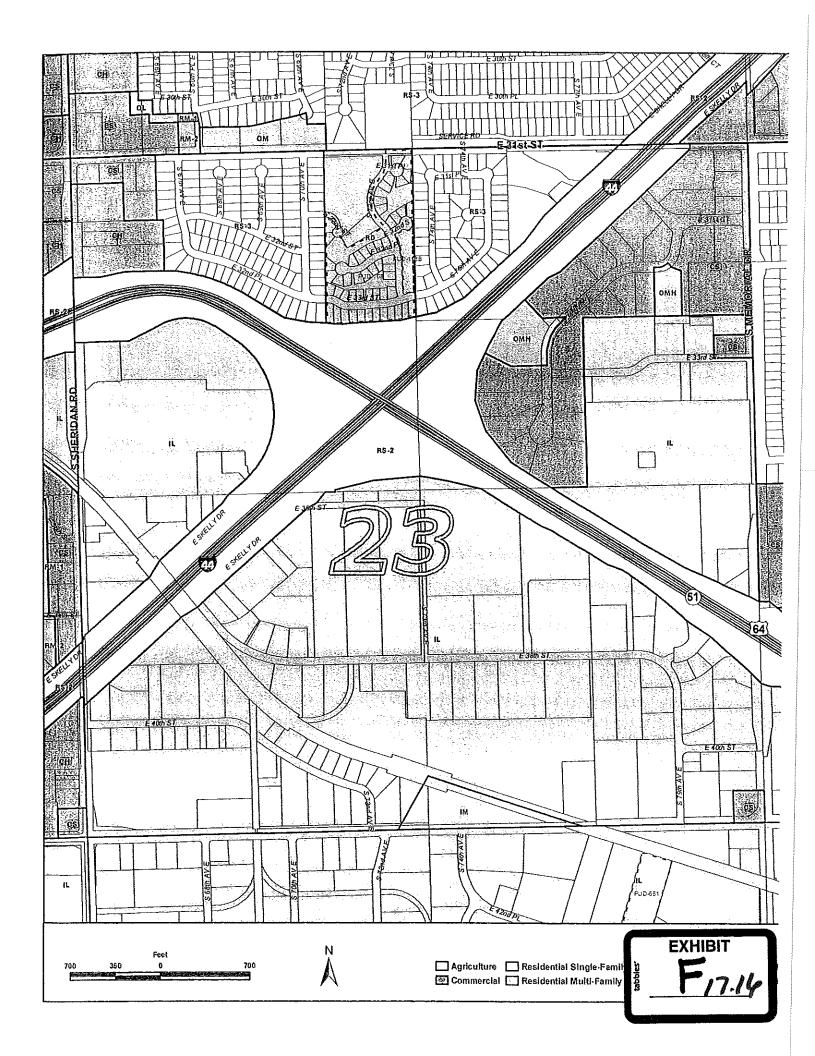


EXHIBIT EXHIBIT



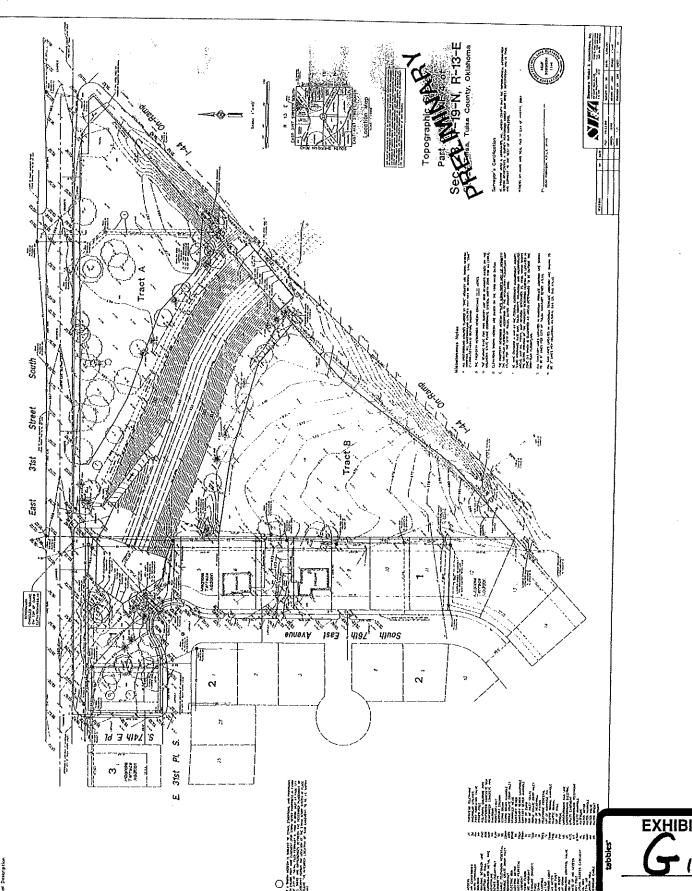


EXHIBIT (7.17