TULSA METROPOLITAN AREA PLANNING COMMISSION

For Meeting No. 2556
August 5, 2009, 1:30 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chambers

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:

1. Minutes of July 15, 2009, Meeting No. 2554
2. Minutes of July 22, 2009, Meeting No. 2555

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.

3. **LS-20316** – Tulsa Habitat For Humanity (0225)/Lot-Split
   Northwest corner of North Madison Avenue and East Seminole Place, 924 East Tecumseh
   (PD 2) (CD 1)

4. **LS-20318** – Ky.e M. Smalygo (2406)/Lot-Split
   Southwest corner of East 178th Street North and North 113th East Avenue, 17708 North 113th East Avenue
   (County)

5. **LS-20319** – Sack And Associates (8328)/Lot-Split
   South of East 109th Street and east of South Oswego Avenue, 10908 South Pittsburg Avenue East
   (PD 26) (CD 8)

6. **LC-187** – Sack And Associates (8328)/Lot Combination
   South of East 109th Street and east of South Oswego Avenue, 10908 South Pittsburg Avenue East
   (PD 26) (CD 8)

7. **LC-188** – Sack And Associates (8328)/Lot Combination
   South of East 109th Street and east of South Oswego Avenue, 10908 South Pittsburg Avenue East
   (PD 26) (CD 8)

8. **LS-20320** – Stephen Schuller (9432)/Lot-Split
   Southwest corner of East 51st Street and South 129th East Avenue
   (PD 17) (CD 6)

9. **LS-20321** – Lou Reynolds (0429)/Lot/Split
   South of East Apache Street and west of North 129th Avenue, 2112 North 129th East Avenue
   (PD 16) (CD 6)
10. **LS-20322** – First American Title (7223)/Lot-Split (County)
   Southwest corner of South Elwood Avenue and West 156th Street, 15608 S Elwood Avenue

11. **LS-20323** – Whit Mauzy (9405)/Lot-Split (PD 17) (CD 6)
   Northeast corner of East 7th Street and South 127th East Avenue, 655 South 127th East Avenue

12. **LS-20275** – Tulsa Development Authority (0236)/Lot-Split (PD 2) (CD 1)
   West of North Hartford Avenue and south of East Latimer Court, 636 East Latimer Court

13. **LC-189** – Tulsa Development Authority (0236)/Lot Combination (PD 2) (CD 1)
   West of North Hartford Avenue and south of East Latimer Court, 632 and 640 East Latimer Court

14. **LC-185** – Jack Arnold, AIA (9317)/Lot Combination (PD 6) (CD 9)
   North of East 27th Place and east of South Lewis Avenue, 2411 East 27th Place

15. **LC-186** – San Juan Pools (0236)/Lot Combination (PD 2) (CD 1)
   South of East Easton Street and west of North Norfolk Avenue, 1024 East Easton Street

16. **LC-193** – First American Title (7223)/Lot Combination (County)
   Southwest corner of South Elwood Avenue and East 151st Street

17. **Shwiyat Estates** – (8419) Final Plat (PD 5) (CD 5)
   North of 21st Street South, west of South Memorial Drive

18. **St. John Tulsa Federal Credit Union** – (9307) Final Plat (PD 4) (CD 4)
   Northwest corner of West 13th Place and South Lewis Avenue

19. **Change of Access** – (9329) Lot 4, Block 1, Trade Winds Addition (PD 6) (CD 9)
   North of 51st Street and west of South Harvard Avenue

20. **Z-7134** – (9306) Plat Waiver (PD 4) (CD 4)
    1600 East 4th Street, north of 4th Place, east of South Trenton Avenue

21. **PUD-629-2 – Stephen Meltzer** (PD-4) (CD-4)
    North of the northwest corner of South Peoria Avenue and East 11th Street South (Minor Amendment to increase the maximum building height.)

    Southeast corner of East 91st Street and South Sheridan Road (Minor Amendment to allow a second ground sign.)

23. **PUD-636-4 – Architects Collective** (PD-8) (CD-2)
    North of the northeast corner of South Union Avenue and West 81st Street South (Minor Amendment to increase the permitted structure height in Area E only from 42 feet to 55 feet to allow for a clock-tower type structure.)
24. **PUD-535-1 – Dennis Blind**  
North of the northeast corner of East 41st Street South and South Peoria Avenue (Minor Amendment to add Use Unit 11 – Office, Studios and Support Services to the permitted uses of PUD-535 to allow for an ophthalmology office.)

25. **Z-7008-SP-1 – Logan’s Roadhouse Inc.**  
North of the northwest corner of South Olympia Avenue and West 81st Street South (Corridor Detail Plan for 6,505 SF Logan’s Roadhouse Restaurant.)

26. **Z-7008-SP-1 – Michael Dwyer**  
Northeast corner of South Olympia Avenue and West 81st Street  
(Corridor Detail Plan for a 4,695 SF financial facility.)

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

**PUBLIC HEARINGS**

27. **The Retreat at Brookside South Amended – (9330) Preliminary Plat**  
South of the Southeast corner of East 41st Street South and South Peoria Avenue

28. **Ogan’s Circle – (0225) Preliminary Plat**  
Southwest corner of North Lansing Avenue and East Virgin Street

29. **PUD-759-1 – Tanner Consulting, LLC**  
North of the northwest corner of East 121st Street South and South Sheridan Road (Minor Amendment to increase the permitted height of a screening wall and two architectural features for the development.)  
(related to item 30)

30. **PUD-759 – Tanner Consulting, LLC**  
North of the northwest corner of East 121st Street South and South Sheridan Road (Detail Site Plan for a masonry wall, emergency access gates between the residential and commercial developments and gates and entry features for the main entry to the residential development.)  
(related to item 29)

31. **CZ-400 – TMAPC**  
North of northeast corner of North Harvard Avenue and East 61st Street North (related to item 32)

32. **CZ-400 – John W. Moody**  
North of northeast corner of North Harvard Avenue and East 61st Street North (Continued from 6/17/09) (related to item 31)

33. **Z-7138 – Tulsa Engineering and Planning/Tim Terral**  
South side of East 49th Street South (1/8 mile west of South Harvard)  
(PD-6) (CD-9)

34. **Z-7139 – David Bodeen, PE**  
Northeast corner of South Mingo and East 63rd Street  
(PD-18) (CD-7)
35. **PUD-648-B – Roy D. Johnsen** (PD-8) (CD-2)
Northeast corner Highway 75 and West 71st Street South (Major Amendment) (related to item 36)

36. **Z-6001-SP-3 – Roy D. Johnsen** (PD-8) (CD-2)
Northeast corner Highway 75 and West 71st Street South (Corridor Plan) (related to item 35)

**OTHER BUSINESS**

37. **Commissioners' Comments**

**ADJOURN**

PD = Planning District/CD = Council District

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

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

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

Visit our website @ [www.tmapc.org](http://www.tmapc.org)

The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region’s current and future residents.

**TMAPC Mission Statement**
Final Subdivision Plat

Shwiyat Estates - (8419) (PD 5) (CD 5)
North of 21st Street South, West of South Memorial Drive

This plat consists of 1 Lot in 1 Block on 1.89 acres.

Staff recommends APPROVAL of the Final Plat. All release letters have been received.
Final Subdivision Plat

St. John Tulsa Federal Credit Union - (9307) (PD 4) (CD 4)  
Northwest corner of West 13th Place and South Lewis Avenue

This plat consists of 1 Lct in 1 Block on .545 acres.

Staff recommends APPROVAL of the Final Plat. All release letters have been received.
Lot 4, Block 1, Trade Winds Addition – (9329) (PD 6) (CD 9)
North of 51st Street, Wes: of Harvard Avenue

This application is made to allow a change of access to add access along East 49th Street South. The property is zoned PK and CO.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends APPROVAL of the change of access as submitted.
Tulsa Fire Department

Traffic Engineering

Exhibit "A"

Tulsa Engineering & Planning Associates, Inc.
6737 South 85th East Avenue  Tulsa, Oklahoma 74133
Phone: 918-252-9621  Fax: 918-250-1566
Civil Engineering • Land Surveying • Land Planning
Certificate of Authorization No. 531 Revised Date: June 30, 2009

Lot 3, Block 1  Lot 2, Block 1

Lot 1, Block 1

Lot 4, Block 1

CHANGE OF AND CONSENT TO AREAS OF ACCESS AS SHOWN ON THE RECORDED PLAT (Plat #3098)
TRADE WINDS ADDITION: LOT 4, BLOCK 1

Proposed New Access

N 00°00'00" E - 375.00'

Proposed Limits of No Access

250.00'

Proposed Access

125.00'

Limits of No Access (Per Plat #3098)

375.00'

Job No: 09-143
Scale: 1" = 50'
Date: 6/10/2009
Exhibit B
EXISTING CONDITIONS
Trade Winds Central
August 5, 2009

Z-7134 – (9306) (PD 4) (CD 4)
1600 East 4th Street

The platting requirement is being triggered by a rezoning to IL.

Staff provides the following information from TAC at their July 16, 2009 meeting:

ZONING:
- TMAPC Staff: The property has been previously platted. Lot combinations may be necessary in the future.

STREETS:
- No comment.

SEWER:
- No comment.

WATER:
- No comment.

STORM DRAIN:
- No comment.

FIRE:
- No comment.

UTILITIES:
- No comment.

Staff recommends APPROVAL of the plat waiver.

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

1. Has Property previously been platted? Yes X
2. Are there restrictive covenants contained in a previously filed plat? Yes X
3. Is property adequately described by surrounding platted properties or street right-of-way? Yes X

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?  

5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?  

6. Infrastructure requirements:  
   a) Water  
      i. Is a main line water extension required?  
      ii. Is an internal system or fire line required?  
      iii. Are additional easements required?  
   b) Sanitary Sewer  
      i. Is a main line extension required?  
      ii. Is an internal system required?  
      iii. Are additional easements required?  
   c) Storm Sewer  
      i. Is a P.F.P.I. required?  
      ii. Is an Overland Drainage Easement required?  
      iii. Is on site detention required?  
      iv. Are additional easements required?  

7. Floodplain  
   a) Does the property contain a City of Tulsa (Regulatory) Floodplain?  
   b) Does the property contain a F.E.M.A. (Federal) Floodplain?  

8. Change of Access  
   a) Are revisions to existing access locations necessary?  

9. Is the property in a P.U.D.?  
   a) If yes, was plat recorded for the original P.U.D.  

10. Is this a Major Amendment to a P.U.D.?  
    a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?  

11. Are mutual access easements needed to assure adequate 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?
STAFF RECOMMENDATION

PUD-629-2: Minor Amendment – North of the northwest corner of Peoria Avenue and 11th Street South; Lot 7, Block 1 – Village at Central Park; TRS 9201; CZM 36; Atlas 1; PD 4; CD 4; PK/RM-2/RM-3/CH/PUD.

The applicant is requesting a minor amendment to increase the maximum building height on Lot 7, Block 1 only of the Village at Central Park. Specifically, the request is to increase the maximum building height from 35' to 42' to allow for an enclosed access to the roof as well as an open pergola (see Exhibit A101).

§1107, H-9 of the zoning code states that the TMAPC may approve by minor amendment, “changes in structure heights provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered”.

Please refer to the attached case aerial photographs. This structure is located on the perimeter of the development. It is staff’s contention, confirmed by site visit, that an increase in the permitted structure height of this single unit will not limit the view of any other unit within the development.

Please refer to the attached letters of support for this request from the Chair of the Architectural Control Committee of the Village at Central Park, as well as, owners of other units within the development.

Provided the aforementioned, staff views this request as minor in nature and believes that approval of the minor amendment does not substantially alter the approved PUD standards and the character of the development. Therefore, staff recommends APPROVAL of minor amendment PUD-629-2.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.
From: Jamie Jamieson <jamie@thevillagebuilders.com>
Subject: CORRECTION: Height Change at Rich Toon's house
Date: Fri, 17 Jul 2009 04:17:38 -0500
To: Stephen Metzger <smetzger@ctuisa.com>
Cc: Terri Moody <terri@thevillagebuilders.com>

Stephen,

Please note that I am the chair of the Architectural Control Committee for the Village I Owners Association, not Chair of the Association as written in the earlier email below. So the full, quotable text for the MAPC would be:

Please feel free to assure the TMAPC that I support this application, as the developer of the Village At Central Park, as the chair of the Village I Owners Association’s Architectural Control Committee, as the managing partner of the company owning six adjoining lots, and as a resident of 754, S. Norfolk Avenue, Tulsa OK 74120, which is about 50 yards from the subject property.

Good luck, it should be a breeze.

Jamie

Jamie Jamieson
jamie@thevillagebuilders.com
918.630.7516
Date: July 15, 2009

City of Tulsa
Board of Adjustments

Re: Letter in support for amendment to PUD 629

I (we) the undersigned have been informed of the request for an amendment to PUD 629 for The Village at Central Park submitted by Stephen Meltzer on behalf of Peter and Lora Gibbs. The amendment addresses the addition of a rooftop deck to 1105 E. 7th St. Tulsa, OK, 74120

I (we) support approval of the amendment.

Thank you,

Melissa P. Atkinson

Name

7-15-09

Date

Mike Atkinson

Name

7-15-09

Date

Return FAX - 295.8918
Email: smeltzer@cbltulsa.com
Date July 14, 2009

City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

__________________________
Name

__________________________
Date

__________________________
Name

__________________________
Date

Return FAX - 295.8918
Email: smeltzer@cbulsa.com
Date 7-14-09

City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

[Signature]
Name

[Signature]
Name

7-14-09
Date

Return FAX - 295.8918
Email: smeltzer@cbtulsa.com
Date 7-13-09

City of Tulsa  
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

Deborah Gatica  7-13-09

Name  Date

Name  Date

Return FAX - 295.8918
Email: smeltzer@cbtulsa.com
Date 7/10/09

City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

Robert Bazhaw 7/10/09
Name

Sabine Bazhaw 7/10/09
Name

Return FAX - 295.8918
Email: smeltzer@cbtulsa.com
Date July 8, 2009

City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

[Signature]
Name
3-8-09
Date

[Signature]
Name
3-8-09
Date

Return FAX - 295.8918
Email: smeltzer@cbtulsa.com
Date ____________________________

City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jerry D. Bowel</td>
<td>7/8/09</td>
</tr>
<tr>
<td>Patricia K. Bowel</td>
<td>7/8/09</td>
</tr>
</tbody>
</table>

Return FAX - 295.8918
Email: smeltzer@chtulsa.com
Date 9 July 2009

City of Tulsa
Board of Adjustments

Re: Letter in support for amendment to PUD 629

I (we) the undersigned have been informed of the request for an amendment to PUD 629 for The Village at Central Park submitted by Stephen Meltzer on behalf of Peter and Lora Gibbs. The amendment addresses the addition of a rooftop deck to 1105 E. 7th St. Tulsa, OK, 74120

I (we) support approval of the amendment.

Thank you,

Name

Date

Return FAX - 295 5918
Email: smeltzer@caltulsa.com
Date 7-7-09

City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

[Signature]

Beverly A. Dickinson 7-7-09

Return FAX - 295.5918
Email: smeltzer@chtulsa.com
Date: July 9, 2009

City of Tulsa
Board of Adjustments

Re: Letter in support for amendment to PUD 629

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I (we) support approval of the amendment.

Thank you.

Signature: ____________________________  Date: 7/9/09
Name: _______________________________

Signature: ____________________________  Date: 7/9/09
Name: _______________________________

Return FAX: 295.8918
Email: smeltzer@cbtulsa.com
Date 7/17/09

City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

[Signature]
Name

7/17/09
Date

[Signature]
Name

17 July 2009
Date

Return FAX - 295.8918
Email: smeltzer@chtulsa.com
Date 7/19/9

City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

EDWIN MCCRARY 7/19/9

Name Date

Return FAX - 295.8918
Email: smeltzer@cbtulsa.com
Date 7.9.09

City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

LARRY KRUTKA

Name

DONNA KRUTKA

Name

7.9.09

Date

7.9.09

Date

Return FAX - 295.8918
Email: smeltzer@cbtulsa.com
Per telephone conversation.
Date 7.20.09

City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

MATT SCHWABAH 7.20.09

Name Date

Name Date

Return FAX - 295.8918
Email: smeltzer@cbtulsa.com
Per telephone conversation.

City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

SUSAN LITTLE

Name

Date

Name

Date

Return FAX - 295.8918
Email: smeltzer@cbtulsa.com
City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

MIKE LITTLE

Name

Date 7/20/09

_________________________  _______________________
Name                  Date

Return FAX - 295.8918
Email: smeltzer@cbtulsa.com
City of Tulsa  
Board of Adjustments  

Re: Letter in support for amendment to PUD 629  

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I (we) support approval of the amendment.  

Thank you,  

JOHN PEARSON  

Date  

NORMA PEARSON  

Return FAX - 295.89818  
Email: smeltzer@cbltulsa.com
City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

name

Date

Return FAX - 295.8918
Email: smeltzer@cbtulsa.com
Per telephone conversation.
Date 7/20/09

City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

VAN ASHTON

Name

Date 7/20/09

Name

Date

Return FAX - 295.8918
Email: smcitzer@cbtulsa.com
Per telephone conversation.

Date 7/20/09

City of Tulsa
Board of Adjustments

Re: Letter in support for amendment to PUD 629

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I (we) support approval of the amendment.

Thank you,

MARSHA MAXWELL 7/20/09

Name Date

Name Date

Return FAX - 295.8918
Email: smeltzer@cbtulsa.com
Per telephone conversation.

Date 7.20.04

City of Tulsa
Board of Adjustments

Re: Letter in support for amendment to PUD 629

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I (we) support approval of the amendment.

Thank you,

LANCE LIVELY 7.20.04

Name Date

Name Date

Return FAX - 295.8918
Email: smeltzer@cbtulsa.com
Per telephone conversation.

Date 1-20-09

City of Tulsa
Board of Adjustments

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I (we) support approval of the amendment.

Thank you,

MAREN LIVELT 1-20-09

Name Date

Name Date

Return FAX - 295.8918
Email: smeltzer@cbtulsa.com
STAFF RECOMMENDATION

August 5, 2009

**PUD-166-K-1:** Minor Amendment – Southeast corner of 91st Street and Sheridan Road; Lot 1, Block 1 – Quick Trip First; TRS 8323; CZM 57; Atlas 1906; PD 18; CD 8; CS/PUD.

The applicant is requesting a minor amendment to allow a second ground sign on the southeast corner of 91st Street and Sheridan Road; described as Lot 1, Block 1 – Quick Trip First.

Section 1107, H-12 of the code allows modifications to approved signage by minor amendment provided the size, location, number and character (type) of the sign(s) is not substantially altered.

The original development plan for PUD-166 was approved in 1974 and included a Quick Trip store located on the subject parcel. PUD-166 has had eleven (11) major amendments approved, most notably major amendment PUD-166-C which directly addressed this tract. PUD-166-C was approved in 1983 adding Use Unit 17 – Automotive and Allied Activities as a permitted use on the lot. As staff understands a retail tire store replaced the Quick Trip. In 1997, major amendment PUD-166-K was approved allowing the Dry Cleaner use within Use Unit 13 – Convenience Goods and Services. The existing building was subject to an addition and a second business was established on the lot. At the time of that approval the sign requirements for the PUD were not adequately addressed to allow each business to have a sign.

The underlying CS zoning permits as many ground signs on the lot as possible, so long as the length of street frontage permits the total display area and the signs maintain a minimum 30' separation. Within PUDs, signs must maintain a minimum 150' separation which will limit the number of potential signs. There is one approved 148.5 square foot (sf) sign along the 91st Street Frontage for the Dry Cleaner (see Exhibit A). The 185 lineal feet of frontage along 91st Street permits this display area. The requested second sign is proposed for 80.64 sf at 23' over-all height (OAH) (see Exhibit B). With 185 lineal feet of frontage along Sheridan Road, the underlying zoning would allow a second ground sign with 185 sf of display area at 25' OAH. The new sign will abide by the 150' sign separation requirement in a PUD.

Staff does not believe the addition of the second sign represents a significant departure from the original development plan for PUD-166-C and PUD-166-K, nor does it significantly alter the character of the PUD or the intent of the PUD chapter of the code. Therefore, staff recommends **APPROVAL** of minor amendment PUD-166-K-1 limiting the permitted ground signage for Lot 1, Block 1 – Quick Trip First to that which is allowed by right in the CS district.

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

EVERYTHING BELOW TOP
SIGN IS EXISTING

90
58.5
148.5
+ EXISTING

"EXISTING SIGN"

EXHIBIT A

APPROVED SIGN PLAN
FOR PUD 160 C DATED 9.8.95
DEV. AREA
THS PC OFFICIAL

22.5
STAFF RECOMMENDATION

PUD-636-4: Minor Amendment – Northeast corner of Union Avenue and West 81st Street South; Development Area E along US Hwy. 75; TRS 8211; CZM 51; PD 8; CD 2; CO/PUD.

The applicant is requesting a minor amendment to increase the permitted structure height in Area E only from 42' to 55' to allow for a clock-tower type structure to be constructed along the U.S. Highway 75 right-of-way (ROW). The request is being made for the structure in question only and would not be extended to any other Development Area or habitable building located within the entirety of PUD-636. Wishing to utilize the property proximity to U.S. Hwy. 75, the applicant wishes to place a sign on the structure and cites a 15-foot difference in elevation between the location of the structure and U.S. Highway 75 as necessitating the over-all height of the structure.

§1107, H-9 of the zoning code states that the TMAPC may approve by minor amendment, “changes in structure heights provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered”.

Existing development standards for PUD-636 allow structures in Area E up to 42' in height while the underlying Corridor District zoning has no height limitations. In the absence of sign standards for the development area the PUD defaults to the corridor chapter of the code, which refers to §1221, C and D for restrictions on signs. §1221, D-1 of the code states that signs along a designated freeway may be up to 50' in total height. Referring to Exhibit P-8, the sign being proposed for placement on this structure will actually be 45' 8" in height, within the limits of §1221, D-1.

Since the property is located within a designated freeway corridor, there is a considerable height difference between grade at the base of the structure and the highway travel lanes, and there is 230' of ROW between the structure and the travel lanes, staff can support the request.

Staff finds the proposed minor amendment does not represent a significant departure from the approved Development Plan and approved PUD development standards, nor does it substantially change the character of the PUD. Therefore, staff recommends APPROVAL of minor amendment PUD-636-4.

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

ENLARGE PARTIAL SITE
August 8, 2009

STAFF RECOMMENDATION

**PUD-535-1:** Minor Amendment – North of the northeast corner of 41st Street South and South Peoria Avenue; Lots 1, 2, 9, 10, and 11, Block 1 – Roberts Amd. of Tract 3 – Brockman’s Sub.; TRS 9224; CZM 46; PD 6; CD 9; CH/RS-3/PUD.

The applicant is requesting a minor amendment to add Use Unit 11 – Office, Studios and Support Services to the permitted uses of PUD-535 to allow for an ophthalmology office. There is no request to change any existing development standards of PUD-535 which will remain effective.

Located on the southwest corner of 39th Street and South Peoria Avenue this fully developed site is the former location of an 8,500 square foot Hollywood Video movie and game rental store. Approval of this minor amendment will allow for the adaptive reuse of this now vacant building as a family eye care practice.

§1107, H-15 allows the TMAPC to approve by minor amendment, “changes in an approved use to another use, provided the underlying zoning on the particular site within the PUD would otherwise permit such use by right and the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties”. The underlying zoning of the tract is CH a district which allows Use Unit 11 by right.

It is staff’s contention that the reuse of this building for a medical office/eye care facility will not result in any increase of incompatibility with the present and future use of the proximate properties. Given the location on an arterial street with easy access to ample screened parking in the rear, staff feels permitting the new use will not generate any more traffic than was created by a retail video rental store.

Staff contends the approval of the additional use is minor in nature and believes that approval of the minor amendment will not substantially alter the approved PUD standards and the character of the development. Therefore, staff recommends **APPROVAL** of minor amendment PUD-535-1.

*Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.*
Minor Amendment
to
P.U.D. 535
at
3906 S. Peoria

Prepared by:

DREI Group
Development & Real Estate Investment Group LLC

P.C. Box 471768 Tulsa, OK 74147 phone 918.812.2339 fax 918.665.4245
Legal Description
Lots One (1), Two (2), Nine (9), Ten (10), Eleven (11) and Twelve (12), Block One (1), ROBERTS SUBDIVISION, of Tract Three (3), BROCKMAN'S SUBDIVISION, an Addition in Tulsa County, State of Oklahoma, according to the Recorded Amended Plat thereof.

Proposed Change to Development Standards
Permitted Uses (Existing):

Retail Trade Establishments permitted in Use Unit 14, except Pawn Shop, and to permit Video Rentals and Sales

Permitted Uses to also include:

Offices, Studios and Support Services permitted in Use Unit 11.

Reason for Request: Eye Care for Tulsa is one of northeast Oklahoma's leading ophthalmology based practices specializing in eye care for the entire family. Currently, PUD 535 does not permit medical offices, therefore, we request PUD 535 be amended to also include Use Unit 11 as a permitted use.

The balance of PUD 535's Development Standards shall remain as originally approved by TMAPC during the June 7, 1995 hearing.

The proposed Amendment was presented to the Brookside Neighborhood Association at its July 13, 2009 meeting and received a unanimous vote of approval.
August 5, 2009

STAFF RECOMMENDATION

Z-7008-SP-1: Detail Site Plan – North of the northwest corner of S. Olympia Ave. and W. 81st Street South; Tract B, Part of Lots 6 and 7, Block 1 – Tulsa Hills; TRS 8211; CZM 51; PD 8; CD 2; CO.

The applicant is requesting approval of a detail site plan for a 6,505 square foot (sf) Logan’s Roadhouse restaurant. The proposed use, Use Unit 12 – Eating Establishments Other Than Drive-ins is a permissible use within this Development Area of the Tulsa Hills Corridor District. Associated with this detail site plan is Lot Combination LC-199, being heard by the TMAPC on 8/19/09. The lot split creating this parcel was approved by minor amendment Z-7008-SP-1 in March 2008.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Zoning Code. The landscape plan meets the requirements of the CO District, as well as, the landscape chapter of the Zoning Code. All sight lighting is limited to 28-feet in height and is directed down and away from adjoining properties. A trash enclosure has been provided as required by the Corridor District Development Plan. Sidewalks have been provided along S. Olympia Ave. as required by Tulsa Hills CO District Development Standards and Subdivision regulations.

Since the submitted plan meets all the requirements of the Tulsa Hills Corridor District development plan, staff recommends APPROVAL of the detail site plan for Logan’s Roadhouse on the northern ½ of Lot 7 and southern ½ of Lot 6, Tract B, Block 1 – Tulsa Hills.

(Note: Detail site and landscape plan approval does not constitute sign plan approval.)
The RSB-RCS/L Series rectangular shoebox is offered in a variety of lighting distributions with sharp cutoff to meet the challenging demands of today's site lighting projects.

Fixture Specifications

- One-piece formed aluminum housing
- Hydroformed aluminum reflector
- Die cast zinc latches permit tool-free entry
- High power factor ballast with -20°F starting
- Consult factory for glare shield options
- Lamp and arm included
- Flat tempered glass lens
- Luminaire finished in weatherproof powder-coat paint
- Available with photocell and polycarbonate shield
- Rotatable optics (RCL only)
- UL listed for wet locations

ORDERING INFORMATION

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**WATTAGE/SOURCE**

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1. Consult factory for other wattages and Pulse Start availability.
2. Consult factory for other ballasts.
August 5, 2009

STAFF RECOMMENDATION

Z-7008-SP-1: Detail Site Plan – Northeast corner of S. Olympia Ave. and West 81st Street; Lot 1, Block 2 – Tulsa Hills; TRS 8211; CZM 52; PD 8; CD 2; CO.

The applicant is requesting approval of a detail site plan for a 4,695 sf Credit Union. The proposed use, Financial Institution within Use Unit 11 – Office, Studios and Support Services including drive-thru banking facilities is a permitted use within Development Area G of the Tulsa Hills Corridor District.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Tulsa Zoning Code. Landscaping has been provided per Chapter 10 of the Tulsa Zoning Code. All sight lighting is limited to 12-feet in height and will be directed down and away from adjacent properties. A trash enclosure has been provided as required by the Corridor District Development Plan. Sidewalks will be provided along Olympia Avenue and West 81st Street as required by CO District Development Standards and Subdivision regulations.

Since the submitted detail site plan meets all the development standards of the approved Tulsa Hills corridor district development plan, staff recommends APPROVAL of the detail site plan for the Oklahoma Central Credit Union to be located on Lot 1, Block 2 – Tulsa Hills.

(Note: Detail site plan approval does not constitute landscape plan or sign plan approval.)
PRELIMINARY SUBDIVISION PLAT

The Retreat at Brookside South Amended - (9330) (PD 6) (CD 9)
South of the Southeast corner of East 41st Street South and South Peoria Avenue

This plat consists of 12 Lots, 2 Blocks, on 1.96 acres.

The following issues were discussed July 16, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning**: The property is zoned PUD 744 A. Fix typo's in covenants. All PUD requirements must be shown in the covenants.

2. **Streets**: Show right-of-way on west side of development. Sidewalks required along 41st Place and 42nd Streets. Provide sidewalk note on face of plat.

3. **Sewer**: Add the required easement for the relocated sanitary sewer lie, in accordance with the plans for SSID 739 (B) Rev, and as included on the plat for the Retreat at Brookside South. The proposed storm line appears to be in a sanitary easement. Much of that easement is no longer necessary and should be vacated. Until vacated the storm line cannot be placed there. In Section 1 C 2, omit the words "in excess of 3 feet".

4. **Water**: Add surrounding addition names. Certificate of Authorization for both engineer and surveyor has expired as of June 30, 2009. Section D after the word "the add "above paragraphs".

5. **Storm Drainage**: The plat, that is being amended, had numerous notes relative to the requirements for this Additions' placement in the Perryman Ditch City of Tulsa Regulatory Floodplain. Those same notes must be placed on the face of this plat. The boundaries of that Floodplain must be shown and labeled. The Floodplain in this multiple lot addition must be placed in a Reserve Area Overland Drainage Easement (ODE). Show and label the boundary of the ODE on the face of plat. The storage capacity of the floodplain on this site must be maximized, taking into account the proposed structures and obstructions. A Finished Floor Elevation of 637,3 NGVD29 or higher must be required and labeled on each lot. Add City of Tulsa standard covenant language for Overland Drainage Easement in a Reserve area. Use City of Tulsa Standard Covenant Language for water, sanitary sewer, and storm sewer service. Add a roof drainage subsection to state that: "All roof drains must be piped to the public drainage system. The designer should
consider the existing curb inlets along the two streets and arrange the lots so that the inlets do not interfere with the drives.

6. **Utilities:** Telephone, Electric, Gas, Cable, Pipeline, Others: No comments.

7. **Other:** Fire: No Comments. GIS: Add e-mail address for surveyor. Show proper street names and addresses on face of plat.

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.

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.

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

Ogan’s Circle - (0225) (PD 2) (CD 1)
Southwest corner of North Lansing Avenue and East Virgin Street

This plat consists of 14 Lots, 1 Block, on 3.21 acres.

The following issues were discussed July 16, 2009 at the Technical Advisory Committee (T&AC) meeting:

1. **Zoning**: The property is zoned RS-4.

2. **Streets**: Additional 15 feet of right-of-way required along Virgin. Minimum radius of curves along Virgin must be 30 feet. LNA is not required along Lansing. Sidewalk required along Virgin Street and Lansing Avenue and Court. Sidewalk note required on face of plat or in covenants.

3. **Sewer**: The existing PVC sanitary sewer line, from existing manhole # 110 to existing manhole # 627, must be replaced by ductile iron pipe to meet City of Tulsa Design Criteria.

4. **Water**: A waterline extension processed with City of Tulsa Engineering Services.

5. **Storm Drainage**: Please remove the contours from the face of plat. The Covenants have language for an Overland Drainage Easement (ODE), but none were shown on the face of plat. Residential flooding occurs in the public drainage system downstream from this site. Therefore detention for the increased runoff must be provided unless no adverse impact can be shown. In “Flood Information” the date of the atlas should be January 2008. If a stormwater detention facility and easement, and/or an overland drainage easement are used; then they must be placed in a reserve, and the City of Tulsa standard language, for the maintenance of that type of easement in a reserve, must be added to the covenants.

6. **Utilities**: Telephone, Electric, Gas, Cable, Pipeline, Others: No comments.

7. **Other: Fire**: No comments. **GIS**: Submit a subdivision control data form (Appendix D), last page of the Subdivision Regulations for the Tulsa...
Metropolitan Area, in which the first point shall be the POB (point of beginning) with two other points on or near the plats' boundary. The street name should be North Kenosha Court instead of North Lansing Court.

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.
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.

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.
STAFF RECOMMENDATION

PUD-759-1: Minor Amendment – North of the northwest corner of 121st Street South and South Sheridan Road; Lots 1, 2, and 3, Block 2 and Lots 1 and 2, Block 5 – Crestwood Village; TRS 8334; CZM 57; PD 26; CD 8; CS/RS-3/PUD.

The applicant is requesting a minor amendment to increase the permitted height of a screening wall and two architectural features for the development. Specifically, the request is to allow only the stone columns of the wall to be 10' in height; allow two wall sections at the residential development entry containing the signs for the development to be 10' in height; and two architectural features at the residential entry of the development to be 16.26' in height (please refer to attached Exhibit LS03).

§1107, H-9 of the zoning code states that the TMAPC may approve by minor amendment, "changes in structure heights provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered". By definition in section 1800 of the zoning code, the term "structure" includes "anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and includes buildings, parking areas, walks, fences, and signs".

To reiterate, applicant is not seeking an increase to 10' for the entire wall, but rather for the columns alone, two sections of wall near the residntial entrance where the development identification signs will be, and two architectural features at the residential entrance to the development. The City of Tulsa Fire Marshall and Traffic Engineering have both signed off for the gates and entry features. There are no line-of-sight-issues as indicated by the Traffic Engineering sign off.

Since the request is not seeking to increase the height of the entire wall, staff views the request as minor in nature and believes that approval of the minor amendment will not substantially alter the approved PUD standards and the character of the development. Therefore, staff recommends APPROVAL of minor amendment PUD-759-1.

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

PUD No. 759
DETAILED SITE PLAN
DEVELOPMENT AREA A

Villas at CRESTWOOD

OWNER:
Crestwood at the River, LLC
An Oklahoma Limited Liability Company
11222 South 2nd Avenue
Stillwater, OK 74075
Toll-Free: 1-800-473-1870

LANDSCAPE ARCHITECTS:
Tanner Consulting, LLC
11222 South 2nd Avenue
Stillwater, OK 74075
Toll-Free: 1-800-473-1870

Index:
OVERALL SITE PLAN.................. 1-5
ENTRY ELEVATIONS................. 1-6
WALL SECTIONS...................... 1-7
PANEL CONCRETE WALL........... 2-10
August 5, 2009

STAFF RECOMMENDATION

PUD-759:

Detail Site Plan – North of the northwest corner of 121st Street South and South Sheridan Road; Lots 1, 2, and 3, Block 2 and Lots 1 and 2, Block 5 – Crestwood Village; TRS 8334; CZM 57; PD 26; CD 8; CS/RS-3/PUD.

The applicant is requesting approval of a detail site plan for a masonry wall, emergency access gates between the residential and commercial developments and gates and entry features for the main entry to the residential development. Associated with this site plan review is minor amendment PUD-759-1 also on the August 5, 2009 agenda of the TMAPC. Approval of this detail site plan is contingent upon approval if the aforementioned minor amendment request.

Should the Planning Commission approve the minor amendment request the submitted site plan meets all applicable height and setback limitations. Access to the site is provided from two emergency only access points along the southern border of the residential development shared with the commercial development to the south and one main access point to the residential development from South Sheridan Road. The City of Tulsa Fire Marshall and Traffic Engineering have signed off in approval of the access points and gates.

Staff recommends APPROVAL of the detail site plan for the masonry wall, gates, and entry features located on Lots 1, 2, and 3, Block 2 and Lots 1 and 2, Block 5 – Crestwood Village.

(Note: Detail site plan approval does not constitute landscape and/or sign plan approval.)
Entry Feature Construction Documents
July 20, 2009

City of Tulsa
Metropolitan Area Planning Commission
Williams Tower II, Suite 800
Two West Second Street
Tulsa, Oklahoma 74103

Re: Case Number CZ-400

The Planning & Research Division of the Oklahoma Department of Transportation has reviewed the proposed change of zoning classification of property located at the northeast corner of N. Harvard Avenue and E. 61st N. Please be advised that any new or modified access to US HWY 75 will require the approval of the ODOT Division 8 Engineer. For information concerning access and permits, please have the applicant contact the following:

Mr. Randle White, P.E., Division Engineer
Oklahoma Department of Transportation
P.O Box 660
Tulsa, Oklahoma 74101
918-838-9933
918-832-9074 FAX

Please be advised that it is the local responsibility to prevent any land use development along highway corridors which would be incompatible with federal noise standards. Failure to properly control development excludes the use of federal transportation funds for noise abatement relief.

We appreciate the opportunity to review and comment on this proposed action.

Sincerely,

Ginger McGovern, P.E.
Planning & Research Division Manager

GM:DCB

c: Division 8 Engineer

"The mission of the Oklahoma Department of Transportation is to provide a safe, economical, and effective transportation network for the people, commerce and communities of Oklahoma."

AN EQUAL OPPORTUNITY EMPLOYER
APPLICATION: CZ-400

TRS 0304  Atlas 0
CZM 22  PD- County

TMAPC Hearing Date: August 5, 2009

Applicant: TMAPC  Tract Size: 19.6+ acres

ADDRESS/GENERAL LOCATION: North of northeast corner of North Harvard Avenue and East 61st Street North

EXISTING ZONING: AG/IM  EXISTING USE: Vacant

ZONING ORDINANCE: Resolution number 98254, dated September 15, 1980, establishes zoning for the subject property.

PROPOSED ZONING: FD  PROPOSED USE: Floodway

RELEVANT ZONING HISTORY:
CZ-298 March 2002: All concurred in approval of a request for rezoning a 19+ acre tract of land from AG to IL for light industrial use on property located on the northwest corner of East 66th Street North and North Yale Avenue.

CZ-277 January 2001: All concurred in approval of a request to rezone the south five acres of the subject property located on the northwest corner of East 66th Street and North Yale Drive, from AG to IM. No resolution was published and the tract remains AG-zoned.

CZ-269 September 2000: All concurred in approval of a request to rezone a 17-acre tract located west of the northwest corner of East 66th Street North and North Yale Drive and fronting East 66th Street and U. S. Highway 75 North from AG to IM for a proposed office and warehouse.

CZ-257 November 1999: All concurred in approval of a request for rezoning a 56.3+ acre tract of land from AG to IM for industrial use, on property located on the west side of North Yale Drive between East 66th Street North and East 76th Street North.

CZ-217 October 1994: All concurred in approval of a request to rezone a 988+ acre tract located on the east side of North Yale Avenue between East 61st Street North and East 76th Street North, from IL to IM, less a 200’ strip along East 76th Street, a 150’ strip along North Yale Avenue, and eight acres of Amoco property, all of which remained in IL zoning.

CBOA-204 June 18, 1932: The Board of Adjustment approved a Special Exception to allow a sanitary landfill in an AG District, subject to the Tulsa City-County Health Department regulations, subject to the County Engineer's requirements, for a period of three years, on property located at the northeast corner of East 56th Street North and North Harvard Avenue and abutting south of subject property. On June 24, 1983 the application was brought back before the Board to consider and define the previous conditions of approval. After discussion and agreement that the applicant had three years to gain meet those guidelines, the Board
took action stating the applicant does not have approval of a sanitary landfill until Health Department approval is granted (whether by county or state), and to Deny the Building Inspector's request to rescind the special exception action on Case No. 204.

**AREA DESCRIPTION:**
SITE ANALYSIS: The subject property is approximately 19.6+ acres in size and is located Northeast corner of North Harvard Avenue and East 61st Street North. The property appears to be vacant and is zoned AG. The site is located entirely within the Bird Creek and Flat Rock Creek floodplains (regulatory floodways).

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<td>North Harvard Avenue</td>
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**UTILITIES:** The subject tract has no municipal water and sewer available.

**SURROUNDING AREA:** The subject tract is abutted on the east by apparently vacant land, zoned IM and AG; on the north by U.S. 75, zoned AG; on the south by a landfill, zoned AG; and on the west by U.S. 75, zoned AG and vacant land, also zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**
This area is not currently encompassed within any District Plan, nor is it within the North Tulsa County Plan. According to the Regulatory Floodplain Map Atlas, the property lies within two regulatory floodplains, which designation allows very limited use and virtually no development.

**STAFF RECOMMENDATION:**
The site's location entirely within the two regulatory floodplains makes it unsuitable for most types of development as a matter of public safety. Therefore, staff recommends APPROVAL of FD zoning for CZ-40C.

08/05/09
TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT

APPLICATION: CZ-400

TRS 0304  
CZM 22  

ATLAS 0  
PD-  County  

(Continued from 6/3/09, 6/17/09)

TMAPC Hearing Date: August 5, 2009
Applicant: John W. Moody

Tract Size: 19.6± acres

ADDRESS/GENERAL LOCATION: North of northeast corner of North Harvard Avenue and East 61st Street North

EXISTING ZONING: AG/IM  
EXISTING USE: Vacant

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

PROPOSED ZONING: IM  
PROPOSED USE: Industrial

RELEVANT ZONING HISTORY:

CZ-298 March 2002: All concurred in approval of a request for rezoning a 19± acre tract of land from AG to IM for light industrial use on property located on the northwest corner of East 66th Street North and North Yale Avenue.

CZ-277 January 2001: All concurred in approval of a request to rezone the south five acres of the subject property located on the northwest corner of East 66th Street and North Yale Drive, from AG to IM. No resolution was published and the tract remains AG-zoned.

CZ-269 September 2000: All concurred in approval of a request to rezone a 17-acre tract located west of the northwest corner of East 66th Street North and North Yale Drive and fronting East 66th Street and U. S. Highway 75 North from AG to IM for a proposed office and warehouse.

CZ-257 November 1999: All concurred in approval of a request for rezoning a 56.3± acre tract of land from AG to IM for industrial use, on property located on the west side of North Yale Drive between East 66th Street North and East 76th Street North.

CZ-217 October 1994: All concurred in approval of a request to rezone a 988± acre tract located on the east side of North Yale Avenue between East 61st Street North and East 76th Street North, from IL to IM, less a 200′ strip along East 76th Street, a 150′ strip along North Yale Avenue, and eight acres of Amoco property, all of which remained in IL zoning.

CBOA-204 June 18, 1982: The Board of Adjustment approved a Special Exception to allow a sanitary landfill in an AG District, subject to the Tulsa City-County Health Department regulations, subject to the County Engineer’s requirements, for a period of three years, on property located at the northeast corner of East 56th Street North and North Harvard Avenue and abutting south of subject property. On June 24, 1983 the application was brought back before the Board to consider and define the previous conditions of approval. After discussion...
and agreement that the applicant had three years to gain meet those guidelines, the Board took action stating the applicant does not have approval of a sanitary landfill until Heath Department approval is granted (whether by county or state), and to Deny the Building Inspector's request to rescind the special exception action on Case No. 204.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 19.6± acres in size and is located Northeast corner of North Harvard Avenue and East 61st Street North. The property appears to be vacant and is zoned AG. The site is located entirely within the Bird Creek and Flat Rock Creek floodplains (regulatory floodways).

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UTILITIES: The subject tract has no municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by apparently vacant land, zoned IM and AG; on the north by U.S. 75, zoned AG; on the south by a landfill, zoned AG; and on the west by U.S. 75, zoned AG and vacant land, also zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: This area is not currently encompassed within any District Plan, nor the North Tulsa County Plan. According to the Metropolitan Development Guidelines, an adopted part of the Comprehensive Plan for the Tulsa Metropolitan Area, this site does not qualify as any type of Medium Intensity node. Therefore, without any existing means of access, the area would qualify as Low Intensity-No Specific land use, and the requested IM zoning would NOT be in accord with the Comprehensive Plan.

STAFF RECOMMENDATION: This site has no frontage on an arterial, as is required under Industrial zoning. It does have some frontage on U.S. 75, but no means of access from it. Moreover, any access from North Harvard is minimal. The site's location entirely within two regulatory floodplains makes it unsuitable for the type of zoning the applicant is requesting. For these reasons, staff cannot support the requested IM zoning and therefore recommends DENIAL of IM zoning on CZ-400.

08-05-09
There were no interested parties wishing to speak.

TMAPC Action; 9 members present:
On MOTION of CARNES, TMAPC voted 8-1-0 (Cantrell, Carnes, Leighty, Liotta, Marshall, Midget, Shivel, Walker "aye"; Wright "nay"; none "abstaining"; Dix, McArtor "absent") to recommend APPROVAL of PUD-770 per staff recommendation, subject to Loballop pine trees, no less than six feet in height at the time of planting, being placed along the eastern boundary line spaced twenty feet (20') apart as modified by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-770:
Lots 1, 2, 3 and the west 20' of Lots 18, 19, and 20, Block 1, Sunrise Terrace Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

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

Mr. Dix in at 2:10 p.m.

23. **CZ-400 -- John W. Moody**

North of northeast corner of North Harvard Avenue and East 61st Street North (Continued from 6/17/09.)

AG/IM to IM (County)

STAFF RECOMMENDATION:

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

PROPOSED ZONING: IM

PROPOSED USE: Industrial

RELEVANT ZONING HISTORY:

CZ-298 March 2002: All concurred in approval of a request for rezoning a 19± acre tract of land from AG to II. for light industrial use on property located on the northwest corner of East 66th Street North and North Yale Avenue.

CZ-277 January 2001: All concurred in approval of a request to rezone the south five acres of the subject property located on the northwest corner of East 66th Street and North Yale Drive, from AG to IM. No resolution was published and the tract remains AG-zoned.
CZ-269 September 2000: All concurred in approval of a request to rezone a 17-acre tract located west of the northwest corner of East 66th Street North and North Yale Drive and fronting East 66th Street and U. S. Highway 75 North from AG to IM for a proposed office and warehouse.

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CBOA-204 June 18, 1982: The Board of Adjustment approved a Special Exception to allow a sanitary landfill in an AG District, subject to the Tulsa City-County Health Department regulations, subject to the County Engineer’s requirements, for a period of three years, on property located at the northeast corner of East 56th Street North and North Harvard Avenue and abutting south of subject property. On June 24, 1983 the application was brought back before the Board to consider and define the previous conditions of approval. After discussion and agreement that the applicant had three years to gain meet those guidelines, the Board took action stating the applicant does not have approval of a sanitary landfill until Health Department approval is granted (whether by county or state), and to Deny the Building Inspector’s request to rescind the special exception action on Case No. 204.

AREA DESCRIPTION:
SITE ANALYSIS: The subject property is approximately 19.6± acres in size and is located Northeast corner of North Harvard Avenue and East 61st Street North. The property appears to be vacant and is zoned AG. The site is located entirely within the Bird Creek and Flat Rock Creek floodplains (regulatory floodways).

STREETS:

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UTILITIES: The subject tract has no municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by apparently vacant land, zoned IM and AG; on the north by U.S. 75, zoned AG; on the south by a landfill, zoned AG; and on the west by U.S. 75, zoned AG and vacant land, also zoned AG.
RELATIONSHIP TO THE COMPREHENSIVE PLAN:
This area is not currently encompassed within any District Plan, nor the North Tulsa County Plan. According to the Metropolitan Development Guidelines, an adopted part of the Comprehensive Plan for the Tulsa Metropolitan Area, this site does not qualify as any type of Medium Intensity node. Therefore, without any existing means of access, the area would qualify as Low Intensity-No Specific land use, and the requested IM zoning would NOT be in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:
This site has no frontage on an arterial, as is required under Industrial zoning. It does have some frontage on U.S. 75, but no means of access from it. Moreover, any access from North Harvard is minimal. The site's location entirely within two regulatory floodways makes it unsuitable for the type of zoning the applicant is requesting. For these reasons, staff cannot support the requested IM zoning and therefore recommends DENIAL of IM zoning on CZ-400.

Ms. Matthews explained that after a discussion with the applicant and his attorney it was discovered that the subject property is in an area that is within a flood zone, but it is also in two regulatory floodways. The applicant is going to ask the Planning Commission to withdraw this application and request that the Planning Commission to initiate rezoning the subject property to FD. The subject property is within the County and the County has a FD district and the earliest staff could give notice for this would be for a public hearing on August 5, 2009. Staff is recommending that the Planning Commission direct staff to initiate the rezoning to FD.

TMAPC COMMENTS:
In response to Ms. Cantrell, Ms. Matthews explained that the applicant is willing to withdraw his application if the Planning Commission is willing to rezone the subject property to FD. Staff, at this point, is willing to recommend FD zoning for the subject property.

Ms. Wright asked what FD zoning stands for. In response, Ms. Matthews stated that it is for flood district and is in the County Zoning Code book, Chapter 10.

Mr. Leighty asked why the applicant is asking for this rezoning. Ms. Matthews stated that the applicant didn’t realize that they were in two regulatory floodways. The applicant would like to have it reflected adequately what the propensities of the property are and for public protection. The idea is to not build within the floodways and not to allow concentrations of sensitive populations be there.
Applicant's Comments:
John Moody, 5610 E. 76th St, 74136, representing Jean and Brent Hendricks, owners of the subject property, stated that he originally requested industrial zoning because all of the subject area is zoned industrially. The subject area has been a landfill for many years. His client's father and family has owned the subject property and sold it off at various times, and his client has inherited the only remaining piece. His client was trying to determine how the subject property might be used and didn't know the full extent of the floodplain problems until the application was filed. After the continuance he met with staff and Ray Jordan, County Engineer, and learned that the subject property is actually in two floodplains and it restricts the development of the property. This doesn't leave his client much of anything to do or give them any certainty of what can be done with the subject property. After discussion with staff and the County Engineer his client decided to ask the Planning Commission to initiate the subject property to FD. Construction would be limited to only things that would not impact the capacity to carry the floodwater. Those uses that could be approved by the Board of Adjustment are limited to things such as cell phone towers, mobile towers, outdoor advertising signs and things of that nature. The only thing that makes sense is to rezone the subject property to FD and it is the most restrictive.

Mr. Moody suggested that they continue the IM application until hearing the outcome of the FD rezoning application. He will withdraw the IM application if the FD zoning is approved.

TMAPC Comments:
Mr. Leighty asked how much this would cost and where the funds would come from if the Planning Commission initiates the rezoning. Ms. Matthews stated that the applicant spent $1,700.00 for the IM application. The Planning Commission would have to pay basically the same for notification. Ms. Matthews explained that she suggested to the County that they might want to look at a larger area for FD zoning, but they are not ready to make that decision at this point.

Mr. Moody stated that the cost should be less, because his cost involved the application fees that have to be paid to the staff and so forth. The advertising and notification costs are less than that $1,700.00 and probably cost more around $400.00 to $500.00.

Interested Parties Comments:
Lou Reynolds, 2727 East 21st Street, Suite 200, 74114, representing several property owners in the subject area, stated that his clients have no problem with the withdrawal.

Charles Sissler, 2525 East 66th Street North, 74130, asked why the applicant doesn't keep the subject property zoned AG. What would be the advantage of having the FD zoning?
Ms. Cantrell suggested that Mr. Sissler contact the applicant and discuss the restrictions that go along with FD zoning.

Ms. Matthews stated that the applicant paid approximately $440.00 notification fees and that would be the approximate cost for a new notice for FD zoning.

C.J. Bryson, 3404 East 66th Street North, 74117, representing herself and her mother, 3405 East 66th Street North, 74117, asked how she could find out what FD zoning means so that she would know whether to be for or against it. She expressed concerns regarding the money being spent to beautify downtown Tulsa and Highway 75 is the main thoroughfare from the north to downtown Tulsa and motorist already see a giant dump. She expressed that the subject application would bring more eyesores to the subject area.

Ms. Cantrell suggested that Ms. Bryson talk with staff for the information she is seeking.

Ms. Wright stated that the Planning Commission really needs to look at the worst-case scenario that could happen under FD zoning as contrasted with AG zoning. In response, Mr. Boulden agreed. Ms. Wright asked if a continuance for this would be a wise idea. Mr. Boulden stated that he would have to leave that up to the Planning Commission. He explained that this is in the County and the City of Tulsa does not have FD zoning.

Mr. Moody stated the FD zoning is extremely restrictive and the subject property is in the actual floodway. This means that his client can't do anything with the subject property. It will open-space with the exception of any structure that can be approved by the County Engineer as having no impact at all on either raising floodplain elevations or restriction of the flow of water. This limits it to such things as a cell phone tower. FD zoning prohibits any use except agricultural and flood channel improvements.

Mr. Moody stated that soccer fields can be utilized in areas like this, but the soccer buildings used for storage have to be out of the floodway and elevated. It could be used for park use or open-space activities.

Ms. Wright asked if FD-zoned property is typically owned by individuals. In response, Mr. Moody stated that it is. The County and the City of Tulsa use regulations to govern what can happen in those areas. In certain instances where they have the funds and where actual improvements are needed, then through Federal Government funding the government entity will acquire properties to make those improvements. Mr. Moody explained that regulations are used to not "take the property", but severely limit its use to accomplish that purpose.
Mr. Alberty explained to the Planning Commission that the rezoning to FD is the staff's recommendation. In the past the City or County didn't actually go out and rezone property unless they came in for rezoning and what was within the FD area they zoned FD. This is the appropriate zoning for the subject property and the only reason the Planning Commission is hearing it today is because the subject application is 100% in the floodway. The floodway is distinguished from the floodplain is because the floodway is actually the area necessary to carry the water for the 100-year event. This is the only appropriate zoning for the subject property. The FD zoning is more restrictive than anything else that could be placed on it. There are some options through the Board of Adjustment, but basically if one is not farming on the property, then there is nothing else that can be done.

Mr. Alberty indicated that the applicant would like continue CZ-400 to August 5, 2009 and instruct staff to advertise for the FD zoning. The applicant would like to keep his opportunity to argue for IM if the subject property is not zoned FD.

TMAPC Action; 10 members present:
On MOTION of WRIGHT, TMAPC voted 10-0-0 (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; McAstor "absent") to CONTINUE the CZ-400 to August 5, 2009 and direct staff to prepare a notice for a public hearing to rezone the subject property to FD zoning.

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

25. Z-7135 -- Richard E. Comfort
South of southeast corner of South Peoria Avenue and East 55th Street

RS-3 to OL

(PD-18) (CD-9)

STAFF RECOMMENDATION:

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

PROPOSED ZONING: OL

PROPOSED USE: Attorney office

RELEVANT ZONING HISTORY:

Z-6813/PUD-652 August 2001: All concurred in approval of a request for rezoning and a proposed Planned Unit Development on a .872± acre tract of land from OL to CS/PUD for a retail development as included within Use Unit 14, but excluding pawnshop, on property located on the northeast corner of South Peoria Avenue and East 55th Place and abutting south of subject property. The Family Dollar Store is the business that exists now.
June 4, 2009

3405 E. 66th St. N.
Tulsa, OK 74117

Tulsa Metropolitan Planning Commission
C/O INCOG
Williams Tower II
2 West 2nd St. Suite 800
Tulsa, Ok. 74103

Dear Members of the Commission:

I am a property owner on the West side of H/W 75 adjacent to the property that involves Case # CZ-400.

I would like to go on record against this rezoning from AG to IM.

There is no access to this property without infringing upon the property of someone else.

I do not want another dump of any description so visible to traffic on H/W 75. Neither the sight nor odor of such a facility is beneficial to the community or to my property, not to mention the potential harm that could be inflicted upon the surrounding property in the event of flooding. A dump in a flood zone is really a very ignorant, short sited course to take.

Sincerely,

[Signature]

Elizabeth H. Bryson
This map is for informational purposes only and is not guaranteed as an accurate and true-scale representation of the depicted features and installations, and does not represent survey-grade data. Use of this map is without warranty or representation by Tulsa County or any affiliated party. All features and installations shown must be confirmed. It is the responsibility of the user to verify existence of items depicted on this map.
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TULSA METROPOLITAN AREA PLANNING COMMISSION  
CASE REPORT

APPLICATION: Z-7138

TRS 9329  
CZM 47  

Atlas 470  
PD-6 CD-9

TMAPC Hearing Date: August 5, 2009

Applicant: Tim Terral, TEP  
Tract Size: 1250± square feet

ADDRESS/GENERAL LOCATION: West of southwest corner of East 49th Street and South Harvard Avenue

EXISTING ZONING: RS-3  
EXISTING USE: Vacant

PROPOSED ZONING: PK  
PROPOSED USE: Parking and access

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

RELEVANT ZONING HISTORY: Z-5412 February 1981: A request for rezoning a 7.5± acre tract of land from RS-3/RM-1/CS to CG/CH/PUD (PUD-233) or CO with the intent to expand the existing motel, on property located on the southwest corner of South Harvard Avenue and East 49th Street and abutting south of the subject property. Staff recommended that Corridor was the best zoning for the area and all others concurred and approved for CO zoning less the north 10 feet and PK zoning on Lots 1, 2, and 3 Block 1, Trade Winds; less the north 10 feet.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1250± square feet in size and is located west of the southwest corner of East 49th Street and South Harvard Avenue. The property appears to be vacant and is zoned RS-3. It is a long, narrow strip of land that the property of the hotel to the south (the owner is the same person is the owner of subject property) needs for access and parking. The widening of I-44 and improvements to the Harvard intersection has made this necessary.

STREETS:

Exist. Access  

East 49th Street

MSHP Design  

N/A

MSHP R/W  

N/A

Exist. # Lanes

2

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant (cleared) land and an Oriental museum, zoned RM-1; on the north by apartments, zoned RM-2; on the south by a parking lot, zoned PK, in conjunction with a hotel, zoned CO; and on the west by vacant land, zoned RS-3.
RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-Residential land use, adjacent to Medium Intensity-Residential land use to the east. According to the Zoning Matrix, the requested PK zoning may be found in accord with the Plan.

STAFF RECOMMENDATION:
Based on recent developments in the area, including the widening of the expressway, related intersection improvements and property clearance, staff can support the requested rezoning. If approved, this will allow the property owner of the hotel and guest's access off of East 49th Street, as access was formerly off of South Harvard, but the intersection improvements have precluded that. If not approved, hotel customers will be forced to access the hotel via a circuitous route through adjacent neighborhoods. Therefore, staff recommends APPROVAL of PK zoning for Z-7138.

08/05/09
TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT

APPLICATION: Z-7139

TRS 8406
CZM 54

TMAPC Hearing Date: August 5, 2009

Applicant: David Bodee, PE

Tract Size: 1.17± acres

ADDRESS/GENERAL LOCATION: Northeast corner of South Mingo Road and East 63rd Street

EXISTING ZONING: RS-3
EXISTING USE: Residential

PROPOSED ZONING: CO
PROPOSED USE: Metro Builders –Outdoor business

ZONING ORDINANCE: Ordinance number 11830 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:
Z-7080 January 2008: A request was made to rezone a 4.7± acre tract of land from CO to OM. All concurred in denial of the OM and approval of OL for Public school play fields, on property located at the southeast corner of East 62nd Street and South Mingo Road and north of subject property.

Z-7035 September 2007: All concurred in approval of a request for rezoning a 2± acre tract of land from RS-3 to CS for retail sales, on property located south of southeast corner of South Mingo Road and East 61st Street.

Z-7061 August 2007: All concurred in approval of a request for rezoning a .87± acre tract of land from RS-3 to OL for office use, on property located on the southeast corner of East 63rd Street and South Mingo Road.

Z-6882 March 2003: All concurred in approval of a request for rezoning a 2.9± acre tract of land from OL to CO for church athletic fields, on property located south of southeast corner of East 63rd Street and South Mingo Road.

Z-5903-SP-4 March 2003: All concurred in approval of a proposed Corridor Site Plan on 6.3± acre tract for church athletic fields, on property located south of southeast corner of East 63rd Street and South Mingo Road.

Z-5903-SP-3 November 2002: All concurred in approval of a proposed Corridor Site Plan on 1.1± acre tract for a two-story office building, on property located southeast of southeast corner of East 63rd Street and South Mingo Road.

Z-6840/PUD-656 November 2001: A request to rezone a 2.37± acre tract from CO to IL/PUD on property located south of southeast corner of East 61st Street South and South Mingo Road and abutting north of subject property, for uses permitted by right and exception in an IL district excluding Use Unit 12A. Staff recommended denial of IL zoning and for the PUD but
the TMAPC recommended approval per modifications. The City Council approved the rezoning and PUD per modifications.

**Z-5903-SP-1 February 1989:** All concurred in approval of a request for rezoning a 3.24+ acre tract of land for a softball and baseball hitting arena and building for video games, concessions, control area for batting machines and restrooms with conditions that no lights shall be placed in the north 150' of the east 200' and all lights in east half of property shall be turned off by 11pm; limit to one-story height of any structure; and no gravel for parking area on property located on the southeast corner of East 62nd Street South and South Mingo Road.

**Z-5903-SP-2 April 1995:** All concurred in approval of a proposed Corridor Site Plan on 6.3+ acre tract for Miller Swim School, on property located south of southeast corner of East 63rd Street and South Mingo Road.

**Z-5903-SP-1 April 1995:** All concurred in approval of a proposed Corridor Site Plan on 3.25+ acre tract for indoor and outdoor skating rinks, on property located south of southeast corner of East 63rd Street and South Mingo Road.

**Z-6254/Z-6254-SP-1 September 1989:** All concurred in approval of rezoning a .4-acre lot located on the northeast corner of East 63rd Street South and South Mingo Road from RS-3 to CO and approval was also granted on a detail corridor site plan, Z-6254-SP-1 on the property for a small appliance business in the existing building.

**Z-6044 June 1985:** All concurred in approval a request for rezoning a .6+ acre tract of land from RS-3 to CO for mixed use on property located south of southeast corner of South Mingo Road and East 62nd Street South. No corridor site plan was ever approved for the property.

**AREA DESCRIPTION:**
**SITE ANALYSIS:** The subject property is approximately 1.17+ acres in size and is located east of the northeast corner of South Mingo Road and East 63rd Street. The property appears to be used residentially and is zoned RS-3.

**STREETS:**

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>East 63rd Street</td>
<td>N/A</td>
<td>N/A</td>
<td>2 (barely; no curbs/gutters and narrow roadway, consistent with older residential development)</td>
</tr>
</tbody>
</table>

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

**SURROUNDING AREA:** The subject tract is abutted on the east by scattered large-lot single-family residential uses, zoned RS-3; on the north by an industrial/office use, zoned OL/PUD-656; on the south by large-lot single-family residential uses, zoned RS-3; and on the west by a vacant lot, zoned OL (northern lot) and an apparently vacant lot and a mixed use, zoned CO (southern lot).
RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within a Corridor and if not developed to that intensity, Low Intensity-No Specific land use. According to the Zoning Matrix, the requested CO zoning is in accord with the Plan.

STAFF RECOMMENDATION:
Based on the Comprehensive Plan and trends in the area, staff can support the requested CO zoning and recommends APPROVAL of CO zoning for Z-7039.

08/05/09
TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT

APPLICATION: PUD-648-B/Z-6001-SP-3

TRS 8202
CZM 51

Atlas 1012
PD-8 CD-2

TMAPC Hearing Date: August 5, 2009

Applicant: Roy D. Johnsen
Tract Size: 7.16± acres
311,889± sf
53± acres (entire PUD)

ADDRESS/GENERAL LOCATION:
Northeast corner of Highway 75 South and West 71st Street S.

EXISTING ZONING: CO/PUD-648-A
EXISTING USE: Office/vacant

PROPOSED ZONING: CO/PUD-648-B
PROPOSED USE: Amend permitted uses, add 2 Development Areas, and reallocate/increase floor area

ZONING ORDINANCE: Ordinance number 22058 dated May 22, 2009, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7130 May 2009: All concurred in approval of a request for rezoning a 2.29± acre tract of land from AG to CS for commercial uses on property located at the northwest corner of Highway 75 South and West 71st Street.

Z-7122/PUD-768 February 2009: All concurred in approval of a request for rezoning a 6.39± acre tract of land from AG to OL/CS and a proposed Planned Unit Development for mixed use development including retail/office/hotel on property located east of the northeast corner of Highway 75 South and West 71st Street.

Z-7119 December 2008: A request was made, for rezoning a 2.3± acre tract of land from AG to CS for CS uses and outdoor advertising sign, on property located on the northwest corner of West 71st Street and Highway 75 South. The applicant withdrew the application prior to meeting date.

Z-6001-SP-2/PUD-648-A June 2007: All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with six development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner o' West 71st Street South and Highway 75 South.
Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006: All concurred in approval of a Corridor Site Plan on 176+ acres to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio, on property located east of US Highway 75 between West 71st and West 81st Streets.

Z-6001-SP-1/PUD-648 May 2001: A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56 acre parcel located on the northeast corner of West 71st Street and U. S. High 75 South. The original CO zoning for this parcel had been approved in 1984 from AG to CO.

Z-6589 May 1997: A request to rezone a 5.8+ acre tract of land from AG to CS was approved for CS to a depth of 660’ south from the center of the section line on West 71st Street South, with the balance of the tract to remain AG on property located south of the southwest corner of West 71st Street and U. S. Highway 75 South.

Z-6468 January 1995: All concurred in approval of a request to rezone a 5+ acre tract from AG to CS on property located on the southwest corner of West 71st Street and U. S. Highway 75 South.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 53+ acres in size, is located Northeast corner of Highway 75 South and West 71st Street and has a general slope from west to east. The property is partially developed with office uses, including the Tulsa Spine Hospital and is zoned CO/PUD-648-A.

STREETS:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>West 71st Street South</td>
<td>Primary Arterial</td>
<td>120’</td>
<td>Four</td>
</tr>
<tr>
<td>South Olympia Avenue</td>
<td>Commercial Collector</td>
<td>80’</td>
<td>Two</td>
</tr>
</tbody>
</table>

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land zoned AG and RS-3, two developed large lots zoned RS-3 and OL/CS/PUD zoned property; on the north by vacant land zoned AG; on the west by U.S. Highway 75; and on the south by West 71st Street and then CO zoned property.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being part of the Turkey Mountain Special District, Corridor area. According to the Zoning Matrix, the requested PUD major amendment may be found in accord with the Plan by virtue of the subject site's location within a Special District. In May of 2001 the TMAPC found the existing CO zoning to be in accord with the plan.
STAFF RECOMMENDATION:

PUD-648/Corridor District Site Plan Z-6001-SP-1 is a 53 (+/-) acre tract located at the northeast corner of West 71st Street South and U.S. Highway 75. The property which is the subject of this major amendment, designated as PUD-648-B and Corridor District Site Plan Z-6001-SP-3, consists of approximately 7.16 net acres of the initial 55 acres of PUD-648 (refer to attached case map and aerial photographs).

As stated above the subject tract is abutted on the east by unplatted vacant land zoned AG and RS-3. The tract is also boarded on the east by platted RS-3 zoned land – Cates Addition and CS/OL/PUD-768 zoned property; on the north by unplatted vacant land zoned AG; on the west by U.S. Highway 75; and on the south by West 71st Street South and then the Tulsa Hills Regional Shopping Center, zoned CO (see attached zoning case map).

The applicant contends the result of the increase in commercial activity in the area generated by Tulsa Hills, is the demand for commercial lots fronting 71st Street rather than lots dedicated to office uses (see attached Exhibit A). In response to this demand the applicant is proposing to convert two former storm water detention reserves, originally platted as Reserve Areas A and D, into lots dedicated to commercial development. The conversion of these lots from stormwater detention to developable lots has received the approval of the City of Tulsa Stormwater Management per the Technical Advisory Committee (TAC) comments below which read; “This is an approved privately funded public improvement project (PFPI) to eliminate the two detention areas in question, and to transfer stormwater intended for these detention areas to the larger ‘Reserve Area B’ which has the capacity to handle this transfer.

The purpose of this major amendment is to:

- Establish permitted uses within these areas;

- Allocate floor area to the new development areas;

- Establish and set forth bulk and area requirements for former Reserve Areas and to include them within Phase I development;

- To reallocate floor area from Development Area E to Development Areas A and D; and

- To add Use Unit #13, Convenience Goods and Services, to the permitted uses of Tract 2C, Block 1, Olympia Medical Park II and Development Area E (see Exhibit B).

Referring to Exhibit C, Reserve Areas A and D would now be Tract A and Tract D and will remain in Development Area A. The two tracts are intended for retail and/or office uses. To the two new tracts, 20,000 square feet of floor area is proposed for allocation. The 40,000 sf of floor area dedicated to these tracts comes from a reallocation of 10,000 square feet from Lot 1, Block 2, Olympia Medical Park II in Development Area E.
and 30,000 square feet from a proposed increase in aggregate floor area for the overall development. The underlying CO zoning would allow 3,039,077.5 square feet of floor area at a 1.25 floor-to-area ratio (FAR). Given that, proposed increase in aggregate floor area from 823,800 square feet (.34 FAR) to 853,800 square feet (.35 FAR) is viewed by staff as a modest increase in floor area (3%) (see Exhibit D).

Part of the approval of PUD-648-A included a requirement that once Phase I of Olympia Medical Park reached a floor area of 315,000 sf, a review of the intersection of West 71st Street and Olympia Avenue would be done to investigate the necessity for improvements to the intersection due to increased traffic. This Phase I requirement will remain in effect in spite of the fact that an additional 30,000 sf of floor area is being added to Phase I.

Staff has reviewed the development proposal and can support the application. Particularly since the City of Tulsa Stormwater Management team has determined that the extra stormwater run-off generated by the elimination of the two small detention ponds can be handled by the remaining detention area within the Olympia Medical Park.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-648-B/Corridor District Plan Z-6001-SP-3 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 and CO Chapters of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-648-B/Z-6001-SP-3 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:

**DEVELOPMENT AREA A – Tract A**

**Permitted Uses:**

Uses included within Use Unit 11.Office, Studios and Support Services including financial institutions with drive-thru facilities; hospitals, as provided within Use Unit 5. Community Services and Similar Uses; hotels and motels as provided within Use Unit 19. Hotel, Motel and Recreation Facilities; Uses included within Use Unit 12. Eating Establishments Other Than Drive-Ins, including restaurants with accessory bar; Uses included within Use Unit 13. Convenience Goods and Services; and those uses customary and accessory thereto.

**Maximum Building Floor Area:** 20,000 sf
Maximum Building Height: 65 feet.

Minimum Building Setbacks:
- From 71st Street right of way: 50 feet
- From centerline of Olympia: 65 feet
- From other boundaries: 10 feet

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

Minimum Landscaped Area: 10% of net lot area

* Except as modified above the development standards for PUD-648-A shall remain applicable.

DEVELOPMENT AREA A – Tract D*

Permitted Uses:

Uses included within Use Unit 11. Office, Studios and Support Services including financial institutions with drive-thru facilities; hospitals, as provided within Use Unit 5. Community Services and Similar Uses; hotels and motels as provided within Use Unit 19. Hotel, Motel and Recreation Facilities; Uses included within Use Unit 12. Eating Establishments Other Than Drive-Ins, including restaurants with accessory bar; Uses included within Use Unit 13. Convenience Goods and Services; and those uses customary and accessory thereto.

Maximum Building Floor Area: 20,000 sf

Maximum Building Height: 65 feet

Minimum Building Setbacks:

- From centerline of Olympia: 65 feet
- From east boundary: 77.5 feet
- From other boundaries: 10 feet

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

Minimum Landscaped Area: 10% of net lot area

* Except as modified above the development standards for PUD-648-A shall remain applicable.
DEVELOPMENT AREA E*

Permitted Uses:

Uses included within Use Unit 11. Office, Studios and Support Services including financial institutions with drive-thru facilities; hospitals, as provided within Use Unit 5. Community Services and Similar Uses; hotels and motels as provided within Use Unit 19. Hotel, Motel and Recreation Facilities; Uses included within Use Unit 12. Eating Establishments Other Than Drive-Ins, including restaurants with accessory bar; Uses included within Use Unit 13. Convenience Goods and Services; and those uses customary and accessory thereto.

Maximum Building Floor Area: 15,000 sf

* Except as modified above the development standards for PUD-648-A shall remain applicable.

DEVELOPMENT AREA D-TRACT 2-C*

Permitted Uses:

Uses included within Use Unit 11. Office, Studios and Support Services including financial institutions with drive-thru facilities; hospitals, as provided within Use Unit 5. Community Services and Similar Uses; hotels and motels as provided within Use Unit 19. Hotel, Motel and Recreation Facilities; Uses included within Use Unit 12. Eating Establishments Other Than Drive-Ins, including restaurants with accessory bar; Uses included within Use Unit 13. Convenience Goods and Services; and those uses customary and accessory thereto.

Maximum Building Floor Area: 35,000 sf

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 planned unit development and the City of Tulsa shall be a beneficiary thereof. Existing platting (Olympia Medical Park and Olympia Medical Park II) shall constitute the required platting of the properties therein located and covenants of record implementing these amendments shall be effectuated by separate instrument, submitted to and approved by the Tulsa Metropolitan Area Planning Commission and filed of record.
3. No building permit shall be issued for a lot within the PUD/Corridor Site Plan until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD/Corridor Site Plan development standards.

4. The minimum parking setbacks from the east boundary of the PUD shall be 75 feet.

5. Screening along the north and east boundaries of the PUD shall be determined by TMAPC at the time of Detail Site Plan Review.

6. Sidewalks shall be provided and/or maintained along the north side of West 71st Street South and along both sides of South Olympia Avenue. In addition, designated pedestrian access (i.e., paving or striping) shall be provided from West 71st Street South or South Olympia Avenue sidewalks to each building with frontage on that arterial or collector street.

7. Accommodation for transit buses is required, either through bus pullouts or other means (i.e., access through parking lots) which allow buses to load and unload and return south on South Olympia Avenue.

8. Within a development 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.

9. Parcelization within development areas is permitted subject to approval by the Tulsa Metropolitan Area Planning Commission of a minor amendment establishing floor area allocations and confirming the existence of any necessary cross parking and mutual access easements.

10. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed or will be installed within 30 days 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.

11. No sign permits shall be issued for erection of a sign on a lot within the PUD/Corridor Site Plan until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD/Corridor Site Plan development standards.

12. 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.

13. 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.
permit on that lot.

14. An owners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD/Corridor Site Plan.

15. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.

16. 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.

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

18. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.

19. Approval of the PUD/Corridor Site Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

20. 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/Corridor Site Plan except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD/Corridor Site Plan.

**TAC COMMENTS:**

**General:** No comments.

**Water:** Each lot must abut a water main.

**Fire:** No comments.

**Stormwater:** The is an approved privately funded public improvement project (PFPI) to eliminate the two detention areas in question, and to transfer stormwater intended for these detention areas to the larger 'Reserve Area B' which has the capacity to handle this transfer.

**Wastewater:** Access to Sanitary Sewer Service must be provided for all lots within the PUD.
Transportation: In the Development Standards add an Access and Pedestrian circulation saying sidewalks and handicap access will be provided for pedestrian circulation.

INCOG Transportation:

- MSHP: 71st Street between Union Avenue and Elwood Avenue is a designated Primary Arterial.
- LRTP: US-75, between 61st St. S. and 71st St. S., planned 6 lanes. 71st St. S., between Peoria Ave. and US-75, planned 6 lanes. Sidewalks should be constructed if non-existing or maintained if existing.
- TMP: No comment
- Transit: Currently, Tulsa Transit operates existing routes on 71st St. S. all the way to Union Ave. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

GIS: No comments.

Street Addressing: No comments.

08/05/09
### Existing/ Proposed Floor Area And Floor Area Ratio

**Existing - PUD 648-A:**

<table>
<thead>
<tr>
<th>Development Area</th>
<th>Gross Land Area</th>
<th>Permitted Floor Area</th>
<th>FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>365,054 SF</td>
<td>133,000 SF</td>
<td>.15</td>
</tr>
<tr>
<td>B</td>
<td>444,499 SF</td>
<td>210,000 SF</td>
<td>.47</td>
</tr>
<tr>
<td>C</td>
<td>323,482 SF</td>
<td>130,000 SF</td>
<td>.40</td>
</tr>
<tr>
<td>D</td>
<td>588,923 SF</td>
<td>280,500 SF</td>
<td>.48</td>
</tr>
<tr>
<td>E</td>
<td>90,657 SF</td>
<td>26,000 SF</td>
<td>.29</td>
</tr>
<tr>
<td>F</td>
<td>118,647 SF</td>
<td>44,300 SF</td>
<td>.37</td>
</tr>
<tr>
<td></td>
<td>2,431,262 SF</td>
<td>823,800 SF</td>
<td>.34</td>
</tr>
</tbody>
</table>

**Proposed - PUD 648-B:**

<table>
<thead>
<tr>
<th>Development Area</th>
<th>Gross Land Area</th>
<th>Permitted Floor Area</th>
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<tr>
<td>A</td>
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<td>444,499 SF</td>
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<tr>
<td>C</td>
<td>323,482 SF</td>
<td>130,000 SF</td>
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<tr>
<td></td>
<td>2,431,262 SF</td>
<td>853,800</td>
<td>.35</td>
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</tbody>
</table>

40,000 sf added to Development Area “A” (Reserve-A and Reserve-B).

11,000 sf reallocated from Development Area “E” to Development Areas “A” (10,000 sf) and “D” (1,000 sf).

Proposed overall increase in floor area per PUD 648-B: 30,000 sf

*Underlying zoning is CO, which permits a 1.25 floor area ratio, or 3,039,077.5 SF.*
**Existing**
**PHASE I**

**DEVELOPMENT AREA**

**ALLOCATED**
**FLOOR AREA**
**PER PUD 648-A**

**Development Area A**
Lot 3, Block 2, Olympia
Medical Park (existing
Spine Hospital and
Expansion)  133,000 SF

**Development Area D**
Lot 1, Block 1, Olympia
Medical Park II (existing
Office building)  56,000 SF
Lot 2, Block 1, Olympia
Medical Park II Tract 2B
(proposed hotel)  66,500 SF
Lot 2, Block 1, Olympia
Medical Park II Tract 2C  34,000 SF

**Development Area E**
Lot 1, Block 2, Olympia
Medical park II (office/
Commercial)  26,000 SF
315,500 SF

*Phase I development limited to 315,500 SF of floor area.*
### PHASE I

#### DEVELOPMENT AREA

<table>
<thead>
<tr>
<th>ALLOCATED FLOOR AREA PER PUD 648-B</th>
</tr>
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<tbody>
<tr>
<td><strong>Development Area A</strong></td>
</tr>
<tr>
<td>Lot 3, Block 2, Olympia Medical Park (existing Spine Hospital and Expansion)</td>
</tr>
<tr>
<td>Reserve A/ Tract A, Olympia Medical Park II</td>
</tr>
<tr>
<td>Reserve D/ Tract D, Olympia Medical Park II</td>
</tr>
<tr>
<td><strong>Development Area D</strong></td>
</tr>
<tr>
<td>Lot 1, Block 1, Olympia Medical Park II (existing Office building)</td>
</tr>
<tr>
<td>Lot 2, Block 1, Olympia Medical Park II Tract 2B (proposed hotel)</td>
</tr>
<tr>
<td>Lot 2, Block 1, Olympia Medical Park II Tract 2C</td>
</tr>
<tr>
<td><strong>Development Area E</strong></td>
</tr>
<tr>
<td>Lot 1, Block 2, Olympia Medical park II (office/ Commercial)</td>
</tr>
<tr>
<td><strong>Total Allocated Floor Area</strong></td>
</tr>
</tbody>
</table>

*Phase I development limited to 315,500 SF of floor area. Approval of site plans which cause development to exceed an aggregate of 315,500 square feet shall require determination of necessity of improvements to the intersection of South Olympia Avenue and West 71st Street South.*