TULSA METROPOLITAN AREA PLANNING COMMISSION
Meeting No. 2619
February 01, 2012, 1:30 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

REPORTS:

Chairman's Report:

Worksession Report:

Director's Report:

CONSENT AGENDA:

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

1. **LS-20484** - (Lot-Split) (County), Location: Southwest corner of North 88th East Avenue and East 137th Street North

2. **LS-20487** - (Lot-Split) (CD-4), Location: Southeast corner of South Yorktown Avenue and East 6th Street South

3. **LC-379** - (Lot-Combination) (CD-4), Location: Southwest corner of South Atlanta Avenue and East Admiral Boulevard

4. **LS-20488** - (Lot-Split) (CD-2), Location: Northwest corner of South Elwood Avenue and West 71st Street South

5. **PUD-648-A-5 – Gary Larsen/Olympia Medical Park/Tulsa Spine Hospital**, Location: North of the northeast corner of West 71st Street South and South Olympia Avenue, Requesting a **Minor Amendment** to permit additional ground signage and decrease the minimum 100-foot separation required between signs in a PUD, (CO/PUD), (CD-2)

6. **AC-112 – HRAOK/Barrick Rosenbaum/Kum-n-Go**, Location: Southeast corner of 21st Street South and South Sheridan Road, Requesting **Landscape Alternative Compliance** to permit the use of Crepe Myrtle trees/shrubs in required parking lot landscaped areas, (CHI), (CD-5)
7. **PUD-448-6 – Wallace O. Wozencraft/Planet Fitness**, Location: Northeast corner of 91st Street South and South Memorial Drive, Requesting a Minor Amendment to add health club use only within Use Unit 19 – Hotel, Motel and Recreation as a permitted use within PUD-448 to allow for the redevelopment of currently vacant retail space within the PUD, (RM-1/CS) (CD-7)

8. **AC-113 – PSA/Dewberry/Paul Hames/QuikTrip**, Location: Northwest corner of South Peoria Avenue and Interstate 44/Skelly Drive, Requesting Landscape Alternative Compliance for a new QuikTrip store, (CH) (CD-9)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

ZONING CODE AND FORM-BASED CODE PUBLIC HEARING

9. Proposed Amendments to the Tulsa Revised Ordinances, Title 42 and Title 42-B, the Zoning Code and Form-Based Code of the City of Tulsa (Public Comment portion has been closed and is now in review only)

PUBLIC HEARINGS:

10. **PUD-397-B-1 – Andrew A. Shank/61 MM, LTD**, Location: Southwest corner of East 61st Street and South 91st East Avenue, Requesting a Minor Amendment, (CD-7) (Continued from 12/21/2011 and 1/18/2012) (Staff is requesting a continuance to 2/15/2012; this case was continued by the BOA to 2/14/2012)

11. **Z-7193 – Luke Wright**, Location: 4782 East Admiral Place, Requesting rezoning from CH to IH, (CD-4) (Applicant is requesting a continuance to 2/15/2012, this case has to go before the BOA for clarification on 2/14/2012)

12. **Inpatient Hospice Midtown – (9323)** Preliminary Plat, Location: West of Interstate 44, south of East 31st Street South (CD 5)

13. **CBOA-2408 – Plat Waiver**, Location: 7250 West 50th Street South, North of West 51st Street, East of West 73rd West Avenue (County) (Continued from 1/18/2012)

14. **Z-7190 – Sajid S. Salimi**, Location: South of southwest corner of South 33rd West Avenue and West Skelly Drive, Requesting rezoning from RS-3 to CS, (CD-2) (Continued from 1/4/2012)

15. **PUD-313-9 – Kenney Russell**, Location: South of the southwest corner of West 61st Street South and South 28th Avenue West, Requesting a Minor Amendment to increase the permitted coverage for a driveway in the required front yard, (RT/RS-3) (CD-2) (Continued from 1/18/2012)

16. **PUD-313-10 – Kenney Russell**, Location: South of the southwest corner of West 61st Street South and South 28th Avenue West, Requesting a Minor Amendment to increase
the permitted coverage for a driveway in the required front yard of an RS-3/PUD zoned lot per the attached plan, (RT/RS-3) (CD-2) (Continued from 1/18/2012)

OTHER BUSINESS

17. Commissioners' Comments

ADJOURN

CD = Council District

NOTE: 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 at www.tmapc.org

TMAPC Mission Statement: 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.
AGENDA

Tulsa Metropolitan Area Planning Commission

WORK SESSION

175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber
Wednesday, February 1, 2012 – 1:45 p.m.*
(*Or immediately following adjournment of the TMAPC Meeting)

CONSIDER AND DISCUSS:

1. Discussion on Form-Based Code Regulating Plan for the remainder of the Pearl District.

Adjourn.

If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526
February 1, 2012

STAFF RECOMMENDATION

PUD-648-A-5: Minor Amendment – North of the northeast corner of West 71st Street South and South Olympia Avenue; Lot 3, Block 2 – Olympia Medical Park; TRS 8202; CZM 51; Atlas 1012; CD 2; CO/PUD.

The applicant is requesting a minor amendment to permit additional ground signage and decrease the minimum 100-foot separation required between signs in a PUD. The intent of the minor amendment request is to allow for “way-finding” signs to be constructed allowing clients/patients entering the hospital grounds to have an easier time finding where they need to be. The hospital is in a campus type setting. The underlying zoning of the property is Corridor.

The PUD currently allows one free-standing sign along the corridor collector street not to exceed 125 square feet (sf) of display area nor 25-feet in height for this lot. The applicant proposes to make the sign permitted along Olympia Avenue a lower profile monument style sign with 25 sf of display area at approximately five feet in height, in exchange for allowing the three, 12 sf signs in the attached exhibits as directional or way-finding signs. The hospital also has a presence on the tenant ID sign located along West 71st Street.

This same relief has been granted at other hospitals which are located in PUDs. Specifically, the relief has been granted at St. Francis South and Southcrest Hospitals.

With no frontage on a major street the underlying zoning on the lot would permit .2 (two-tenths) of a square foot of display surface area for each linear foot of street frontage. The sign could not be held under 32 sf nor exceed 150 sf of display area. With 992 linear feet of frontage along Olympia Avenue the hospital would be allowed 150 sf of display surface area. The total display surface area for the signs being proposed is 63 sf.

Staff contends the lower profile monument style sign, the way-finding signs and reduction of the minimum 100-foot sign separation on this lot only will not substantially alter the approved PUD Development Plan, the character of the development or the intent of the PUD chapter of the Code.

Therefore recommends **APPROVAL** of minor amendment PUD-648-A-5.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.
Subject property from West 71st Street

Subject property from S. Olympia Ave.
South entry to hospital

Two entries on south side of building
View of hospital from north-bound I-75
Frontage: 992' 
0.20(992) = 198.4 sq ft 
Max Allowed 150 sq ft 
Sign #3: 25.5 sq ft 
Sign #2: 12.53 sq ft 
Sign #4: 12.53 sq ft 
Sign #9: 12.53 sq ft 
TOTAL: 63.09 sq ft
3.5' x 3.58' = 12.53 sq ft

3/32” aluminum face panel painted satin black with engineer grade reflective vinyl

3" aluminum tubing posts. Paints a neutral dark beige AN 423F1

A 11" H
End flare
Scale: 3/4" = 1'-0"

B 85"
Scale: 3/4" = 1'-0"

SIGNS 2, 4, 9
STAFF RECOMMENDATION

AC- 112 Alternative Compliance Landscape Plan – Southeast corner of 21st Street South and South Sheridan Road; TRS 19-13-14; CZM 38; Atlas 301; CD 5; CH.

The applicant is requesting TMAPC approval of an alternative compliance landscape plan to permit the use of Crepe Myrtle trees/shrubs in required parking lot landscaped areas. The Crepe Myrtles would be used in addition to Hackberry and Canada Red Choke Cherry Trees within the interior of the site.

The code allows the Planning Commission to approve Alternative Compliance Landscape Plans that do not meet the technical requirements of Chapter 10 of the code, so long as the submitted plan is, “equivalent to or better than” the requirements of Chapter 10.

In exchange for allowing Crepe Myrtles to be used, the applicant will voluntarily landscape the street yard, although section 1002.A.5 of the Code does not require it. The applicant also proposes to plant three extra trees in the parking area as compensation. Additionally, the applicant proposes to provide a minimum 8.5 foot wide landscape strip along South Sheridan Road.

The subject property is zoned CH. Chapter 10 of the Code states that 15% of the street yard on non-residential lots shall be landscaped. However, Chapter 10 further states where no street yard exists street yard landscaping will not be required. Section 1800 of the Code defines “street yard” as the area encompassed by the right-of-way line (ROW)/property line along the street and the building setback line. Since there is no building setback requirement in the CH District, technically there is no street yard and therefore no street yard landscaping required on CH zoned lots.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan be “equivalent or better than” the technical requirements of Chapter 10 of the code and recommends APPROVAL of Alternative Compliance Landscape Plan AC-112.
February 1, 2012

STAFF RECOMMENDATION

PUD-448-6: Minor Amendment – Northeast corner of 91st Street South and South Memorial Drive; Lot 1, Block 1 – Square 91; TRS 18-13-03; CZM 53; Atlas 1733/1904; CD 7; RM-1/cs.

The applicant is requesting a minor amendment to add health club use only within Use Unit 19 – Hotel, Motel and Recreation as a permitted use within PUD-448 to allow for the redevelopment of currently vacant retail space within the PUD. There is no request to modify any existing development standard of PUD-448, excepting the request to for the additional use.

Section 1107.H.15 of the Code permits the change (addition) of an approved use to another by minor amendment, provided that the use being requested is permitted by right by the underlying zoning and the proposed use will not result in any increase of incompatibility with the present and future use of proximate properties. The underlying zoning on the property is CS, a zoning district in which Use Unit 19 is a use by right.

Staff has conducted site visits and contends that the proposed additional use and redevelopment of a now vacant tenant space will not substantially alter the approved Development Plan, the character of the PUD or the intent of the PUD chapter of the code.

Staff notes that the main difference in the former retail use and the proposed use is the parking ratio. Retail uses have a parking ratio of 1 space for every 250 square feet while the health club use has a ratio of 1 space for every 150 square feet. As part of an interior remodel permit application with the City of Tulsa (which triggered the need for the minor amendment), existing parking facilities have been established as being sufficient for the additional use.

Staff contends the addition of the proposed use will not result in any increase of incompatibility with the present and future use of proximate properties. Therefore staff recommends APPROVAL of minor amendment PUD-448-6.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.
Subject property - lease space is on the right (south) of Big Lots

Subject tenant space (east part of this section of building)
2 views from south side of tenant space at the rest of the retail center
STAFF RECOMMENDATION

AC-113 Alternative Compliance Landscape Plan – Northwest corner of South Peoria Avenue and Interstate 44/Skelly Drive; 4970 South Peoria Avenue; TRS 19-12-25; CZM 46; Atlas 391/474; CD 9; CH.

The applicant is requesting TMAPC approval of an Alternative Compliance Landscape Plan for a new QuikTrip store to be located at the northwest corner of South Peoria Avenue and Interstate 44/Skelly Drive.

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the code because three parking spaces located in front of the new store will not be within 50-feet of a required landscaped area with a minimum area of 30 square feet (sf) and minimum length or width of three feet as required by section 1002.B.1 of the Code. In exchange for allowing the three spaces to be greater than 50-feet from a landscaped area, the applicant proposes to voluntarily landscape the street yard and provide 4 more trees in the parking area than required.

The code allows the Planning Commission to approve Alternative Compliance Landscape Plans that do not meet the technical requirements of Chapter 10 of the code, so long as the submitted plan is, "equivalent to or better than" the requirements of Chapter 10.

The subject property is zoned CH. Chapter 10 of the Code states that 15% of the street yard on non-residential lots shall be landscaped. However, Chapter 10 further states where no street yard exists landscaping will not be required. Section 1800 of the Code defines "street yard" as the area encompassed by the right-of-way line (ROW)/property line along the street and the building setback line. Since there is no building setback requirement in the CH District, technically there is no street yard and therefore no street yard landscaping required on CH zoned lots.

Additionally, the applicant proposes to provide a minimum 10’ wide landscape strip along South Peoria Avenue and Skelly Drive. The applicant also proposes to plant four extra trees in the interior of the site, making the total number of trees provided in the parking area 10.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan “be equivalent or better than” the technical requirements of Chapter 10 of the code and recommends APPROVAL of Alternative Compliance Landscape Plan AC-113.
Section 102. Other applicable regulations

A. All development must comply with relevant federal, state and City regulations. Whenever any provision of this Code imposes a greater requirement or a higher standard than is required in any state or federal statute or other City ordinance or regulation, the provisions of this Code shall govern unless preempted by state or federal law.

B. Wherever there appears to be a conflict between the Form-Based Code and other sections of the City of Tulsa Zoning Code, Title 42, Tulsa Revised Ordinances and subdivision regulations for the Tulsa Metropolitan Area, the requirements specifically set forth in this Code shall prevail.

C. Land, building and structure uses are addressed in this Code by prescribing street frontage types, which generally facilitate mixed use development. Except where this Code clearly provides to the contrary, land use districts prescribed in Title 42, Tulsa Revised Ordinances, the Zoning Code shall be used in the administration of this Code, consistent with the following table

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<th>Zoning District</th>
<th>Frontage Type</th>
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C.D. This Code shall not interfere with or annul any easements, covenants, or other agreements between parties; provided that where this Code imposes a greater restriction upon the use and dimensions of buildings, structures or land, or requires larger open spaces than imposed by other ordinances, regulations, permits, private easements, covenants or agreements, the provisions of this Code shall govern.
D. E. Where this Title (42-B) is silent or fails to address the procedure in question, applicable provisions of Title 42 shall control.
## OPTION “A”

### Applicability Matrix

|-------------------------|------------------------|------------------------|--------------------------|------|-----------------------|------------------|-------------|-----------------------------|

### Urban General/Storefront, Workshop, or Townhouse/Small Apartment Frontages
- **New Construction**
- **Reconstruction-Replacement of Damaged or Destroyed Building**
- **Change of Use, Expansion of Use**
- **Expansion of Building Footprint**
  - 0%-25% expansion of building footprint
  - 26%-50% expansion of building footprint*
  - 51% expansion of building footprint
- **Expansion of Surface Parking Area Only** (not in conjunction with a use/building)
  - Up to 10 spaces
  - 11 or more additional spaces
- **Façade Changes** (increase/decrease in fenestration, awnings)

### Detached Frontage
- **New Construction**
- **Reconstruction-Replacement of Damaged or Destroyed Building**
- **Change of Use**
- **Expansion of Use (addition, deck, sun room, porch)**
- **Expansion of Use (accessory structure, shed, detached garage, recreation facility)***
- **Expansion of Building Area**
  - 0%-25% expansion of building footprint
  - 26%-50% expansion of building footprint*
  - 51% expansion of building footprint

### Notes:
- CA Code Administrator’s discretion
- * Expansion to an existing footprint or use shall, in themselves, comply with the Code (but do not require the retrofitting of existing elements to comply with the Code.)

Building expansions permitted within two (2) calendar years of each other on a single lot shall be viewed by this Code in the aggregate.
## OPTION “B”

### Applicability Matrix

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### Notes:
- CA Code Administrator’s discretion
- * Expansion to an existing footprint or use shall, in themselves, comply with the Code (but do not require the retrofitting of existing elements to comply with the Code.)
- ** Requires Approval by Board of Adjustment the Code Administrator

Building expansions permitted within two (2) calendar years of each other on a single lot shall be viewed by this Code in the aggregate.
Option A:

Reconstruction:
   a. If any legally nonconforming structure sustains damages, it may be restored but
      without expanding the nonconformities that existed prior to sustaining damages.
   b. Reconstruction must begin within one (1) year from the date the damage
      occurred, unless the time is extended by the Code Administrator. If reconstruction
      of the structure is not begun until after one year from the date of damage to the
      structure, such work will be deemed new construction.
   c. As used herein “damages” shall mean physical impairment to the structure not
      caused or resulting from the intentional, reckless act or gross negligence of the
      owner, but must result from the acts of a party other than the owner or result from
      an act of God.
   d. As used herein “reconstruction” shall mean continuous action to rebuild the
      physical nonconforming structure which sustained damages as defined herein.
   e. Any decision as to the applicability of and/or adequate compliance with this
      provision shall be made by the Code Administrator.
   f. Decisions by the Code Administrator shall be appealable pursuant to Section 204
      (H) of this Chapter.

Option B:

Reconstruction:
   a. A legally nonconforming structure that sustains damages for which restoration
      costs are less than 50% of the fair market value of the structure prior to damage,
      as determined by the Code Administrator, may be restored but, without expanding
      the nonconformities that existed prior to sustaining damages.
   b. A legally nonconforming structure that sustains damages for which reconstruction
      costs are 50% or more than the fair market value of the structure prior to damage,
      as determined by the Code Administrator, may be restored to its pre-damaged
      state, if the Code Administrator determines that restoration will not be detrimental
      to the neighborhood and if conditions justify the restoration.
   c. As used herein “damages” shall mean physical impairment to the structure not
      caused or resulting from the intentional, reckless act or gross negligence of the
      owner, but must result from the acts of a party other than the owner or result from
      an act of God.
   d. As used herein “reconstruction” shall mean continuous action to rebuild the
      physical nonconforming structure which sustained damages as defined herein.
   e. Conditions to be considered by the Code Administrator to justify restoration of a
      structure which has sustained damages beyond 50% of its fair market value
      include, but are not limited to:
         (1) The structure's style compared to the predominant architectural style of
             the neighborhood.
         (2) The uniqueness of the structure to be restored and its intrinsic value to
             the community.
f. Any decision as to the applicability of and/or adequate compliance with this provision shall be made by the Code Administrator.

g. Decisions by the Code Administrator shall be appealable pursuant to Section 204 (H) of this Chapter.
January 17, 2012

The intent of this letter is to request continuance for hearing case number Z-7193.

Thank you,

[Signature]

Luké Wright
PRELIMINARY SUBDIVISION PLAT

INPATIENT HOSPICE MIDTOWN – (CD 5)
West of Interstate 44, South of East 31st Street South

This plat consists of 1 Lot, 1 Block, on 1.928 acres.

The following issues were discussed January 5, 2012, at the Technical Advisory Committee (TAC) meetings:

1. Zoning: The property is zoned RS-3 with BOA 21314 to allow the hospice type of use and recently approved BOA 21314 A which revised the original site plan.

2. Streets: No comment.

3. Sewer: No comment.

4. Water: Installation of the fire hydrant can be done under an IDP (infrastructure development plan) or WSD (watershed development) permit.

5. Storm Drainage: Label Audubon Creek FEMA AE floodplain. Increase the width of the storm sewer easement to a minimum of 15 feet (see stormwater manual for required minimum width due to pipe size and depth of pipe) with the minimum distance from the centerline of pipe being 7.5 feet on both sides. The last inlet before the pipe connection to the public storm sewer, and that pipe, must be in a storm sewer easement. In Section I.H: the last line should say “... Runoff to the public storm sewer system located within this subdivision”. It appears that a minimum of 5 feet of additional storm sewer easement should be added to the east side of the existing easement. On-site runoff must be collected and piped to the on-site public storm sewer system.

6. Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others: ONG needs additional access through easement. PSO needs to be assured existing overhead lines are not impacted. AT&T requests a 17.5 foot easement in front.

7. Other: Fire: No comment. GIS: Tie the plat from a section corner using bearings and distances from a labeled point of commencement to the
labeled point of beginning. Add leading zero to all single digit degree descriptions on the face of the plat to match what is shown in the legal description. The basis of bearing should be clearly described and stated in degrees, minutes, and seconds. Submit a subdivision control data form. In the legal description include a less and except clause for the “15 foot right-of-way dedicated by this plat” shown on the face of the plat. Street addressing must be included on plat per Development Services approval.

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 staff and development services staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).

4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.

6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.

7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.

10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.

11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.

14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]

15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)

16. The method of water supply and plans therefor shall be approved by the City/County Health Department.

17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.

18. The key or location map shall be complete.

19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

22. All other Subdivision Regulations shall be met prior to release of final plat.

23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.
Preliminary Plat/Conceptual Utility Plan

Inpatient Hospice - Midtown

Owner:
FSH Escrow Corp.
1201 E. 3rd St.
Tulsa, OK 74103
Phone: (918) 549-0609
Contact: Brad Baker

Engineer/Surveyor:
Siemers Wolf & Associates, Inc.
4200 E. 71st Street Pl
Tulsa, OK 74133
Phone: (918) 665-3000
Email: gw@swaok.org

Subdivision Statistics:
Lot 1, Block 1, Section 13, City of Tulsa, Tulsa County, OK

Monumentation:

Basis of bearings:
The bearings used for this layout are Land Markings given in the Oklahoma City Planning Department's North Tiling Map.

Note:

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Prepared By:
G. Siemers
Siemers Wolf & Associates, Inc.
1201 E. 3rd St.
Tulsa, OK 74103

Sheet 1 of 1

12.10
January 18, 2012

CBOA 2408 – 7250 West 50th Street South (County)

The platting requirement is being triggered by a board of adjustment approval of a Special Exception for a wedding chapel.

Staff provides the following information from TAC for their December 15, 2011 meeting:

ZONING:
- TMAPC Staff: The property has not been platted previously.

STREETS:
- Sidewalks are required.

SEWER:
- No comment.

WATER:
- The existing 4 inch water main line is inadequate in supporting fire hydrant protection in this area. The water service demands for this development may not be available as well.

STORMWATER:
- No comment.

FIRE:
- Out of City of Tulsa Fire Department response area so applicant needs to get with the responding fire department. The International Fire Code requires fire hydrants.

UTILITIES:
- No comment.

County Engineering and planning and development services staff believe the property should be platted with at the minimum a Minor Subdivision plat. There is concern about the water line and fire protection service. The applicant had stated that Berryhill Fire will serve the site. A letter stating that this is the case must be received. See attached information from the applicant, Berryhill Fire Department, and City of Tulsa concerning the request.

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

Yes  NO
1. Has Property previously been platted? X
2. Are there restrictive covenants contained in a previously filed plat? X
3. Is property adequately described by surrounding platted properties or street right-of-way? X

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

4. Is right-of-way dedication required to comply with Major Street and Highway Plan? X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived? X
6. Infrastructure requirements:
   a) Water
      i. Is a main line water extension required? X
      ii. Is an internal system or fire line required? X
      iii. Are additional easements required? X
   b) Sanitary Sewer
      i. Is a main line extension required? X
      ii. Is an internal system required? X
      iii. Are additional easements required? X
   c) Storm Sewer
      i. Is a P.F.P.I. required? X
      ii. Is an Overland Drainage Easement required? X
      iii. Is on site detention required? X
      iv. Are additional easements required? X
7. Floodplain
   a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
   b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
8. Change of Access
   a) Are revisions to existing access locations necessary? X
   a) If yes, was plat recorded for the original P.U.D. X
10. Is this a Major Amendment to a P.U.D.? X
    a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? X
11. Are mutual access easements needed to assure adequate access to the site? X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

Some of the above questions may result in the need for additional easements through the platting process.
Presentation:
Dale Slone, 5019 South 73rd West Avenue, Tulsa, OK; stated he purchased the property approximately 12 years ago and it has been paid off for six years. Mr. Slone stated he is a licensed and ordained minister. Mr. Slone proposes to build and operate a wedding chapel with a hall for wedding receptions and does not desire for the wedding chapel to become a church in the future. Mr. Slone lives on the property and will place the wedding chapel away from the residence. Mr. Slone stated he has discussed his proposal with all the neighbors except for the one neighbor who is directly across the street and that is because he lives in Texas; none of the other neighbors objected to the wedding chapel. The property is a corner lot and has access from 50th Street.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WALKER, the Board voted 5-0-0 (Charney, Dillard, Osborne, Tyndall, Walker “aye”; no “nays”; no “abstentions”) to APPROVE the Special Exception to allow Wedding Chapel (Use Unit 5) in an AG district, finding it will not be injurious to the neighborhood or otherwise detrimental to the public welfare and recognizing there may be future setback requirements; for the following property:

W 1/2 SW SW SE LESS N 25 FOR RD SEC 30-19-12, OF TULSA COUNTY, OKLAHOMA

2409—Michael Goodmon

Action Requested:
Special Exception to allow a manufactured home (Use Unit 9) in a RS district.
LOCATION: 815 West 10th Street North

Presentation:
Michael Goodmon, 813 West 10th Street North, Sand Springs, OK; stated he has lived on the subject property for 22 years, and he wants to replace his old manufactured home with a new manufactured home.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.
Plat Wavier for Wedding Chapel

To whom it may concern,

I am in the process of trying to build a wedding chapel on my property. As I have gone through the proper channels to accomplish this project, I am now at a point of difficulty. That is to say that as I have applied for a plat wavier, which is the next step in my process to build. I have been informed that because of a lack of adequate water to supply the fire service hydrant I may be denied this wavier. I have also been informed by the city water department because of a lack of funds for this area that it is not presently on their agenda to upgrade. In fact I have been informed that at this point the only way to provide the upgrade to pass code is for me to have to pay for the upgrade. This not only puts a hard ship on my building situation, but also the added expense to my project. I definitely have a problem with this simply because I am not the only one serviced by this hydrant. In fact there are both Sand Springs and Tulsa residents that are serviced by this same hydrant. Obviously this is a predicament even with out the new building for all who reside in this service area. Therefore I should not have to be the one to pay for the upgrade which is going to benefit, not only all people in this service area, but the cities of Sand Springs and Tulsa. As far as the plat wavier goes I am only building one new building on a 5 acre piece of property which should be no different than someone building a new house on similar properties. That said to say this; in the last 12 years that I have live in this area there have been at least 20 or more new houses built within a 2 mile radius of my property that have not had to apply for plats. In fact, as far as I know, other then the Stratford Estates housing addition north of me on 41st street, no one has had to apply for a plat, and the majority of those properties are unplatted.

In addition, I feel that if the plat wavier were to be approved, that the permit sections could be put on hold until the necessary upgrades are accomplished instead of the plat wavier being denied because of this one detail. Besides the hardship and expense of obtaining a plat, which is not going to really accomplish more than what is already in place, which are right-away issues, utilities and so forth which are already in place. The only real deterrent at this point is the fire service issue due to a lack of water volume to the above mentioned hydrant.

Therefore, I respectfully ask for the board’s consideration and mercy on this plat wavier application, that it would be approved, with the declaration that the hydrant situation be upgraded before building permits are issued.

In other considerations, my plan for building is still possibly a year, maybe more before the building will be started due to necessary financing, so in the meantime I will be able to work toward the necessary upgrades through whatever channels possible.

Sincerely, Dale Slone
January 23, 2012

From: Allen Holdman  
Plans Reviewer- Water  

To: Diane Fernandez  
INCOG - TMAPC  

Re: Plat Waiver - Mr. Dale Sloan  
CBOA 2408-7250 W. 50th Street South (County)  
City of Tulsa Atlas: 254  

The property for this plat waiver is located adjacent to fire hydrant #2 in the below detail. The potable water supplied to this property and others in this area comes from the water tank which is feed by a 6-inch line from the south / southeast. The lines north of the water tower are 4 and 3 inch size dead-end lines. I have noted in my review of this plat waiver that the existing 4-inch water main line does not meet City Standard for supporting a 3-way fire hydrant and that the plat owner would be required to upgrade the existing 4-inch water main line from the water tower to fire hydrant #2 with a 6-inch diameter water main line at his own expense. Currently Mr. Sloan is in the process of obtaining a letter from Berryhill Fire Department noting the volume; pressure and flow of water from these lines and fire hydrant.
To Whom It May Concern:

On January 6, 2012, Dale Sloan contacted Berryhill Fire Protection District in regards of finding out if the hydrant in front of his house would be a sufficient water supply for a new building he plans to build. The hydrant is located at the corner of 5000 S 73rd West Ave. also referred to as 5000 S Skyline Dr. The test results are found to be less than 250 gallons per minute.

Acme Fire Chief
Frank P Mason
Diane, I can only respond to what the International Fire Code requires. The Code requires a minimum of 1500 gallons per minute at 20 PSI for this new structure. The readings Berryhill Fire Department provided is well below that number. The code requires a fire hydrant within 400' of an unsprinkled building and within 600' of a sprinkled building. Based on how the building use is classified they may require sprinkler protection when the occupant load exceeds 100 occupants. As a fire department the only concern with allowing the plat waiver is how do they assure they get proper fire hydrant protection and water supply if allowed to proceed.

Terry Whiteley  Assistant Fire Marshal
City of Tulsa Fire Department  175 E 2nd ST  STE 585  Tulsa, Oklahoma 74103
Phone: main (918) 596-9422  direct (918) 596-9689  Fax: (918) 699-2843  e-mail: twiteley@cityoftulsa.org
TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT

APPLICATION: Z-7190

TRS 9233
CZM 45

TMAPC Hearing Date: February 1, 2012

(Continued from January 4, 2012)

Applicant: Sajid S. Salimi

Tract Size: 12,600+ square feet

ADDRESS/GENERAL LOCATION: South of southwest corner of South 33rd West Avenue and West Skelly Drive

EXISTING ZONING: RS-3
EXISTING USE: Residential

PROPOSED ZONING: CS
PROPOSED USE: Commercial

ZONING ORDINANCE: Ordinance number 11821 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:
Z-7076 December 2007: All concurred in approval of a request for rezoning a 1.5+ acre tract of land from RS-2 to CS for financial services and commercial shopping, on property located southeast of the southeast corner of South 33rd West Avenue and West Skelly Drive.

Z-7073 September 2007: All concurred in approval of rezoning a 2+ acre tract of land from RS-2 to CS for a financial services and commercial shopping center, on property located south of the southeast corner of South 33rd West Avenue and West Skelly Drive.

Z-6321 October 1991: All concurred in approval of a request for rezoning a tract of land from RS-3 to CS/PK on property located on the southwest corner of West Skelly Drive and South 33rd West Avenue and abutting north of the subject property.

AREA DESCRIPTION:
SITE ANALYSIS: The subject property is approximately 12,600+ square feet in size and is located south of southwest corner of South 33rd West Avenue and West Skelly Drive. The property appears to be used residentially and is zoned RS-3.

SURROUNDING AREA: The subject tract is abutted on the east by a commercial business (bank), zoned CS; on the north by a commercial use and its parking lot, zoned CS and PK; on the south by residential uses, zoned RS-3; and on the west by residential uses, zoned RS-3.

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

TRANSPORTATION VISION:
The Comprehensive Plan designates 33rd West Avenue south of West Skelly Drive (I-44) as a secondary arterial. The Comprehensive Plan encourages multiple modes of transportation,
offering the public a choice in means of travel, from automobile to bus to bicycling and pedestrian.

**STREETS:**

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<tbody>
<tr>
<td>South 33rd West Avenue</td>
<td>Secondary arterial</td>
<td>100'</td>
<td>4</td>
</tr>
</tbody>
</table>

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**
The Comprehensive Plan designates this property as an Existing Neighborhood and an area of Stability. Both of these designations seem erroneous, since the CS/PK lots adjacent to the north are also shown as Existing Neighborhood. That zoning has been in place since 1991. The convenience store itself is designated as a Growth Area, but the parking lot south of it is not. Similarly, the properties east of the subject property, across South 33rd West Avenue, are designated as Employment areas and Areas of Growth. It seems poor planning to expect single-family residential use to continue adjacent to these uses. The proposed CS zoning is not in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**
Staff believes this is another case in which the Comprehensive Plan is in error. This area should be examined when another small area plan is contemplated. Staff can support the requested CS zoning, pointing out that screening will be required where it abuts R zoned properties and the developer must meet or exceed the landscaping requirements of the Zoning Code. The requested CS zoning on the subject tract would align with the CS zoning on the east of the tract at 33rd West Avenue. Therefore, this is a logical extension of the CS/PK zoning and development to the north and staff recommends APPROVAL of CS zoning for Z-7190.

02/01/2012
contends the additional 7.5 square foot sign will not substantially alter the size, location, number, and character (type) of signs permitted in the PUD and therefore recommends APPROVAL of minor amendment PUD-397-C-1.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:
On MOTION of CARNES, TMAPC voted 11-0-0 (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to APPROVE the consent agenda Items 2 through 5 per staff recommendation.

PUBLIC HEARING

6. **Z-7190 — Sajid S. Salimi**, Location: South of southwest corner of South 33rd West Avenue and West Skelly Drive, Requesting rezoning from RS-3 to CS, (CD-2)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11821 dated June 26, 1970, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-7076 December 2007:** All concurred in approval of a request for rezoning a 1.5± acre tract of land from RS-2 to CS for financial services and commercial shopping, on property located southeast of the southeast corner of South 33rd West Avenue and West Skelly Drive.

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**Z-6321 October 1991:** All concurred in approval of a request for rezoning a tract of land from RS-3 to CS/PK on property located on the southwest corner of West Skelly Drive and South 33rd West Avenue and abutting north of the subject property.
AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 12,600+ square feet in size and is located south of southwest corner of South 33rd West Avenue and West Skelly Drive. The property appears to be used residually and is zoned RS-3.

SURROUNDING AREA: The subject tract is abutted on the east by a commercial business (bank), zoned CS; on the north by a commercial use and its parking lot, zoned CS and PK; on the south by residential uses, zoned RS-3; and on the west by residential uses, zoned RS-3.

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

TRANSPORTATION VISION: 
The Comprehensive Plan designates 33rd West Avenue south of West Skelly Drive (I-44) as a secondary arterial. The Comprehensive Plan encourages multiple modes of transportation, offering the public a choice in means of travel, from automobile to bus to bicycling and pedestrian.

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RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The Comprehensive Plan designates this property as an Existing Neighborhood and an area of Stability. Both of these designations seem erroneous, since the CS/PK lots adjacent to the north are also shown as Existing Neighborhood. That zoning has been in place since 1991. The convenience store itself is designated as a Growth Area, but the parking lot south of it is not. Similarly, the properties east of the subject property, across South 33rd West Avenue, are designated as Employment areas and Areas of Growth. It seems poor planning to expect single-family residential use to continue adjacent to these uses. The proposed CS zoning is not in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:
Staff believes this is another case in which the Comprehensive Plan is in error. This area should be examined when another small area plan is contemplated. Staff can support the requested CS zoning, pointing out that screening will be required where it abuts R zoned properties and the developer must meet or exceed the landscaping requirements of the Zoning Code. The requested CS zoning on the subject tract would align with the CS zoning on the east of the tract at 33rd West Avenue. Therefore, this is a logical extension of the CS/PK zoning and
development to the north and staff recommends APPROVAL of CS zoning for Z-7190.

**TMAPC COMMENTS:**
Mr. Dix stated that the request to leave the PK zoning between the two CS zoning’s is odd.

Ms. Cantrell stated that PK tends to be a transition downward and it seems that this request for CS is an odd step up from PK. Ms. Matthews stated that staff is comfortable with the request and there may be some joint parking arrangements with the existing CS and the prospective CS zoning. The applicant is present and can answer any questions. Ms. Cantrell asked if this would be new development. In response, Ms. Matthews stated that she understands that it is a separate development. Ms. Cantrell asked Ms. Matthews if she believes that a CS district would be an appropriate transition from growth to stability. In response, Ms. Matthews stated that she believes that the whole area has been in transition for some time. Ms. Cantrell asked Ms. Matthews if she believes that the subject area shouldn’t have been in the stability category. Ms. Matthews stated that she believes that is correct, but it would be a guess on her part.

**Applicant’s Comments:**
Jason Smith, 12419 South Date Place, Jenks, Oklahoma 74037.

**TMAPC COMMENTS:**
Ms. Cantrell asked the applicant what he planned to put on the subject property. Mr. Smith indicated that he would like to rezone the subject property to commercial. He explained that he didn’t want to change the PK zoning until they could determine if they would be granted the CS zoning on the subject property. Mr. Smith indicated that initially he looked into building onto the existing gas station and starting another commercial business in conjunction with the convenience store. Due to easements that run south of the existing convenience store it was not possible to do an extension. Ms. Cantrell asked the applicant if he owned the property to the north as well. Mr. Smith answered affirmatively. He explained that he purchased additional land for additional parking for the convenience store and is now looking to add on to the land to have an additional business.

Mr. Dix asked Mr. Smith what easements are encroaching on the convenience store property. Mr. Smith stated that it is a stormwater easement.

Mr. Perkins asked if the convenience store overhang is partially on the PK property. Mr. Smith stated that it probably is partially on the PK property.
INTERESTED PARTIES COMMENTS:

Kaye Price, 5815 South 31st West Avenue, Tulsa, OK 74107, stated that she is representing the neighborhood. Ms. Price indicated that she spoke with the applicant and she was informed that his plans were to add a diesel tank and pump to the existing gas station. Ms. Price stated that she informed the applicant that she hadn’t met with the neighborhood yet and she didn’t think it was a good use for the subject property. She further stated that she expressed concerns that the applicant was pulling the subject parcel out strictly for commercial development and not tying to the existing gas station. The applicant needs to amend his application and tie the two lots together, and if he did that she didn’t feel there would be as much concern. After visiting with the neighborhood she learned that it was not the applicant’s intent to add a diesel pump and to simply pull the lot out and rezone it to a commercial parcel. Ms. Price commented that the subject neighborhood is a stable residential area that has been there for 40 years. The homes are affordable and in a working class neighborhood. The neighborhood didn’t want the bank across the street for exactly what is happening right now. This application is not appropriate as Ms. Cantrell stated because the PK zoning serves as a step-down into this stable neighborhood. Ms. Price stated that the only reason the bank is appropriate is because it sits on a node that abuts I-44 and everything to the east of it is commercial. It is inappropriate to use the bank as a tool to bring the commercial farther into this neighborhood. It is poor planning and not appropriate. Ms. Price commented that the Comprehensive Plan didn’t err in her opinion for designating this subject area as stable. Most of the homes are owner/occupied and the neighborhood is in opposition to this proposal. Ms. Price submitted a petition with 16 signatures (Exhibit A-1) and two letters in opposition (Exhibit A-2) to this proposal. Ms. Price requested that the subject application be denied. Ms. Price cited other sites within the subject area that serve sandwiches and lunches and explained that another deli on the subject property isn’t needed. The subject area is all houses, except for a church at the end of the subject street that has been there forever. Ms. Price cited other subject areas that could use a small area plan and is ripe for redevelopment. She further cited that there is new residential development in the subject area.

Applicant’s Rebuttal:

Mr. Leighty asked Mr. Smith if Ms. Price misunderstood him when they discussed the proposal. In response, Mr. Smith stated that he didn’t talk with Ms. Price. Mr. Smith stated that he is representing the applicant. Mr. Smith stated that he did walk around the neighborhood and talked to several owners adjacent to the subject property and to ease any worries that they might have. Intentions sometimes change day-to-day and year-to-year. Mr. Smith stated that the subject property, compared to the bank property, wouldn’t be going as far south as the bank property is currently. On the other side of the expressway, where the interchange is located, all
of the properties on the corners are developed commercially. The proposal isn’t anything out of the ordinary for an intersection like this.

Mr. Leighty asked Mr. Smith what he planned to develop on the subject property. In response, Mr. Smith stated that he wanted to create synergy for a business. Mr. Smith cited several commercial uses that could be developed. In response to Mr. Dix, Mr. Smith stated that the use is not defined at this time.

Mr. Midget asked if his client would be consider moving the PK zoning on the subject property and the commercial use where the PK is currently. This would step the use down and protect the neighborhood. Mr. Smith stated that the reason he didn’t reverse it was because he didn’t know if the commercial zoning would be granted. He said it is possible that his client would consider it, but it would depend on how the properties lay out and where the easements are located. Mr. Midget stated that it seems to him that the applicant could have come in with that request to begin with and then he wouldn’t have had to worry about whether or not he would get the CS zoning. Mr. Smith stated that the property came to him very quickly and he had a short time to deal with it before it was sold to another individual. Mr. Smith indicated that the subject property is under contract. Mr. Midget asked Mr. Smith he would be willing to revise his request. Mr. Midget stated that it is a nice neighborhood and he understands their concerns. Mr. Smith stated that it would be something he would consider, but it would depend on the easements and how it could be developed with another business and possibly shared parking.

Further discussion ensued and there was discussion of possibly applying for a PUD. After the discussion and various suggestions, the applicant requested a continuance to February 1, 2012 to determine what other options he has and whether or not he should file for a PUD.

**TMAPC Action; 11 members present:**
On **MOTION** of **CANTRELL**, TMAPC voted 11-0-0 (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** case Z-7190 to February 1, 2012.

**TMAPC COMMENTS:**
Mr. Midget suggested that Mr. Smith meet with the neighborhood before the next meeting. Mr. Smith stated that he walked the neighborhood and talked with several of the residents. Mr. Dix stated that he believes Mr. Midget is asking the applicant to meet with the neighborhood in an organized manner so that they all will have a chance to discuss this application.
To Whom It May Concern 1-3-12

I am writing this on my behalf and my family. Also on behalf of some of my neighbors. Most of us have lived here for over 10 yrs. This is a very affordable and very well established neighborhood. The store has been there for over 40 yrs. We have a lot of noise and trash from it now. What kind of mess will be in our yards with who knows what will be put in there now next to the store. Also the noise. We didn't want the bank to go in but at least we knew what it was going to be. Not just maybe this or that.

Please consider this when you are making any decisions.

Thank you

Benette Banne
To Whom it May Concern:

I am asking that you decline the change in zoning. This is an affordable well established neighborhood and the change in zoning will have a negative effect on the neighborhood. Our property values will decline the extra traffic and noise from the business will be very disruptive to our quality of living. I am asking that you decline the zoning change.

Thank you
Carol Shahin
5153 S 34th W. Ave
Tulsa, OK 74107
01\03\2012

[Signature]

[Official Record Exhibit]

[Minutes of the Tulsa Metropolitan Area Planning Commission]

Page 1
PETITION TO PROPOSED ZONING
Date: January 2, 2012  Case Number: Z-7190
Address of Rezoning Request: South of southwest corner of S. 33rd W. Ave. and W. Skelly Dr.

We, the undersigned owners of property affected by the requested zoning change described as Lot 2, Block 1, Valley Home Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than RS-3 (Residential Single-family).

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<table>
<thead>
<tr>
<th>Signature</th>
<th>Printed Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>Arlene Jo Lambert</td>
<td>Amber Jo Lambert</td>
<td>5173 S. 34 W Ave</td>
</tr>
<tr>
<td>Richard Nelson</td>
<td>Richard Nelson</td>
<td>51975 S. 34 W Ave</td>
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<tr>
<td>Carl Nicholson</td>
<td>Carl Nicholson</td>
<td>51785 S. 34 W Ave</td>
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<tr>
<td>Alfred Bevenue</td>
<td>Alfred Bevenue</td>
<td>5185 S. 34 W Ave</td>
</tr>
<tr>
<td>Kathern M. Thomas</td>
<td>Kathern M. Thomas</td>
<td>51775 S. 34 W Ave</td>
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<tr>
<td>Donna Lee Burt</td>
<td>Donna Lee Burt</td>
<td>5168 S. 34 W Ave, Tulsa 74107</td>
</tr>
<tr>
<td>Gerene Watson</td>
<td>Gerene Watson</td>
<td>5164 S. 34 W Ave, Tulsa 74107</td>
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<td>Al Watson</td>
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<td>5164 S. 34th W Ave, Tulsa 74107</td>
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<tr>
<td>Carol shriner</td>
<td>Carol shriner</td>
<td>5153 S. 34th W Ave, Tulsa 74107</td>
</tr>
<tr>
<td>Benetta Bunker</td>
<td>Benetta Bunker</td>
<td>5149 S. 34th W Ave, Tulsa 74107</td>
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<td>Zane Abel</td>
<td>Zane Abel</td>
<td>5157 S. 34 W Ave, Tulsa 74107</td>
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<tr>
<td>Robert May Jr</td>
<td>Robert May Jr</td>
<td>5160 S. 34 W Ave, Tulsa 74107</td>
</tr>
<tr>
<td>Mr. Wu</td>
<td>Mr. Wu</td>
<td>5192 S. 33rd W Ave, Tulsa 74107</td>
</tr>
<tr>
<td>Margaret Hill</td>
<td>Margaret Hill</td>
<td>5175 S. 33rd W Ave, Tulsa 74107</td>
</tr>
</tbody>
</table>

Date: 1-3-12  Contact Name:  Phone Number:

14.15
STAFF RECOMMENDATION

PUD-313-9: Minor Amendment – South of the southwest corner of West 61st Street South and South 28th Avenue West; Lot 22, Block 5 – Golf Estates II; 2820 West 62nd Street South; TRS 18-12-03; CZM 51; Atlas 1013; CD 2; RT/RS-3.

The applicant is requesting a minor amendment to increase the permitted coverage for a driveway in the required front yard of an RS-3/PUD zoned lot per the attached plan. Necessitating the need for the minor amendment is the odd shape of the lot and limited street frontage the parcel has on this cul-de-sac.

Section 1303.D of the Code permits up to 34% coverage of the required front yard for driveways on RS-3 zoned lots. Section 1106 of the Code allows the Planning Commission to modify parking requirements by minor amendment so long as the approved modification is recorded in the subdivision plat. Since the definition of parking area in section 1800 of the Code includes the driveways that lead to required parking spaces, the request qualifies as a parking modification. Should the Planning Commission be inclined to approve the request, the applicant will need to record the modification with the plat by filing an amendment by separate instrument with the County Clerk’s office.

Please refer to the attached aerial photograph, site plan, and case photographs. The PUD development standards state if a “double wide” driveway is built a lot permitting two automobiles to be parked side by side, the front setback on the lot may be reduced to 18-feet. Standard double wide driveways are 18-feet wide. Any of the lots on the cul-de-sac that are limited to 24-feet of frontage (including the subject tract) that have two-car wide driveways are going to exceed the 34% driveway coverage of the RS-3 district. Referring to the attached aerial photograph, as built conditions reflect that Lots 17, 18, 19 and 26 may exceed the 34% limitation on driveway coverage.

The PUD requires this parcel to have 1,368 square feet (sf) of livability space (open space) on the lot. With the extra coverage by the driveway the lot will meet the requirement having approximately 2,040 sf of livability space.

Please refer to the attached FEMA Regulatory Flood Plain Map and plat of the subdivision. The subject tract is not located within a floodplain nor has it been dedicated to stormwater detention. The designated use of the lot is for single-family residential use.

Given the odd shape of the lot and limited street frontage, combined with the livability space requirement being met staff can support the request. Staff contends the increase in driveway coverage will not substantially alter the character of the development, the approved PUD concept plan and is in conformance with the intent of the PUD chapter of the Code. Therefore recommends APPROVAL of minor amendment PUD-313-9 per the attached site plan.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.
PUD 313

LT 22, BK 5
GOLF ESTATES II
2820 W 62nd ST, SO.

SITE PLAN
1" = 10'

NOTE: 2040 SF livability space provided

MIN LIVABILITY SPACE (50% 1ST AVERAGE)
ZERO LOT LINE LOT IN PUD 11B

NEW HOUSE
OWNER: KENNETH RUSSELL
BUILDER: THE RUSSELL CO
DATE: 11/7/11

482.4 (+/-)
Required Frontyard
396.0 driveway
10' x 22'
In required Frontyard

15.4
Subject property and two neighboring houses.

2815 W. 62nd St. (located on the same cul-de-sac).
2811 W. 62nd St. (located on the same cul-de-sac as the subject property)

2807 W. 62nd St. (located on the same cul-de-sac as the subject property).
2810 W. 62nd St. (located on the same cul-de-sac as the subject property).

2806 W. 62nd St. (located on the same cul-de-sac as the subject property).
STAFF RECOMMENDATION

PUD-313-10: Minor Amendment – South of the southwest corner of West 61st Street South and South 28th Avenue West; Lot 33, Block 5 – Golf Estates II; 2823 West 63rd Street South; TRS 18-12-03; CZM 51; Atlas 1013; CD 2; RT/RS-3.

The applicant is requesting a minor amendment to increase the permitted coverage for a driveway in the required front yard of an RS-3/PUD zoned lot per the attached plan. Necessitating the need for the minor amendment is the odd shape of the lot and limited street frontage the parcel has on this cul-de-sac.

Section 1303.D of the Code permits up to 34% coverage of the required front yard for driveways on RS-3 zoned lots. Section 1106 of the Code allows the Planning Commission to modify parking requirements by minor amendment so long as the approved modification is recorded in the subdivision plat. Since the definition of parking area in section 1800 of the Code includes the driveways that lead to required parking spaces, the request qualifies as a parking modification. Should the Planning Commission be inclined to approve the request, the applicant will need to record the modification with the plat by filing an amendment by separate instrument with the County Clerk's office.

Please refer to the attached aerial photograph, site plan, and case photographs. The PUD development standards state if a "double wide" driveway is built a lot permitting two automobiles to be parked side by side, the front setback on the lot may be reduced to 18-feet. Standard double wide driveways are 18-feet wide. Any of the lots on the cul-de-sac that have limited frontage (including the subject tract) that have two-car wide driveways are going to exceed the 34% driveway coverage of the RS-3 district. Please refer to the attached aerial photograph. Using GIS technology staff conducted preliminary calculations of as built conditions which reflect that all the lots on the cul-de-sac excepting one, may exceed the 34% limitation on driveway coverage.

The PUD requires this parcel to have 1,368 square feet (sf) of livability space (open space) on the lot. With the extra coverage by the driveway the lot will meet the requirement having approximately 2,040 sf of livability space.

Please refer to the attached FEMA Regulatory Flood Plain Map and plat of the subdivision. The subject tract is not located within a floodplain nor has it been dedicated to stormwater detention. The designated use of the lot is for single-family residential use.

Given the odd shape of the lot and limited street frontage, combined with the livability space requirement being met staff can support the request. Staff contends the increase in driveway coverage will not substantially alter the character of the development, the approved PUD concept plan and is in conformance with the intent of the PUD chapter of the Code. Therefore recommends APPROVAL of minor amendment PUD-313-9 per the attached site plan.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.
NOTE: 2,040 sq. ft. livability space provided

MIN. LIVABILITY SPACE (1,346 sqft. average)
ZERO LOT LINE LOT IN PUD 313

NEW HOUSE
OWNER . KENNEY RUSSELL
BUILDER . DATE 105
THE RUSSELL CO. 11/7/11

PUD 313
LT 33, BK 5
GOLF ESTATES II AMD
2823 W 63RD ST 50

SITE PLAN
1" = 10'

432 ft. required front yard
396 ft. driveway
Subject property and two neighboring houses.

2811 W. 63rd St. (located on the same cul-de-sac).

(Lots 30 + 31)
2807 W. 63rd St. (located on the same cul-de-sac as the subject property).

2803 W. 63rd St. (located on the same cul-de-sac as the subject property).
2802 W. 63rd St. (located on the same cul-de-sac as the subject property).

(Lot 39)