

# **TULSA METROPOLITAN AREA PLANNING COMMISSION**

## **Meeting No. 2625**

**May 2, 2012, 1:30 PM**

**175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> 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:**

1. Minutes of April 4, 2012, Meeting No. 2623
2. Minutes of April 18, 2012, Meeting No. 2624

### **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-20509** (Lot-Split) (CD-8), Location: East of the southeast corner of South Marion Avenue and East 101<sup>st</sup> Street South
4. **LS-20510** (Lot-Split) (CD-4), Location: Southwest corner of East 11<sup>th</sup> Street South and South Erie Avenue
5. **LC-397** (Lot-Combination) (CD-5), Location: North of East 49<sup>th</sup> Street South and East of South Yale Avenue
6. **LC-398** (Lot-Combination) (County), Location: South of the southwest corner of East 66<sup>th</sup> Street North and North Erie Avenue
7. **LC-399** (Lot-Combination) (CD-5), Location: West of the southwest corner of South Fulton Avenue and East 46<sup>th</sup> Street South
8. **LC-400** (Lot-Combination) (County), Location: East of South 214<sup>th</sup> West Avenue and South of West 13<sup>th</sup> Place South



9. **Change of Access – (8333) (CD 8) Lot 2, Block 1, Toms Kids Addition, Location: North of East 121<sup>st</sup> Street, west of South Yale Avenue**
10. **PUD-595-B-4 – Sisemore, Weisz & Assoc., Inc./Mathis Brothers**, Location: North of the northeast corner of 71<sup>st</sup> Street South and South 101<sup>st</sup> East Avenue, Requesting **Minor Amendment** to increase the maximum lot coverage for a building in a Corridor District from 30 percent to 45 percent to allow for the expansion of the existing Mathis Brothers Furniture showroom and warehouse, **CO**, (CD-7)
11. **PUD-559-2/Z-5888-SP-1b – Sack & Associates/Eric Sack**, Location: Northeast corner of South Mingo Road and East 88<sup>th</sup> Street South, Requesting **Minor Amendment** to increase the permitted building height for two and three-story apartment buildings within Development Area B of PUD-599, **CO** (CD-7)
12. **PUD-304-1 – Ken Klein**, Location: Southeast corner of East 71<sup>st</sup> Street South and South Trenton Avenue, Requesting **Minor Amendment** to add Children's Nursery within Use Unit 5 – Community and Similar uses as a permitted use in PUD-304, **OL/CS** (CD-2)
13. **PUD-619-C-3 – Robert Skeith/The Vineyard**, Location: North of the northwest corner of 111<sup>th</sup> Street South and South Memorial Drive, Requesting **Minor Amendment** to reconfigure internal boundary lines and an access drive, provide parking relief and modify permitted ground signage, **AG/RS-3/CS**, (CD-8)
14. **PUD-766-3 – Sunny Investment Properties, Inc./Kum-N-Go**, Location: Southwest corner of Skelly Drive and South Yale Avenue, Requesting **Minor Amendment** to permit three lot-splits, two lot-combinations and to reallocate existing floor area to the three lots, **CS/CH** (CD-9)

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

#### **PUBLIC HEARINGS:**

15. **Charles L. Hardt Operations and Maintenance and Engineering Center – (6013) (CD 1) Preliminary Plat**, Location: Southeast of intersection of North Harvard Avenue and Mohawk Boulevard (Continued from April 18, 2012 agenda) (Request continuance to 5/16/2017 for revisions to plans.)
16. **Z-7204 – Harley Hollan Companies**, Location: North of northwest corner East 61<sup>st</sup> Street South and South 107<sup>th</sup> East Avenue, Requesting from **RS-3 to IL**, (CD-7)
17. **CZ-413 – Eddie James**, Location: Northeast corner of East 122<sup>nd</sup> Street North and North 139<sup>th</sup> East Avenue, Requesting from **AG to CG**, (County)
18. **CZ-414 – Sisemore, Weisz & Assoc., Inc.**, Location: North of northeast corner of South 209<sup>th</sup> West Avenue and Highway 51 West, Requesting from **AG to CS**, (County)

19. **Z-7205/PUD-566-A – TMAPC**, Location: Northwest corner of West 41<sup>st</sup> Street and South 57<sup>th</sup> West Avenue, Requesting from **AG to AG/OL/CS/PUD-566-A and PUD Major Amendment**, (CD-2)

## **OTHER BUSINESS**

### **20. 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 paggers must be turned off during the Planning Commission.**

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



**Change of Access on Recorded Plat  
TMAPC May 2, 2012**

**Lot 2, Block 1, Toms Kids Addition**

This application is made to allow a change of access to include an additional access along South Yale Avenue. The property is zoned PUD 399.

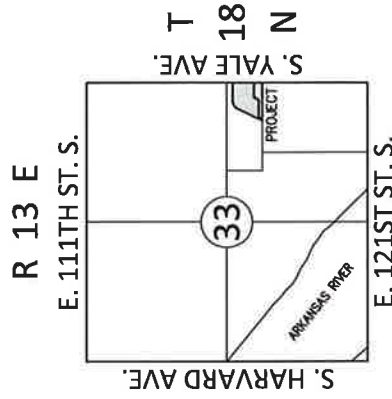
Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

# Tomskids Tulsa, Oklahoma



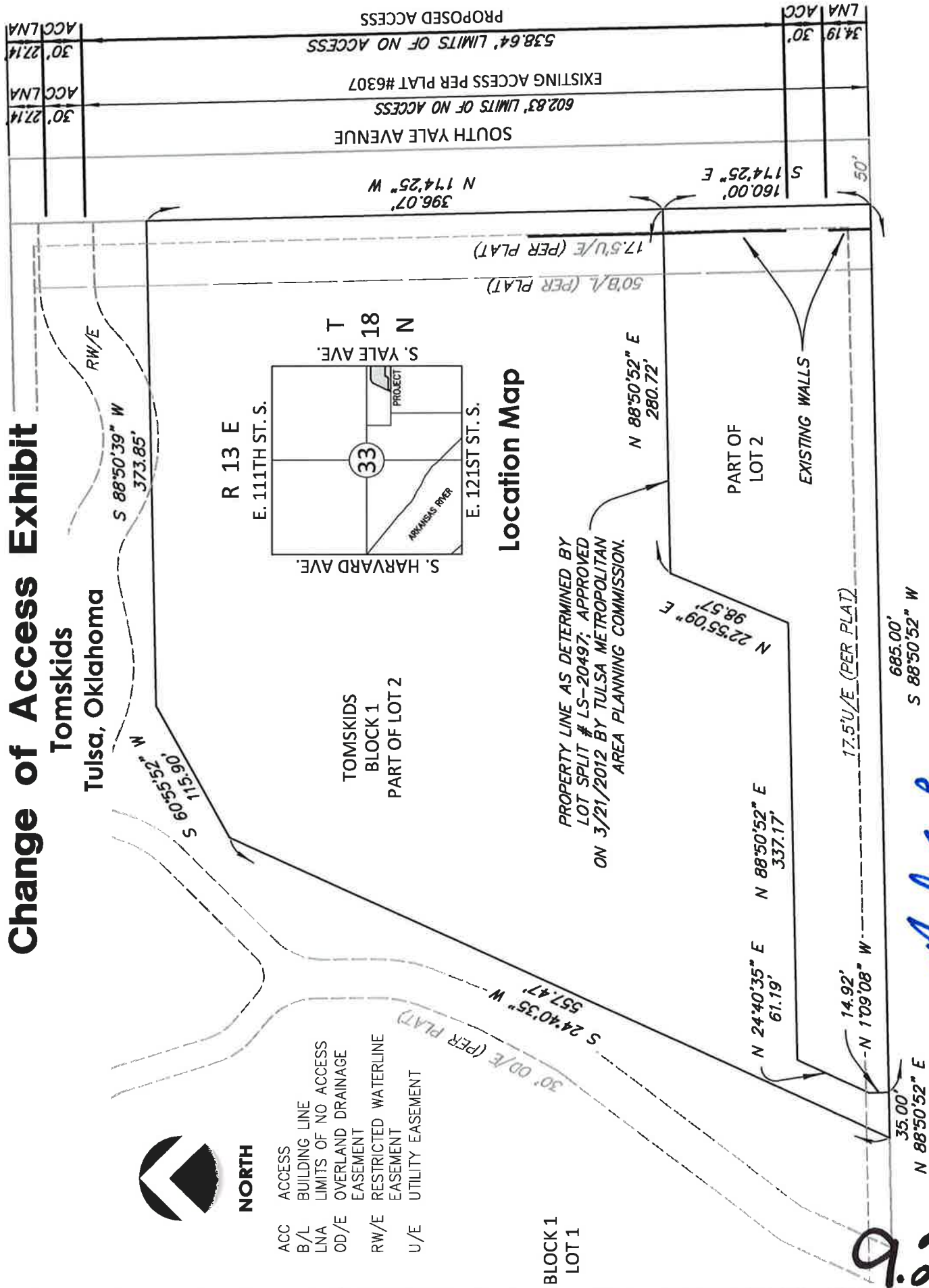
- |      |                               |
|------|-------------------------------|
| ACC  | ACCESS                        |
| B/L  | BUILDING LINE                 |
| LNA  | LIMITS OF NO ACCESS           |
| OD/E | OVERLAND DRAINAGE EASEMENT    |
| RW/E | RESTRICTED WATERLINE EASEMENT |
| U/E  | UTILITY EASEMENT              |

**BLOCK 1**  
**LOT 1**



## Location Map

PROPERTY LINE AS DETERMINED BY  
LOT SPLIT # LS-20497; APPROVED  
ON 3/21/2012 BY TULSA METROPOLITAN  
AREA PLANNING COMMISSION.



## 9.2

APPROVED: Mark Anderson 4-16-12

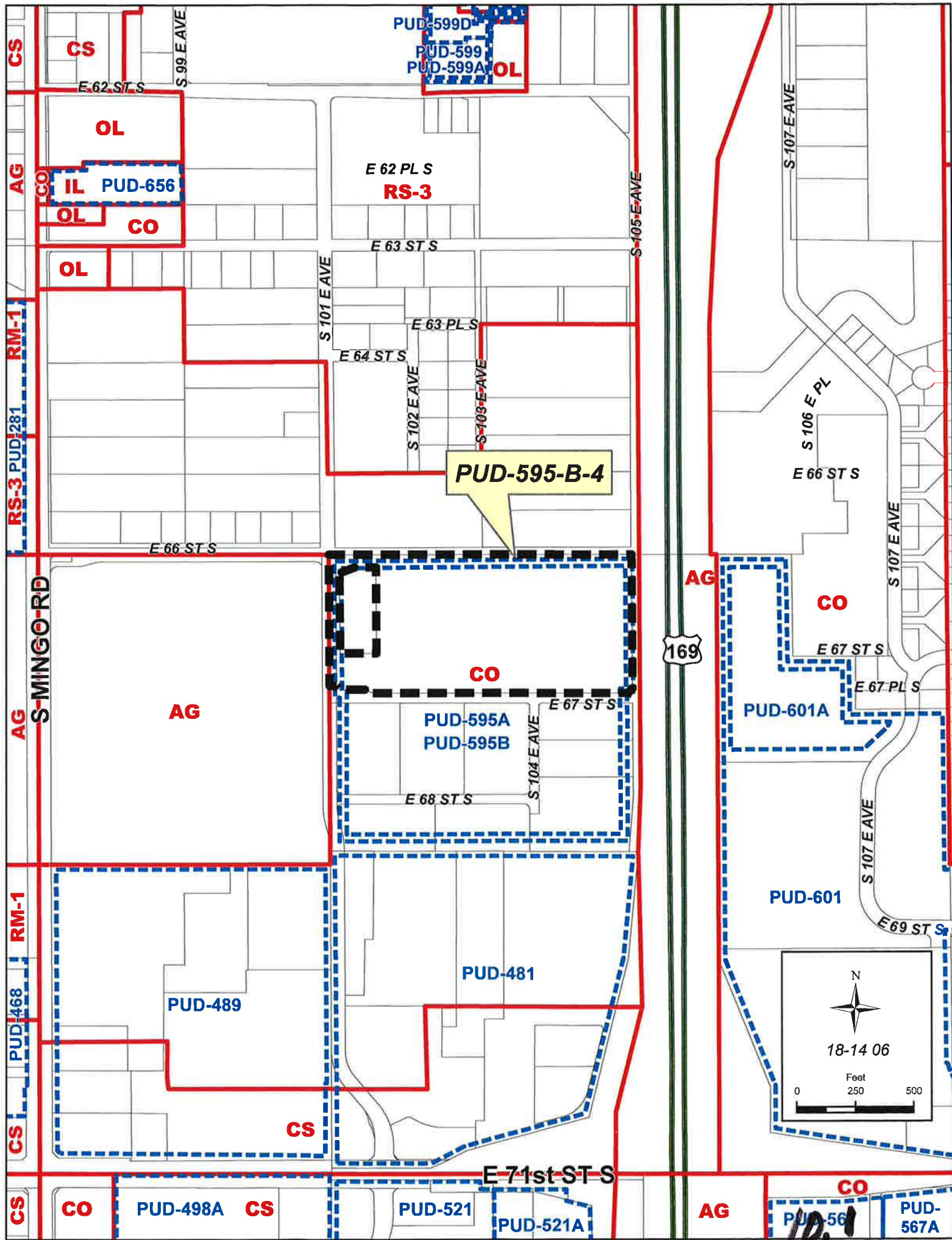
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TRAFFIC ENGINEER

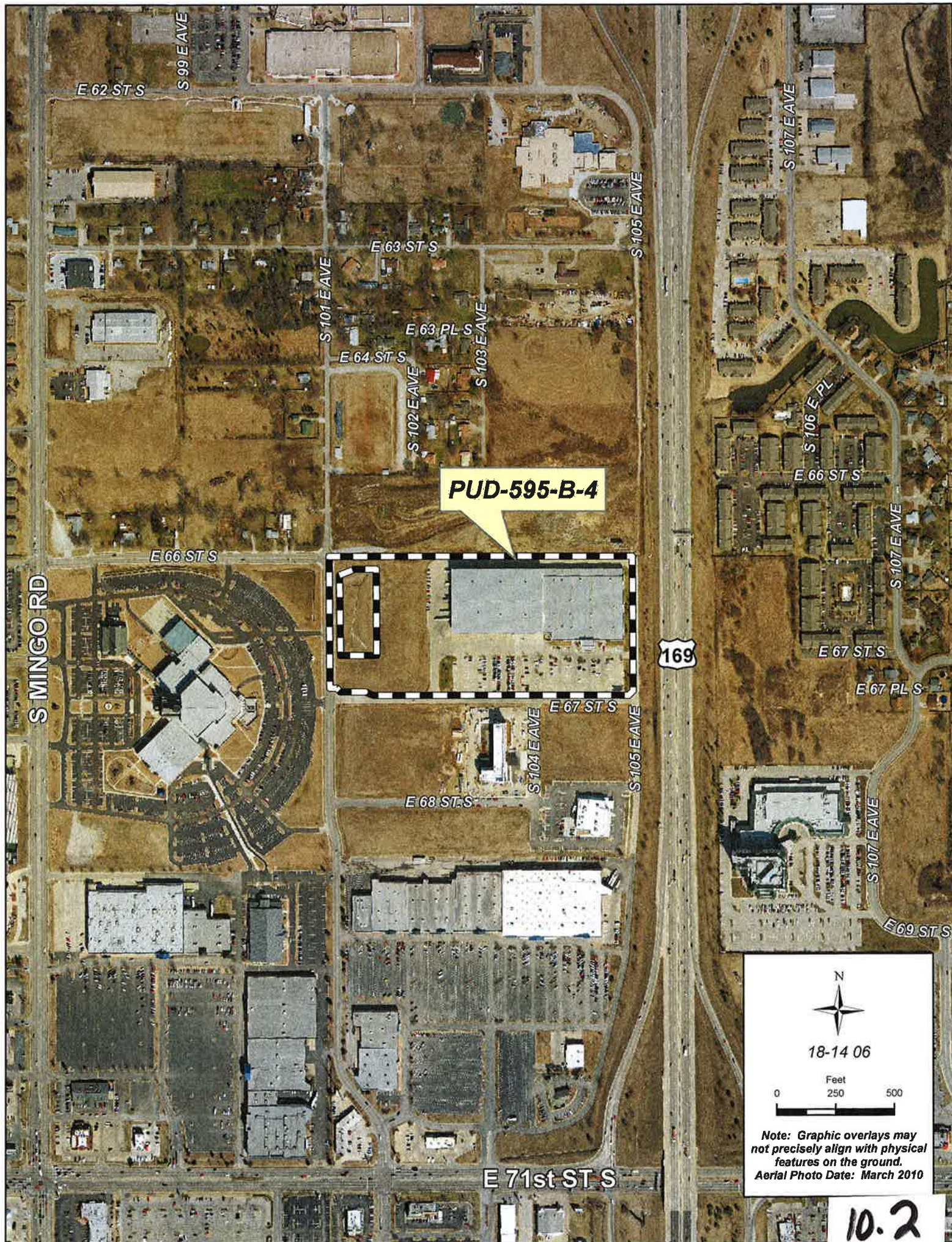
DATE \_\_\_\_\_

# Tanner Consulting, LLC

5323 SOUTH LEWIS AVENUE • TULSA, OKLAHOMA 74105 • (918)745-9929









May 2, 2012

### STAFF RECOMMENDATION

**PUD-595-B-4:** Minor Amendment – North of the northeast corner of 71<sup>st</sup> Street South and South 101<sup>st</sup> Avenue East; Lot 1, Block 1 – home Center Amended; TRS 18-14-06; CZM 53; Atlas 996/873; CD 7; CO.

The applicant is requesting a minor amendment to increase the maximum lot coverage for a building in a Corridor District from 30% to 45% to allow for the expansion of the existing Mathis Brothers Furniture showroom and warehouse per the attached plan.

There is no request to increase the permitted floor area within this development area of the PUD which allows a total of 468,703 square feet (sf) of floor area. After completion, the total floor area for the expanded Mathis Brothers showroom and warehouse would be 333,000 sf.

On April 10, 2012 in case number BOA-21412, the City of Tulsa Board of Adjustment (BOA) granted a Variance from the requirement of section 803 of the code limiting the maximum lot coverage by a building in the Corridor District to 30%. The BOA granted the Varaince to 45% and as a condition of approval limited the height of the building to a single story. The approval was also granted per the attached conceptual site plan.

Section 805-G of the code permits the TMAPC to grant minor amendments to existing Corridor District Plans so long as substantial compliance is maintained with the approved site plan and the purposes and standards of Chapter 8 of the Code. Staff does not view the 15% increase in lot coverage as a substantial deviation from the originally approved Corridor District Plan since all other requirements of the PUD/Corridor District will be maintained. Most importantly the Development Area will maintain the required open space on the lot.

Staff recommends **APPROVAL** of minor amendment PUD-595-B-4.

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

10.3

## PARKING SUMMARY – MATHIS BROTHERS 2012 STORE EXPANSION

Per the proposed Mathis Brothers 2012 Expansion Plan, on-site parking stall requirements are as follows, based upon City of Tulsa Zoning Code requirements:

EXISTING SHOWROOM – BUILDING “A”:	100,800 SF
<u>PROPOSED SHOWROOM AREA – BUILDING “B”:</u>	<u>45,000 SF</u>
TOTAL STORE SQUARE FOOTAGE:	145,800 SF
EXISTING WAREHOUSE SPACE TO BE MAINTAINED – BUILDING “B”:	57,000 SF
<u>PROPOSED WAREHOUSE SPACE – NEW BUILDING “C”:</u>	<u>102,400 SF</u>
TOTAL WAREHOUSE SQUARE FOOTAGE:	159,400 SF
TOTAL STORE PARKING REQUIRED =	$173,600 / 300 = 578 \text{ PKG. STALLS}$
TOTAL WAREHOUSE PARKING REQUIRED =	$159,400 / 5,000 = 32 \text{ PKG. STALLS}$
	558 PKG. STALLS REQ'D (PER CODE)
TOTAL EXISTING PARKING STALLS TO REMAIN =	378 PKG. STALLS
<u>TOTAL PROPOSED (NEW) PARKING STALLS =</u>	<u>198 PKG. STALLS</u>
	576 TOTAL PKG. STALLS PROVIDED*

\* OVERALL PARKING STALLS PROPOSED PER THIS PUD MINOR AMENDMENT

10.5



**Mathis Brothers expansion area from the west**



**Mathis Brothers expansion area from the southwest**





**Mathis Brothers expansion area from the east**



**Mathis Brothers expansion area from the southeast**

10.7



**RM-O**  
**CS**  
**PUD-522**

**PUD-625**

**RS-3**  
E 82 PL S  
S 100 E AVE  
E 83 ST S  
S 100 E PL

**AG**

**AG**

**S MINGO RD**

E 84 PL S  
S 98 E AVE  
S 98 E PL

E 83 PL S

E 84 ST S

E 85 ST S

E 85 PL S

S 100 E PL

**CO**

**PUD-559-2**  
**Z-5888-SP-1b**

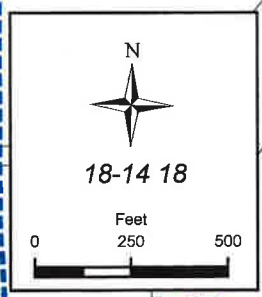
**PUD-559**  
**PUD-559A**

E 88 ST S

S 101 E AVE

S 101 E AVE

**RS-3**



**RS-3**  
**PUD-721**

**OL**

**CS**

**AG**

**PUD-298**

**OL**  
**PUD-268C**

**CS**

**AG**

**CO**

**AG**

**CO**

**169**

**169**

**E 91st ST S**





S MINGO RD

**PUD-559-2**  
**Z-5888-SP-1b**

E 91st ST S

S 101 EAVE

E 88 ST S

E 82 PL S  
S 100 EAVE  
E 83 ST S  
S 100 EPL

E 83 PL S

E 84 ST S

E 85 ST S

E 85 PL S

S 98 EAVE

S 98 EPL

S 100 EPL



18-14 18

Feet  
0 250 500

Note: Graphic overlays may not precisely align with physical features on the ground.  
Aerial Photo Date: March 2010

169

169

11.2



May 2, 2012

## STAFF RECOMMENDATION

**PUD-559-2/Z-5888-SP-1b:** Minor Amendment – Northeast corner of South Mingo Road and East 88<sup>th</sup> Street South; TRS 18-14-18; CZM 54; Atlas 1731; CD 7; CO.

The applicant is requesting a minor amendment to increase the permitted building height for two and three-story apartment buildings within Development Area B of PUD-559. There is no request to amend any other standard of PUD-559.

Section 1107.H.9 of the Code allows the TMAPC to modify building heights by minor amendment so long as the approved development plan, the approved PUD standards and the character of the development are not substantially altered.

Approved in 1997, PUD-559 is a multi-use PUD permitting College University within Use Unit 2, Hospital within Use Unit 5, Multi-family dwellings as permitted in Use Unit 8, Use Unit 11 (office uses) and Outdoor Advertising as permitted within Use Unit 21, within three development areas as identified on the attached Exhibit B.

PUD-559 has an established building height for multi-family dwellings in Development Area B as follows:

Within 150 feet of the northern boundary of Area B abutting South Towne Square:	Two-stories not to exceed 30-feet
--	-----------------------------------

Remainder of Area B:	Three stories not to exceed 43-feet.
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The applicant proposes height increases as follows:

Within 150 feet of the northern boundary of Area B abutting South Towne Square:	Two-stories, not to exceed 39 feet, nor a top plate height of 27 feet.
--	---

Remainder of Area B:	Three-stories, not to exceed 52-feet nor a top plate height of 37 feet.
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The applicant has indicated that the finished floor elevation for all buildings will not be increased. The height increase is strictly for uninhabitable portions of the buildings to allow for a greater roof pitch giving the buildings a more residential appearance to blend with the surrounding neighborhood. The existing building height would require a much less pitched roof, creating a more institutionalized aesthetic.

The 90-foot setback from South Towne Square (the northern boundary of the PUD) for two-story or less buildings and the 150-foot setback for three story buildings as required by PUD-559 remain effective.

Staff recommends **APPROVAL** of minor amendment PUD-559-2/Z-5888-SP-1b.

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

11.3



PUD-559  
Minor Amendment of part of Development Area B  
April 11, 2012

The purpose of this amendment is to permit the proposed two- and three-story apartment buildings allowed within Development Area B to be constructed with a roof pitched similar to the single-family residential structures in the area. It is not the intent of this amendment to allow the structures, specifically the floors and windows within the structure, to be any further above the ground elevation than originally permitted by PUD-559. This amendment proposes to increase the building height so the roof pitch can be increased while imposing a top plate height restriction to maintain the original intent of the PUD height limitation. Therefore, the entirety of the height increase will occur in the roof structure which is a non-habitable portion of the buildings.

Development Area B	<u>Approved Standard</u>	<u>Proposed Standard</u>
Maximum Building Height:		
Use Unit 8 uses:		
Within 150' of northern boundary of Area B that abuts South Towne Square	Two stories nor more than 30 feet	Two stories nor more than 39 feet with a top plate height not to exceed 27 feet
Remainder of Area B	Three stories nor more than 43 feet	Three stories nor more than 52 feet with a top plate height not to exceed 37 feet

All other development standards within Development Area B of PUD-559 shall remain as approved, unchanged by the amendments herein.



**Boundary line between South Towne Square and subject property from the east**



**Northern portion of Dev. Area B of PUD-559 from 101st Avenue East (looking east)**

11.6





**Dev. Area B of PUD-559 from East 88th Street South (looking north)**

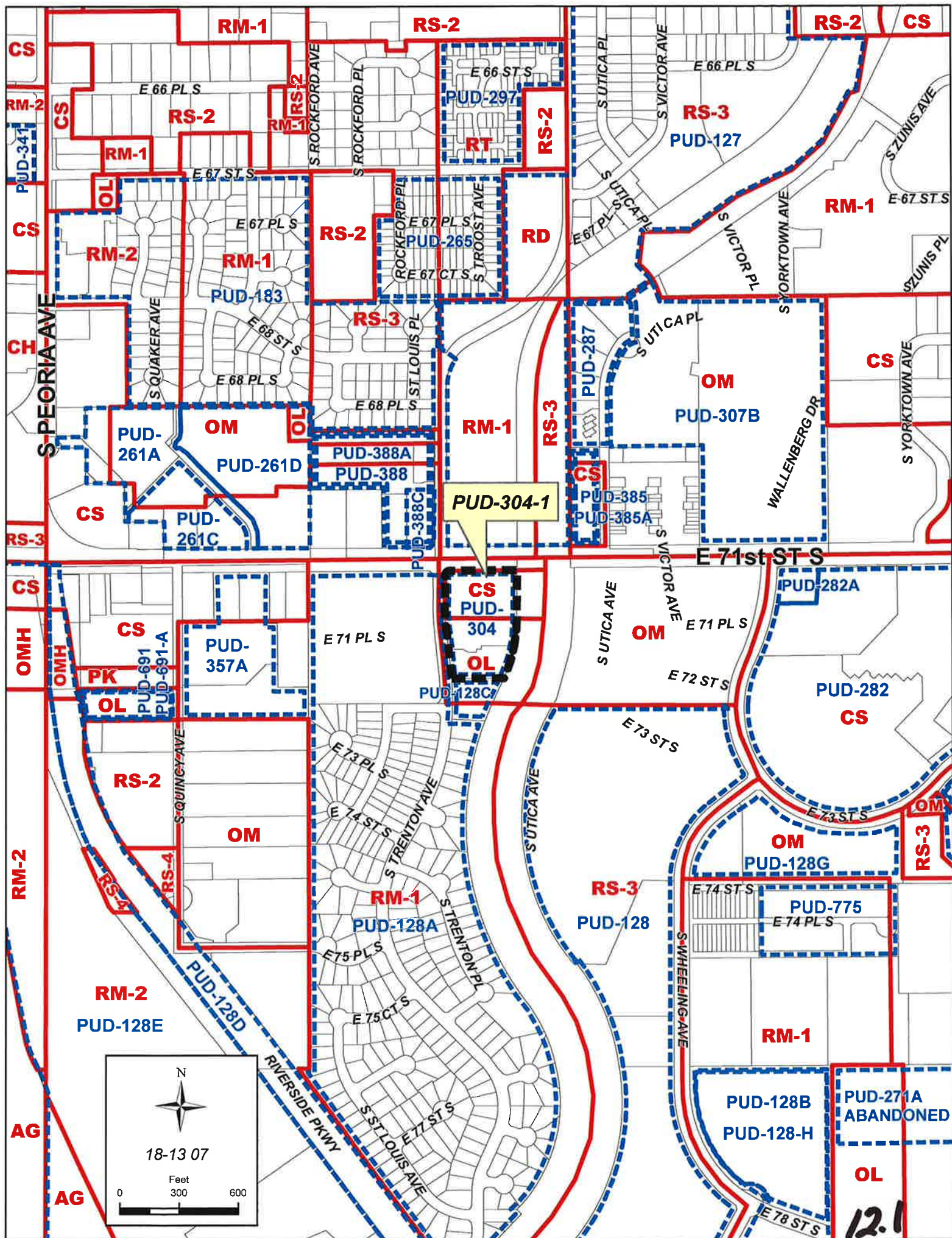


**Boundary line between South Towne Square and Area B of PUD-559 from the west.**



**Looking south at Dev. Area B from west side of Mingo Rd.**









18-13 07

0 Feet 300 600

Note: Graphic overlays may not precisely align with physical features on the ground.  
Aerial Photo Date: March 2010

12.2



May 2, 2012

### STAFF RECOMMENDATION

**PUD-304-1:** Minor Amendment – Southeast corner of East 71<sup>st</sup> Street South and South Trenton Avenue; 1660 East 71<sup>st</sup> Street South; TRS 18-13-07; CZM 52; Atlas 1138; CD 2; OL/CS.

The applicant is requesting a minor amendment to add Children's Nursery within Use Unit 5 – Community Services and Similar uses as a permitted use in PUD-304.

The PUD currently permits Use Unit 11 – Office Studios and Support Services; Use Unit 12 – Eating Establishments Other than Drive-ins; Use Unit 13 – Convenience Goods and Services and Use Unit 14 – Shopping Goods and Services.

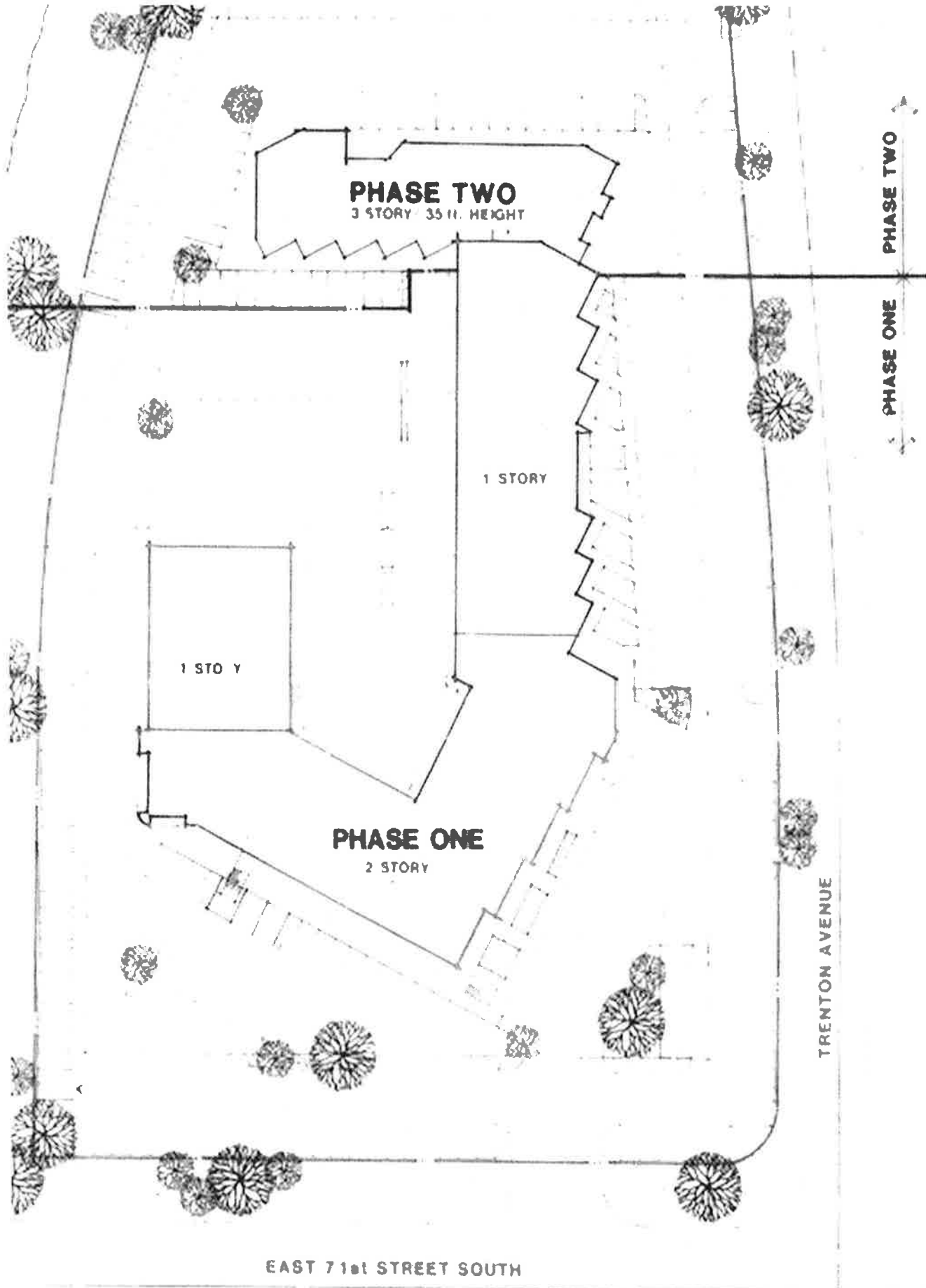
Section 1107.H.15 of the Zoning Code allows by minor amendment changes/additions in an approved use, provided the underlying zoning on the particular site within the PUD would otherwise permit such use by right and the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties. With the CS zoning present on the site, Children's Nursery within Use Unit 5 is a use permitted by right.

Staff believes the high density of apartments, duplexes, and commercially used properties in the immediate vicinity warrants a Children's Nursery/commercial day care use within the PUD to serve the surrounding neighborhoods. Staff also contends that the additional use will not increase incompatibility with the present and future use of the proximate properties.

Therefore staff recommends **APPROVAL** of minor amendment PUD-304-1.

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

12.3



**SITE PLAN**  
1" = 50'-0"



**P.U.D. #304**

**12.4**

# P.U.D. #304

## LAND AREA

GROSS LAND AREA	22,709.1 SQ. FT.	(5.159 ACRES)
NET LAND AREA	186,573 SQ. FT.	(4.282 ACRES)

## BUILDING AREA

### PHASE I

FIRST FLOOR	35,150 SQ. FT.	
SECOND FLOOR	18,350 SQ. FT.	
		53,500 SQ. FT.
(COMMERCIAL	37,050 )	
(OFFICE	16,450 )	

### PHASE II

FIRST FLOOR	8,345 SQ. FT.	
SECOND FLOOR	8,265 SQ. FT.	
THIRD FLOOR	8,225 SQ. FT.	
(OFFICE	24,835 SQ. FT. )	24,835 SQ. FT.
TOTAL PROJECT, BOTH PHASES		78,335 SQ. FT.
(TOTAL OFFICE	41,285 SQ. FT. )	
(TOTAL COMMERCIAL	37,050 SQ. FT. )	

## PARKING

### PHASE I

220 REQUIRED  
235 ACTUAL

### PHASE II

82 REQUIRED  
90 ACTUAL

TOTAL PROJECT

302 REQUIRED  
325 ACTUAL

## OPEN AREA

33,450 SQ. FT. (TOTAL PROJECT)  
16,632 SQ. FT. MINIMUM REQUIRED

12.5



**Subject property from the north side of 71st Street.**



**Subject property from the intersection of Trenton and 71st Street.**



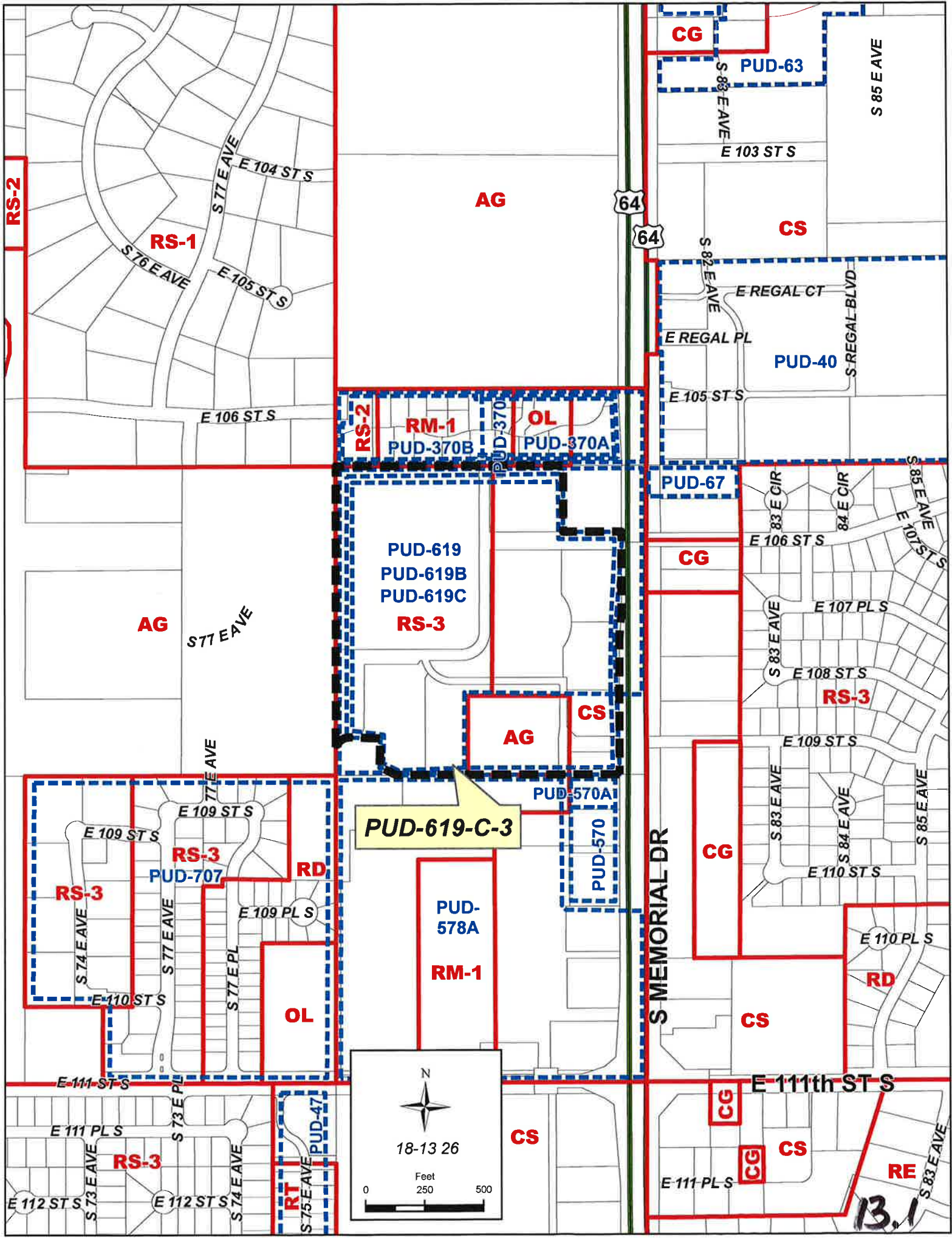


Looking through 71st and Trenton intersection, south along Trenton



Subject property from the southwest corner of the PUD, along Trenton.











**STAFF RECOMMENDATION**

**PUD-619-C-3:** Minor Amendment – North of the northwest corner of 111<sup>th</sup> Street South and South Memorial Drive; TRS 18-13-26; CZM 57; Atlas 2673; CD 8; AG/RS-3/CS.

The applicant is requesting a minor amendment to reconfigure internal boundary lines and an access drive, provide parking relief and modify permitted ground signage. The amendments are being requested in conjunction with a re-plat of the existing Memorial Commons (plat #6219 – attached). The reconfiguration and re-plat will result in a change from a nine (9) lot mixed use subdivision to a 10 lot mixed use subdivision. There is no request to increase the existing permitted floor area, change permitted uses, or relax any of the existing bulk and area requirements of PUD-619-C.

Section 1107.H.1 allows by minor amendment adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered. Please refer to the attached plat of Memorial Commons, the originally approved concept plan and access/circulation plan (Exhibits A-1, A-2 and A-3), as well as Exhibit A, the proposed reconfiguration. The existing floor area allocation for the PUD permits a total of 333,433.65 square feet (sf) of commercial floor area distributed to 9 lots; the largest being Lot 1, Block 1 and the site of Lifetime Fitness (see attached photographs). In evaluating the approved concept plan, plat of the property and the proposed reconfiguration the following changes are proposed:

- i. Shift the largest mixed use building from Lot 2, Block 3 to Lot 1, Block 2 situated more at the center of the development creating a more dense configuration;
- ii. Move the southern access road/Reserve C slightly to the south to allow for clear, distinct vehicular access from Memorial Drive through the development to Lifetime Fitness (as currently configured, the access travels through the parking lots); and
- iii. Create an additional out parcel along Memorial Drive.

Floor area allocation is proposed to retain the existing 333,433.65 sf of permitted floor area and reallocate it as follows:

Lot 1, Block 1 (Lifetime Fitness):	116,000 sf
Lot 1, Block 2:	60,500 sf
Lot 2, Block 3:	61,650 sf

*The remaining 95,283.65 sf will be distributed among the remaining lots as the lots develop.*

Staff believes the reconfiguration will not substantially alter the relationship of uses within the development and should improve access and internal vehicular and pedestrian circulation.

Section 1106 of the Coe allows the Planning Commission to provide parking relief within PUDs and permit shared parking. Without knowing the exact tenant mix on Lot 1, Block 2 the applicant estimates a required parking count of 375 upon the completion of both buildings on the lot (based on 20,875 sf of restaurant space and 35,022 sf of retail space). In order to provide for open space requirements, landscaping and attempt to improve vehicular, pedestrian and bicycle circulation within the development, the applicant proposes 304 parking spaces on Lot 1, Block 2; a reduction of 71 spaces (see page 2 of the attached letter from the

applicant and Exhibit C). Upon detail site plan review for the lots fronting Memorial Drive, staff will require direct pedestrian connection from the storefronts to the Memorial Drive sidewalk. With the balance of restaurant and retail square footage proposed on the lot, the reduction can be supported. The principal is held that retail traffic is generally heavier during the daytime and on weekends, while the restaurant traffic tends to be heavier in the evenings. Also, once the development is entirely built out, staff believes parking will be provided for all uses on a development wide basis. For example, there are 577 spaces required for Lifetime Fitness with 603 provided, a gain of 26 spaces. Staff believes that when complete the entire development will have the over-all required parking.

Finally, section 1107.H.12 permits modification to approved signage so long as size, location, number and character (type) of the sign(s) are not substantially altered. The applicant is seeking one additional ground sign along the Memorial Drive frontage to allow for the extra parcel along Memorial Drive to be identified per the attached Exhibit E. The PUD currently allows:

Four (4) ground signs along Memorial Drive not to exceed 10 feet in height with 80 square feet of display area.

The applicant proposes:

Five (5) ground signs along Memorial Drive not to exceed 10 feet in height with 80 square feet of display area per the attached Exhibit E.

Staff contends the addition of one monument style sign along Memorial drive will not substantially alter the size, location, number and character (type) of the sign(s) permitted within the PUD. The CS zoning on the property would allow for each lot to have its own sign up to 40' tall with two square feet of display area permitted per each linear foot of street frontage. The additional sign will not be out of character with signage on proximate properties.

Staff recommends **APPROVAL** of minor amendment PUD-619-C-3 subject to the following:

- 1) Reconfiguration of internal development area boundaries and Reserve C in substantial conformance with the attached Exhibit A;
- 2) Floor Area allocation as follows:

Lot 1, Block 1 (Lifetime Fitness):	116,000 sf
Lot 1, Block 2:	60,500 sf
Lot 2, Block 3:	61,650 sf

*The remaining 95,283.65 sf will be distributed among the remaining lots as the lots develop.*
- 3) A Minimum of 304 parking spaces provided on Lot 1, Block 2; and
- 4) Allow each lot fronting Memorial Drive one monument style sign each not to exceed 10 feet in height with no more than 80 sf of display area.
- 5) All other terms and conditions approved as part of PUD-619-C shall remain effective.

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





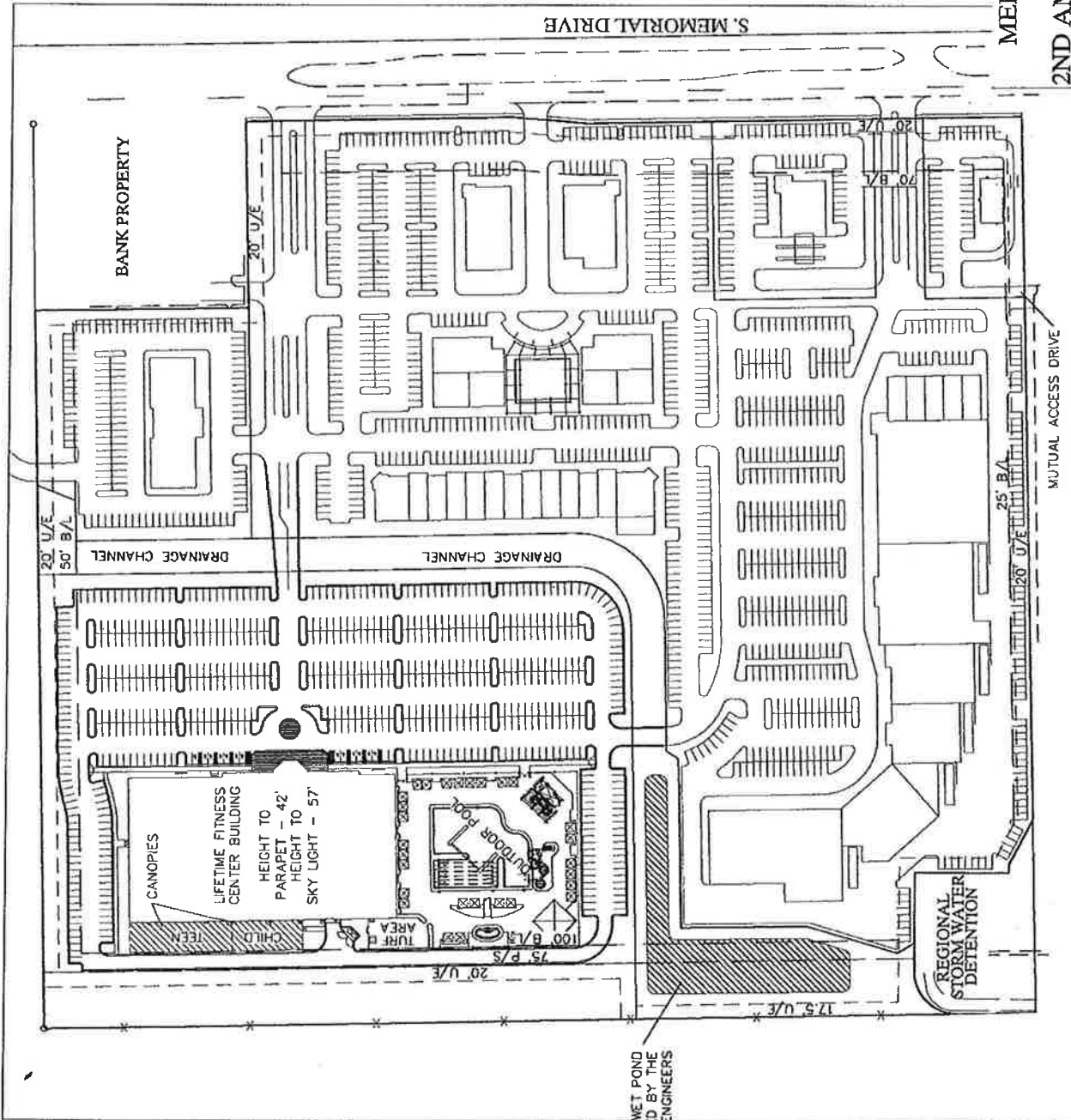
106TH STREET

109TH STREET

S. MEMORIAL DRIVE

MEMORIAL COMMONS  
PUD 619-C  
2ND AMENDED EXHIBIT A  
SITE PLAN

DeShazo, Tang & Associates, Inc.



MITIGATION WET POND  
REQUIRED BY THE  
CORPS OF ENGINEERS

134





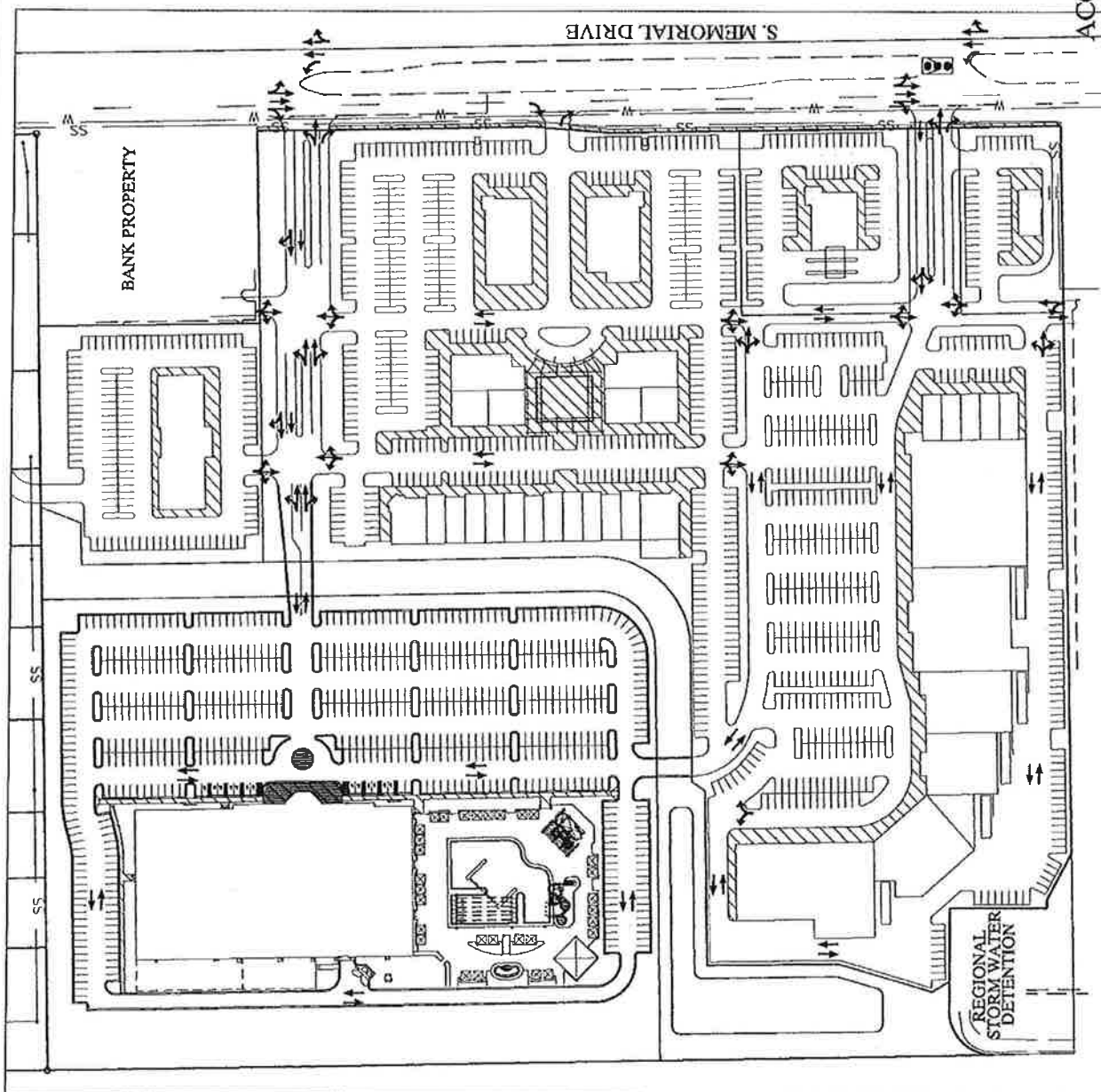
SS SIDEWALKS

106TH STREET

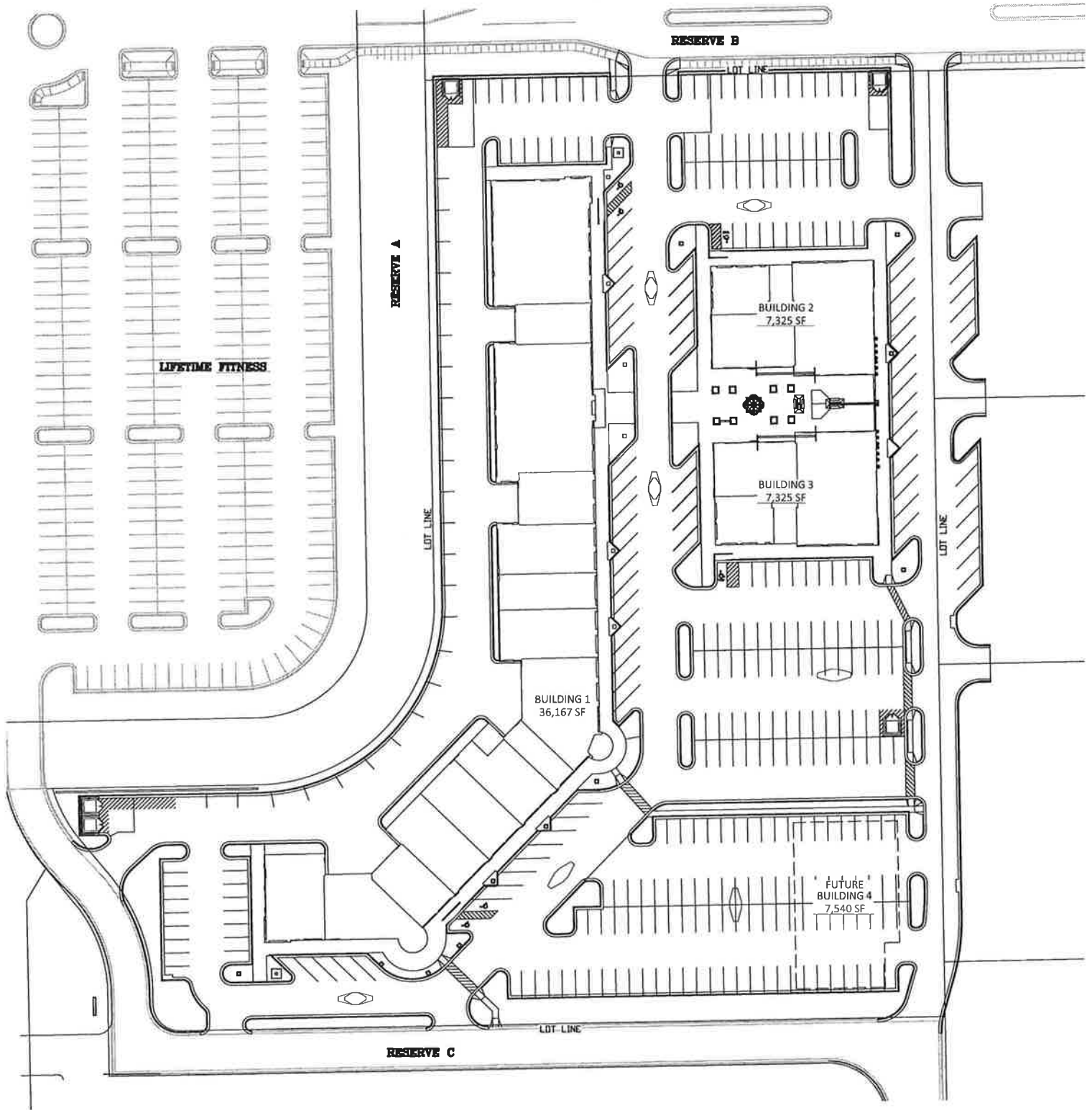
109TH STREET

MEMORIAL COMMONS  
PUD 619-C  
2ND AMENDED EXHIBIT D  
ACCESS AND CIRCULATION -  
VEHICULAR AND PEDESTRIAN

DeShazo, Tang & Associates, Inc.







kinslow, keith & todd, inc.  
architecture | interiors | engineering

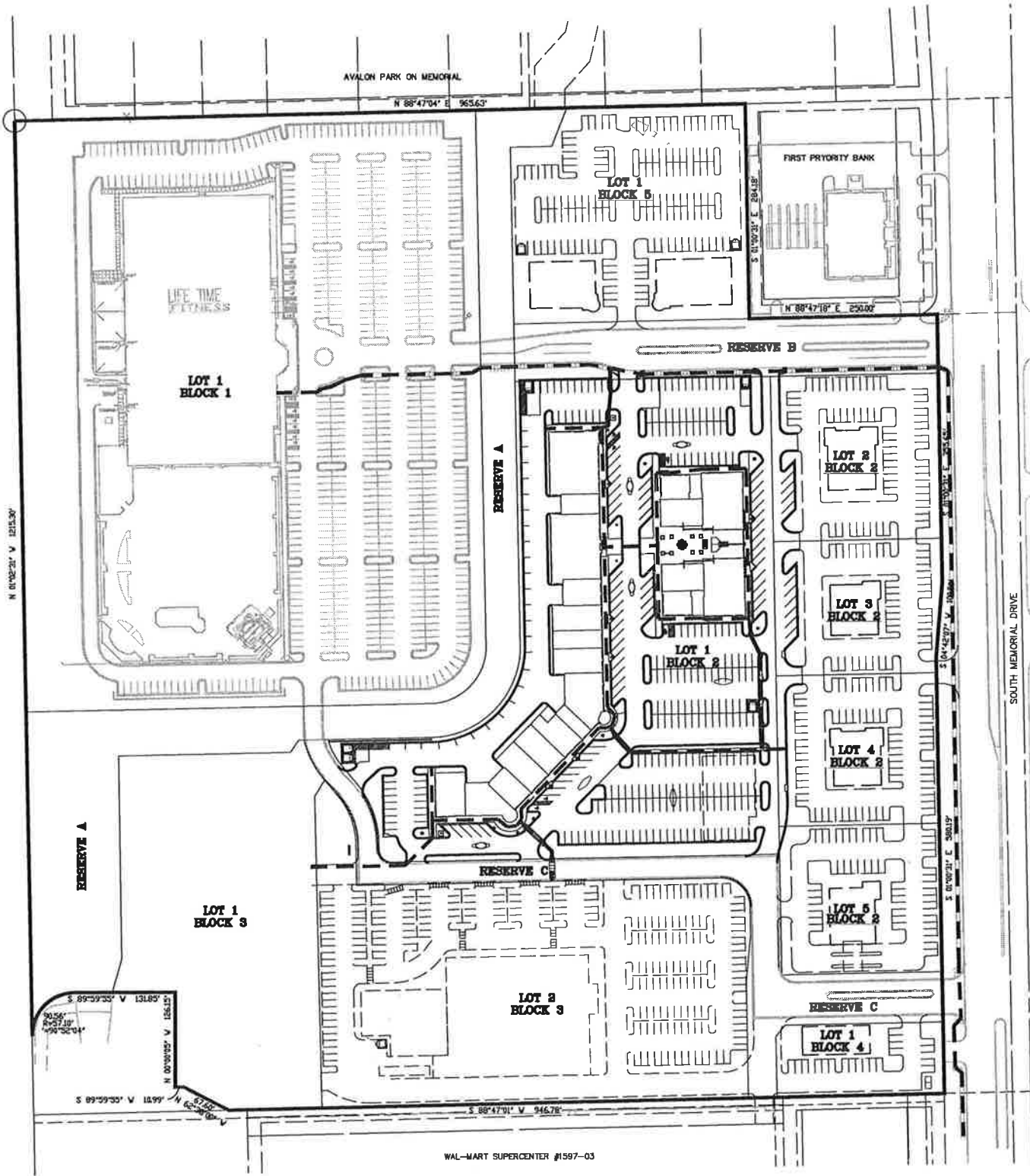


NORTH

**EXHIBIT B**  
**Proposed Lot 1, Blk 2 Site Plan**  
**PUD N-1120**

13.9





----- Proposed Pedestrian Plan



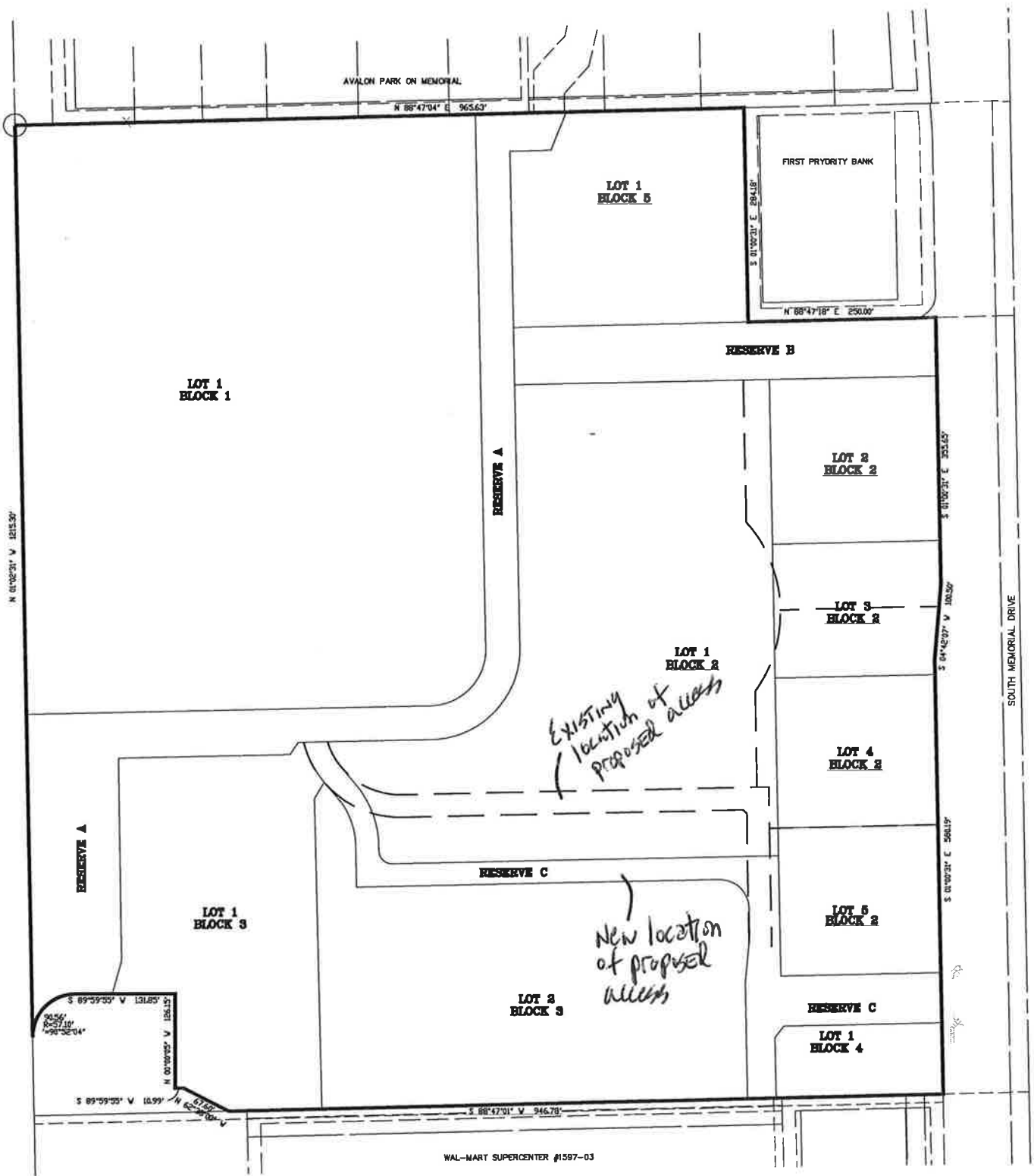
kinslow, keith & todd, inc.  
architecture | interiors | engineering



NORTH

**EXHIBIT C**  
**Proposed Pedestrian Plan**  
**PUD No. 619-C**

13.10

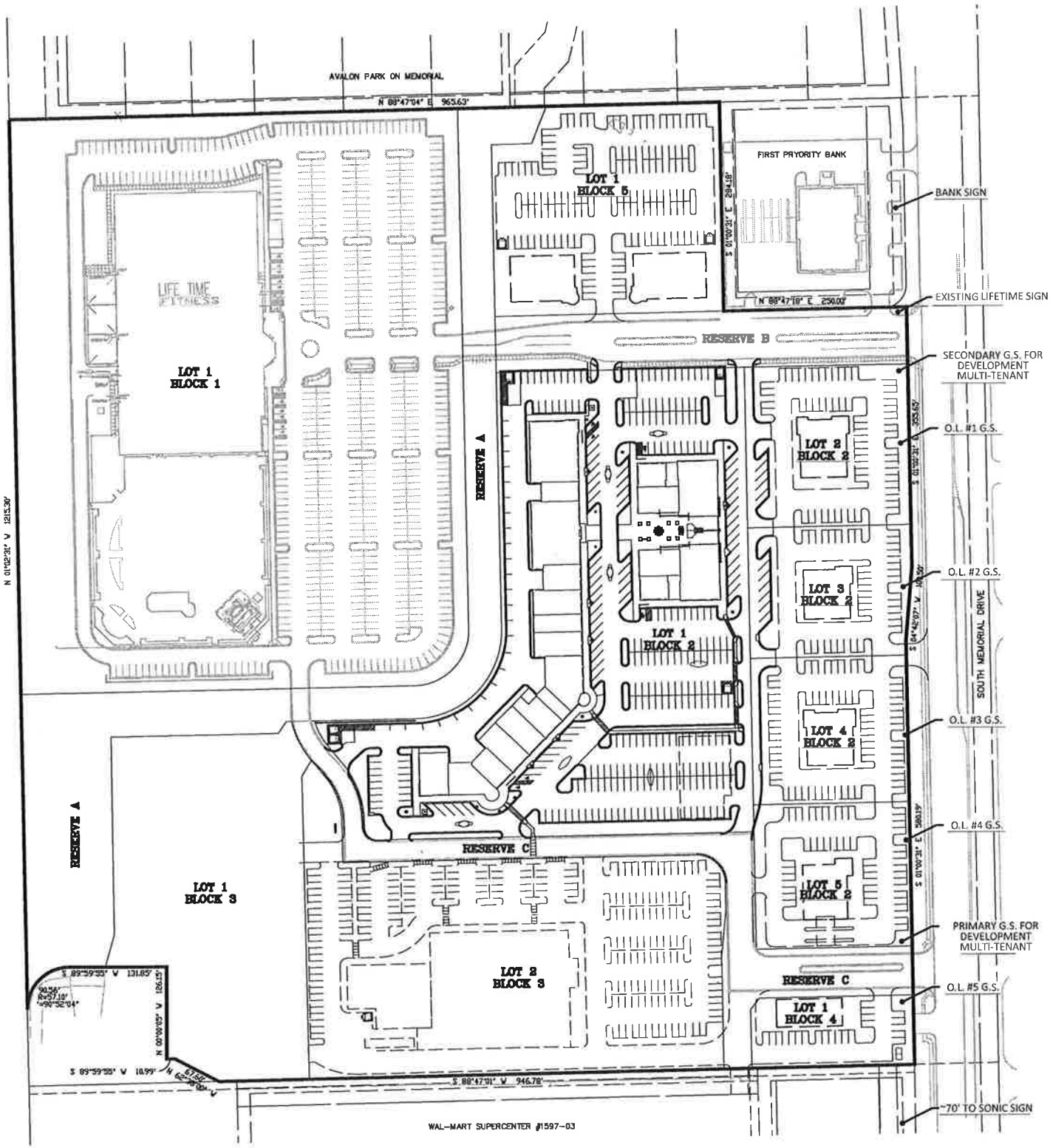


kinslow, keith & todd, inc.  
architecture | interiors | engineering



**EXHIBIT D**  
Existing & Proposed Lot Lines  
PUD No. 619-C

13.11



G.S. = Ground Sign  
O.L. = Out Lot



kinslow, keith & todd, inc.  
architecture | interiors | engineering



**EXHIBIT E**  
**Proposed Sign Locations**  
**PUD No. 619-C**  
**13.12**



April 11, 2012

Tulsa Metropolitan Area Planning Commission  
INCOG  
2 West 2<sup>nd</sup> Street, Suite 800  
Tulsa, Oklahoma 74103

RE: Proposed Minor Amendment to Memorial Commons  
Planned Unit Development No. 619-C  
Owner/Applicant: South Memorial Development Group, LLC

Dear Commission Members:

The Applicant requests three (3) minor amendments to the Development Standards for Memorial Commons, Planned Unit Development No. 619-C. The proposed minor amendments are offered in connection with a re-plat of the Memorial Commons subdivision which will be renamed as "The Vineyard." The proposed minor amendments involve revisions to parking space, changes to internal boundaries and circulation, and business ground signage. Details of the proposed minor amendments are as follows:

## PERMITTED FLOOR AREA

The development property, as the same is proposed to be re-platted, will contain a total of 34.3 acres with the following lot sizes:

### Block 1

- Lot 1: 477,342 sq. ft.

### Block 2

- Lot 1: 254,454 sq. ft.
- Lot 2: 49,019 sq. ft.
- Lot 3: 37,127 sq. ft.
- Lot 4: 42,607 sq. ft.
- Lot 5: 42,019 sq. ft.

### Block 3

- Lot 1: 111,602 sq. ft.
- Lot 2: 172,826 sq. ft.

### Block 4

- Lot 1: 21,183 sq. ft.

### Block 5

- Lot 1: 85,090 sq. ft.

Reserve 'A': 109,996 sq. ft.

Reserve 'B': 43,318 sq. ft.

Reserve 'C': 49,301 sq. ft.

13.13

Currently, the PUD provides for 333,433.65 gross square feet of building area within the development. The applicant does not propose to alter the established maximum building area for the development. Rather, the applicant proposes to allocate 116,000 square feet of the total available building area to the Lifetime Fitness facility currently under construction on Lot 1, Block 1. Applicant further proposes to allocate 60,500 square feet of the available building area to Lot 1, Block 2. Applicant further proposes to allocate 61,650 square feet of the available building area to Lot 2, Block 3.

The remaining available building area will be allocated to the remaining Lots in the development, on a case by case basis as construction of the development continues. The identity and location of the Lots are set forth on **Exhibits A and D**.

## **PARKING**

The buildings currently to be constructed on Lot 1, Block 2 consist of restaurant and retail space. Restaurant square footage is 20,875. Retail square footage is 27,482. Per the zoning code, a total of 331 parking spaces would be required to accommodate these uses. The applicant will have a total of 354 parking spaces currently available to Lot 1, Block 2 which is more than sufficient to satisfy the code. However, as shown on **Exhibit B**, it is anticipated that an additional 7,540 square foot retail building will be constructed on Lot 1, Block 2. Upon completion of that construction, a loss of 50 parking spaces will occur (leaving a total of 304 available spaces). Per the zoning code, if construction of the retail building is completed as anticipated, a total of 375 parking spaces would be required for Lot 1, Block 2. The applicant believes that the 304 spaces will be sufficient to meet the vehicular parking needs for Lot 1, Block 2. The development is designed to provide internal and external foot and bicycle pedestrian access. As shown on **Exhibit C**, a pedestrian walkway runs through the interior of the development, connecting each of the current planned buildings and other parts of the development and pedestrian access into the development is available from along Memorial Drive. The internal pedestrian walkway extends all the way to the west portion of the development to include the Lifetime Fitness facility situated on Lot 1, Block 1. The west building located on Lot 1, Block 2 has a large sidewalk along the front of the building with awnings and round colonnades to allow protection from the outdoor climate that will direct people to walk to different points on this west building. Additionally, on Lot 1, Block 2, the connection between the west building and the northern two buildings is a large sidewalk with a speed table. This speed table will reduce the traffic speed and create a large sidewalk surface to promote walking from the western building to the northern two buildings. The two northern buildings have large sidewalks around the entire buildings with a plaza in the middle for pedestrian access. This promotes walking as there are attractions located in the plaza that are only accessible by foot. There will also be bike racks located in a few spots for the convenience of the numerous bicycle riders that use the highly popular bike trails to access the site. Further, with respect to traffic, there is a complementary balance between retail and restaurant use in the development. Restaurant traffic tends to be heavier in the evenings whereas retail traffic tends to be heavier in the daytime hours, thus further justifying the lack of a need for excessive parking in the development. Numerous other features provide for ease of pedestrian movement throughout the development, eliminating the need to use a motor vehicle to relocate from one point to another. Indeed, several features, such as speed controlled areas and the proximity of the buildings, tend to hamper and/or eliminate the need to use a motor vehicle in moving through the interior of the development.



### ACCESS AND CIRCULATION/ ADJUSTMENT OF INTERNAL BOUNDARIES

The applicant proposes to amend the PUD to provide for adjustments of the internal development area boundaries in accordance with the proposed new plat. The proposed adjustments will not substantially alter the particular uses and relationship of uses within the development. The applicant proposes to amend the PUD to provide for adjustments of the internal development area boundaries in accordance with the proposed new plat. The proposed adjustments will not substantially alter the particular uses and relationship of uses within the development. The applicant proposes an amendment to provide for a minor modification to the internal circulation system whereby the mutual access drive between Lot 1, Block 1 and Lot 1, Block 2 (located within Reserve Area C) is modified slightly from the original design. The proposed modification to this drive is reflected on **Exhibit D**. As shown on **Exhibit D**, the re-plat of the property will result in the addition of a Lot on the East side of the development and will also provide for minor adjustments to the East and South property lines of Lot 1, Block 2 (as a result of change to the location of Reserve Area C). The resulting configuration of the boundaries will be as reflected on **Exhibit A**.

### SIGNAGE

The current PUD provides for a maximum of four business ground signs along the Memorial Drive frontage. As a result of the addition of a new Lot on the east side of the development, abutting Memorial Drive, the applicant requests an additional ground sign, not to exceed 80 square feet of display surface area and 10 feet in height, to be located on the new Lot, for a total of five business ground signs. The proposed sign locations are set forth on **Exhibit E**.

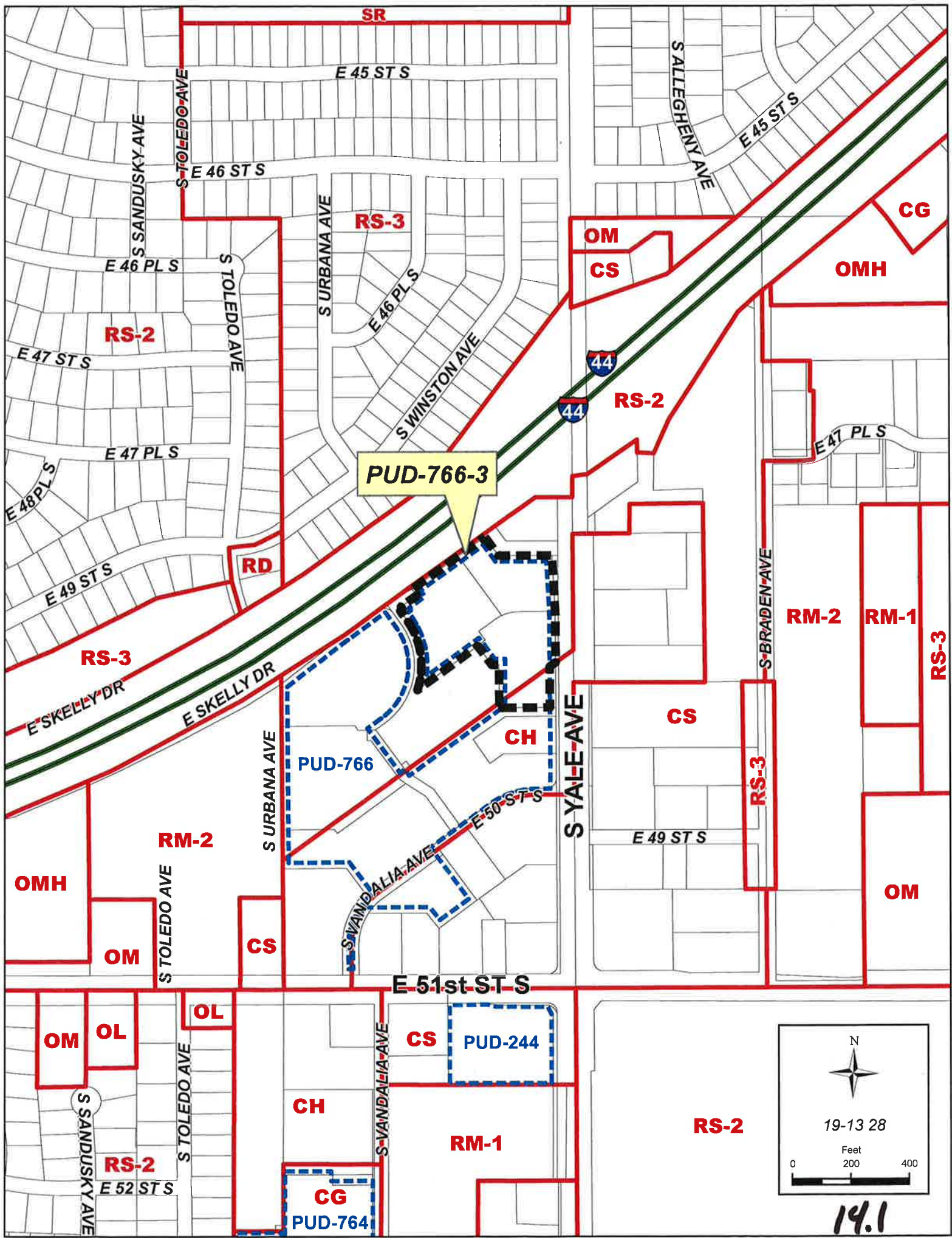
The full legal description of the subject property is attached as **Exhibit F**. The legal description will also be emailed. If you have any questions about the requested amendments please contact me.

Sincerely,  
  
Robert P. Skeith  
Attorney for Applicant

13.15





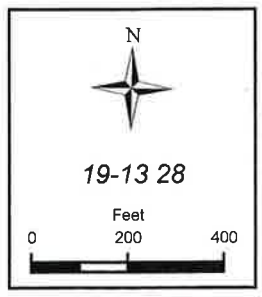


PUD-766-3

PUD-766

PUD-244

PUD-764



19-13 28

Feet  
0 200 400

14.1





**PUD-766-3**



19-13 28

0 Feet 200 400

Note: Graphic overlays may not precisely align with physical features or Aerial Photo D

14.2



May 2, 2012

### STAFF RECOMMENDATION

**PUD-766-3:** Minor Amendment – Southwest corner of Skelly Drive and South Yale Avenue; Lots 5, 6, and 7, Block 1 – 51 Yale; TRS 19-13-28; CZM 47; Atlas 468; CD 9; CS/CH.

The applicant is requesting a minor amendment to permit three lot-splits, two lot combinations and to re-allocate existing floor area to the three lots per the attached exhibits. There is no request to increase permitted floor area for any of the lots or to relax any other existing development standard of PUD-766. The splits and combinations as well as the reallocation of floor area are to allow for the construction of a gas station/convenience store on Lot 6.

Also appearing on the May 2<sup>nd</sup> agenda of the TMAPC are associated lot split applications LS-20517, 20518, and 20519 as well as lot combination applications LC-401 and LC-402.

Section 1107.H.1 of the code permits by minor amendment the adjustment of internal development area boundaries provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.

Existing lot area and allocation of floor for the three lots are as follows:

Lot	Lot Area	Permitted Floor Area
5	1.82 acres	19,820 sf
6	1.21 acres	13,177 sf
7	1.59 acres	17,315 sf
Total:		50,312 sf

Proposed lot area and re-allocation of floor for the three lots are as follows:

Lot	Lot Area	Permitted Floor Area	Change
5	1.67 acres	18,154 sf	-1,666 sf
6	1.39 acres	15,028 sf	+1,851 sf
7	1.57 acres	17,130 sf	-185 sf
Total:		50,312 sf	

Staff contends that the proposed changes are minor in nature and will not substantially alter the allocation of land to particular uses and the relationship of the uses within the project since there are no use changes being requested and there a shift of just 3,702 sf of existing floor area

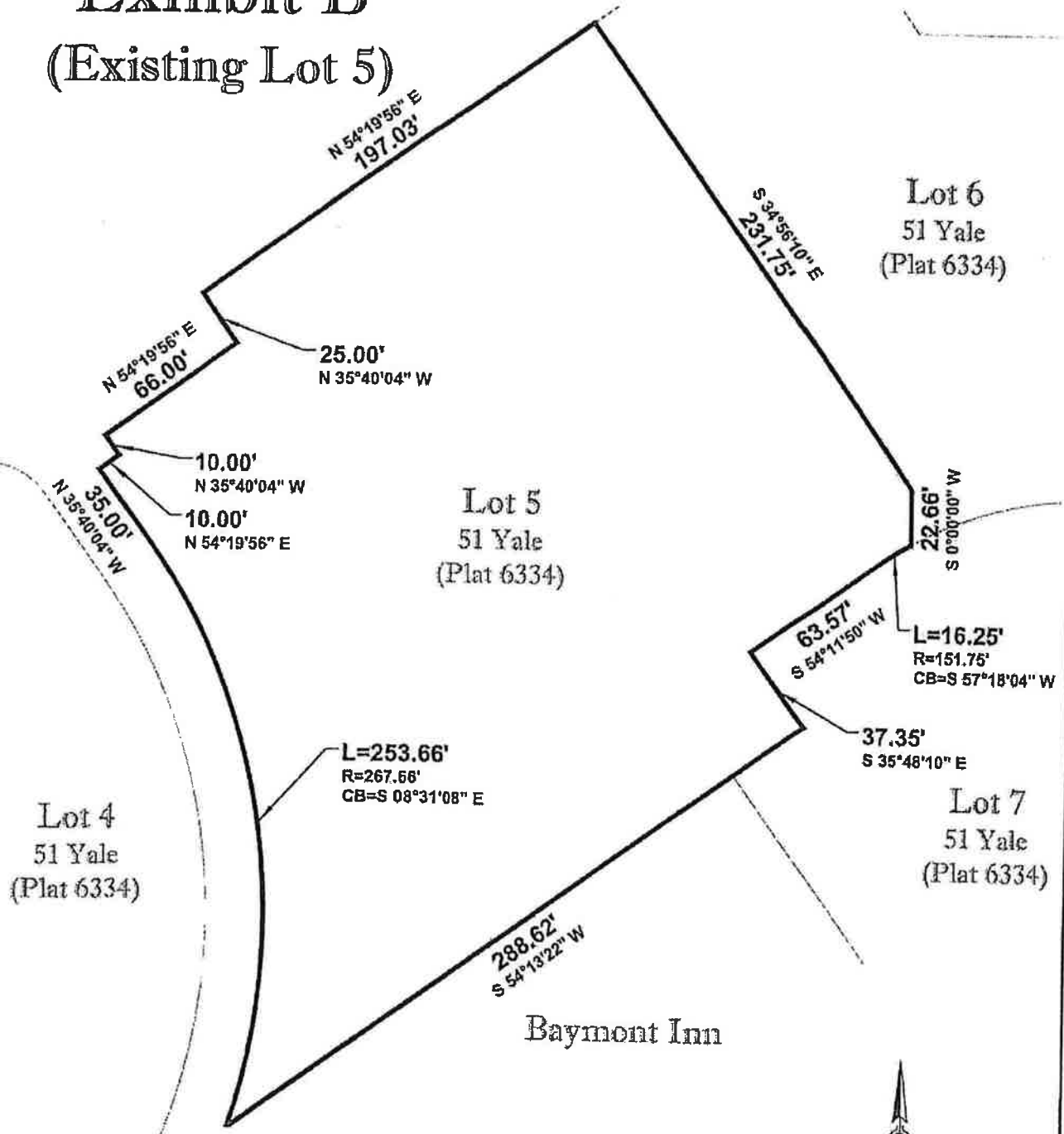
Therefore staff recommends **APPROVAL** of minor amendment PUD-766-3.

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

14.3



# Exhibit B (Existing Lot 5)

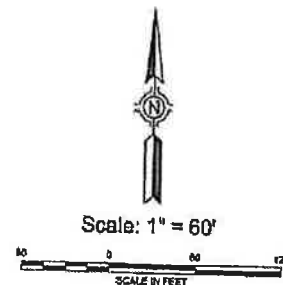


**HRAOK, INC**

ENGINEERS • SURVEYORS • PLANNERS

1913 WEST TACOMA - SUITE A  
BROKEN ARROW, OKLAHOMA 74012  
CA# 3643 EXP. DATE: 6-30-2013

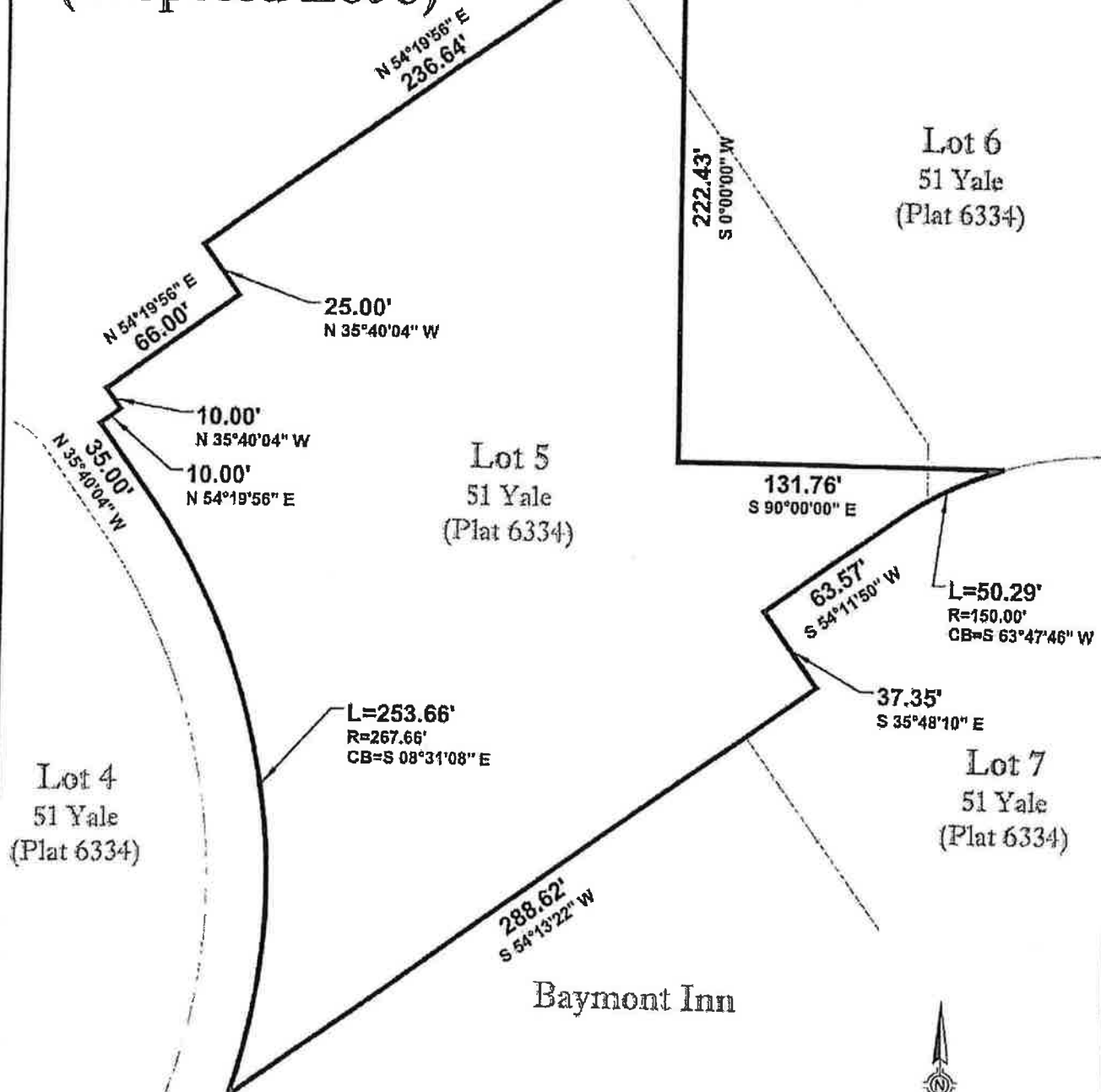
VOICE: (918) 258-3737  
FAX: (918) 258-2554  
www.hraok.com



Prepared: APRIL 3, 2012

14.4

# Exhibit B (Proposed Lot 5)



**HRAOK, Inc**

ENGINEERS • SURVEYORS • PLANNERS

1913 WEST TACOMA - SUITE A  
BROKEN ARROW, OKLAHOMA 74012  
CA# 3643 EXP. DATE: 6-30-2013

VOICE: (918) 258-3737  
FAX: (918) 258-2554  
www.hraok.com



Scale: 1" = 60'

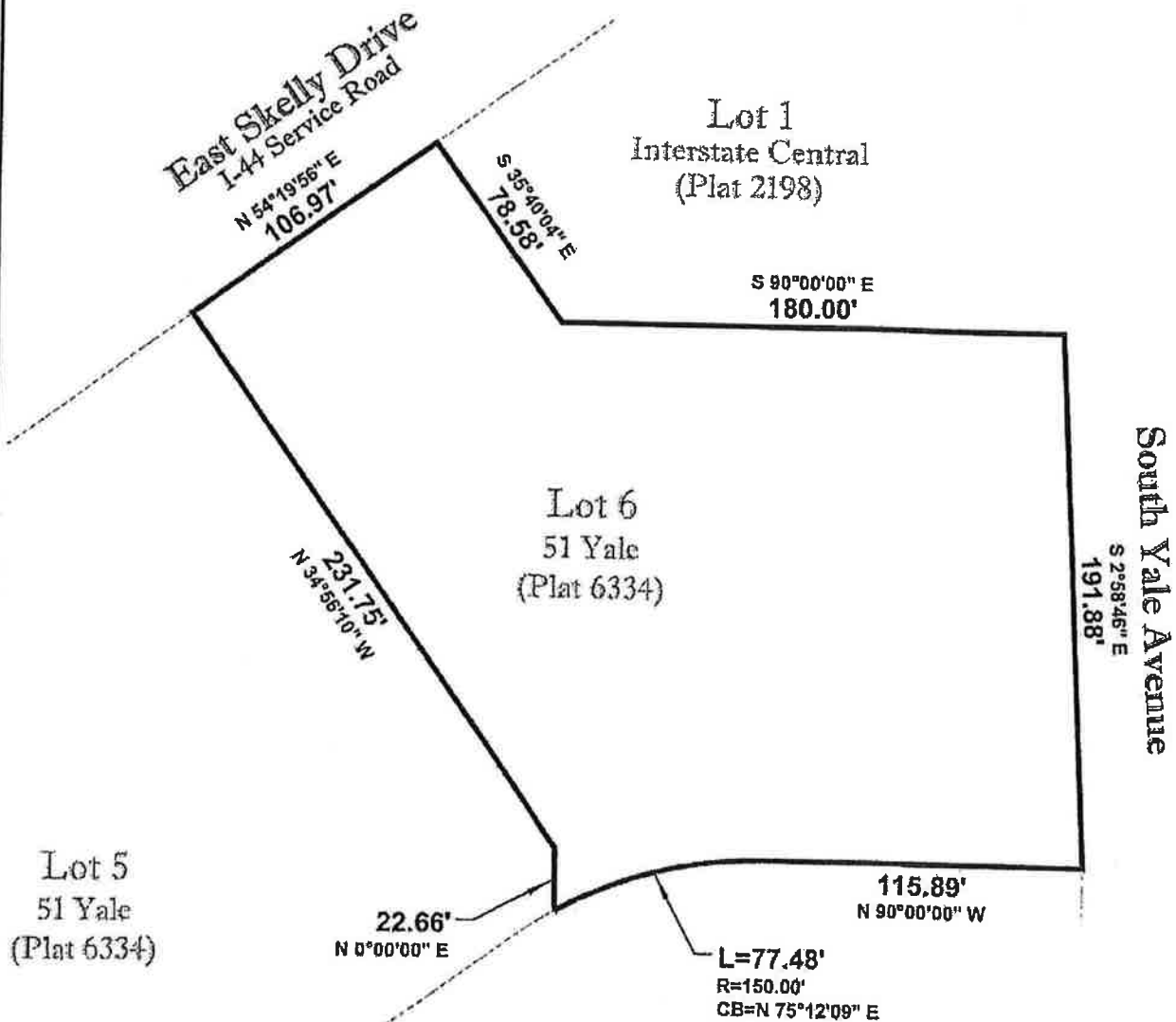


Prepared: APRIL 3, 2012

14.5

# Exhibit B

## (Existing Lot 6)

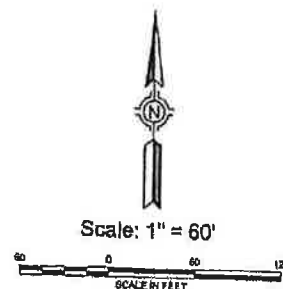


**HRAOK, INC**

ENGINEERS • SURVEYORS • PLANNERS

1913 WEST TACOMA - SUITE A  
BROKEN ARROW, OKLAHOMA 74012  
CA# 3643 EXP. DATE: 6-30-2013

VOICE: (918) 258-3737  
FAX: (918) 258-2554  
www.hraok.com



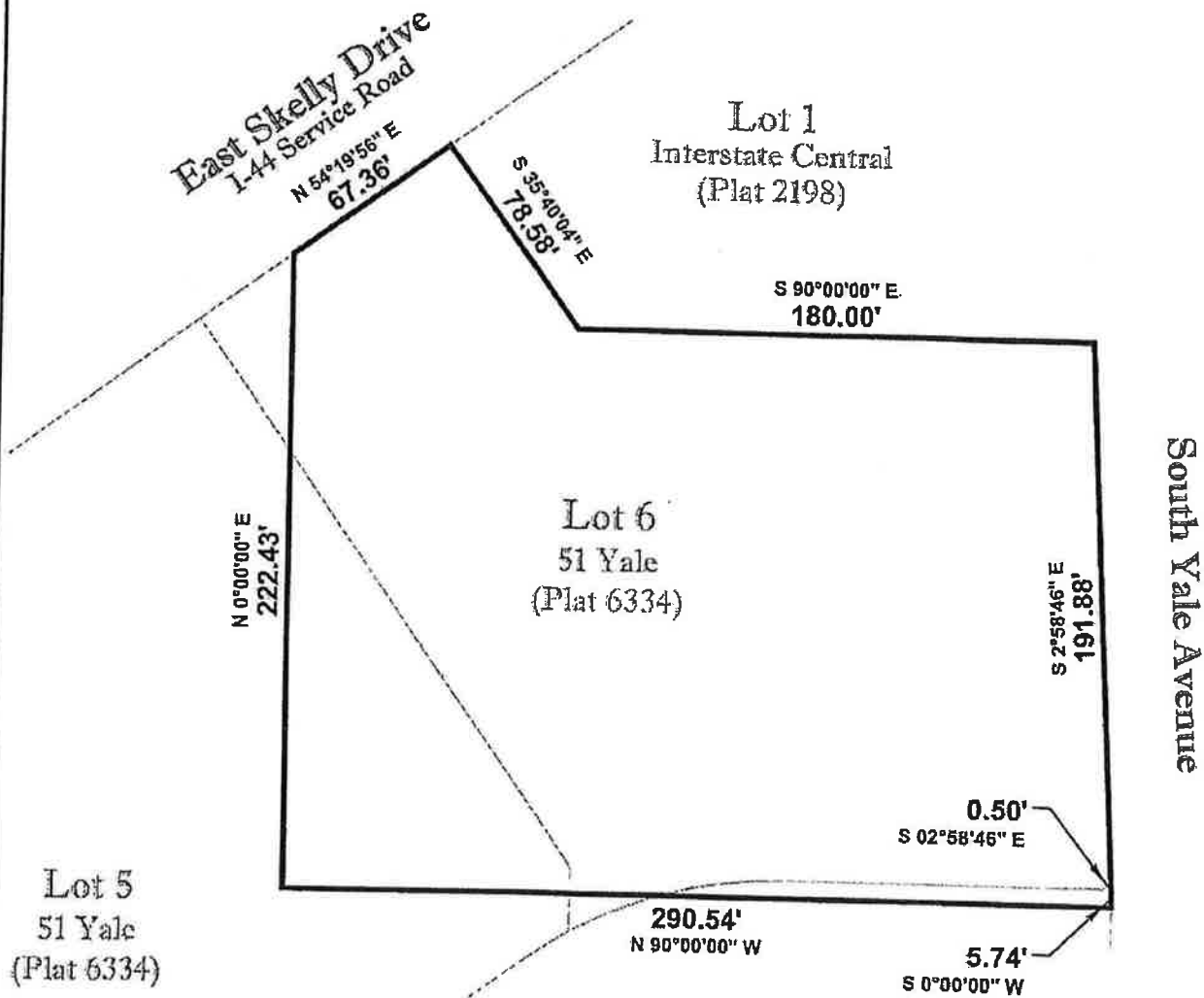
Prepared: APRIL 3, 2012

14.6



# Exhibit B

## (Proposed Lot 6)

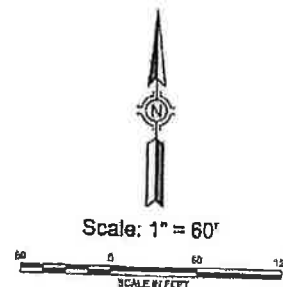


**HRAOK, INC**

ENGINEERS • SURVEYORS • PLANNERS

1913 WEST TACOMA - SUITE A  
BROKEN ARROW, OKLAHOMA 74012  
CA# 3643 EXP. DATE: 6-30-2013

VOICE: (918) 258-3737  
FAX: (918) 258-2554  
www.hraok.com



Prepared: APRIL 3, 2012

14.7

# Exhibit B

## (Existing Lot 7)

Lot 6  
51 Yale  
(Plat 6334)

N 90°00'00" W  
115.89'

Lot 5  
51 Yale  
(Plat 6334)

S 54°11'50" W  
63.57'

37.35'  
S 35°48'10" E

34.95'(GEOMETRY)  
34.94'(PLAT)  
S 54°13'22" W

L=93.73'  
R=150.00'  
CB=S 72°05'57" W

0.50'  
N 02°58'46" W

Lot 7  
51 Yale  
(Plat 6334)

79.92'  
S 35°46'38" E

25.00'  
S 90°00'00" E

Baymont Inn

S 0°00'00" W  
147.46'

328.06'  
N 0°00'00" W

South Yale Avenue

190.00'  
N 90°00'00" W

Lot 8  
51 Yale  
(Plat 6334)

### HRAOK, INC

ENGINEERS • SURVEYORS • PLANNERS

1913 WEST TACOMA - SUITE A  
BROKEN ARROW, OKLAHOMA 74012  
CA# 3543 EXP. DATE: 6-30-2013

VOICE: (918) 258-3737  
FAX: (918) 258-2554  
www.hraok.com



Scale: 1" = 60'



Prepared: APRIL 3, 2012

14.8

# Exhibit B

## (Proposed Lot 7)

Lot 6  
51 Yale  
(Plat 6334)

LESS AND  
EXCEPT

Lot 5  
51 Yale  
(Plat 6334)

37.35'  
S 35°48'10" E

34.95'(GEOMETRY)  
34.94'(PLAT)  
S 54°13'22" W

S 54°11'50" W  
63.57'

L=50.29'  
R=150.00'  
CB=S 63°47'46" W

158.75'  
N 90°00'00" W

Lot 7  
51 Yale  
(Plat 6334)

79.92'  
S 35°46'38" E

25.00'  
S 90°00'00" E

Baymont Inn

S 0°00'00" W  
147.46'

322.32'  
N 0°00'00" W

South Yale Avenue

190.00'  
N 90°00'00" W

Lot 8  
51 Yale  
(Plat 6334)

**HRAOK, INC**

ENGINEERS • SURVEYORS • PLANNERS

1913 WEST TACOMA - SUITE A  
BROKEN ARROW, OKLAHOMA 74012  
CA# 3643 EXP. DATE: 6-30-2013

VOICE: (918) 258-3737  
FAX: (918) 258-2554  
www.hraok.com



Scale: 1" = 60'



Prepared: APRIL 3, 2012

14.9



## I. NARRATIVE

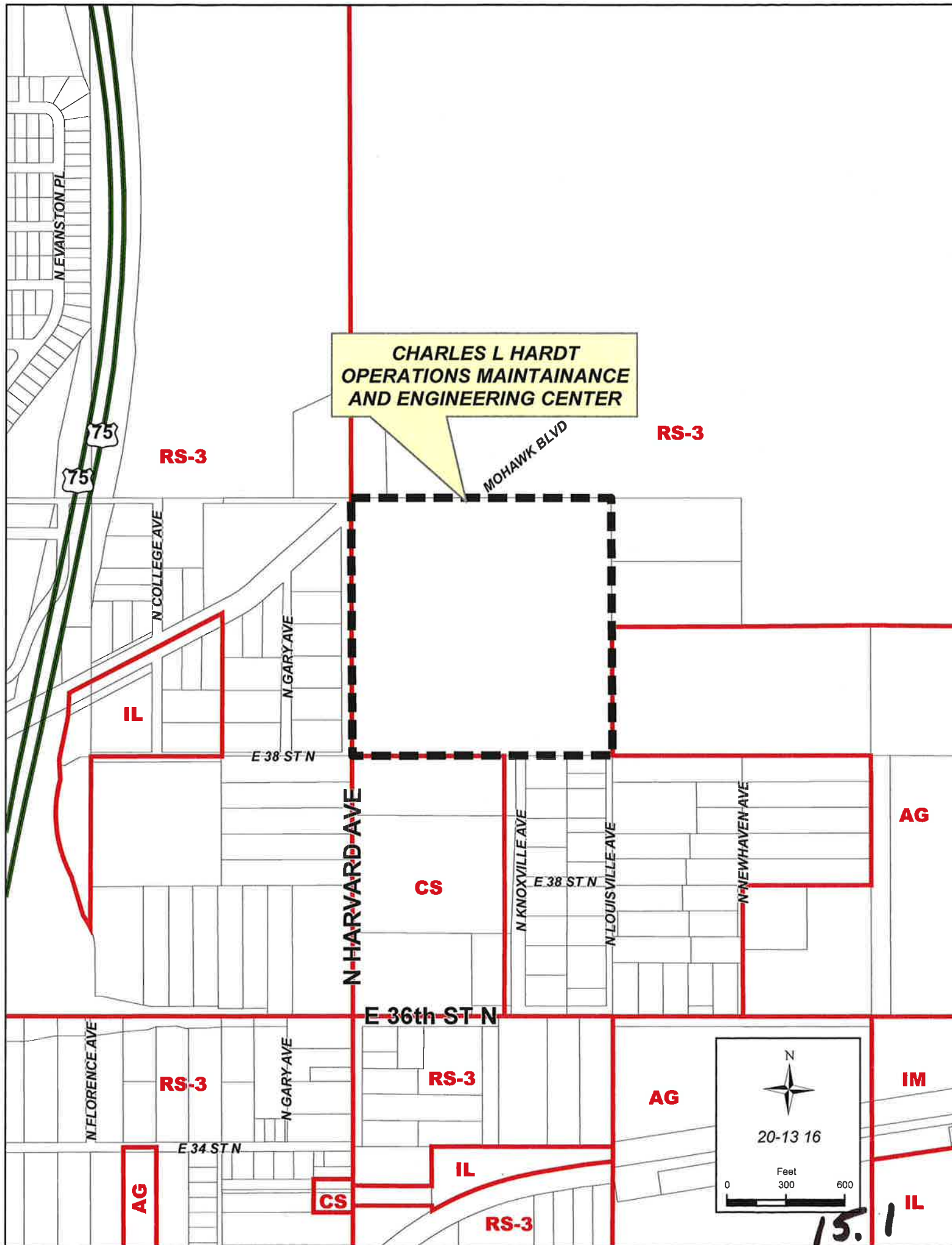
Lots 5, 6 and 7 of Block 1, 51 Yale are part of Planned Unit Development No. 766 (hereinafter "PUD 766"). PUD 766 was platted as 51 Yale (Document # 6334). This application for minor amendment pertains to Lots 5, 6, and 7, Block 1, 51 Yale.

As a result of changing market conditions, the developer prefers to sale a tract of land to a convenience store to be located on Lot 6 and portions of Lot 5. This minor amendment proposes the splitting of Lots 5 and 6 and reconfiguration by lot combination to meet the intended need along with allocating the adjusted floor area.

The proposed reallocation after lot split, as follows:

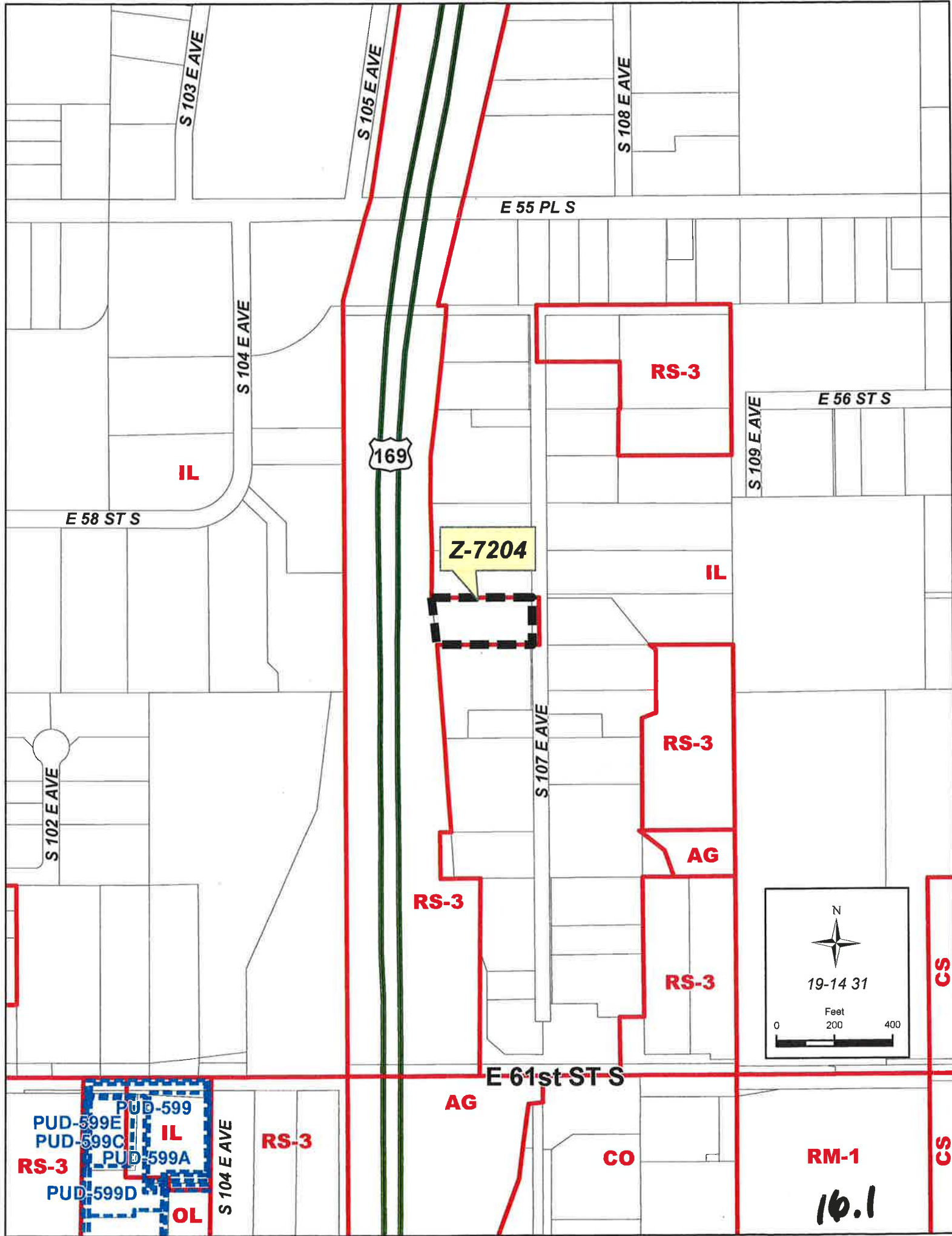
	<u>Lot</u>	<u>Lot Area (Ac.)</u>	<u>Floor Area (Sq. Ft.)</u>	
Existing Standards	5	1.82	19,820	} 50,312 $\phi$
	6	1.21	13,177	
	7	1.59	17,315	
Proposed Standards	5	1.67	18,154	} 50,312 $\phi$
	6	1.39	15,028	
	7	1.57	17,130	

There is no proposed increase in floor area only a reallocation.















N



19-14 31

Feet  
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Note: Graphic overlays may not precisely align with physical features on the ground.  
Aerial Photo Di

1b.2





Z-7204

S 107 E AVE

169

169



19-14 31

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0 50 100

Note: Graphic overlays may  
not precisely align with physical  
features on the  
Aerial Photo Date:

16.3



16.4

**TULSA METROPOLITAN AREA PLANNING COMMISSION  
CASE REPORT**

**APPLICATION: Z-7204**

**TRS 8406**

**Atlas 756**

**CZM 49**

**CD-7**

**TMAPC Hearing Date:** May 2, 2012

**Applicant:** Harley Hollan Companies

**Tract Size:** 1.23± acres  
53,431± square feet

**ADDRESS/GENERAL LOCATION:** North of northwest corner of East 61<sup>st</sup> Street and South 107<sup>th</sup> East Avenue

**EXISTING ZONING:** RS-3

**EXISTING USE:** Storage

**PROPOSED ZONING:** IL

**PROPOSED USE:** Storage/ parking lot for recycling

**ZONING ORDINANCE:** Ordinance number 11825 dated June 26, 1970, established zoning for the subject property.

***RELEVANT ZONING HISTORY:***

**Z-7021 June 2006:** All concurred in approval of a request for rezoning a 1± acre tract of land from RS-3 to IL for an enclosed equipment building on property located at 5705 South 107<sup>th</sup> East Avenue.

**Z-6877 February 2003:** All concurred in approval of a request for rezoning a 1.16± acre tract of land from RS-3 to IL for a landscape service, on property located at 5845 S. 107<sup>th</sup> E. Ave.

**Z-6762 June 2000:** All concurred in approval of a request for rezoning a 1± acre tract of land from RS-3 to IL for a warehouse, located at 5629 South 107<sup>th</sup> East Avenue.

**Z-6662 December 1998:** All concurred in approval of a request for rezoning a 1.1± acre tract of land from RS-3 to IL, on property located at 5809 South 107<sup>th</sup> East Avenue.

**Z-6609 December 1997:** All All concurred in approval of a request for rezoning a 1± acre tract of land from RS-3 to IL for light industry, located at 5705 South 107<sup>th</sup> East Avenue.

**Z-6233 April 1989:** All concurred in approval of a request for rezoning a 1.8± acre tract of land from RS-3 to IL, on property located at 5700 South 107<sup>th</sup> East Avenue and abutting south of subject property.

16.5

## **AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.23+ acres in size and is located north of northwest corner of East 61<sup>st</sup> Street and South 107<sup>th</sup> East Avenue. The property appears to be used as storage and is zoned RS-3.

**SURROUNDING AREA:** The subject tract is abutted on the east by industrial uses, zoned IL; on the north by industrial uses, zoned IL; on the south by industrial uses, zoned IL; and on the west by US 169, zoned RS-3.

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

## **TRANSPORTATION VISION:**

The Comprehensive Plan designates South 107<sup>th</sup> East Avenue as a Secondary Arterial.

## **STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
South 107 <sup>th</sup> East Avenue	Secondary Arterial	100'	2

## **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

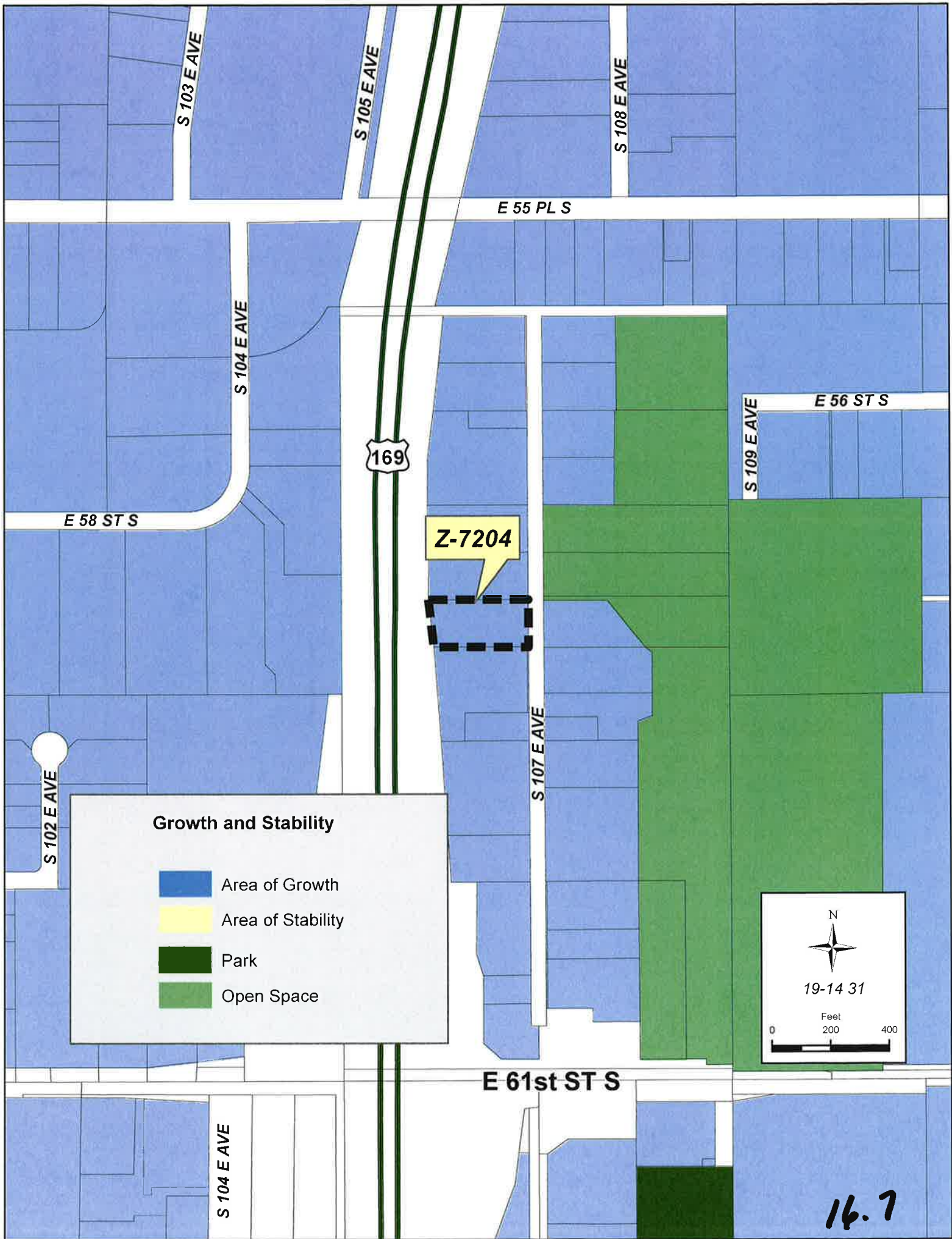
This **is in accord** with the Comprehensive Plan, which designate this as an Area of Employment and an Area of Growth.

## **STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and surrounding industrially-zoned property, staff can recommend **APPROVAL** of IL zoning for Z-7204.

05/02/12







S 103 E AVE

S 105 E AVE

S 108 E AVE

E 55 PL S

S 104 E AVE

E 56 ST S

S 109 E AVE

E 58 ST S

169

**Z-7204  
LAND USE PLAN:  
EMPLOYMENT**

S 107 E AVE

S 102 E AVE

**Land Use Plan Categories**

- |                       |                       |
|-----------------------|-----------------------|
| Downtown              | Neighborhood Center   |
| Downtown Neighborhood | Employment            |
| Main Street           | New Neighborhood      |
| Mixed-Use Corridor    | Existing Neighborhood |
| Regional Center       | Park                  |
| Town Center           | Open Space            |



19-14 31

Feet  
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E 61st ST S

S 104 E AVE

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**AG**

~~E 126th ST N~~

**CZ-413**

169

169

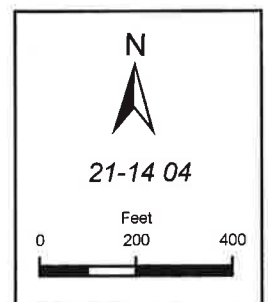
N 139 E AVE

N 135 E AVE

E 122 ST N

E 122 ST N

**AG**



17.1





E 126th ST N

CZ-413

169

169

N 135 E AVE

N 139 E AVE

E 122 ST N

E 122 ST N



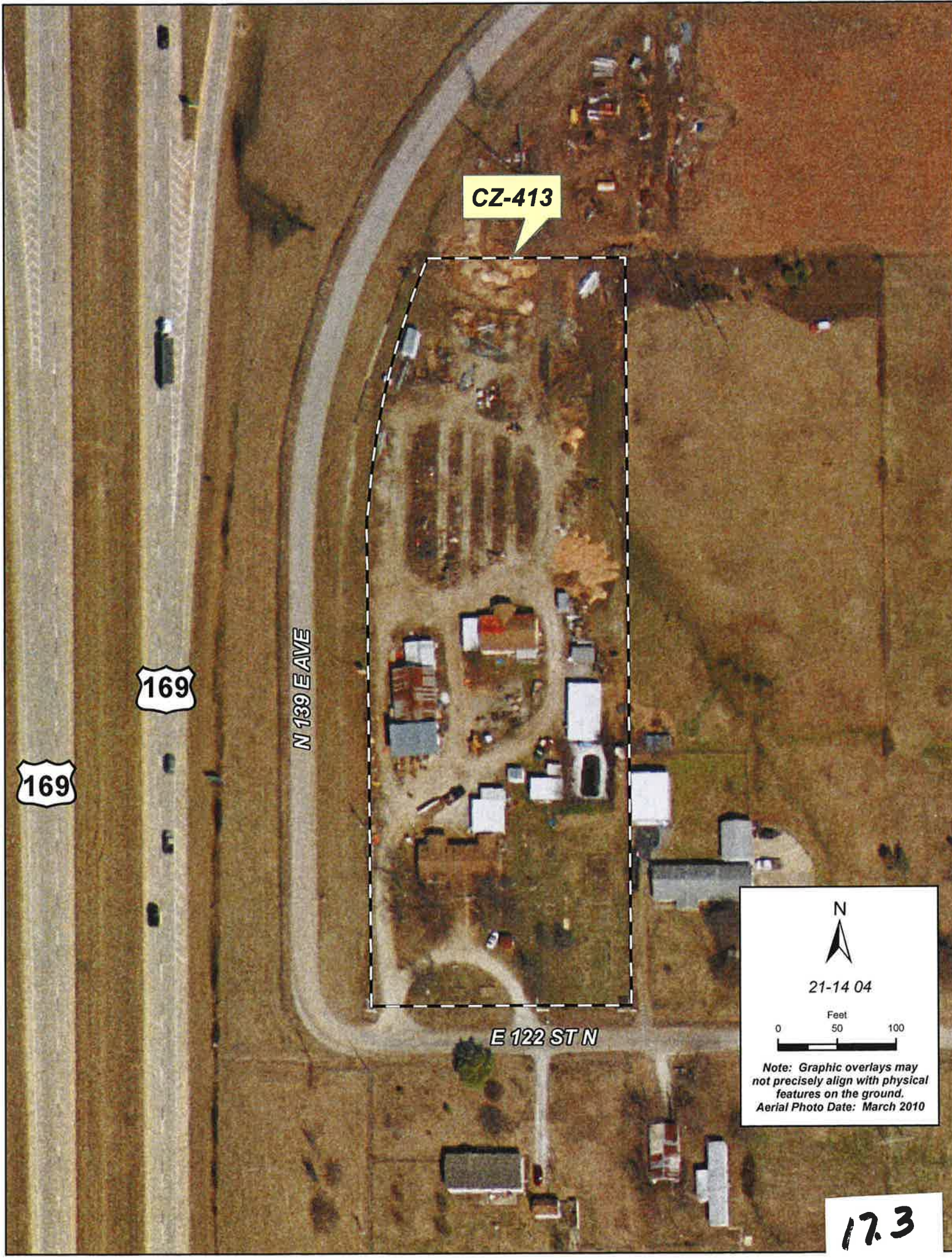
21-14 04



Note: Graphic overlays may not precisely align with physical features or the Aerial Photo D

17.2





CZ-413

169

N 139 E AVE

169

E 122 ST N



21-14 04



Note: Graphic overlays may not precisely align with physical features on the ground.  
Aerial Photo Date: March 2010



**TULSA METROPOLITAN AREA PLANNING COMMISSION  
CASE REPORT**

**APPLICATION: CZ-413**

**TRS 1404**

**Atlas 0**

**CZM 12**

**County**

**TMAPC Hearing Date:** May 2, 2012

**Applicant:** Eddie James

**Tract Size:** 3.10± acres / 135,036± square feet

**ADDRESS/GENERAL LOCATION:** Northeast corner of East 122<sup>nd</sup> Street and North 139<sup>th</sup> East Avenue

**EXISTING ZONING:** AG

**EXISTING USE:** Steel yard

**PROPOSED ZONING:** CG

**PROPOSED USE:** Tractor & equipment sales

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

***RELEVANT ZONING HISTORY:***

No relevant history.

***AREA DESCRIPTION:***

**SITE ANALYSIS:** The subject property is approximately 3.10± acres in size and is located northeast corner of East 122<sup>nd</sup> Street and North 139<sup>th</sup> East Avenue. The property is a steel yard and is zoned AG. It appears to be flat and non-wooded.

**SURROUNDING AREA:** The subject tract is abutted on the east by large lot single-family residential uses (with a large accessory use) zoned AG; on the north by a former welding shop, zoned AG; on the south by large lot residential uses, zoned AG; and on the west by US 169, zoned AG.

**UTILITIES:** The subject tract has water from Rural Water District 3 and septic on property.

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate either 122<sup>nd</sup> Street North or North 139<sup>th</sup> East Avenue. US 169 is a highway with no ready access to the property in question.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
North 139 <sup>th</sup> East Avenue	N/A	N/A	2
East 122 <sup>nd</sup> Street North	N/A	N/A	2

17.4



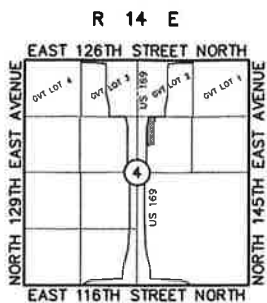
**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The subject property is not part of any adopted plan for North Tulsa County. It is covered by the Owasso Plan (see submitted comments from Owasso Community Development Director), which recommends this be compatible with surrounding designated residential uses. As the Owasso letter indicates, the proposed use would **not be in accord** with their Plan.

**STAFF RECOMMENDATION:**

Staff has conferred with the Owasso Planning Department Director regarding details of this proposed rezoning. We have also enclosed the letter from the Owasso Community Development Director. Based on their comments and the adjacent single-family residential uses, as well as Owasso's plans for the area, staff recommends **DENIAL** of the proposed CG zoning for CZ-413.

05/02/12



# Plat of Survey Boundary of Part of the S/2 of the NE/4 Sec. 4, T-21-N, R-14-E TULSA COUNTY OKLAHOMA



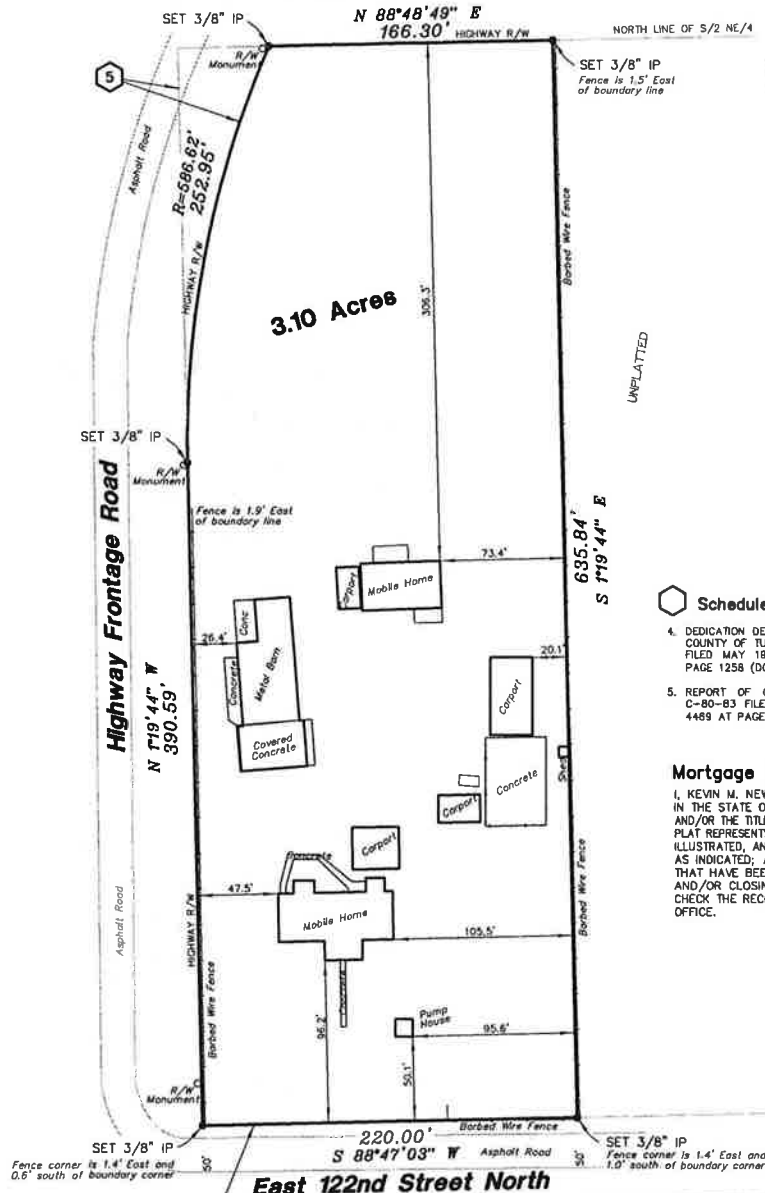
Scale: 1"=50'



## Legend

IP IRON PIN  
R/W RIGHT OF WAY  
FENCE LINE

U.S. Highway 169



## Schedule B - Section II Exceptions

- DEDICATION DEED PUBLIC HIGHWAY (PAGE 106) TO THE COUNTY OF TULSA, OKLAHOMA, DATED APRIL 23, 1970, FILED MAY 18, 1970, RECORDED IN BOOK 3925 AT PAGE 1258 (DOES NOT AFFECT)
- REPORT OF COMMISSIONERS (PAGE 130) CASE NO. C-80-83 FILED APRIL 10, 1980, RECORDED IN BOOK 4489 AT PAGE 177, (DOES NOT AFFECT)

## Mortgage Inspection Statement

I, KEVIN M. NEWLUN, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF OKLAHOMA HEREBY STATE TO THE MORTGAGE AND/OR THE TITLE INSURANCE COMPANY, THAT THE ABOVE INSPECTION PLAT REPRESENTS AN ACTUAL FIELD SURVEY OF THE IMPROVEMENTS ILLUSTRATED, AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS INDICATED; AND THAT THIS PLAT REFLECTS ALL EASEMENTS THAT HAVE BEEN DISCLOSED AND FURNISHED BY THE LENDING AND/OR CLOSING AGENCY. NO EFFORT HAD BEEN MADE TO CHECK THE RECORDS OF THE COUNTY CLERK OR OTHER RECORD OFFICE.

## Surveyor's Statement

I, KEVIN M. NEWLUN, A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT THE ABOVE PLAT REPRESENTS A BOUNDARY SURVEY. THE ABOVE PLAT REFLECTS ALL INSTRUMENTS THAT HAVE BEEN DISCLOSED AND FURNISHED AT THE TIME OF SURVEY. NO OPINION IS VERSED AS TO THE OWNERSHIP OF FENCES OR ANY OTHER APPURTENANCES ON SAID PROPERTY. THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

BENCHMARK SURVEYING & LAND SERVICES, INC.

KEVIN M. NEWLUN RLS # 1289

FEBRUARY 21, 2012

DATE OF CERTIFICATION



## Legal Description - Document No. 2011052829

THE WEST TWO-HUNDRED TWENTY (220) FEET OF THE EAST TWO-THOUSAND FOUR-HUNDRED TWENTY (2420) FEET OF THE SOUTH HALF OF THE NORTHEAST QUARTER (S/2 NE/4), LESS THE SOUTH SIX HUNDRED EIGHTY-FIVE FEET THEREOF AND LESS .10 ACRES FOR STATE HIGHWAY, IN SECTION FOUR (4), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

## Miscellaneous Notes

- ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN. CALL "OKIE" (1-800-522-8543) BEFORE DIGGING.
- THE BEARING BASE FOR THIS SURVEY IS BASED ON THE OKLAHOMA STATE PLAN COORDINATE SYSTEM.
- THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE X (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP, MAP NUMBER 40143C0130K, WITH A REVISED DATE OF AUGUST 3, 2009.
- THE TITLE COMMITMENT PROVIDED FOR THIS TITLE SURVEY IS FROM FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 12020184 WITH AN EFFECTIVE DATE OF FEBRUARY 15, 2012 AT 7:30 AM. EASEMENTS AND RIGHT OF WAYS SHOWN ARE AS CONTAINED WITHIN.

BENCHMARK SURVEYING and Land Services, Inc.	
P.O. BOX 1078 OWASCO, OKLAHOMA 74055 C.A. NO. 2203	PHONE: (918) 234-6657 FAX: (918) 234-0027 E-MAIL: BLS@BLS-OK.COM
FILE: 2114.0410	SURVEY BY: JCL DATE: 2/21/12
ORDER: 15751	DRAWN BY: TLG SCALE: 1"=50'
BOOK: 287/42	CHECKED BY: KMN SHEET 1 OF 1



**TO:** TMAPC

**FROM:** Karl Fritschen, Community Development Director

**SUBJECT:** CZ-413

**DATE:** April 24, 2012

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**Dear Commissioners:**

The City of Owasso was recently notified of the zoning case CZ-413. It is our understanding that that applicant is applying for CG zoning for a proposed tractor and farm implement sales business on a 3.10 acre parcel. After discussing the case with INCOG, we also learned that the property contained or still contains a non-conforming use. On April 17, 2012 the Owasso City Council adopted the US-169 North Overlay District, which governs types of uses, architecture, signage, landscaping and screening. It is our determination that this corridor will become a significant economic driver for Owasso as well as north Tulsa County well into the future. While the subject property lies outside the Owasso City Limits, we do have some concerns about the proposed zoning change, which are outlined below.

- The proposed use does not abut any other commercial zoning. Residential uses surround the subject property to the east and south.
- The City of Owasso has been contacted by neighboring property owners who are concerned about the proposed use, as the area is primarily single-family residential uses on larger acreage tracts.
- The Owasso 2025 Land Use Plan does not call for commercial uses in this location, but rather for Residential uses. Based upon this, the City of Owasso would recommend denial of the rezoning due to incompatibility with the 2025 Land Use Master Plan.
- Considering the aforementioned items, this case, if approved may meet the test of spot zoning.
- Delivering tractors and large farm implements to this site may cause negative impacts to area residential roads. One of the roads used to access the subject property passes in front of several existing homes.
- Commercial General zoning in the City of Owasso does not allow for tractor and farm implement sales by right. This use is one that is often more intense than surrounding uses and therefore is subject to a Specific Use Permit that would allow for more control of lighting, site design, landscaping, buffering and screening.
- Will the site be lit at night? If so there may be light trespass to adjoining residential homeowners. Owasso has very strict lighting requirements and we would prefer that the lighting on this site be scrutinized.
- If the equipment is placed on a gravel non-paved surface dust may pose a problem for the nearby homes. Additionally, this use has the potential for increased noise.
- The City of Owasso is hesitant to recommend CG Zoning for any parcel within our fenceline, except in special cases. CS Zoning allows for the retail, restaurant, office and business uses that have allowed us to have successful growth. Allowing CG zoning opens



the door for more intense uses that would preferably be covered by a Specific Use Permit under CS zoning.

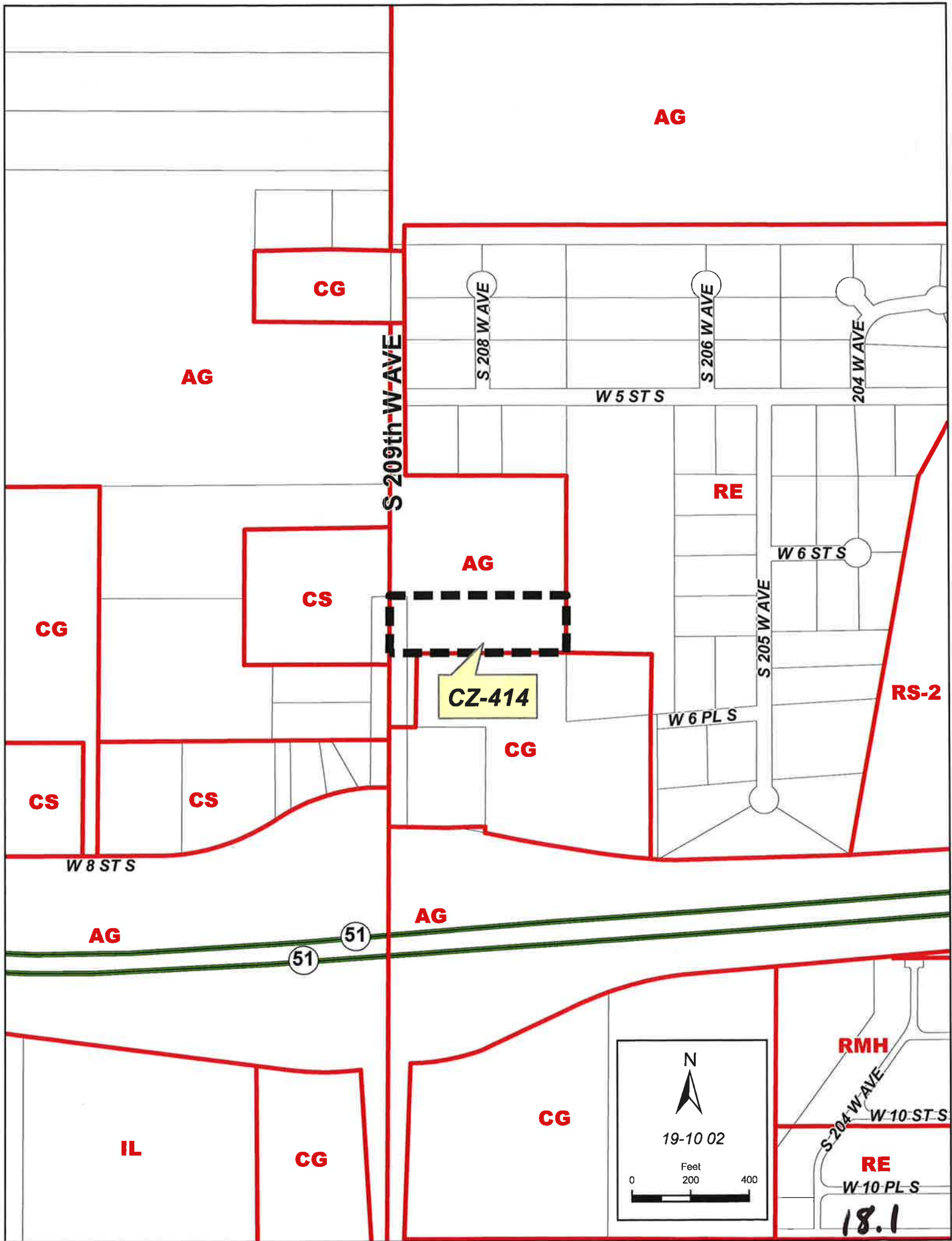
- Approving CG may allow higher more intensive uses, than the proposed use in the event it should fail and be sold.

While Owasso is certainly in favor of commercial development, we believe in this case that the location of this use is inappropriate given the above comments. The City of Owasso would recommend that this application be denied. If the Commission approves the request we would ask that consideration be given to screen the eastern side of the property with fencing and landscaping, street trees be placed along the frontage, a dust free parking surface be provided, and signage be limited to 25' feet in height and only one allowed along N. 139<sup>th</sup> E. Ave.

Thank you for your time and consideration regarding this matter.

Regards,

Karl A. Fritschen, AICP, RLA  
Community Development Director







S 209th W AVE

S 208 W AVE

S 206 W AVE

204 W AVE

W 5 ST S

W 6 ST S

S 205 W AVE

W 6 PL S

W 8 ST S

51

51



19-10 02

0 200 400  
Feet

Note: Graphic overlays may not precisely align with physical features on the ground.  
Aerial Photo Date: March 2010

S 204 W AVE  
W 10 ST S

18.2



**TULSA METROPOLITAN AREA PLANNING COMMISSION  
CASE REPORT**

**APPLICATION: CZ-414**

**TRS 9002**

**Atlas 0**

**CZM 33**

**County**

**TMAPC Hearing Date:** May 2, 2012

**Applicant:** Sisemore, Weisz & Associates, Inc./  
Darin Akerman

**Tract Size:** 2.70± acres  
117,612± square feet

**ADDRESS/GENERAL LOCATION:** North of northeast corner of South 209<sup>th</sup> West Avenue  
and Highway 51 West

**EXISTING ZONING:** AG

**EXISTING USE:** Vacant

**PROPOSED ZONING:** CS

**PROPOSED USE:** Proposed retail store

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

***RELEVANT ZONING HISTORY:***

**CZ-179 May 1990:** Staff recommended approval of a request for rezoning a 2.5± acre tract of land from AG to CG on property located west of the northwest corner of South 209<sup>th</sup> West Avenue and Highway 51 West. TMAPC and County Commissioners concurred in denying CG zoning and approving CS.

**CZ-133 April 1985:** Staff and TMAPC recommended denial of a request for rezoning a 5± acre tract of land from AG to CS, on property located north of northwest corner of South 209<sup>th</sup> West Avenue and Highway 51 West. The County Commissioners approved the request based on a recommendation made by the Sand Spring Planning Commission.

***AREA DESCRIPTION:***

**SITE ANALYSIS:** The subject property is approximately 2.7± acres in size and is located north of the northeast corner of South 209<sup>th</sup> West Avenue and Highway 51 West. The property appears to be vacant and wooded, and is zoned AG.

**SURROUNDING AREA:** The subject tract is abutted on the east by Country Meadows Estates, zoned RE; on the north by Country Meadows Estates zoned RE; on the south by a commercial use, zoned CG; and on the west by a commercial use (Western Market Trading Company), zoned CS.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan designates South 209<sup>th</sup> West Avenue as a Secondary Arterial.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
South 209 <sup>th</sup> East Avenue	Secondary arterial	100'	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

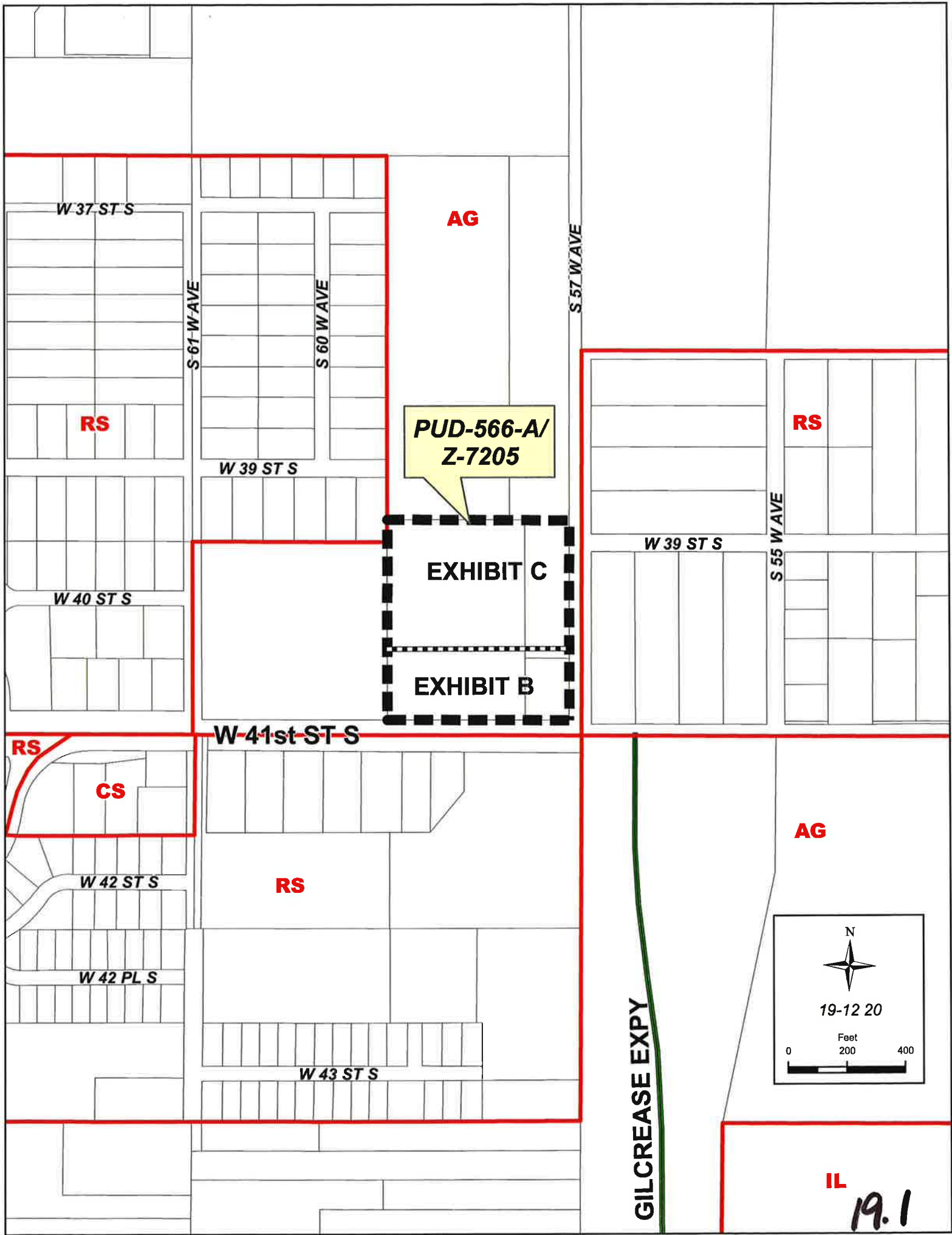
This is not part of any of City's Comprehensive plans, nor of the District Plans. It is adjacent to Commercial zoning on the west (CS) and south (CG). Residential Estate (large-lot single-family residential) zoning lies to the north and east.

**STAFF RECOMMENDATION:**

Due to the proximity of other Commercial zoning to the south and west, as well as its location on an arterial road, staff can support the proposed rezoning. Therefore, staff recommends **APPROVAL** of CS zoning for CZ-414.

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W 37 ST S

AG

RS

S 61 WAVE

S 60 WAVE

W 39 ST S

PUD-566-A/  
Z-7205

EXHIBIT C

EXHIBIT B

W 39 ST S

S 55 WAVE

RS

W 40 ST S

RS

CS

W 41st ST S

AG

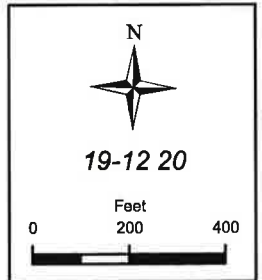
W 42 ST S

RS

W 42 PL S

W 43 ST S

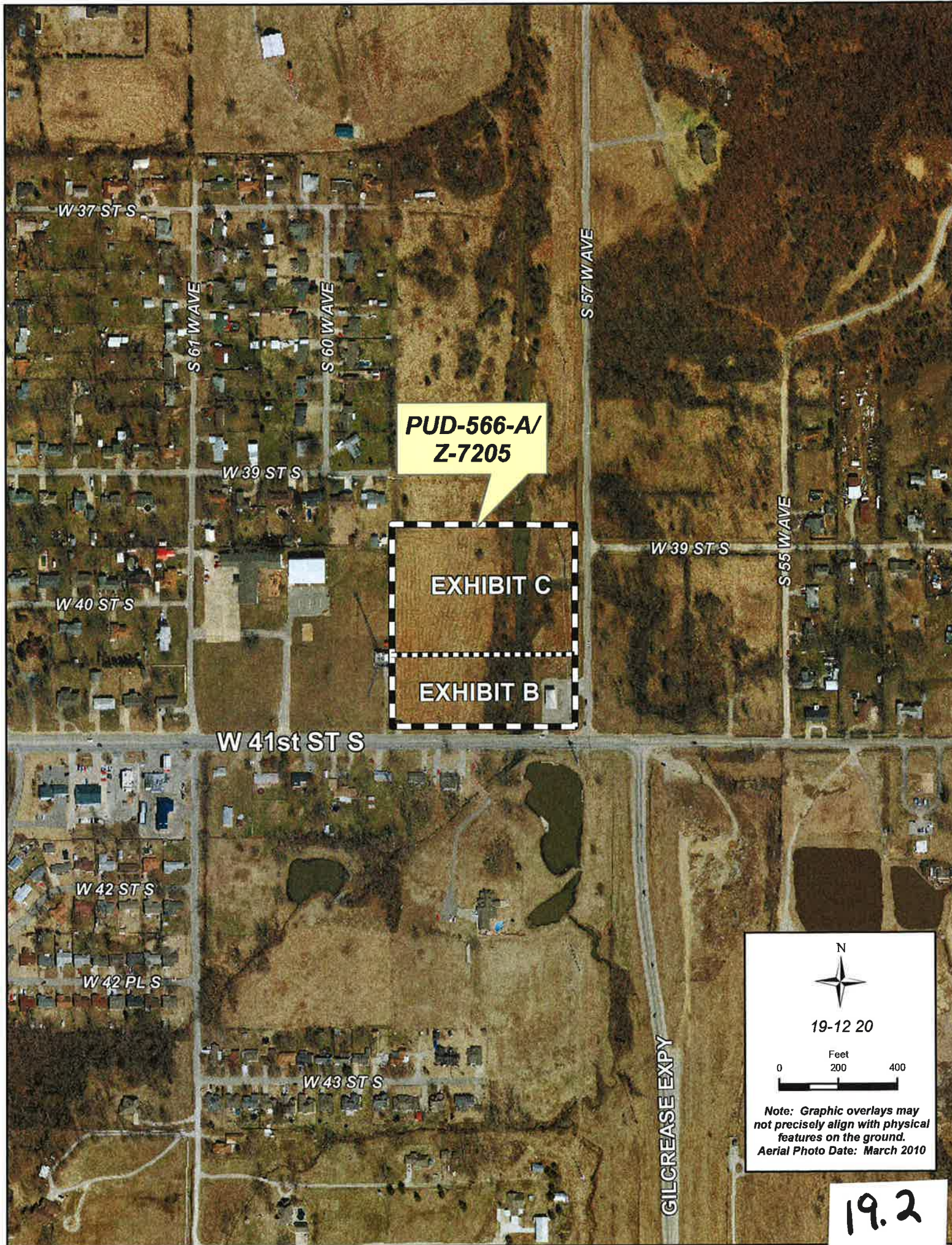
GILCREASE EXPY



IL

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**PUD-566-A/  
Z-7205**

**EXHIBIT C**

**EXHIBIT B**



19-12 20



*Note: Graphic overlays may not precisely align with physical features on the ground.  
Aerial Photo Date: March 2010*

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**TULSA METROPOLITAN AREA PLANNING COMMISSION  
CASE REPORT**

**APPLICATION: Z-7205/ PUD-566-A**

**TRS 9229**

**Atlas 325**

**CZM 45**

**CD- 2**

**TMAPC Hearing Date: May 2, 2012**

**Applicant: TMAPC**

**Tract Size: 11.69± acres**

**ADDRESS/GENERAL LOCATION:** Northwest corner of West 41<sup>st</sup> Street and South 57<sup>th</sup> West Avenue

**EXISTING ZONING: AG**

**EXISTING USE: Vacant**

**PROPOSED ZONING: OL/CS/PUD-566-A**

**PROPOSED USE: Office & commercial**

**ZONING RESOLUTION:** Resolution number 222844 dated November 9, 2011, established zoning for the subject property.

***RELEVANT ZONING HISTORY:***

**CZ-407/ PUD-566-A November 2011:** All concurred in denial of a request for rezoning a 11.69± acre tract of land from AG/RS/OL/CS to OL/CS and a Major Amendment to a PUD for office and commercial use, on property located Northwest corner of West 41<sup>st</sup> Street and South 57<sup>th</sup> West Avenue and is the subject property. It was appealed to the Board of County Commissioners and they overturned both cases to approve them with conditions.

**CBOA-2021 February 18, 2003:** The Board of Adjustment approved a Special Exception to allow auto repair and retail tire and accessory sales (Use Unit 17) in a CS district, with condition of an 8' screening fence to the residential district, on property located at 4110 South 61<sup>st</sup> West Avenue and southwest of subject property.

**CBOA-1830 May 15, 2001:** The Board of Adjustment approved a Special Exception to permit communications tower, on property located at 6035 West 40<sup>th</sup> Street and abutting west of subject property.

**CZ-237PUD-566 November 1997:** A request to rezone a 10± acre tract from AG to RS-3/RM-2/OL and CS with a PUD overlay for a mixed use development, on property located on the northwest corner of West 41<sup>st</sup> Street South and South 57<sup>th</sup> West Avenue. Staff recommended denial of the proposed zoning but approval of RS zoning. TMAPC and City Council approved RS/OL/CS zoning with the overlay PUD-566.

**CBOA-1397 January 18, 1996:** The Board of Adjustment approved a Special Exception to permit a church (Use Unit 5), day care and fellowship hall/gymnasium on a 10-acre in an AG district; per plan submitted, on property located at 6035 West 40<sup>th</sup> Street and abutting west of subject property.

## **AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 11.69± acres in size and is located at the northwest corner of West 41<sup>st</sup> Street and South 57<sup>th</sup> West Avenue. The property is mostly vacant and is zoned AG. The eastern 1/3 of the property contains a drainage way/floodplain (see attached aerial photo showing floodplain extent). The hard corner of the PUD (at West 41<sup>st</sup> Street South and South 57<sup>th</sup> West Avenue) contains a doughnut shop.

**SURROUNDING AREA:** The subject tract is abutted on the east by South 57<sup>th</sup> West Avenue and then a vacant portion of Walker Heights, a large-lot single-family residential use, zoned RS; on the north by unplatted vacant land, zoned AG; on the south by West 41<sup>st</sup> Street South and then unplatted property zoned RS with large lot single-family residential uses; and on the west by unplatted property zoned AG with a church and cell tower use. To the northwest of the subject property is Pleasure Acreage 3<sup>rd</sup> Addition a single-family residential subdivision zoned RS. **Note:** A large version of this graphic is attached.

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

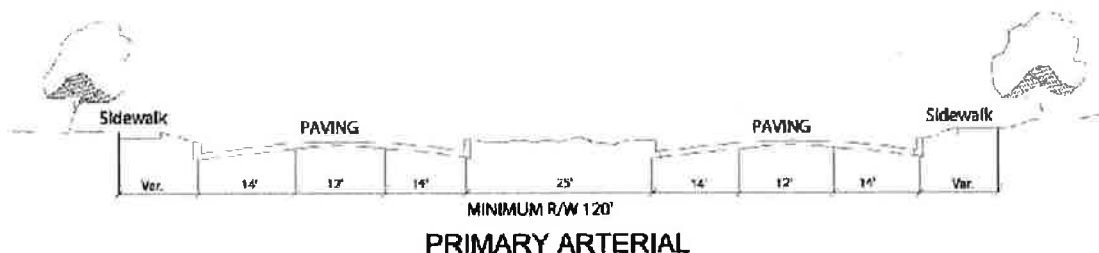
## **TRANSPORTATION VISION:**

The Tulsa Comprehensive Plan designates West 41<sup>st</sup> Street as a primary arterial but only to an area just west of 33<sup>rd</sup> West Avenue within the City of Tulsa limits. The subject area has, until recently, been within the unincorporated portion of Tulsa County.

## **STREETS:**

The Tulsa City-County Major Street and Highway Plan designates West 41<sup>st</sup> Street South as a primary arterial street and does not designate South 57<sup>th</sup> West Avenue.

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
West 41 <sup>st</sup> Street	Primary arterial	120'	4
South 57 <sup>th</sup> West Avenue	N/A	N/A	2



## **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Comprehensive Plan for the Tulsa Metropolitan Area calls for this area to be Low Intensity – Development Sensitive. According to the Plan, the previously approved OL and CS zoning is **not** in accord with the Plan. This property was formerly within the unincorporated portion of Tulsa County and is therefore not included in the latest City of Tulsa Comprehensive Plan update. The property is within the Planning District 9 boundaries. This area has recently been

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annexed into the City of Tulsa, and by law, newly-annexed land is rezoned to AG, no matter what its previous zoning was.

**STAFF RECOMMENDATION FOR ZONING:**

Zoning for the subject property was approved by the Board of County Commissioners on October 17, 2011. The property has since been annexed into the City of Tulsa limits. At such a time that property is annexed into the corporate limits of a municipality the zoning on the subject property automatically reverts to AG regardless of previous zoning.

As part of the annexation an agreement was made between the County, the City of Tulsa and the applicant that application would be made by the TMAPC on the applicants behalf to return the OL and CS zoning to the property as previously approved by the Board of County Commissioners.

**STAFF RECOMMENDATION FOR PUD:**

Approved in 2011, PUD-566-A is a relatively flat 10.13 acre tract located at the northwest corner of West 41<sup>st</sup> Street South and South 57<sup>th</sup> West Avenue, formerly in the unincorporated portion of Tulsa County. The site is split by the presence of the floodplain contributing to the site's designation as "development sensitive" within the District 9 Plan (see attached aerial photograph showing the extent of the floodplain).

The subject property was part of the recent west side annexation completed by the City of Tulsa. As part of any annexation, when property is transferred from unincorporated portions of a county into incorporated municipalities, by law the zoning on the property automatically reverts to Agriculture (AG) zoning.

As part of the annexation an agreement was made between the County, the City of Tulsa and the applicant that an application would be made by the TMAPC on the applicant's behalf to return the zoning and PUD to the property that was approved by the Board of County Commissioners with the following conditions:

1. The applicant's Concept Development Plan and Text (attached) be made a condition of approval, unless modified herein.
2. Development Standards (as made part of the condition of approval by the Board of County Commissioners):

Any future development of any portion of the northern portion of the property intended for office development is subject to the procedural requirements of a PUD Minor Amendment. Specifically, the developer would have to notify by direct mail any property owner within 300 feet of the proposed development and send a detail site plan to TMAPC for public hearing at which any member of the public would be allowed to address the TMAPC about the development. TMAPC would then make a final decision about whether to approve that development plan and;

Any development of the "Office Zoning" portion of the property would be strictly limited to:

- a. Offices of single-story construction;
- b. No more than 22-feet in height:

- c. With pitched roofing;
- d. With heavy landscaping on the north and west borders;
- e. With a masonry-type wall at least 8-feet in height;
- f. Without any exterior lighting which exceeds 15-feet in height.

This development will be contingent upon approval of DEQ of adequate septic systems.

The County Engineers will require that adequate detention ponds are included in any plan.

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

**General:** No comments

**Water:** The extension of a looped water main line may be required to serve the tract.

**Fire:** Fire hydrant will be required within 400 feet of any part of a non-sprinkled building and within 600 feet of any part of a sprinkled building. Fire department access roads need to be 20 feet wide minimum. If fire access road is dead ended over 150 feet a turnaround will be required per International Fire Code 2006 appendix D.

A water main extension with fire hydrants complying with the International Fire Code is required. They will need to meet fire department access when they determine building layout. They will still need to get with Berryhill Fire Department.

**Stormwater:**

There is both FEMA Floodway and Floodplain on this site. An Overland Drainage Easement is required for the Floodplain plus and additional 20 feet, above the BFE, on both sides of that FEMA Floodplain, and it must be placed in a Reserve.

Any Construction in the FEMA Floodplain will require a Certified Letter of Map Revision (CLOMR) and a LOMR.

If Floodplain Storage is affected, then a Compensatory Storage Easement is required. Structures are being flooded in this Floodplain downstream of this site; therefore all additional runoff generated by this Development must be detained in a Stormwater Detention Facility, in a Stormwater Detention Easement.

Access to the West Tract from 57th Street will require a Bridge to be constructed across the FEMA Floodway and Floodplain, which must have one foot of freeboard.

**Wastewater:** No comment

**Transportation:** No comments

### **INCOG Transportation:**

- **MSHP:** Gilcrease Expressway ROW is just east of this property and should not impact this plat. W. 41st Street is a designated primary arterial west of 57th West Avenue.
- **LRTP:** W. 41<sup>st</sup> St. S., between S. 52<sup>nd</sup> Ave. West and S. 65<sup>th</sup> Ave. West, planned 4 lanes. Per TMAPC subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments.
- **Transit:** No comments.

**Traffic:** No comments

**GIS:** No comments

**Street Addressing:** No Comment

### **County Engineer:**

#### **AEP Transmission Line Engineering:**

Minimum set back lines from 57th West Avenue will not be established or located within the boundaries of the existing PSO Transmission Easement which (roughly) parallels the section line roadway.

No signage, trash dumpsters, equipment or lighting structures may be placed or located within the bounds of the PSO Transmission Easement along the east side of the properties without prior PSO review and approval.

No landscaping, paving, fencing, screening walls or excavation within the bounds of the PSO Transmission Easement along the east side of the properties without prior PSO review and approval.

No mounding of dirt or spoil material within the bounds of the PSO Transmission Easement along the east side of the properties without prior PSO review and approval.

No part of any aerobic sanitary sewer system shall be located within the bounds of the PSO Transmission Easement along the east side of the properties without prior PSO review and approval.

Utility easements may be located within the PSO right-of-way ONLY with prior review and approval by PSO, if located within the extreme perimeter portions of the PSO easement. Any U/E granted that would encroach into the PSO easement must specifically be limited to underground utilities.

These restrictions are necessary to protect the public, construction workers, PSO line employees, to maintain land rights purchased by PSO via its right-of-way easement, and to protect and maintain the electrical facilities now existing within the right-of-way and any future modifications or additions to the electrical facilities. Further, these



electrical (138kV) facilities were designed and installed to meet or exceed clearance requirements of the National Electrical Safety Code (NESC) in force at the time of the facility installation. Those clearances were based on land usage at the time of the circuit installation and changes to that use within the easement boundaries may require modification of the PSO facilities. Any cost thereof would be borne by the property owner or designee.

**PSO:**

Extend our overhead line North on 57th W Ave, would need to build on the East side of 57th W Ave due to the transmission line & easement on the West side. We would then need a 4" conduit under 57th W Ave to Plaza 41's property.

Extend our overhead on the West side of property, would need a utility easement added to do this. This would keep us away from the transmission line & easement.

**ONG**

will require a perimeter easement of 17.5, also include our standard language in the covenants, total customers and B.T.U. load required, and O.N.G. will not agree to release a plat if signs will be located in the utility easement, there is a distribution main line on the south side of W. 41 St.

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this time that any problems that the City Council sees with this PUD provision should be part of the overall update of the Zoning Code and they should make their concerns known specifically to the consultant.

**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 recommend no changes be made to the wording in the PUD Chapter of the Zoning Code and further recommend that the City Council express their concerns with the Zoning Code Consultant.

\* \* \* \* \*

**PUBLIC HEARING**

Mr. Liotta stated that he is aware that there are a group of neighbors present today and this is their third trip to City Hall to speak on Item 26, CZ-407/PUD-566-A and he would like to request that this item be heard first. Planning Commission agreed to hear Item 26 out of order.

26 **CZ-407/PUD-566-A – Bill Breisch**, Location: Northwest corner of West 41<sup>st</sup> Street and South 57<sup>th</sup> West Avenue, Requesting **CS/OL/RS/PUD-566 TO AG/CS/OL/PUD-566-A** and Major Amendment, (County) (Continued from 6/1/11, 6/15/11).

**STAFF RECOMMENDATION:**

**ZONING RESOLUTION:** Resolution number 165979 dated November 10, 1997, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**CBOA-2021 February 18, 2003:** The Board of Adjustment approved a Special Exception to allow auto repair and retail tire and accessory sales (Use Unit 17) in a CS district, with condition of an 8' screening fence to the residential district, on property located at 4110 South 61<sup>st</sup> West Avenue and southwest of subject property.

**CBOA-1830 May 15, 2001:** The Board of Adjustment approved a Special Exception to permit communications tower, on property located at 6035 West 40<sup>th</sup> Street and abutting west of subject property.

**CZ-237/PUD-566 November 1997:** A request to rezone a 10± acre tract (subject property) from AG to RS-3/RM-2/OL and CS with a PUD overlay for a mixed use development, on property located on the northwest corner of West

41<sup>st</sup> Street South and South 57<sup>th</sup> West Avenue. Staff recommended denial of the proposed zoning but approval of RS zoning. TMAPC and City Council approved RS/OL/CS zoning with the overlay PUD-566.

**CBOA-1397 January 18, 1996:** The Board of Adjustment approved a Special Exception to permit a church (Use Unit 5), day care and fellowship hall/gymnasium on a 10-acre in an AG district; per plan submitted, on property located at 6035 West 40<sup>th</sup> Street and abutting west of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 11.69± acres in size and is located at the northwest corner of West 41<sup>st</sup> Street and South 57<sup>th</sup> West Avenue. The property is mostly vacant and is zoned AG/RS/OL/CS/PUD-566. The eastern 1/3 of the property contains a drainage way/floodplain (see attached aerial photo showing floodplain extent). The hard corner of the PUD (at West 41<sup>st</sup> Street South and South 57<sup>th</sup> West Avenue) contains a doughnut shop.

**SURROUNDING AREA:** The subject tract is abutted on the east by South 57<sup>th</sup> Avenue West and then a vacant portion of Walker Heights, a large-lot single-family residential use, zoned RS; on the north by unplatted vacant land, zoned AG; on the south by West 41<sup>st</sup> Street South and then unplatted property zoned RS with large lot single-family residential uses; and on the west by unplatted property zoned AG with a church and cell tower use. To the northwest of the subject property is Pleasure Acreage 3<sup>rd</sup> Addition a single-family residential subdivision zoned RS.

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

**TRANSPORTATION VISION:**

The Tulsa Comprehensive Plan designates West 41<sup>st</sup> Street as a primary arterial but only to an area just west of 33<sup>rd</sup> West Avenue within the City of Tulsa limits. Since the subject area is within the unincorporated portion of Tulsa County it is not included in the recent City of Tulsa Comprehensive Plan update. The Plan therefore does not designate West 41<sup>st</sup> Street and South 57<sup>th</sup> West Avenue in the project limits.

**STREETS:**

The Tulsa City-County Major Street and Highway Plan designates West 41<sup>st</sup> Street South as a primary arterial street and does not designate South 57<sup>th</sup> West Avenue.

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
West 41 <sup>st</sup> Street	Primary arterial	120'	4



### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

This property lies within the unincorporated portion of Tulsa County and is therefore not included in the latest City of Tulsa Comprehensive Plan update. The property is within the Planning District 9 boundaries. The Comprehensive Plan for the Tulsa Metropolitan Area calls for this area to be Low Intensity – Development Sensitive. According to the Plan, the requested OL and CS zoning **is not** in accord with the Plan. The requested AG **is in accord** with the plan.

### **STAFF RECOMMENDATION FOR ZONING:**

Based on the District 9 Plan, an adopted component of the Comprehensive Plan for the Tulsa, Metropolitan Area, staff cannot support the requested rezoning and therefore recommends **DENIAL** of AG/OL/CS/PUD for CZ-407.

### **STAFF RECOMMENDATION FOR PUD:**

Approved in 1997, PUD-566 is a relatively flat 10.13 acre tract located at the northwest corner of West 41<sup>st</sup> Street South and South 57<sup>th</sup> West Avenue in the unincorporated portion of Tulsa County. The site is split by the presence of the floodplain contributing to the site's designation as "development sensitive" within the District 9 Plan (see attached aerial photograph showing the extent of the floodplain).

The original case report for PUD-566 included a staff recommendation of denial based on the land use designations within the District 9 Comprehensive Plan, the existing zoning and surrounding development in the area. As a compromise, the TMAPC voted to recommend approval of the PUD conditioned upon commercial zoning being limited to one lot located east of the drainage way at the hard corner of West 41<sup>st</sup> street South and South 57<sup>th</sup> West Avenue. The Board of County Commissioners deemed this appropriate and approved the PUD based on that recommendation.

The purpose of this rezoning request and PUD Major Amendment is to change the OL frontage to CS, by extending the existing CS zoning along the entirety of the West 41<sup>st</sup> Street frontage at a depth of 240-feet. The request also includes rezoning the remainder of the property from RS/OL to OL with a strip of AG at the northern most border of the PUD (see attached "Zoning Map – Exhibit A"). The extension of the CS zoning would provide for enough commercial floor area to allow the construction of a small retail/convenience store with single-story office uses on the northern two-thirds of the property.

In keeping with the original recommendation for the PUD, staff cannot support the proposed major amendment in its present form. Consideration could be given to extending the existing CS zoning north, keeping commercial activity east of the floodplain/drainage way. This would allow some light commercial activity along the South 57<sup>th</sup> West Avenue frontage in anticipation of the future extension of the Gilcrease Expressway into the area.

Based on the District 9 Comprehensive Plan, the existing zoning pattern and development in the area staff recommends **DENIAL** of major amendment PUD-566-A.

**TMAPC COMMENTS:**

Mr. Liotta stated that in his role as Chief Deputy to the County Commissioners he did visit the subject site with Commissioner Keith and listened to the neighborhood. He indicated that he made no recommendations to the neighbors and made no suggestions, but simply listened to the information.

**Applicant's Comments:**

**Bill Breisch**, 11 East Broadway, Sand Springs, 74063, stated that he is an associated broker with Monty Box of Sand Springs, Oklahoma and an Engineer. Mr. Breisch stated that the County Engineer was supposed to be present, but didn't plan to attend until around 2:30 p.m. Mr. Breisch described the surrounding properties and their uses.

Mr. Breisch indicated that the Gilcrease Expressway Interchange will be located 200 feet to the east of the subject property for 41<sup>st</sup> Street. The expressway will go over 41<sup>st</sup> Street and in his experience this generally generates commercial zoning.

**TMAPC COMMENTS:**

Mr. Leighty asked Mr. Breisch if all of the engineering has been done and does he know for a fact that the interchange will be located at the exact location he is indicating. In response, Mr. Breisch stated that it is his understanding that it will happen, but he can't say when. The County Engineer could come closer to that timeframe than he could. Mr. Breisch stated that one small leg of the Gilcrease is built today. Mr. Carnes stated that most of the land has been purchased for the Gilcrease Expressway.

Mr. Breisch continued with his presentation and stated that the Comprehensive Plan for the subject area is 40 years old and it needs updating, but funds are not available for that. Mr. Breisch believes that once the Comprehensive Plan is updated, the subject area's designation would change and he believes it will be to permit commercial zoning along 41<sup>st</sup> Street in the vicinity of Gilcrease exchange. Mr. Breisch stated that Tulsa Community College has developed to the west of the subject property and an Armory was built to the west as well.

Mr. Breisch indicated that he had a couple of meetings with the neighbors and they were concerned with the drainage, waste disposal and traffic. The neighbors want the drainage channel/creek improved. Mr. Herman, property owner of subject property, has agreed to pay for an engineering design in accordance with the County specs to improve the drainage channel/creek. The subject property can't increase the drainage problem, if there is a drainage problem. The neighbors were concerned as about an aerobic system for the

disposal of waste. He called DEQ and found that they have to approve any design of a commercial type improvement. Mr. Breisch stated that at this time he doesn't know what kind of disposal system they would have. The disposal system will be monitored by DEQ to make sure it is in working condition. Regarding the traffic is heavy during 5:00 p.m. and 6:00 p.m. and 41st street is a busy street, which may be another reason it is good for commercial.

Mr. Breisch complimented the INCOG staff for helping him go through the history of the existing PUD. Mr. Breisch indicated that he originally submitted the application without the southeast corner and the northeast corner as part of the proposal. A donut shop is located on the southeast corner and it was never platted. INCOG requested the southeast corner and the northeast corner be included in the PUD submittal and the entire property be platted. The donut shop owner agreed to the southeast corner being put back into the proposal and the platting process. Mr. Breisch requested that the Planning Commission approve his request.

#### **INTERESTED PARTIES COMMENTS:**

**Cheryl Hubbard**, 5926 West 39<sup>th</sup> Street, 74107, submitted a petition opposing the rezoning (Exhibit A-3). Ms. Hubbard indicated that she is opposed to the rezoning because there is no sanitary sewer service to the property. Ms. Hubbard stated that traffic and flooding issues are also a problem. She indicated that she wouldn't be against the rezoning if there was city water and sewer. The water runs off of the subject property and onto her property.

#### **TMAPC COMMENTS:**

Mr. Leighty reminded Ms. Hubbard that the Planning Commission can only consider the rezoning issues and not the flooding issues. He requested that she keep her remarks about the rezoning issue.

#### **INTERESTED PARTIES COMMENTS:**

Ms. Hubbard stated that she does not want an aerobic sewer system on the subject property. The church in the subject area has one and it stinks every time it is used.

#### **TMAPC COMMENTS:**

Mr. Perkins asked Ms. Hubbard if she would support anything on the subject property being developed or was she not supportive of anything but open space. Ms. Hubbard stated that she doesn't care if anything is developed, but she wants it done with city sewer and not have water runoff onto her property.

Mr. Leighty asked Ms. Hubbard how long she has lived in the subject area. She indicated that she has lived there 49 years total. She has lived in her current home 23 years and lived next door with her parents while she was growing up. Mr. Leighty asked Ms. Hubbard when she first heard about the possibility of the Gilcrease Expressway coming through. In response, Ms. Hubbard stated that it



was years ago, probably while she was still in school. Ms. Hubbard further commented that the expressway has been discussed for 20 years or more and nothing has happened. Mr. Leighty commented that once the expressway is completed it will be difficult to hold off development in the subject area.

**INTERESTED PARTIES COMMENTS:**

**Jim Clary**, 6014 West 39<sup>th</sup> Street, 74107, stated that he lives in the fourth house west of the subject property and has lived there 52 years. His biggest concern is water runoff, sewer and subsurface water.

**TMAPC COMMENTS:**

Ms. Cantrell explained that what the Planning Commission is looking at today is the zoning and she asked Mr. Clary if the infrastructure was taken care of would he mind that there would be commercial use on the subject property. In response, Mr. Clary stated that he would love to see commercial use and see the Gilcrease Expressway completed. He believes that the expressway and commercial use would make Berryhill and increase the taxes for the school and the district.

**Applicant's Rebuttal:**

Mr. Breisch stated that he understood the concerns of the neighbors he met with. He explained that 25 years ago his company did an engineering study for the sanitary sewer to serve Berryhill and it was going to be very expensive. The Berryhill residents didn't want it at that time because of the expense. In 2005 there was a minor amendment on the PUD that allowed the southeast corner to be developed without the sanitary sewer. Mr. Breisch stated that he believes that the neighbors stated that if the development is done right they wouldn't object too much.

**TMAPC COMMENTS:**

Mr. Leighty asked Mr. Breisch to describe "done right". In response, Mr. Breisch stated that if the County Engineer was here he could address what was agreed to be done and what Mr. Herman has agreed to pay for. Mr. Breisch stated that his client is committed to do this development right. He doesn't believe the signatures on the petition that are a quarter of mile to half a mile away that wouldn't be affected by this development are as meaningful as the signatures that are within the immediate area. Mr. Leighty asked Mr. Breisch if he thought moving this hearing up in the agenda today has had an impact on the hearing. Mr. Breisch stated that the County Engineer was going to address the drainage issues and assure the neighbors that it would be taken care of.

In response to Mr. Midget, Mr. Breisch stated that the County Engineer addressed the drainage issues at the neighborhood meeting. [Unidentified person stated that it wasn't addressed to their satisfaction.] Mr. Breisch stated that since the neighborhood meetings he has met with the County Engineer and

the County Commissioner, but much more could be said at the public hearing than was stated at the neighborhood meeting.

Mr. Edwards asked the neighbors if they were in agreement with the zoning change if their concerns were addressed. Ms. Hubbard stated that she would have no problem with the zoning change if there was city sewer and drainage issues addressed.

Mr. Liotta asked Mr. Breisch if anything significantly has changed in the subject area since 1997 when the minor amendment was filed to give the Planning Commission a reason to revisit that compromise. Mr. Breisch stated that if the PUD isn't approved, then the subject area can't be platted and the corner with the donut shop will not be platted. That seemed to be significant to staff and staff encouraged him to have a subdivision plat with the PUD. Mr. Breisch stated that he didn't understand that the sanitary sewer issue was only for the southeast corner and he hasn't anything in his research that shows that to be so. Nothing can be developed in the subject area if one waits for the sanitary sewer because it is a long way off. Mr. Liotta apologized if he messed up the opportunity for the County Engineer to be present, but it is 2:30 p.m. and he isn't present. The infrastructure that the County Engineer would discuss has nothing to do with the zoning change because they aren't tied in anyway.

Mr. Dix asked if there is any sewer system within the subject area to serve the subject property or the houses surrounding the subject property. In response, Mr. Breisch stated that there is no sewer system to tie into, but there is sewer on the south side of 41<sup>st</sup> Street, but he is not sure the distance. Anything north of 41<sup>st</sup> Street would have to be pumped.

Mr. Walker asked staff if this would be considered spot zoning if the Planning Commission approved it. In response, Ms. Matthews answered affirmatively.

Mr. Alberty stated that there are two requests before the Planning Commission, one for a zoning change and one for a PUD. The zoning can go ahead of the PUD, because the PUD is dependent upon the zoning being approved. Assuming that the Planning Commission recommends it and the County Commission approves it, then the approved zoning would require a subdivision plat. Subdivision plat, before being released for any development, has to comply with all of the requirements, drainage, sanitary sewers, etc. It is correct that the minor amendment was only for the donut shop. The only problem that exists on the subject property at this time is that the donut shop be included within this application because it was never platted and a permit was issued without being platted. Mr. Breisch agreed to include the donut shop in this application, at staff's request. The neighborhood needs to be aware that if this is approved and it proceeds with PUD or straight zoning, a plat is required and it would have to meet all of the requirements before any development would be allowed.

In response to Ms. Cantrell, Mr. Alberty stated that how the sanitary sewer is handled on the subject property would be up to the County Engineer and DEQ. It has to meet the County and State requirements.

Mr. Liotta asked if the platting of the developed lot be handled in a separate action or does it have to be platted within the subject property. In response, Mr. Alberty stated that it can be separate and it should have been platted separately.

Ms. Cantrell indicated that she is opposed to the subject application. Sometimes the zoning and the infrastructure are closely tied and it can't be separated. She doesn't believe that the infrastructure is out there right now for this type of development. The reason for the low intensity designation in the Comprehensive Plan was basically because the infrastructure is not there. It is a sensitive environment with flood plain issues. The Comprehensive Plan may be old, but 40 years later there still is no solid infrastructure there.

Mr. Dix stated that zoning is needed in order to get the infrastructure in place. He is confident in the County Engineer, staff and Mr. Breisch's client that they will address the issues. Mr. Dix indicated that he is in full support of the zoning change and the PUD needs to be continued in order to address the development standards.

Mr. Edwards stated that he is in support of staff's recommendation to deny. Relying upon things that might happen puts the citizens in a bad position waiting for things that might happen. They are concerned with what is happening now.

Mr. Liotta stated that he is in support of the staff recommendation. The main question he had was what has changed since the compromise was developed in 1997 and he doesn't see anything that has changed. If the decision is based upon the potential development of the Gilcrease Expressway, there is no money for development of the Gilcrease Expressway and the only thing that has been done is the Turnpike Authority has been given authority to study it and potentially build a turnpike. The Turnpike Authority has many other issues that they want to do before looking at this. Mr. Liotta concluded that he doesn't see the Gilcrease Expressway being built in the immediate future and there is no money to build it as a free road and the decision to build it as a turnpike is far off.

Mr. Leighty stated that he will be supporting the application and he has driven in the subject area and there is quite a bit of development on West 41<sup>st</sup> Street. It makes good development sense to develop the subject property. Mr. Leighty commented that he believes the rezoning should have been done a long time ago.

Mr. Shivel stated that there have been a number of other times when the Planning Commission had to consider developments in other portions of the City where the same situation existed regarding the lack of infrastructure. If the



rooftops are there, then the infrastructure follows. Mr. Shivel indicated that he will be supporting the rezoning.

Mr. Perkins stated that he will not be supporting this application. Primarily because the northwest quadrant is shown wanting office or OL and with that natural buffer (creek) it would be better suited to residential with office along 57<sup>th</sup> West Avenue. Mr. Perkins concluded that he will be supporting staff's recommendation for denial.

**TMAPC Action; 11 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **6-5-0** (Cantrell, Edwards, Liotta, Midget, Perkins, Stirling "aye"; Carnes, Dix, Leighty, Shivel, Walker "nays"; none "abstaining"; none "absent") to recommend **DENIAL** of the CS/OL/RS zoning for CZ-407 per staff recommendation.

**TMAPC Action; 11 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **8-3-0** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Perkins, Stirling "aye"; Dix, Shivel, Walker "nays"; none "abstaining"; none "absent") to recommend **DENIAL** of the Major Amendment for PUD-566-A per staff recommendation.

\* \* \* \* \*

18. **Sheridan Medical Park** – Preliminary Plat, Location: 6371 East 67<sup>th</sup> Place South, Northwest corner of East 67<sup>th</sup> Place South and South Sheridan Road (833) (CD 7)

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on 1.18 acres.

The following issues were discussed June 16, 2011, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned OL.
2. **Streets:** Provide reference for all right-of-ways. Include section on Limits of No Access.
3. **Sewer:** If you intend for the 25-foot building line along the West Boundary line of the plat to also be the utility easement, then you must label it as such on the face of the plat. If not, then you must provide a minimum of 17.5-foot perimeter easement along the West Boundary. The existing ten-foot sanitary sewer easement scales to be about four feet and does not agree with the concept plat. Show the correct easement on the plat, and include

change. Tom Rains, County Engineer, answered questions concerning the drainage of the said property. Steve Shuller, attorney for the owner, gave a report of why this Zoning Appeal should be granted. Commissioner Perry and Commissioner Keith asked questions. There were no others with recommendations, questions, or discussion. Moved by Keith, seconded by Smaligo, to close the discussion at 10:31 a.m.



Moved by Keith, seconded by Smaligo, that the Board overturn the TMAPC vote to deny Zoning Change for CZ-407 and PUD-566-A and approve the request, concurrent with the following conditions within the new PUD:

1. Any future development of any portion of the northern portion of the property intended for office development would be subject to the procedural requirements of a PUD Minor Amendment. Specifically, the developer would have to notify by direct mail any property owner within 300ft of the proposed development and send a detailed site plan to TMAPC for a public hearing at which any member of the public would be allowed to address the TMAPC about the development. TMAPC would then make a final decision about whether to approve that development plan; and,
2. Any development of the "Office Zoning" portion of the property would be strictly limited to:
  - a. Offices of single story construction;
  - b. No more than 22 feet in height;
  - c. With pitched roofing;
  - d. With heavy landscaping on the North and West borders;
  - e. With a masonry-type wall at least 8 feet in height;
  - f. Without any exterior lighting that exceeds 12 feet in height.

This development will be contingent upon approval of DEQ for adequate septic systems.

The County Engineers will require that adequate detention ponds are included in any plan.

Upon roll call, Smaligo, yes; Keith, yes; Perry, yes. Motion carried. (Clerk's Misc. File No. 222844)

Requests for Executive Sessions, as follows:

1. Commissioner Perry, Pursuant to 25 O.S. §307B(1) for the purpose of confidential communication among the Board of County Commissioners regarding personnel evaluation of the Administrative Services' Operations Manager and regarding filling the Administrative Services Division Director position.
2. District Attorney, requested by Andrea Wyrick, Pursuant to 25 O.S. §307(B)(4) this matter be discussed in Executive Session between the Board and its attorney for the purpose of confidential communications concerning possible official action regarding a potential lawsuit, to-wit: Potential Litigation with BOCC as Plaintiff to recover county clerk filing fees, disclosure of the details of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest.

Moved by Keith, seconded by Smaligo, to go into Executive Sessions. Upon roll call, Smaligo, yes; Keith, yes; Perry, yes. Motion carried.

Executive Session commenced at 10:33 a.m.

*(\*) Conditions of APPROVAL By BOCC.*

# PUBLISHER'S AFFIDAVIT

COPY

RES NO. 222844

PUBLICATION DATE(S)

11/09/11

CASE NUMBER: RES NO. 222844

INVOICE NO: 00134627

## LEGAL NOTICE

STATE OF OKLAHOMA  
COUNTY OF Tulsa

} SS

I, of lawful age, being duly sworn, am a legal representative of Glenpool Post of Glenpool, Oklahoma, a weekly newspaper of general circulation in Tulsa, Oklahoma, a newspaper qualified to publish legal notices, advertisements and publications as provided in Section 106 of Title 25, Oklahoma Statutes 1971 and 1982 as amended, and thereafter, and complies with all other requirements of the laws of Oklahoma with reference to legal publications. That said notice, a true copy of which is attached hereto was published in the regular edition of said newspaper during the period and time of publication and not in a supplement, on the ABOVE LISTED DATE(S)

*Nancy Carol Moore*

Representative Signature

Subscribed to and sworn to me this 10th day of November, 2011.

Notary Public

*Nancy Carol Moore*

NANCY CAROL MOORE

My commission number: 06011684

My commission expires: December 8, 2014

Customer #: 00009936

Customer: TULSA COUNTY CLERK'S OFFICE

Publisher's Fee: 180.60

NANCY CAROL MOORE  
NOTARY PUBLIC  
STATE OF OKLAHOMA  
COMMISSION NO. 06011684  
EXPIRES 12-8-2014

134627  
Published in the Glenpool Post, Glenpool, Tulsa County, Oklahoma, November 9, 2011.

ON MOTION OF COMMISSIONER Smellgo  
SECONDED BY COMMISSIONER Keith  
AND UPON ROLL CALL CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED.

RESOLUTION No. 222844

WHEREAS, pursuant to Title 19, Oklahoma Statutes, Section 653.13, et seq., the Board of County Commissioners is authorized to adopt regulations controlling the zoning of property within the unincorporated areas of Tulsa County; and

WHEREAS, on September 15, 1980, the Board of County Commissioners adopted regulations affecting the above referred to area; and

WHEREAS, Bill Breisch applied to the Tulsa Metropolitan Area Planning Commission, Zoning Application Number CZ-407/PUD-566-A for a change of zoning regulations on the following described tract:

A tract of land that is a part of the East Half of the East Half of the Southwest Quarter (E/2 E/2 SW/4) of Section 20, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof and being more particularly described as follows, to-wit: Commencing at the Southeast corner of said Southwest Quarter (SW/4); thence South 89°59'44" West along the South line of said Southwest Quarter (SW/4) for a distance of 40.00 feet; thence N 0°08'47" W and parallel to the East line of said Southwest Quarter (SW/4) a distance of 50.00 feet to the Point of Beginning of said tract of land; thence South 89°59'44" West and parallel to the South line of said Southwest Quarter (SW/4) a distance of 622.27 feet; thence North 0°08'40" West along the West line of the East Half of the East Half of the Southwest Quarter (E/2 E/2 SW/4) a distance of 665.73 feet to a point, said point being 1244.51 feet Southerly of the Northwest corner of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SE/4 NE/4 SW/4) of said Section 20; thence South 89°59'41" East parallel with the North line of said SE/4 NE/4 SW/4 a distance of 622.25 feet to a point, said point being 40.00 feet West of the East line of said Southwest Quarter (SW/4); thence South 0°08'47" East and parallel to the East line of said Southwest Quarter (SW/4) a distance of 665.08 feet to the Point of Beginning of said tract of land, containing 9.79 acres, more or less.

from its present CSOL/RS/PUD-566 zoning district classification to a AG/CS/OL/PUD-566-A zoning district classification; and

WHEREAS, public hearing, pursuant to law, was held July 6, 2011, by the Tulsa Metropolitan Area Planning Commission on the above application and appealed to the Board of County Commissioners on October 17, 2011.

NOW, THEREFORE, BE IT RESOLVED;

(1) That the application of CZ-407/PUD-566-A, dated October 17, 2011 is granted.

(2) That the zoning classification be changed to AG/CS/OL/PUD-566-A, subject to: 1. Any future development of any portion of the northern portion of the property intended for office development would be subject to the procedural requirements of a PUD Minor Amendment. Specifically, the developer would have to notify by direct mail any property owner within 300ft of the proposed development and send a detailed site plan to TMAPC for a public hearing at which any member of the public would be allowed to address the TMAPC about the development. TMAPC would then make a final decision about whether to approve that development plan; and, 2. Any development of the "Office Zoning" portion of the property would be strictly limited to: a.) Offices of single story construction; b.) No more than 22 feet in height; c.) With pitched roofing; d.) With heavy landscaping on the North and West borders; e.) With a masonry-type wall at least 8 feet in height; f.) Without any exterior lighting that exceeds 12 feet in height; g.) With a drip line septic system and not an aeration septic system.

This development will be contingent upon approval of DEQ for adequate septic systems. The County Engineers will require that adequate detention ponds are included in any plan, on the following described property:

A tract of land that is a part of the East Half of the East Half of the Southwest Quarter (E/2 E/2 SW/4) of Section 20, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof and being more particularly described as follows, to-wit: Commencing at the Southeast corner of said Southwest Quarter (SW/4); thence South 89°59'44" West along the South line of said Southwest Quarter (SW/4) for a distance of 40.00 feet; thence N 0°08'47" W and parallel to the East line of said Southwest Quarter (SW/4) a distance of 50.00 feet to the Point of Beginning of said tract of land; thence South 89°59'44" West and parallel to the South line of said Southwest Quarter (SW/4) a distance of 622.27 feet; thence North 0°08'40" West along the West line of the East Half of the East Half of the Southwest Quarter (E/2 E/2 SW/4) a distance of 665.73 feet to a point, said point being 1244.51 feet Southerly of the Northwest corner of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SE/4 NE/4 SW/4) of said Section 20; thence South 89°59'41" East parallel with the North line of said SE/4 NE/4 SW/4 a distance of 622.25 feet to a point, said point being 40.00 feet West of the East line of said Southwest Quarter (SW/4); thence South 0°08'47" East and parallel to the East line of said Southwest Quarter (SW/4) a distance of 665.08 feet to the Point of Beginning of said tract of land, containing 9.79 acres, more or less.

APPROVED AND ADOPTED THIS 31st DAY OF October, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF TULSA COUNTY, OKLAHOMA

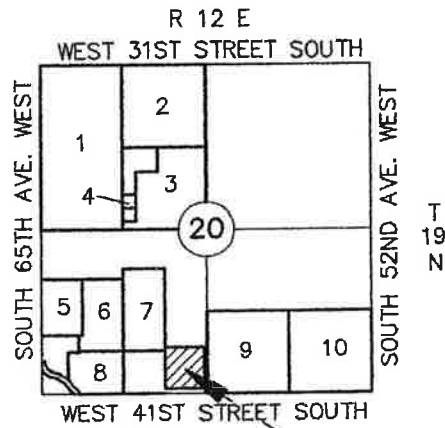
By /s/ Fred Perry

APPROVED AS TO FORM:

ATTEST: /s/ Earlene Wilson  
County Clerk

19.19



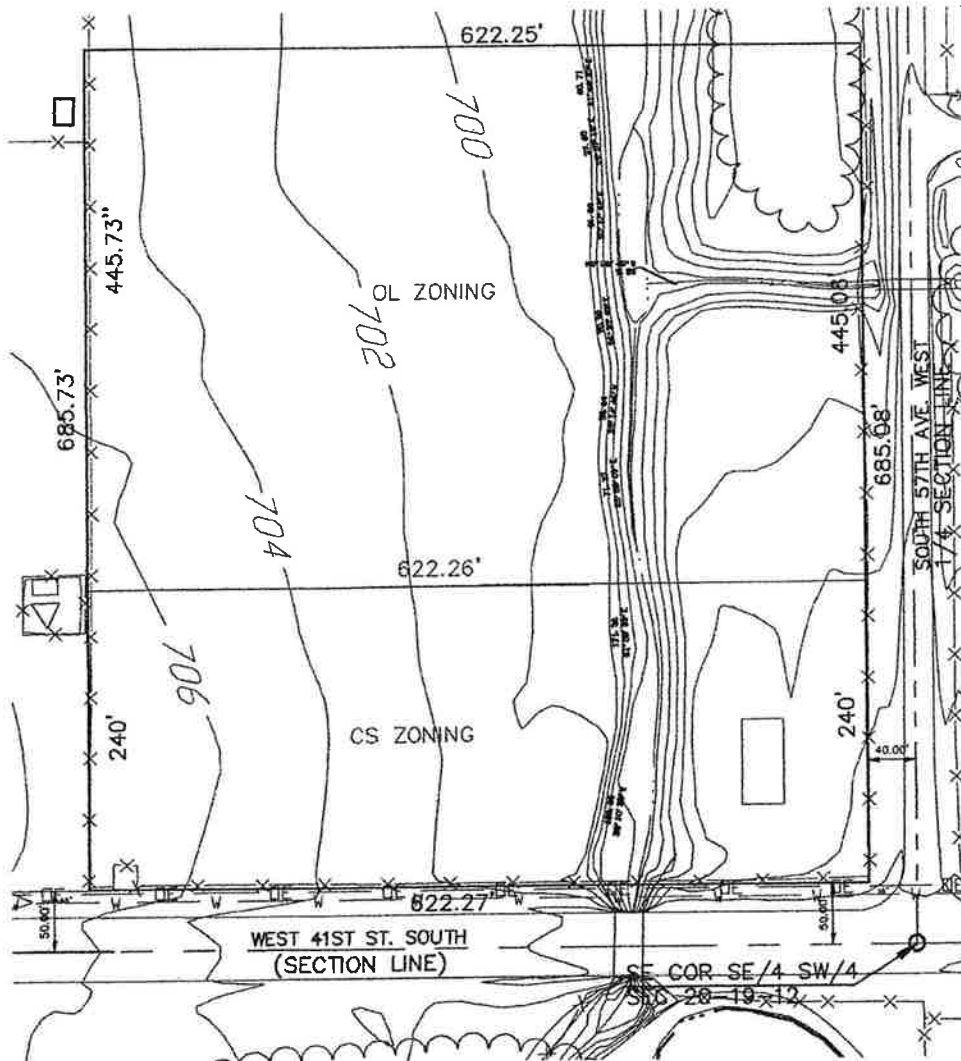


# SECTION 25 SUBDIVISIONS

1. BERRY HILL ACRES
2. BERRY HILL GARDENS
3. BERRYHILL ESTATES
4. DIEHL
5. PLEASURE ACREAGE
6. PLEASURE ACREAGE SECOND
7. PLEASURE ACREAGE THIRD (PART)
8. PLEASURE ACREAGE THIRD (PART)
9. WALKER HEIGHTS
10. PARKS ACRES

NOTE:  
ALL DIMENSIONS ARE  
APPROXIMATE.

## LOCATION MAP



## ZONING MAP EXHIBIT

**PLAZA 41  
NEIGHBORHOOD  
CENTER**



**5700 West 41<sup>st</sup> Street South  
Tulsa, Oklahoma**

**Owner  
Gary Herman  
3203 S. Bermuda Ave.  
Sand Springs, OK 74063**

19.21

# PLAZA 41 NEIGHBORHOOD CENTER

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## I. DEVELOPMENT CONCEPT

PLAZA 41 is a business/office development on a site of good accessibility and visibility at a major intersection in west Tulsa. It is located at the northwest corner of West 41<sup>st</sup> Street South and South 57<sup>th</sup> West Avenue and is in Tulsa County.

The basic layout of the property is shown on Exhibit A, and is fronted by West 41<sup>st</sup> Street on the south and fronts South 57<sup>th</sup> West Avenue on the east.

A portion of the east tributary of Berryhill Creek runs through the tract, north to south. Berryhill Creek is a small narrow drainage channel which is wider at its northern end than at the south. It is shown on Exhibit A.

A future expressway (Gilcrease Expressway) is planned within 150 feet east of the subject tract. The expressway will not occupy any portion of the subject tract and South 57<sup>th</sup> West Avenue will continue to exist in its current location separating the future expressway and the subject tract.

PLAZA 41 will include retail and office uses. This trend in development is not new to the area as noted on the south side of West 41<sup>st</sup> Street South in the immediate area.

The comprehensive plan designates this area as low to medium intensity use and it is believed that the PLAZA 41 Planned Unit Development (PUD) is in conformity with the comprehensive plan and existing development guidelines. Accompanying this PUD application is an application for an amendment of the present underlying zoning district to OL-Office Light and CS-Commercial Shopping.

The PUD application is submitted to achieve flexibility of building setbacks and to establish the project concepts.

The development concept was formulated in recognition of the good visibility of the site, its excellent regional and local accessibility and the market strength of the area. Quality office and retail uses are established in the area. This trend in development is carried forward in this proposed PUD.

This area provides an excellent site for a restaurant or retail sales establishment (or other compatible free standing building) which will be one of the principal focal points of PLAZA 41. Light office uses are proposed for the north portion of the development area which buffers the property to the west and north of PLAZA 41. Three driveways will be permitted for access to the property to the west and north of PLAZA 41. Three driveways will be permitted from South 57<sup>th</sup> West Avenue. Mutual access easements will facilitate access to the north portion of the development area lying west of the creek.

Consistent with the objective of achieving a quality development, landscaping and sign standards have been established. The landscaping concept will incorporate existing trees where feasible and creates within the development areas continuity perimeter image and theme. Design consideration with landscaping and sign standards has been given to the achievement of an attractive view from adjacent streets and from the expressway.

Platting of the property is in progress and will be in conformity of the PUD and the development concepts identified. The property will be platted by its current owner Gary Herman of Sand Springs.

## II. SIZE OF INDIVIDUAL AREAS

### A. Site Area

Gross 11.18 Acres – 487,096 sq. ft. (Including adjacent Right-of-Way)

### Development Area

Net 9.79 Acres – 426,400 sq. ft. (Exclusive of Right- of-Way)

**Landscaped Open Spaces**

**10% Net Area**



### III. DEVELOPMENT STANDARDS

#### RETAIL

Gross Retail Zoned Area	4.41 Acres – 192,063 sq. ft. (Includes Right-of-Way)
Permitted Uses	Restaurant and/or retail shopping as permitted within a CS District. Use units 10, 11, 12, 13, and 14 are allowed except no funeral home and no entertainment or drinking establishments as defined in use unit 12.
Maximum Floor Area:	
Retail Use	96,000 square feet
Maximum Floor Area for Restaurant Use	7,000 square feet
Maximum Building Height	22 feet
Maximum Stories	1 story
Minimum Building Setbacks* from Centerline of	
West 41 <sup>st</sup> Street South	100 feet**
South 57 <sup>th</sup> West Avenue	75 feet
Off-Street Parking	As required by applicable use unit of Tulsa County Zoning Code.
Restaurant	One space per 100 square feet of floor area, and one space per 75 square feet of accessory bar area, if any.
Retail	One space per 225 square feet of floor area.
Minimum Interior Landscaped Open Space	10% of net area excluding landscaped right-of-way.

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\* Excludes fences, parking, signs and utilities.

\*\* Waiver requested from 150 feet to 100 feet.

#### **IV. DEVELOPMENT STANDARDS OFFICES**

The OL zoned area is proposed for development as light professional and general offices.

Gross Area	6.77 Acres – 295,033 sq. ft. (Including Right-of-Way)
Permitted Uses	As permitted within an OL District
Maximum Floor Area	103,000 square feet
Maximum Building Height	22 feet
Minimum Building Setback from South 57 <sup>th</sup> West Avenue	75 feet *
Maximum Stories	1 story
Off-Street Parking	As required by applicable use unit of Tulsa County Zoning Code.
Minimum Interior Landscaped Open Space	15% of net area excluding landscaped right- of-way.
Other	Use of both retail and office areas as a single unit with mutual access drives and parking shall be permitted.

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\* Excludes fences, parking, signs and utilities.

## **V. DEVELOPMENT AREA BOUNDARIES**

A preliminary delineation of the development area boundaries is shown on Exhibit A. The final delineation will be established by the final subdivision plat.

## **VI. SCREENING AND LANDSCAPING**

A landscaped area having a minimum width of 10 feet, exclusive of right-of-way, will be provided along West 41<sup>st</sup> Street South and South 57<sup>th</sup> West Avenue frontages, excepting points of access. Landscaping may include parking islands, plazas, and courtyards. A detailed landscaping plan of each development area will be submitted to and approved by the Tulsa Metropolitan Area Planning Commission (TMAPC).

Screening and landscaping shall be installed in accordance with an approved phasing schedule or prior to occupancy ("open for business") of a principal building.

## **VII. SIGNS**

Signs accessory to the principal uses within the development shall be permitted, but shall comply with the restrictions of the Planned Unit Development Ordinance and the following additional restrictions:

Ground Signs: Ground signs shall be limited to two (2) signs along South 57<sup>th</sup> West Avenue and three (3) signs along West 41<sup>st</sup> Street South identifying the establishment therein, and shall be located within the development area. The signs shall not exceed 45 feet in height, nor exceed a display surface area of 64 square feet.

Wall or Canopy Signs: The aggregate display surface area of the wall or canopy signs shall be limited to 1-1/2 square foot per each lineal foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building.



## **VIII. SITE PLAN REVIEW**

Within the development area, no building permit shall be issued until a detailed site plan, including landscaping plans, have been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the development concept and the development standards, unless waived.

No certificate of occupancy shall be issued for a building until the landscaping for the applicable principal buildings has been installed in accordance with the approved landscaping plan (unless a waiver is granted because of seasonal plantings or other valid reasons).

## **IX. PLATTING REQUIREMENT**

No building permit shall be issued until the development has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Board of Commissioners of Tulsa County, and duly filed of record, unless waived.

The restrictive covenants shall include the PUD conditions of approval and Tulsa County shall be made a beneficiary thereto.

## **X. EXPECTED SCHEDULE OF DEVELOPMENT**

The owner, Mr. Gary Herman, does not intend to develop the property beyond what is required to file the subdivision plat, which is being processed along with this document.

## **XI. TRASH EQUIPMENT**

All trash and mechanical equipment shall be screened from public view.

## **XII. MINOR AMENDMENT – SANITARY SEWER REQUIREMENT WAIVER (DATED 2/5/2003)**

Due to the expense and hardship to the property owner to extend sanitary sewer facilities to this property, a "Minor Amendment" to the original PUD was approved waiving the requirement for the area to be served by the sanitary sewer, and allowing a facility to construct an approved aerobic system.