TULSA METROPOLITAN AREA PLANNING COMMISSION

Meeting No. 2637

November 7, 2012, 1:30 PM

175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

REPORTS:

Chairman's Report:

Worksession Report:

Director's Report:

Review TMAPC Receipts for the month of September 2012

- 1. Minutes of September 5, 2012, Meeting No. 2633
- 2. Minutes of September 19, 2012, Meeting No. 2634
- 3. Minutes of October 3, 2012, Meeting No. 2635

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.

- 4. <u>LS-20555</u> (Lot-Split) (County) Location: Northwest corner of West 34th Street South and South 65th West Avenue
- 5. <u>LS-20556</u> (Lot-Split) (CD-4) Location: Northwest corner of East 14th Street South and South Delaware Avenue
- 6. <u>LS-20557</u> (Lot-Split) (CD-6) Location: North of the intersection of North 105th East Avenue and East Ute Street
- 7. <u>LS-20558</u> (Lot-Split) (CD-7) Location: Northwest corner of East 69th Street South and South 71st East (Related to LC-434)
- 8. <u>LC-434</u> (Lot-Combination) (CD-4) Location: North of the northwest corner of East 69th Street South and South 71st East Avenue (Related to LS-20558)
- 9. <u>LS-20559</u> (Lot-Split) (CD-9) Location: Southwest corner of East 42nd Street South and South Owasso Avenue

- 10. <u>LS-20560</u> (Lot-Split) (CD-4) Location: Southeast corner of South Northfolk Avenue and East 4th Street South (Related to LC-435)
- 11. <u>LC-435</u> (Lot-Combination) (CD-4) Location: East of the southeast corner of South Northfolk Avenue and East 4th Street South (Related to LS-20560)
- 12. <u>LS-20561</u> (Lot-Split) (County) Location: South of the southwest corner of East 116th Street North and North 44th East Avenue (Related to PUD-717-1)
- 13. <u>LC-436</u> (Lot-Combination) (CD-4) Location: Northwest corner of East 5th Street South and South Northfolk Avenue
- 14. <u>LS-20562</u> (Lot-Split) (CD-8) Location: East of the southeast corner of South Yale Avenue and East 101st Street South (Related to PUD-516-C-2)
- 15. <u>LC-437</u> (Lot-Combination) (CD-5) Location: East of the northeast corner of South Joplin Avenue and East 15th Street South
- 16. <u>Bethel Indian Christian Assembly Final Plat</u>, Location: South of East 131st Street South, west of South Peoria Avenue (County)
- 17. Quik Trip Store # 0090R Final Plat, Location: Northwest corner of East 11th Street South and South Utica Avenue (9306) (CD 4)
- 18. <u>PUD-288-14 Barron & McClarry CG, Inc./Kurt Barron</u>, Location: North of the intersection of East 27th Place South at South Birmingham Avenue, Requesting a Minor Amendment to decrease the rear yard setback from 30 feet to 9.9 feet, RS-2/PUD-288, (CD-4)
- 19. <u>PUD-300-9 Ray Toraby</u>, Location: East of the intersection of East 81st Street South at South Sheridan Avenue, Requesting **Minor Amendment** to add a second sign with no request for additional display surface area, **CS/PUD-300**, (CD-8)
- 20. <u>PUD-717-1 Sack and Associates, Inc./Mark Capron</u>, Location: Southwest corner of the intersection of East 116th Street North at South Highway 75, Requesting **Minor Amendment** for allocation of floor space in Development Area B to facilitate a lot-split, IL/PUD-717, (County) (Related to LS-20561)
- 21. <u>PUD-619-C-4 Kinslow, Keith & Todd/Nicole Watts</u>, Location: West side of South Memorial Drive at East 106th Street South, Requesting Minor Amendment for additional floor area and allocates floor area to all of the lots in the subdivision, RS-3/AG/CS/PUD-619, (CD-8)

- 22. <u>PUD-516-C-2 Roy D. Johnsen</u>, Location: South side of East 101st Street South and east of South Yale Avenue, Requesting **Minor Amendment** for floor area allocation related to a lot-split and to allow cross parking within the PUD, RS-4/OL/CS/PUD-516 (CD-8) (Related to LS-20562)
- 23. <u>PUD-766 CSRS/Donnie Nauck</u>, Location: West of Yale Avenue and south of Interstate 44 (I-44), Requesting a **Detail Site Plan** for a new Raising Cane's restaurant, **CH/PUD-766**, (CD-9)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

PUBLIC HEARINGS:

- 24. <u>CBOA-2443 Plat Waiver</u>, Location: North of northwest corner of East Pine Street and North Yale Avenue (2329) (County)
- 25. <u>PUD-761-B Lou Reynolds</u> Location: Southeast corner of East 41st Street and South Harvard Avenue, Requesting a **Major Amendment** to permit the development of a specialty grocery store accompanied by a retail development, and a fast food restaurant with a drive-through in a separate building next to proposed grocery store, from RS-1/OL/CS/PUD-761-A to RS-1/OL/CS/PUD-761-B, (CD-9) (Related to Harvard Square South Amended Preliminary Plat)
- 26. <u>Harvard Square South Amended</u> Preliminary Plat, Location: South of southeast corner of East 41st Street South and South Harvard Avenue (9328) (CD-9) (Related to PUD-761-B)
- 27. <u>PUD-595-C/Z-5970-SP-6 LEW Land Investments, LLC/Michael Joyce</u>, Location: Southeast corner of South 101st East Avenue and East 67th Street, Requesting a **Major Amendment** to allow for the construction of a new warehouse/distribution building to be occupied by a tenant and operated as a major regional retail appliance and warehouse operation, from **CO/PUD-595-B to CO/PUD-595-C**, (CD-8)
- 28. <u>Z-5914-SP-1 Lindsey Management</u>, Location: North of northeast corner South Union Avenue and West 71st Street, Requesting a Corridor Development Plan for multifamily uses, Use Unit 8, CO/Z-5914-SP, (CD-2)
- 29. **Z-4900-SP-8 Roy D. Johnsen**, Location: East of northeast corner of South Mingo Road and East 75th Street South, Requesting **Corridor Development Plan** for a senior living center, Use Unit 8, Multifamily Dwellings and Similar Uses, **CO/Z-4900-SP**, (CD-7) (Related to Clover West Senior Living Facility Preliminary Plat)
- 30. <u>Clover West Senior Living Facility Preliminary Plat</u>, Location: South of East 71st Street, east of East 75th Street South (8407) (CD 7) (Related to Z-4900-SP-8)

OTHER BUSINESS

31. 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 <u>cell phones</u> and <u>pagers</u> must be turned off during the Planning Commission.

Visit our website at www.tmapc.org

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

TMAPC RECEIPTS Month of September 2012

		Current Period				Year To Date			
ZONING	ITEM	CITY	COUNTY	TOTAL RECEIVED	ITEM	CITY	COUNTY	TOTAL RECEIVED	
ZONING									
Zoning Letters	6	\$35.00	\$35.00	\$70.00	17	\$95.00	\$95.00	\$190.00	
Zoning	0	0.00	0.00	0.00	5	2,290.00	2,290.00	4,580.00	
PUDs & Plan Reviews	37	2,665.00	2,665.00	5,330.00	94	6,252.50	6,252.50	12,505.00	
Refunds		0.00	0.00	0.00	0	(200.00)	(200.00)	(400.00)	
Fees Waived		0.00	0.00	0.00	<u>0</u>	0.00	0.00	0.00	
		\$2,700.00	\$2,700.00	<u>\$5,400.00</u>		<u>\$8,437.50</u>	<u>\$8,437.50</u>	\$16,875.00	
LAND DIVISION									
Minor Subdivisions	1	\$325.00	\$325.00	\$650.00	3	\$650.00	\$650.00	\$1,300.00	
Preliminary Plats	2	1,045.00	1,045.00	2,090.00	7	3,895.00	3,895.00	7,790.00	
Final Plats	0	0.00	0.00	0.00	5	2,278.35	2,278.35	4,556.70	
Plat Waivers	0	0.00	0.00	0.00	0	0.00	0.00	0.00	
Lot Splits	7	333.00	333.00	666.00	23	1,175.50	1,175.50	2,351.00	
Lot Combinations	7	350.00	350,00	700.00	19	950.00	950.00	1,900.00	
Access Changes	0	0.00	0.00	0.00	0	0.00	0.00	0.00	
Other		0.00	0.00	0.00	0	100.00	100.00	200.00	
Refunds			0.00	0.00	0	0.00	0.00	0.00	
Fees Waived		0.00	0.00	0.00	0	(286.65)	0.00	(286.65)	
		\$2,053,00	\$2,053.00	<u>\$4,106.00</u>		\$9,048.85	\$9,048.85	\$18,097.70	
BOARDS OF ADJUSTMENT									
Fees	18	\$4,200.00	\$2,400.00	\$6,600.00	32	\$14,950.00	\$4,000.00	\$18,950.00	
Refunds		(100.00)		(\$100.00)	0	(600.00)	0.00	(600.00)	
NSF Check			0.00	\$0.00	0	0.00	0.00	0.00	
Fees Waived		(60.05)	0.00	\$0.00		(534.65)	0.00	<u>(534.65)</u>	
		\$4,100.00	<u>\$2,400.00</u>	<u>\$6,500.00</u>		\$14,350.00	<u>\$4,000.00</u>	\$18,350.00	
TOTAL		\$8,853.00	\$7,153,00	\$16,006.00		\$31,836.35	\$21,486.35	\$53,322.70	
LESS WAIVED FEES *		(\$60.05)		(\$60.05)		(\$821.30)		(\$821.30)	
GRAND TOTALS		\$8,792.95	\$7,153.00	\$15,945.95		\$31,015.05	\$21,486.35	\$52,501.40	

^{*} Advertising, Signs & Postage Expenses for City of Tulsa Applications with Fee Waivers for Tulsa Development Authority, Tulsa Airport Authority, Pearl District Form Based Code & Reinstating Previous Zoning of Recently Annexed Territory

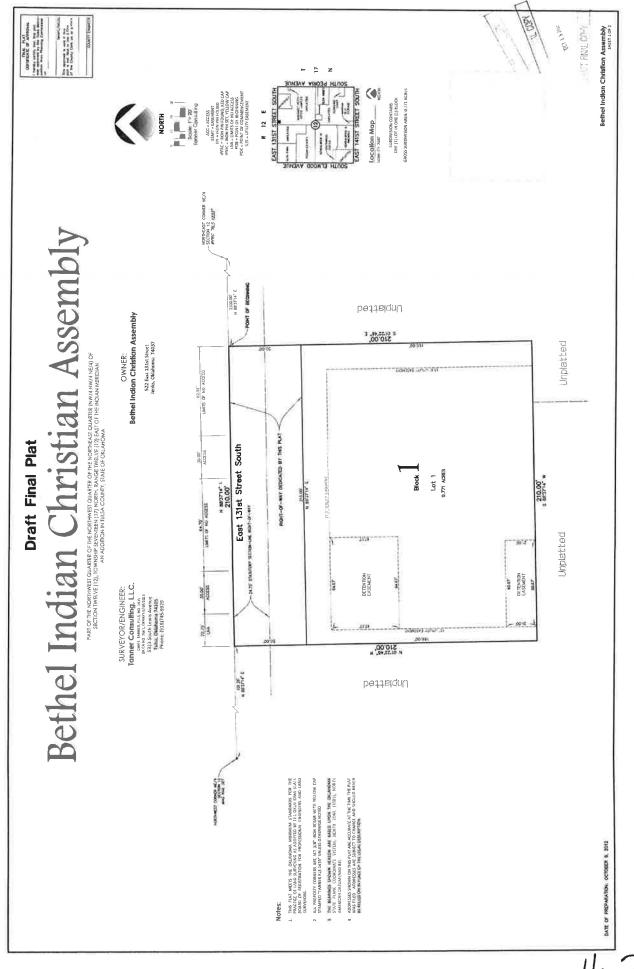
	4				

Final Subdivision Plat

Bethel Indian Christian Assembly - (County) South of East 131st Street South, West of South Peoria Avenue

This plat consists of 1 Lot, 1 Block, on .771 acres.

Staff has received release letters for this plat and can recommend approval of the final plat.

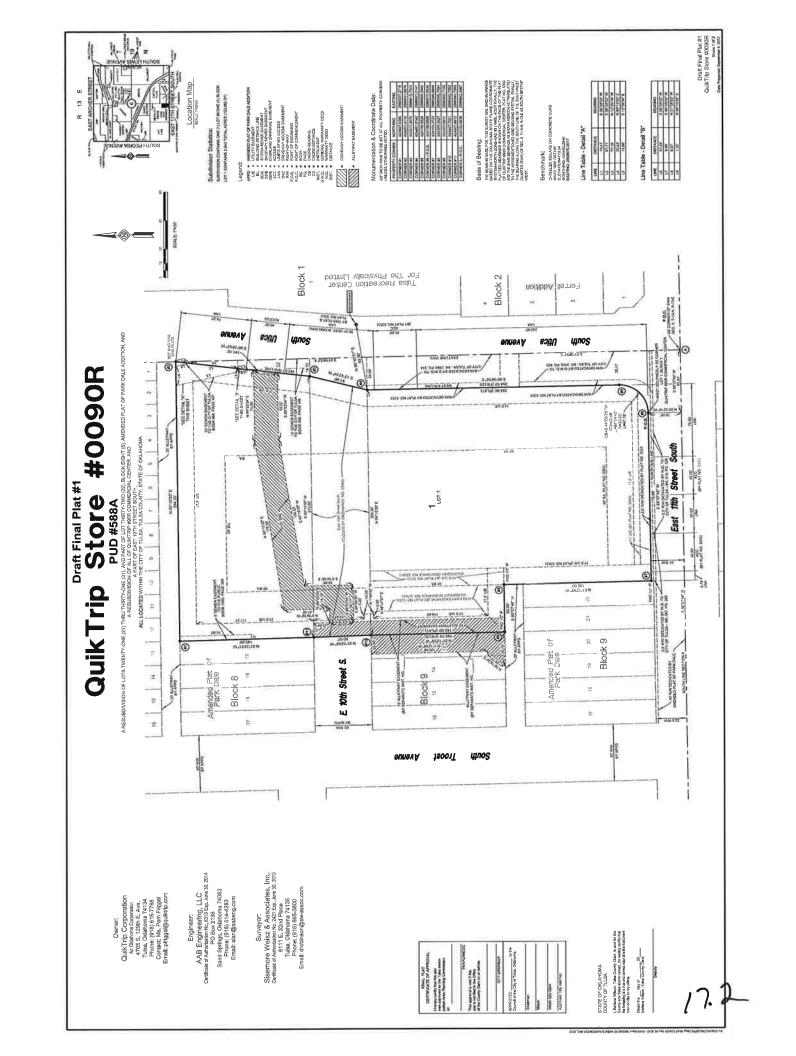


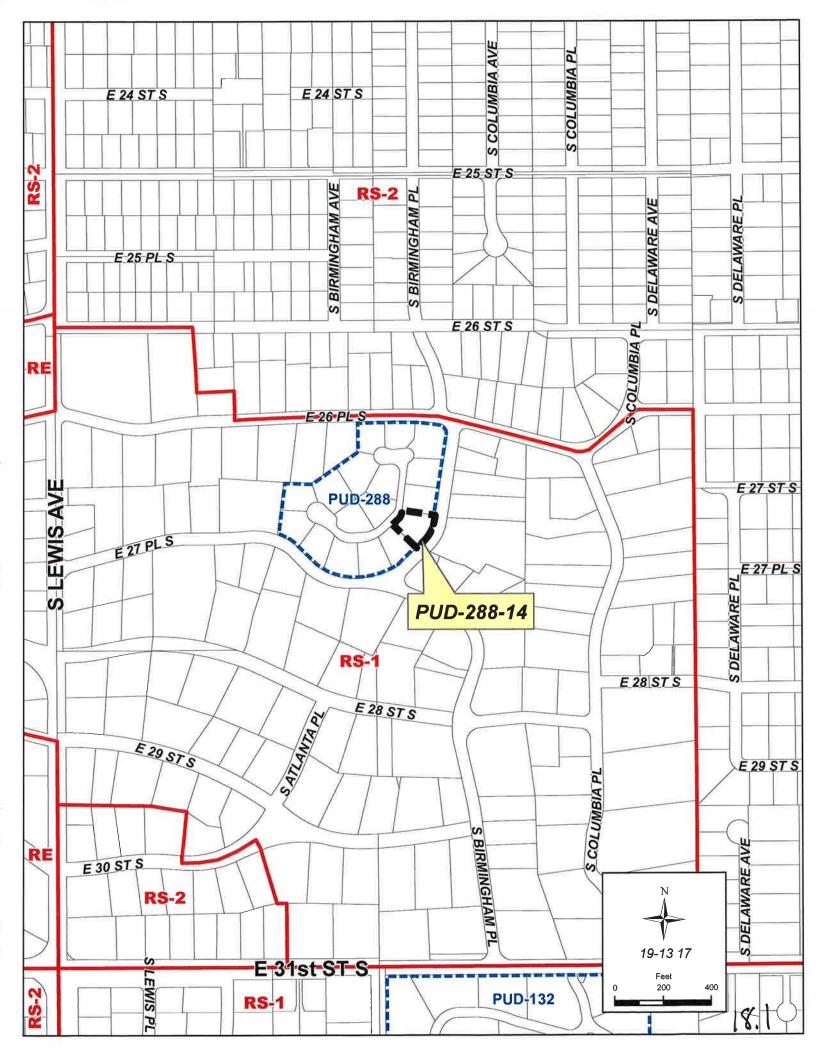
Final Subdivision Plat

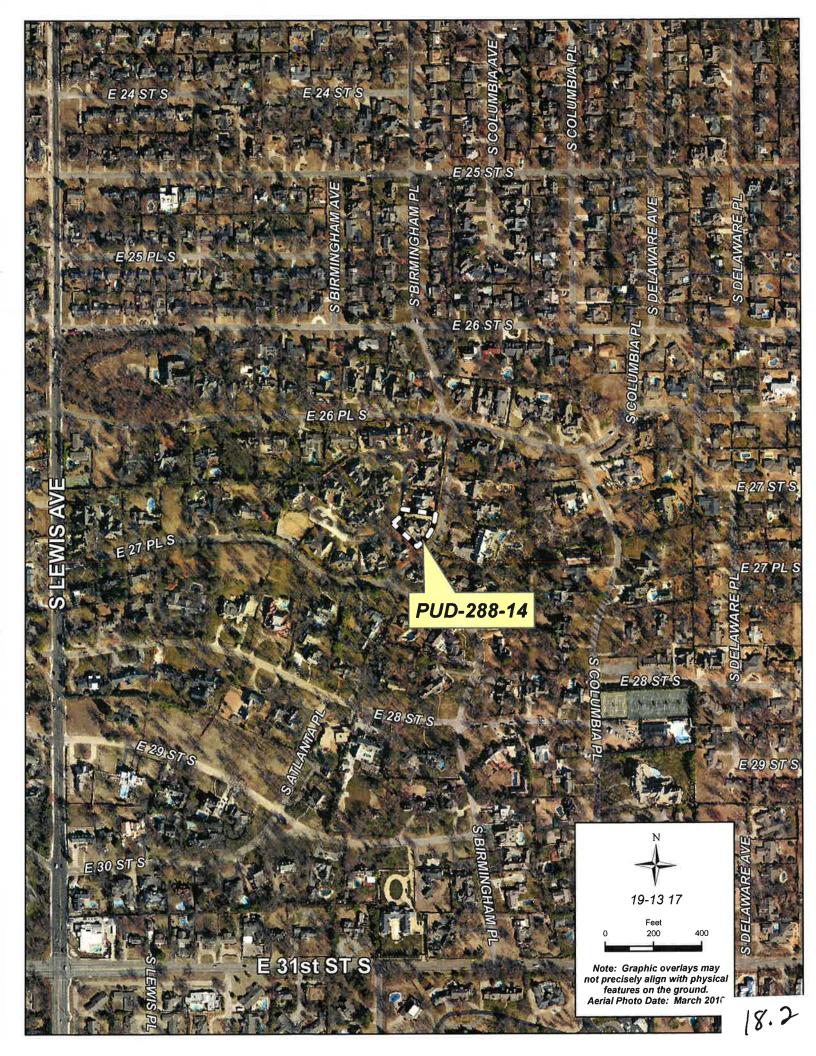
Quik Trip Store #0090R - (9306) (CD 4) Northwest corner of East 11th Street South and South Utica Avenue

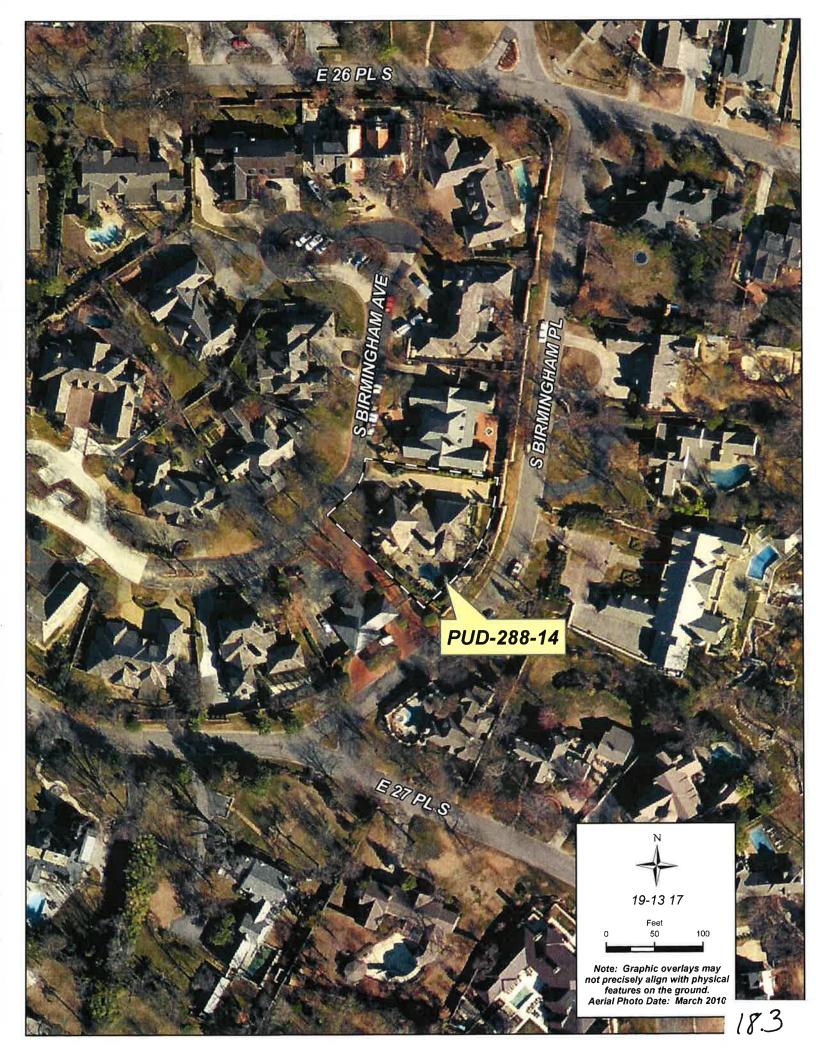
This plat consists of 1 Lot, 1 Block, on 2.8 acres.

Staff has received release letters for this plat and can recommend approval of the final plat.









PUD 288-14:

PUD Minor Amendment – Lot 16, Block 1 Eight Acres North of the intersection of East 27th Place South at South Birmingham Avenue (East of Lewis); TRS 19-13-17; CZM 37; Atlas 93; CD 4.

Eight Acres is a private gated community developed in 1982. During the history of the project this is the 14th request for a minor amendment. Every minor amendment has been to request a front or rear yard setback reduction. The smallest rear yard setback was approved in 1983 which was approved for a four-foot rear yard setback. In every instance the minor amendments have been approved.

The applicant is requesting a minor amendment to decrease the rear yard setback from 30' to 9'-9". In 1998 the same lot requested a rear yard setback reduction from 35' to 30'

The original project development included construction of a masonry wall around the entire perimeter of the site. The proposed minor amendment if allowed would place a building corner within 9-9" of the perimeter masonry wall.

In Section 1107.H.9 of the Zoning Code the Planning Commission is provided authority to make minor amendments for "changes in structure heights, building setbacks, yards, open spaces, *building coverage* and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered."

Staff has reviewed the original PUD and 13 previous requests and determined that this reduction substantially alters the original PUD dimensional requirement however it is consistent with the spirit and intent of the PUD and existing development as it exist today.

Staff has also reviewed the relationship between the adjacent property owners and this rear yard reduction and determined that the visual impact of the perimeter fence will screen the reduced internal building setback from properties across the street. This reduced setback and is far enough away from internal boundaries not to be a negative impact. The Eight Acres Board which regulates internal private guidelines has approved this request.

Therefore, Staff recommends **APPROVAL** of the request for a reduction of the building setback line from 30' to 9-9"



INSPECTION MORTGAGE REPORT

301 NO.: GAM 12-60322 GOR: WEST, ROBERT A. & KATHLEEN

GUARANTY ABSTRACT COMPANY FIDELITY NATIONAL TITLE INSURANCE CO. 232896

LEGEND

FENCE
UTILITY EASEMENT
ORANAGE EASEMENT
METERING POINT
BURBED ELETRIC &
TELEPHONE CABLE

REDULATE

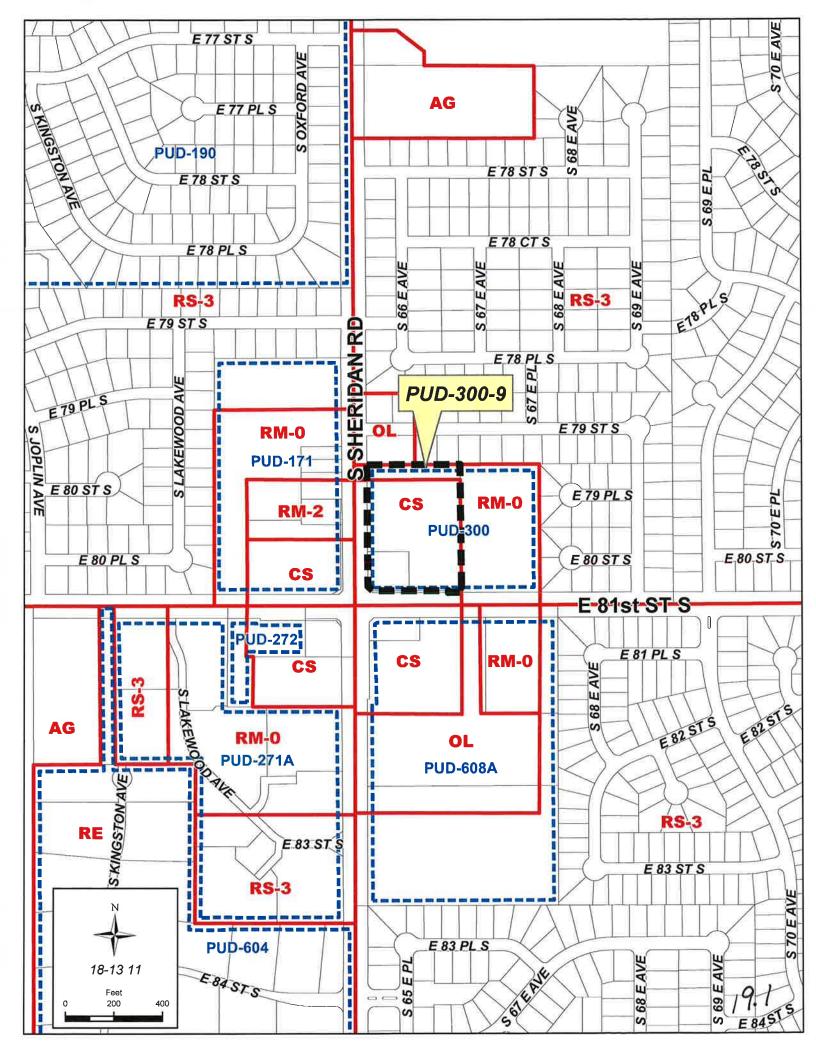
BEFORE YOU DIG.

THIS PROPERTY LIES IN ZONE "X-UNSHADED" FLOOD HAZARD AREA PER F.I.R.M. COMMUNITY PANEL NO. 405381 0352K, AS LAST REVISED 8/3/2009.

This survey has been approved by the Eight acres board. 140.67 10' U/E rs vie & Lse. DWELLING IS 9.1' OVER BUILDING UNE POOL IS 16.2' OVER BUILDING LINE.

Barront McClary, GC, Inc. 918-749-7904

PLAT NO. 4293





PUD 300-9:

PUD Minor Amendment – Lot 1, Block 1, Square One addition. East of the intersection of East 81st Street South at South Sheridan Road; TRS 18-13-11; CZM 53; Atlas 1417; CD 8.

Square One Shopping Center (PUD 300) was originally approved in 1982. Eight minor amendments have been requested in the 30-year time life of the project. The original PUD allowed one ground sign along the 325-foot frontage on 81st for this development area and has been granted 380 square feet of display surface area. The existing sign is a monument style sign.

The applicant is requesting a minor amendment to add a second sign with no request for additional display surface area. The sign reference in the PUD Section of the Zoning Code requires 100' spacing between ground signs and 50' from residential boundaries.

In Section 1107.H.12 of the Zoning Code the Planning Commission is provided authority to make minor amendments for "modifications to approved signage provided the size, location, number and character (type) of the signs are not substantially altered".

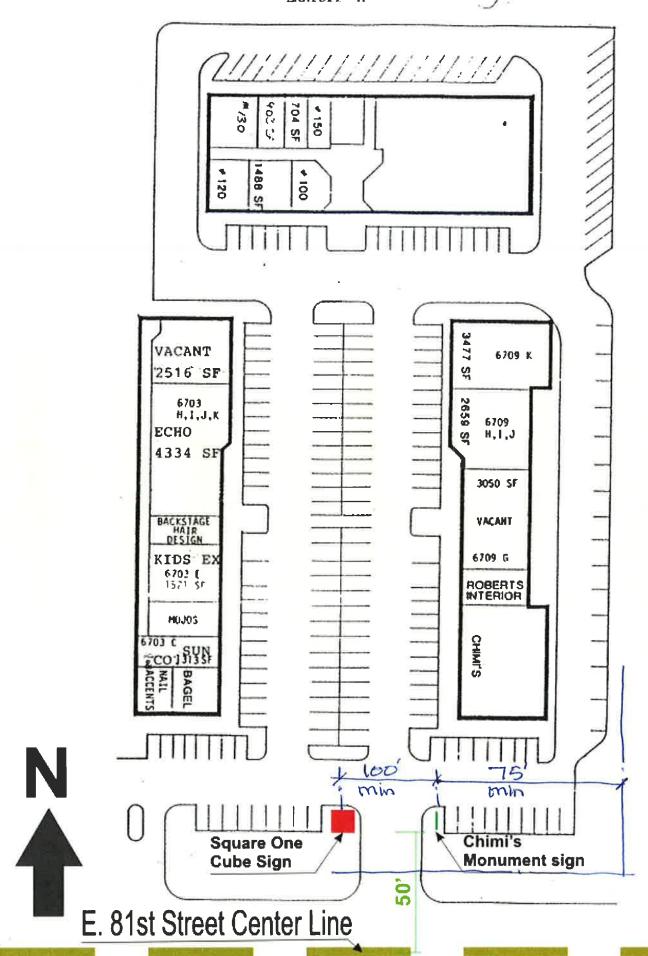
Staff has reviewed the original PUD and previous amendments and determined that this additional sign is consistent with the spirit and intent of the PUD and existing development as it exist today; therefore a minor amendment request is appropriate.

Therefore, staff recommends **APPROVAL** of the request for a minor amendment with the following conditions.

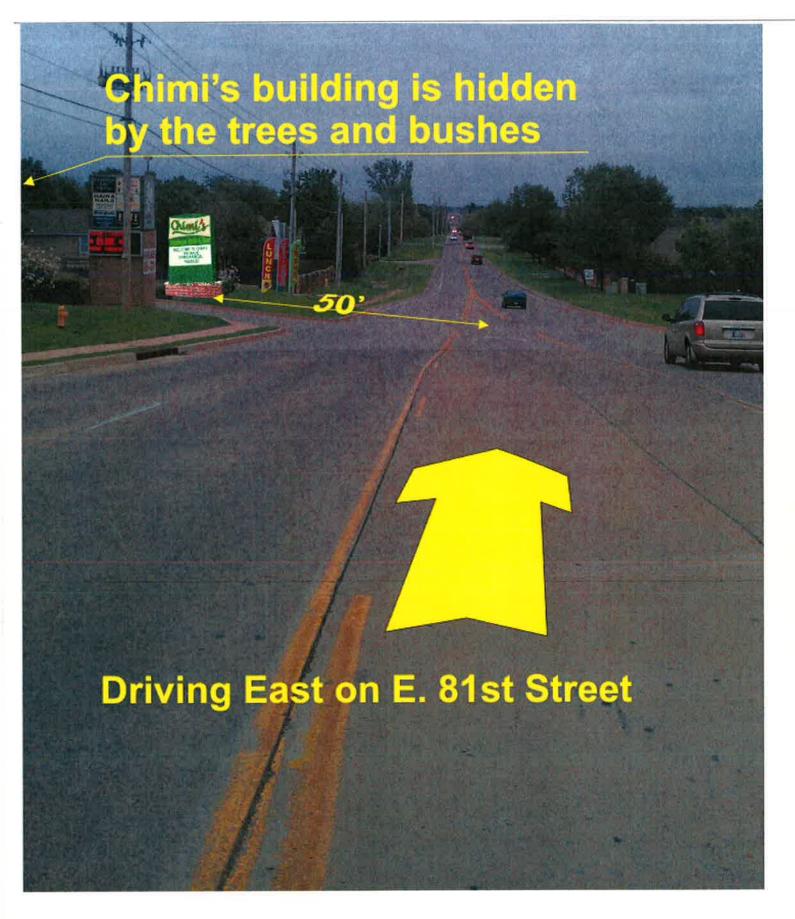
- The proposed new sign shall not be placed inside any existing utility easements. No license agreement will be allowed at this location. If the sign is placed in the parking area appropriate paving will be replaced and new curb installed with a minimum landscape area around the sign of five (5) feet in all directions
- 2) The measurement from the center of the original monument sign to the center of the proposed new sign shall be a minimum of 100 feet.
- 3) The center of the proposed new sign shall be a minimum of 75 feet from the adjacent single-family residential boundary.

- 4) All illumination will be static back-lit style; LED signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with moving parts shall be prohibited.
- 5) The monument portion of the sign will not be back-lit. The only allowable back-lit areas will include the logo, name plate and other permanent style lettering.

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19.5





CUSTOMER: Chimi's	Š			
CITY & STATE: Tulsa				
SALESMAN: RayToraby	DRAWING BY: K.T.	APPROVED BY:		
2K121003-05	SCALE: NTS	DATE: 10/03/2012		

NOTES:

Design property of SureChange International All Rights Reserved

9.6

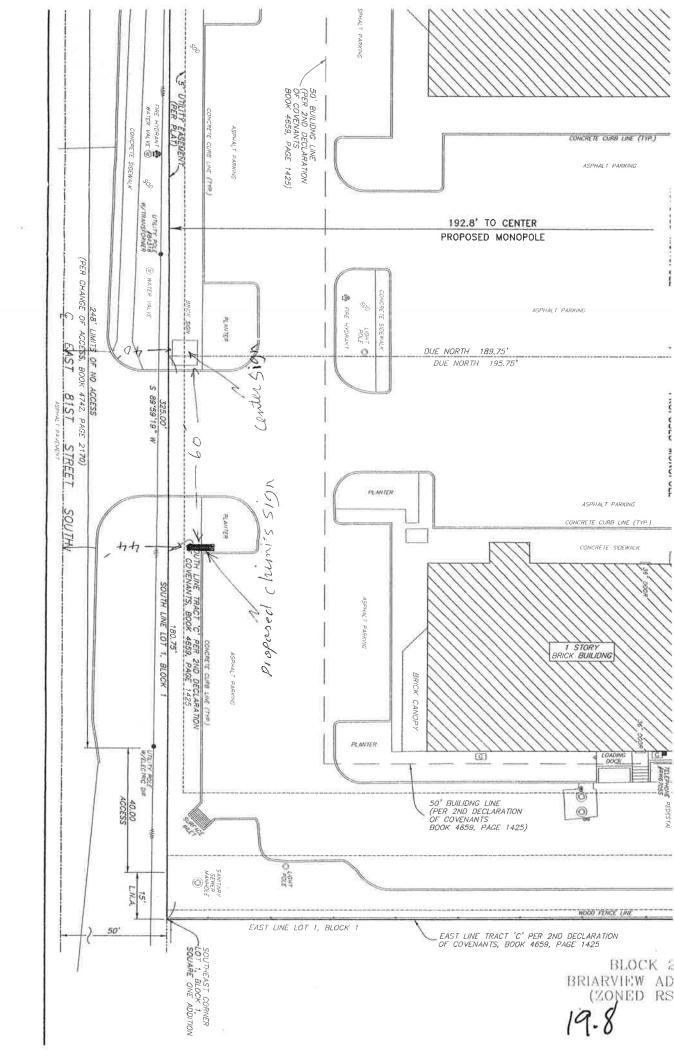


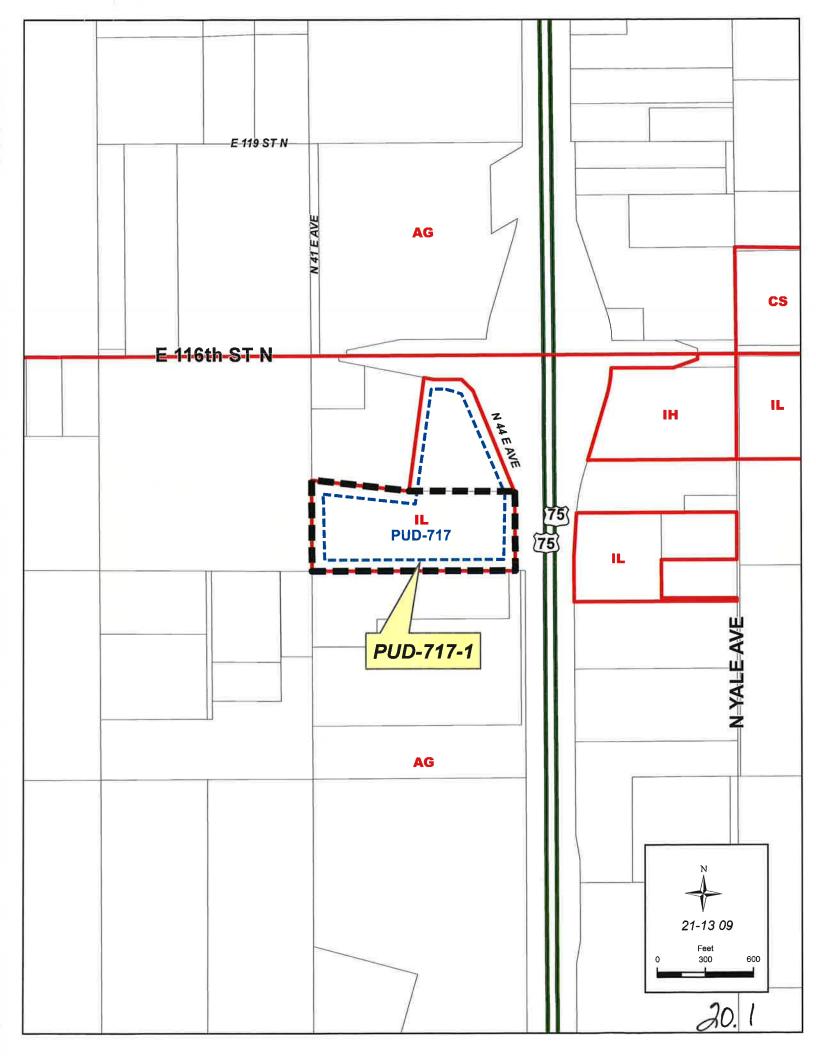


CITY & STATE: Tulsa					
2K121003-07	SCALE: NTS	10/03/2012			

Design property of SureChange International All Rights Reserved

NOTES:







PUD 717-1:

PUD Minor Amendment – Lot 2, Block 1, "75 North Center" A Subdivision in Tulsa County in the Southwest Corner of the intersection of East 116th Place North at South Highway 75.; TRS 21-13-09; CZM 10; Atlas NA; CD (County).

"75 North Center" is a 22-acre tract that was originally approved for a multi use PUD in 2005. This minor amendment is limited to Development Area B in the PUD and is requested in conjunction with a lot-split which requires an allocation of 120,000 square feet of floor area allowed.

The request is technical in nature and does not affect the original intent of the PUD and is provided as a land management issue. The lot-split and associated floor area is allocated as follows:

Original Development Area B included 14.68 acres/120,000.00 square feet.

Proposed Tract A:

7.18 acres +/-

85,000 square feet

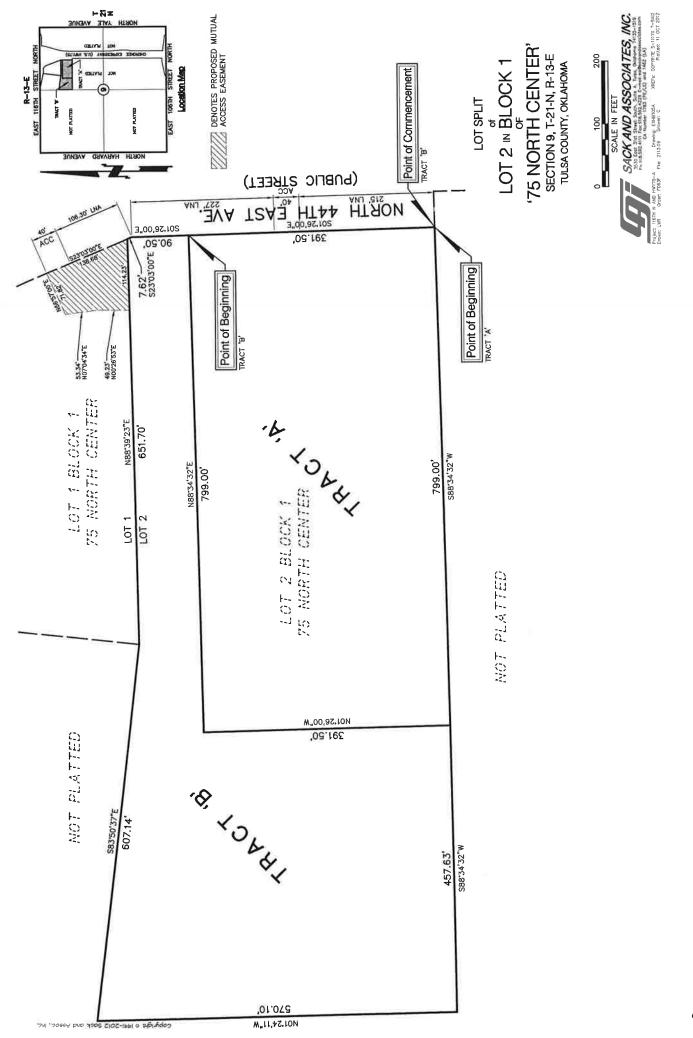
Proposed Tract B:

7.50 acres +/-

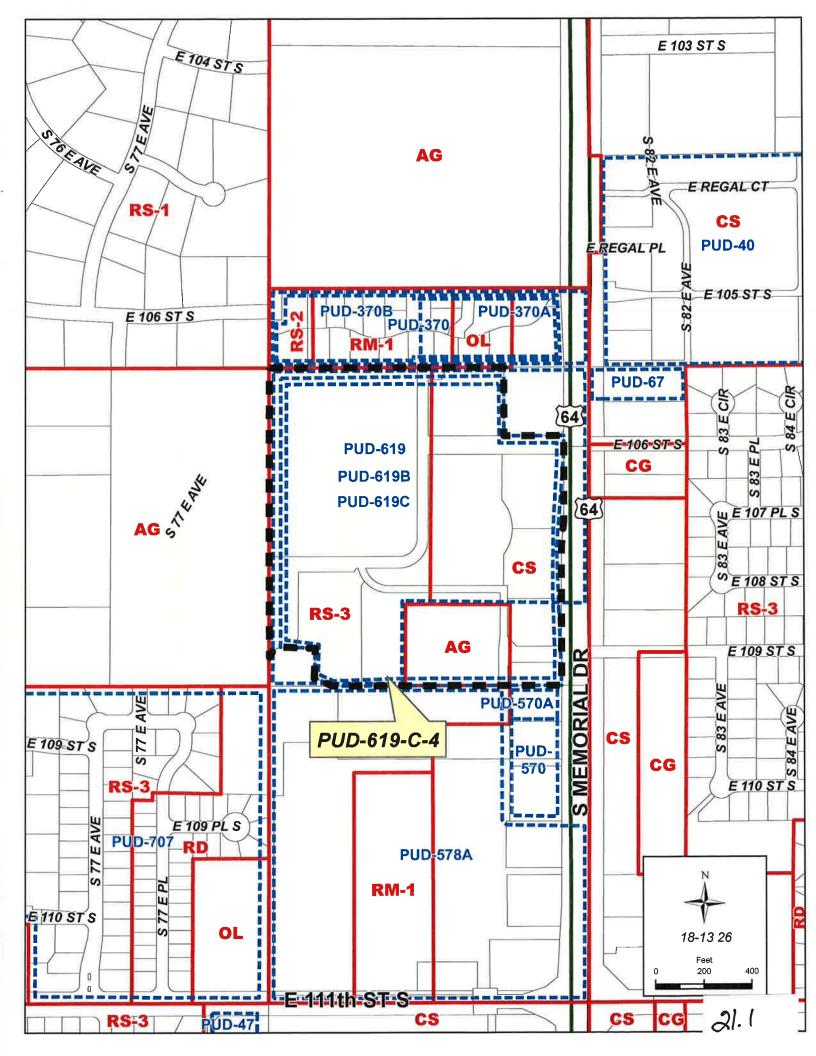
35,000 square feet

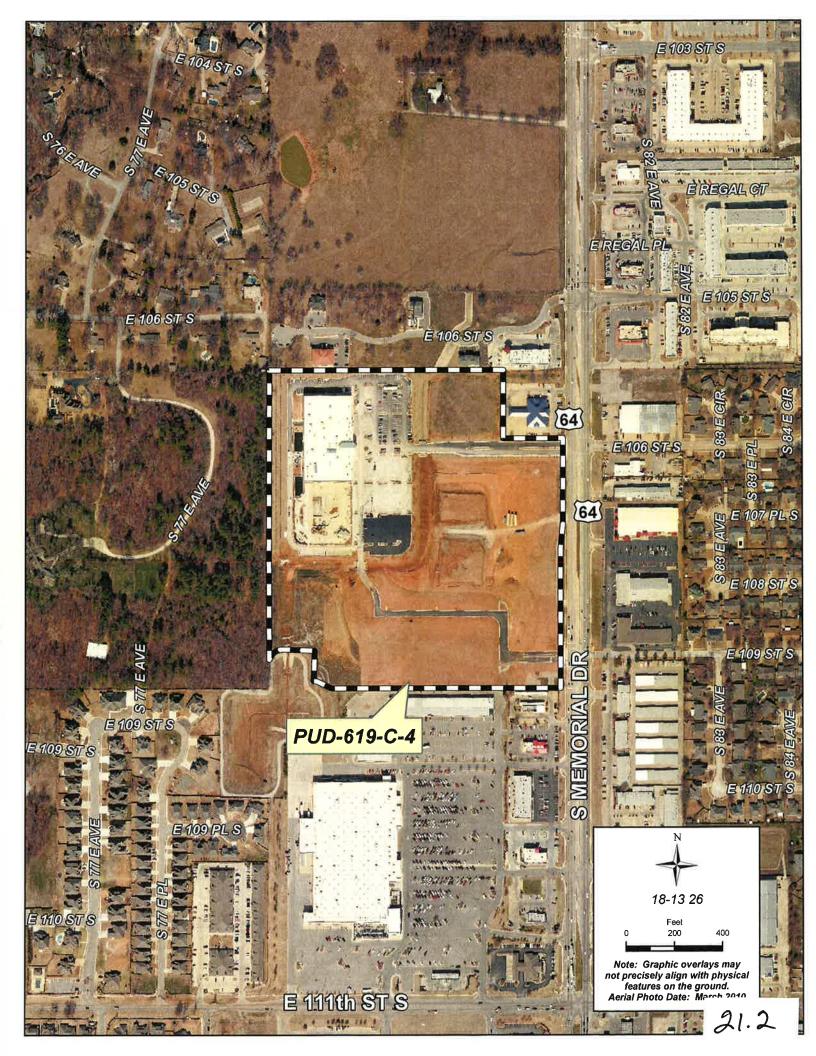
In Section 1107.H.1 of the Zoning Code the Planning Commission is provided authority to make minor amendments for "adjustments in internal development area boundaries provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered."

In staff's opinion this request does not substantially alter the original PUD; therefore staff recommends **APPROVAL** of the request outlined above.



20.4





PUD 619-C-4:

PUD Minor Amendment – All of Memorial Commons Subdivision a subdivision in the City of Tulsa currently being replatted as "The Vineyard on Memorial" on the west side of South Memorial Drive at East 106th Street South; TRS 18-13-26; CZM 57; Atlas 2468; CD 8.

Memorial Commons is a 34.3-acre tract that was originally approved for a commercial use PUD in 2008. This minor amendment requests additional floor area and allocates floor area to all of the lots in the subdivision.

The request is technical in nature and does not affect the original intent of the PUD. The associated floor area is summarized as follows:

Original Total floor area allowed:

333,433.65 square feet (individual sites were not allocated in the original PUD)

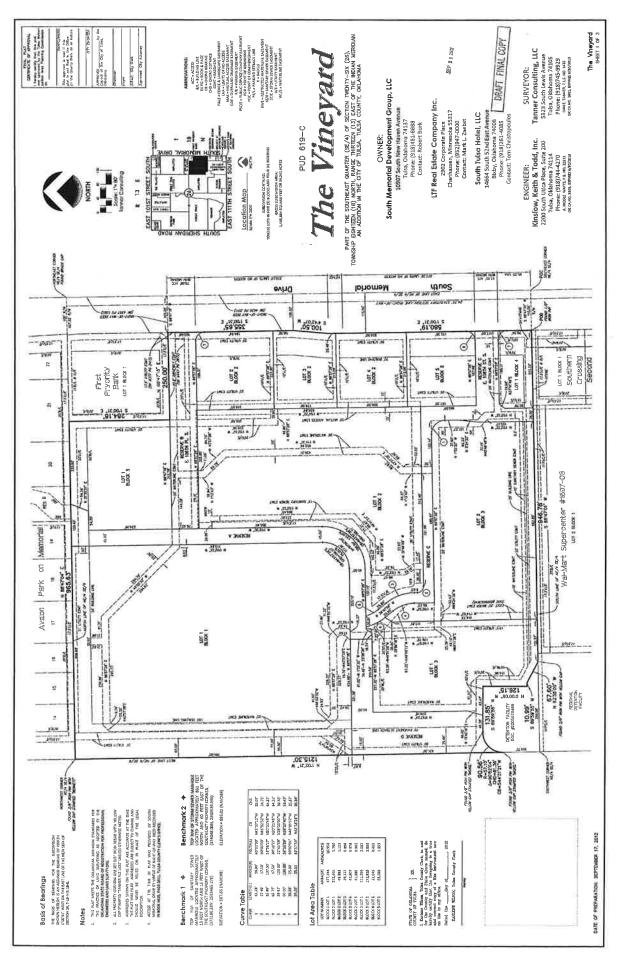
Proposed Total Floor area for "The Vineyard on Memorial": 381,781.50 square feet (14.5% additional)

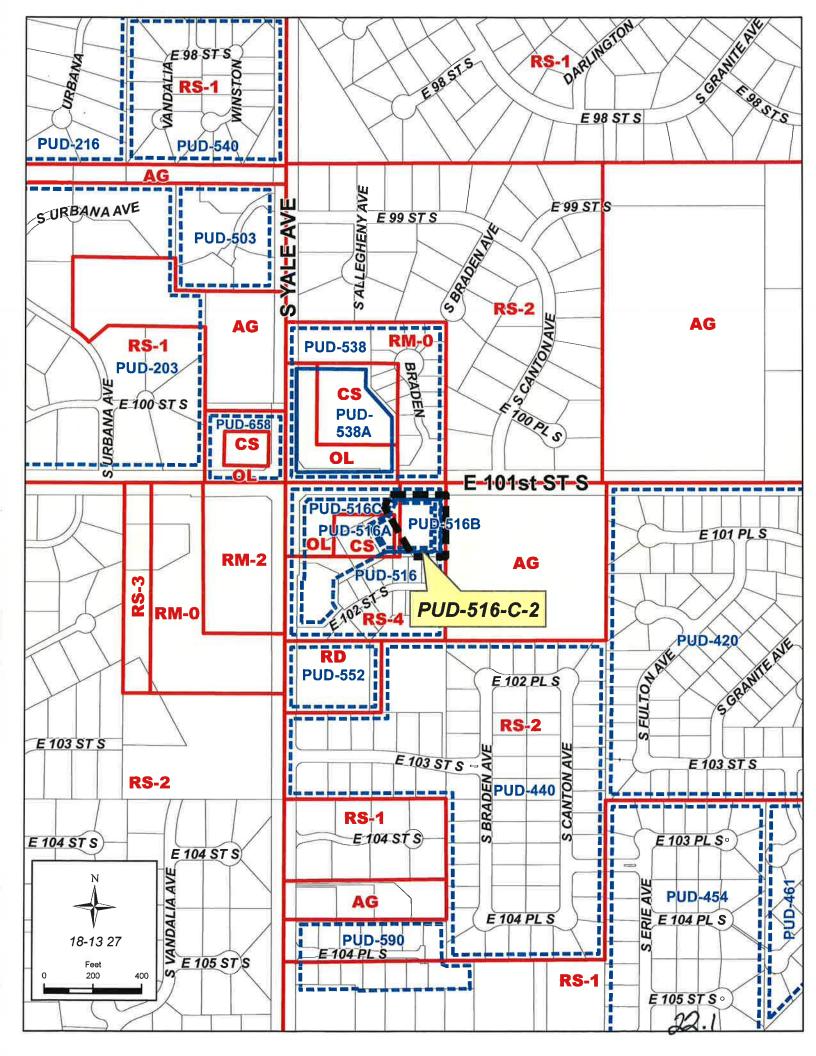
Allocated as follows and as defined in "The Vineyard on Memorial":

Lot-1, Block-1	116000.00 square feet
Lot-1, Block-2	53,000.00 square feet
Lot-2, Block-2	10,000.00 square feet
Lot-3, Block-2	9,000.00 square feet
Lot-4, Block-2	9,000.00 square feet
Lot-5, Block-2	9,000.00 square feet
Lot-1, Block-3	83,131.50 square feet
Lot-2, Block-3	61,150.00 square feet
Lot-1, Block-4	5,000.00 square feet
Lot-1, Block-5	26,000.00 square feet

In Section 1107.H.1 of the Zoning Code the Planning Commission is provided authority to make minor amendments for "adjustments in internal development area boundaries provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered."

In staff opinion this request does not substantially alter the original PUD; therefore, Staff recommends **APPROVAL** of the request outlined above.







PUD 516-C-2:

PUD Minor Amendment (Development Area B) – Lot 2, Block 1 of 101 Yale Village a subdivision in the City of Tulsa currently being lot-split on the south side of East 101st Street South and east of South Yale Avenue; TRS 18-13-27; CZM 57; Atlas 2471; CD 8.

101 Yale Village is an office tract that was originally approved as a PUD in 2008. The minor amendment request consists of two items.

 Floor area allocation related to a requested lot-split. The applicant has not requested additional floor area but is required to allocate floor area to all of the lot-split tracts. The associated floor area is summarized as follows:

Original Total floor area allowed in Development Area B: 12,900 square feet.

Allocated as follows and as defined in the lot-split:

Building Tract 1	3,630.00 square feet
Building Tract 2	3,635.00 square feet
Building Tract 3	3,635.00 square feet
Building Tract 4	2,000.00 square feet

In Section 1107.H.1 of the Zoning Code, the Planning Commission is provided authority to make minor amendments for "adjustments in internal development area boundaries provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered."

2) Allow cross parking within the PUD. No reduction in the overall parking requirement as defined in the Zoning Code is requested; however, a common parking area will be provided for all four buildings. The common parking area is contained totally with PUD-516.

In Section 1106 of the Zoning Code the Planning Commission is provided authority to allow common parking areas among other items "Required spaces may be provided on the lot containing the uses for which it is intended to serve or in common areas. Common parking area shall be designed and located so as to be accessible to the uses it is intended to serve."

Shared parking is a strong concept encouraged in the Comprehensive Plan. This request is in conformance with the spirit and intent of the original PUD.

Staff is confident that the two requests do not substantially alter the concept of the original PUD, and therefore, recommends **APPROVAL** of the request outlined above.

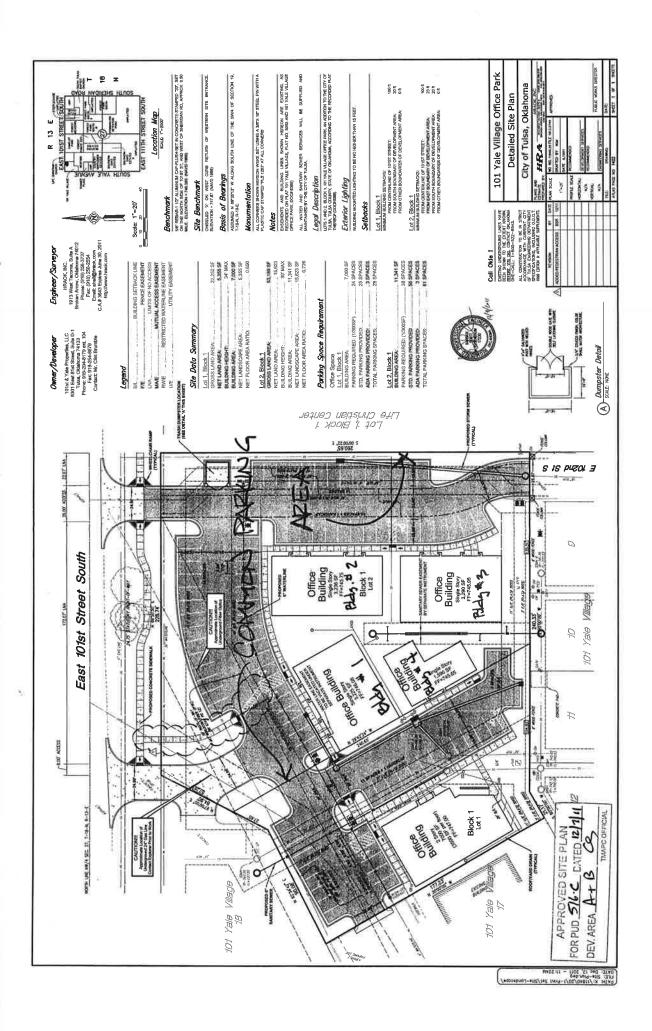
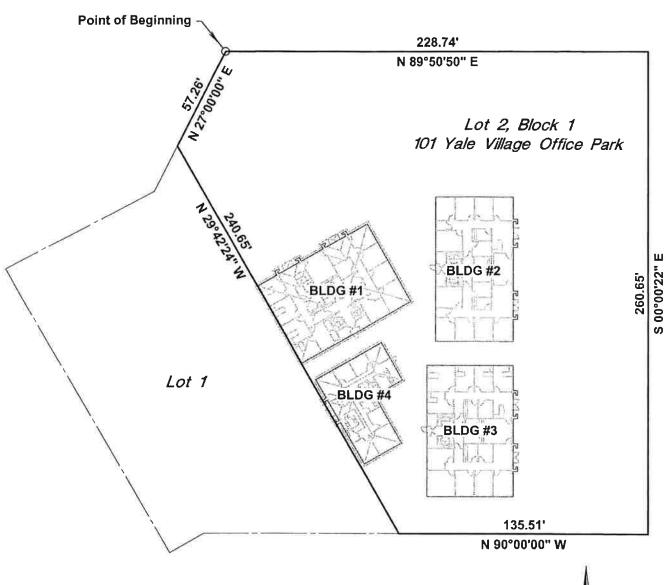


Exhibit A

(Existing Lot 2, Block 1)

East 101st Street South





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

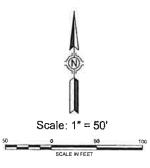


Exhibit B

(Remainder - Tract 1)

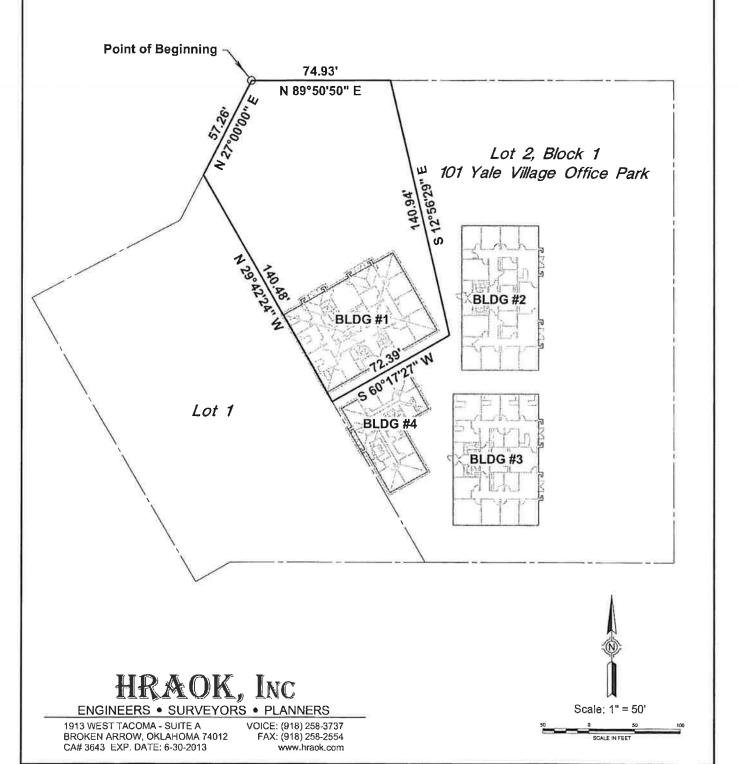


Exhibit C

(Remainder - Tract 2)

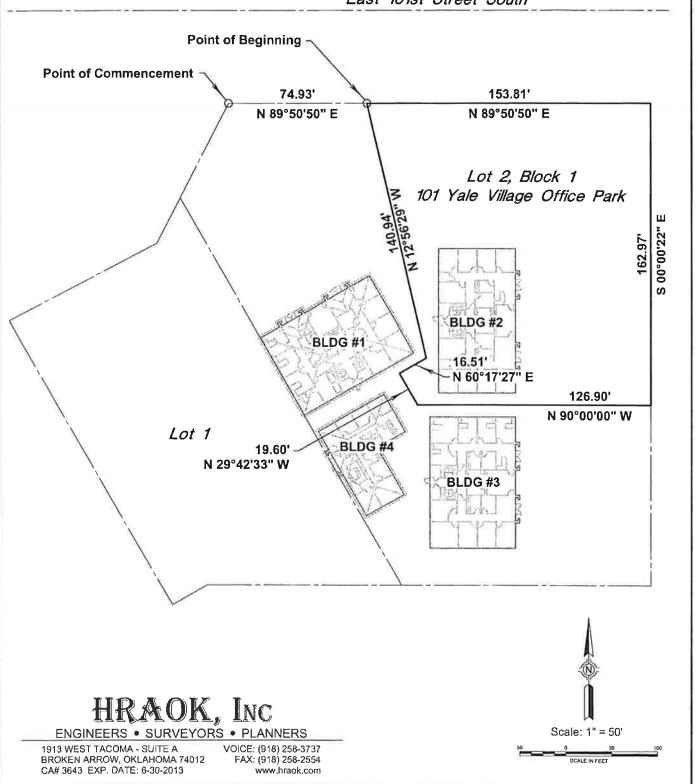


Exhibit D

(Remainder - Tract 3)

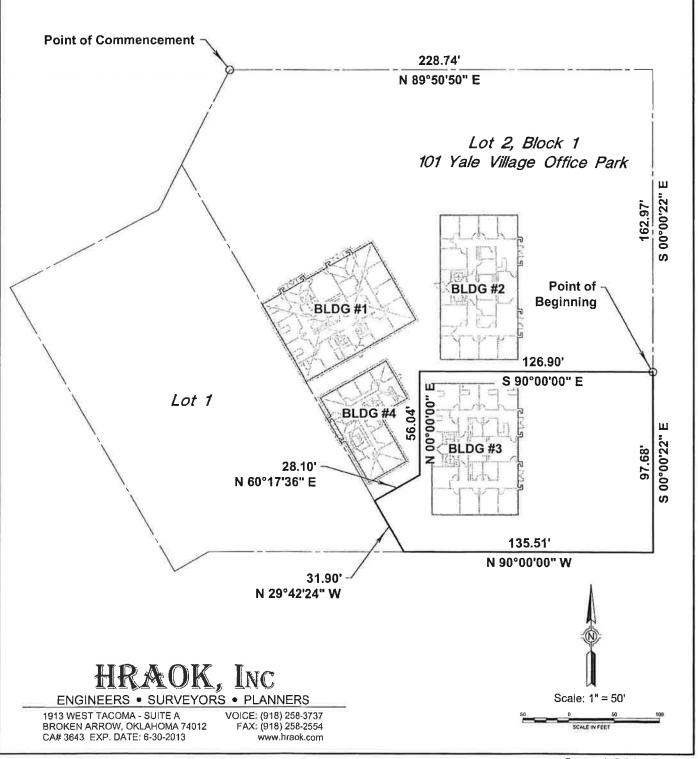
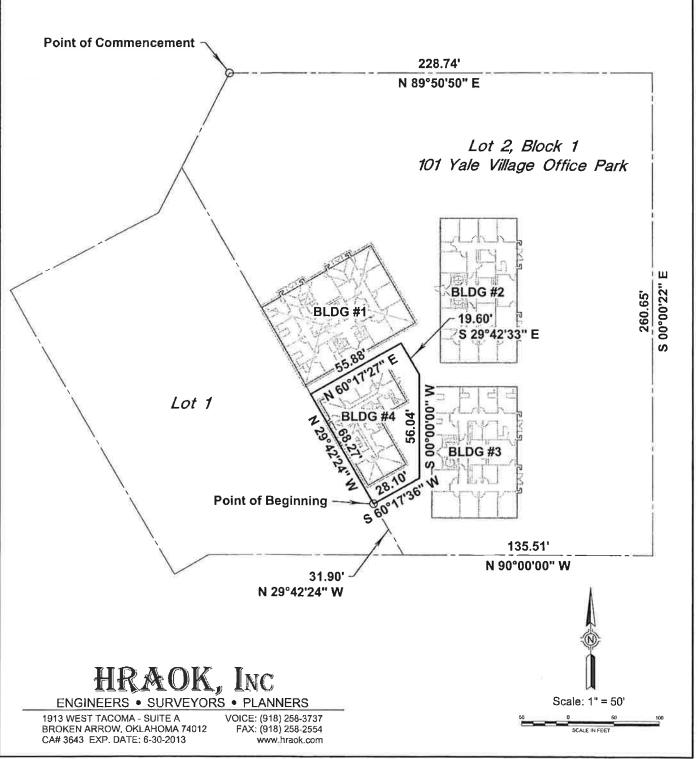
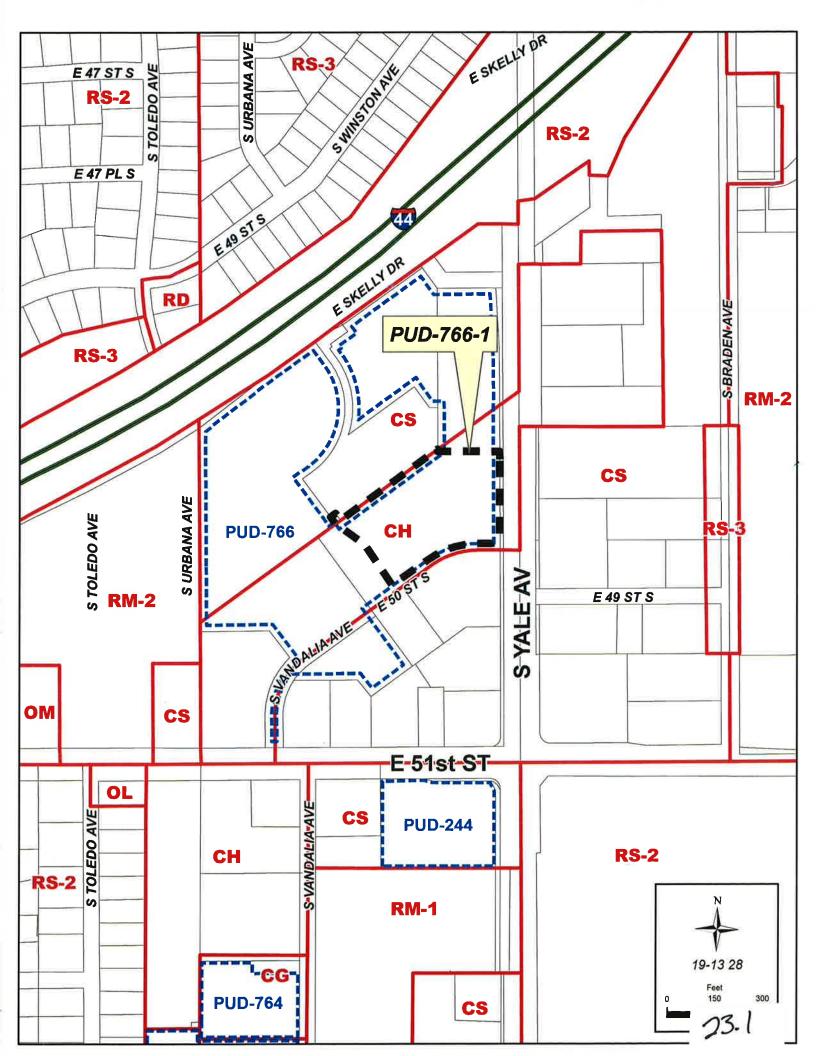


Exhibit E

(Remainder - Tract 4)







STAFF RECOMMENDATION

PUD-766

Detailed Site Plan – A 68,539 sq ft (1.57 acre) tract that is part of, SW/4 of Section 29, T-19-N, R-13-E, Lot-7, Block 1, 51 Yale a subdivision in the City of Tulsa, West of Yale Ave. and South of Interstate 44; CZM 57; Atlas 2673: CD 9

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval for a new Raising Cane's restaurant in of PUD-766. The following uses are permitted in this development area: Use Unit 10 (off street parking), Use Unit 11 (offices, studios and support services), Use Unit 12 (eating establishments other than drive in), Use Unit 13 (convenience goods and services), Use Unit 14 (shopping goods and services), Use Unit 19 (hotel, motel and recreation)

PERMITTED USES:

The Site Plan provided as an attachment to this staff report illustrates a new restaurant (Use Unit 12) which is permitted by right in Lot 7 of PUD-766.

DIMENSIONAL REQUIREMENTS:

The new building is shown on the plan is a 3600 square foot structure. The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved PUD guidelines are required for approval of this site plan.

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The site plan provides more parking spaces than the required minimum defined in the Tulsa Zoning Code.

LIGHTING:

Parking lot lighting will be directed down to help prevent light trespass into the adjacent properties. Maximum height of all light fixtures in this development area was previously defined as 30'. All fixtures illustrated on the lighting plan including building lighting and parking area lighting are below the 30' height limit allowed. The photometric plan attached to this report shows zero foot candles at the property perimeter and is consistent with the lighting concept in the Planned Unit Development.

SIGNAGE:

The site plan illustrates ground sign locations and is appropriately located. This staff report does not remove the requirement for a separate sign plan review process.

SITE SCREENING AND LANDSCAPING:

The landscape plan will be submitted to staff for separate review as allowed in the Planned Unit Development Section of the Zoning Code.

The trash screening enclosure exceeds the minimum screening standards defined in the PUD and is located appropriately on this site.

PEDESTRIAN ACCESS AND CIRCULATION:

Appropriate sidewalk plans have been provided on the site plan connecting to the building entrances from the arterial street sidewalk system.

MISCELLANEOUS SITE CONSIDERATIONS:

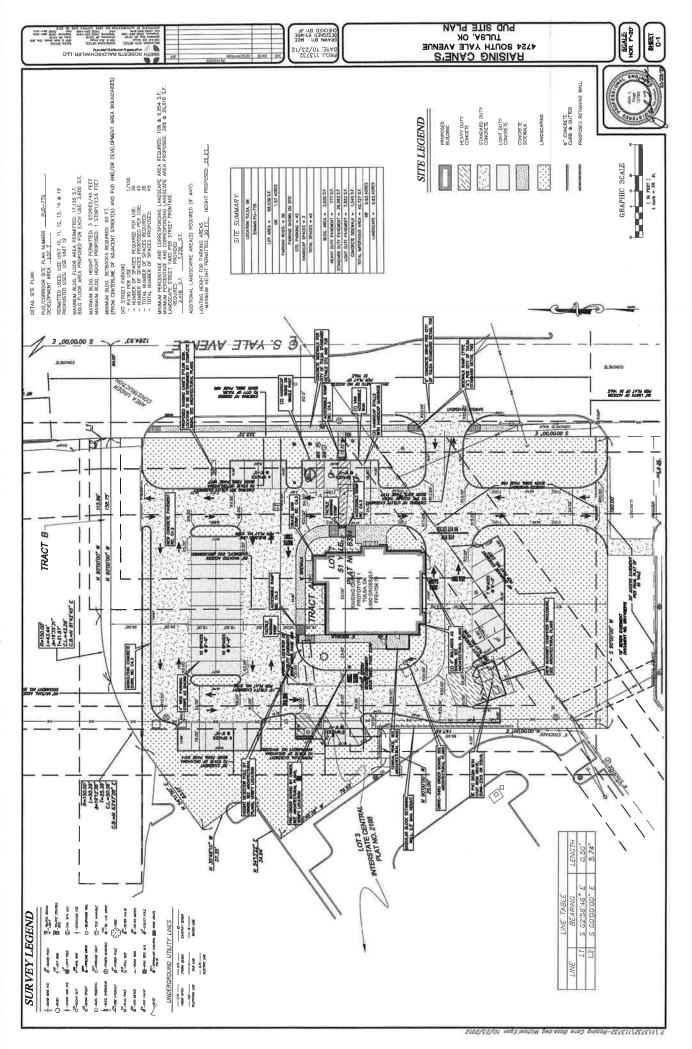
There are no concerns regarding the development of this area as it relates to the terrain modifications.

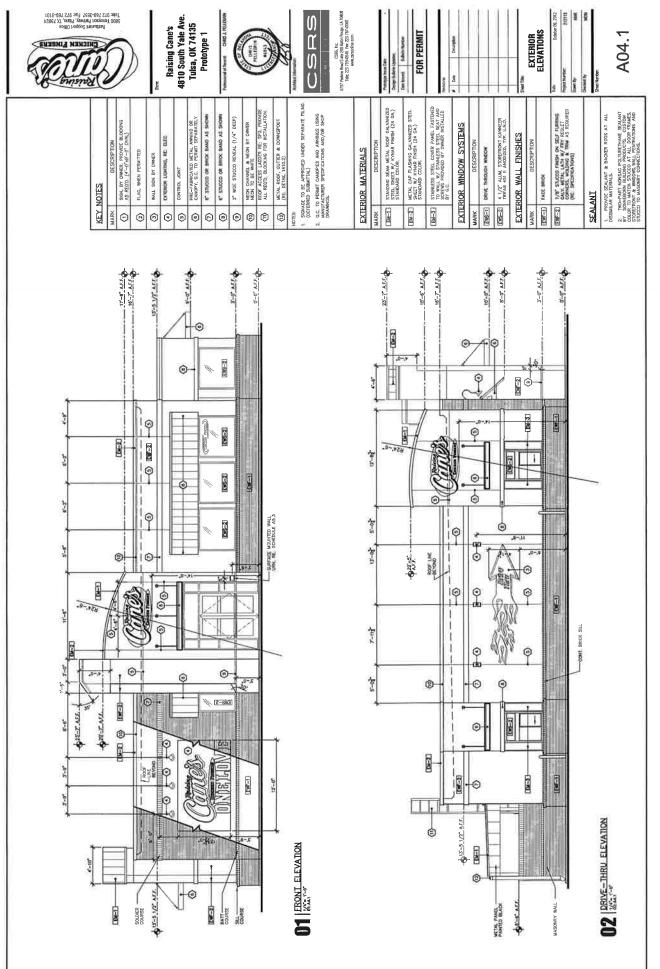
SUMMARY:

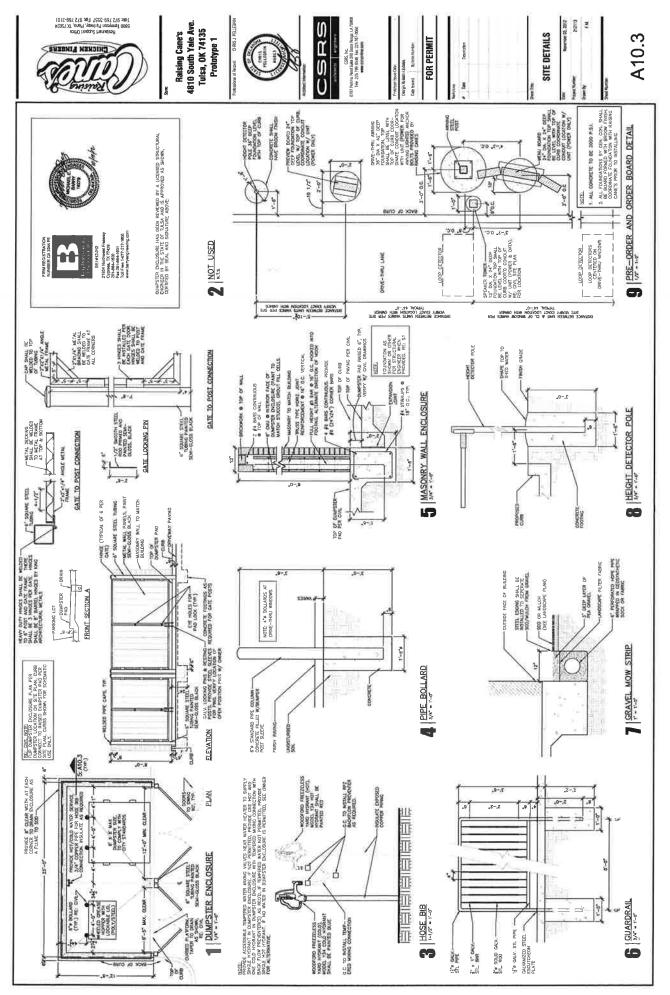
Staff has reviewed the applicant's submittal of the site plan as it relates to the approved Planned Unit Development 766. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development 766, and the stated purposes of the Planned Unit Development of the Zoning Code.

Therefore, staff recommends **APPROVAL** of the detail site plan for the proposed new commercial project.

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







			:-	

PLAT WAIVER

November 7, 2012

CBOA-2443 – North of northwest corner of East Pine Street and North Yale Avenue (2328) (County)

The platting requirement is being triggered by a Board of Adjustment case for a fiber optic cable facility.

Staff provides the following information from TAC for their October 18, 2012 meeting:

ZONING:

TMAPC Staff: A lot-split has been approved for the site and no dedications are required.

STREETS:

Right-of-way per County Engineer appears to be adequate. Sidewalks per County requirements.

SEWER:

No comment.

WATER:

Outside City service area.

STORMWATER:

No comment.

FIRE:

Fire hydrant required within 400 feet of any part of the structure (as the hose lies).

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver for the property per County Engineer agreement.

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

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

24.1

NO

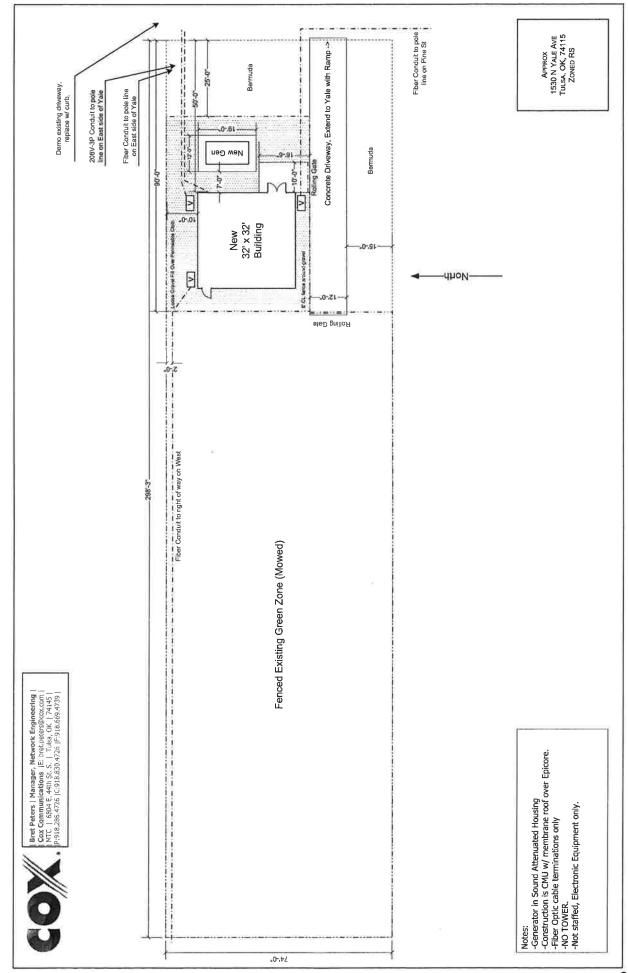
Yes

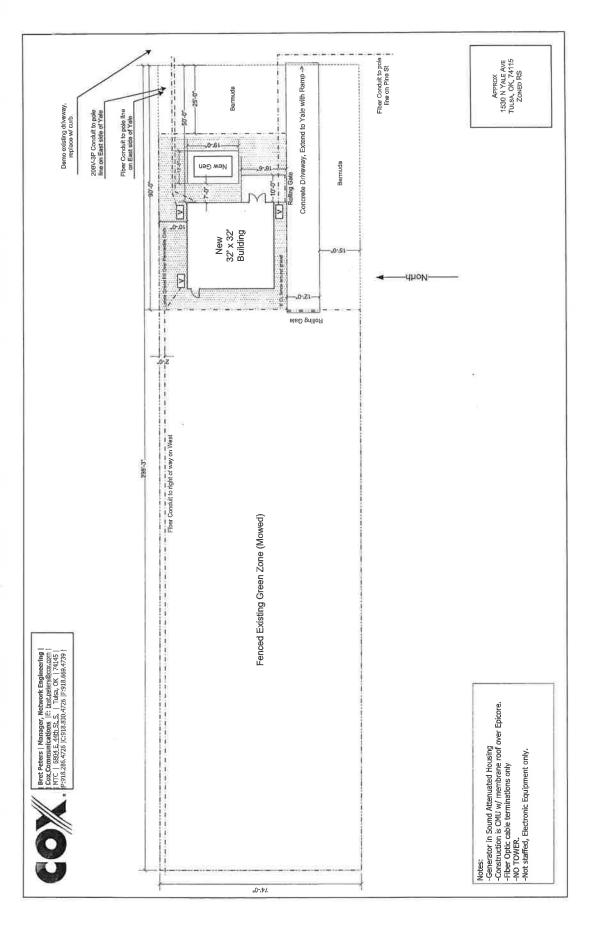
A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

piat	waivei.	YES	NO
4.	Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5.	Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6.	Infrastructure requirements: a) Water		
	i. Is a main line water extension required?		Χ
	ii. Is an internal system or fire line required?		Χ
	iii. Are additional easements required?b) Sanitary Sewer		X
	i. Is a main line extension required?		Χ
	ii. Is an internal system required?		Χ
	iii Are additional easements required? c) Storm Sewer		X
	i. Is a P.F.P.I. required?		Χ
	ii. Is an Overland Drainage Easement required?		Χ
	iii. Is on site detention required?		Χ
	iv. Are additional easements required?		Χ
7.	Floodplain		
	a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
	b) Does the property contain a F.E.M.A. (Federal) Floodplain?		Χ
8.	Change of Access		
	a) Are revisions to existing access locations necessary?		Χ
9.	Is the property in a P.U.D.?		Χ
	a) If yes, was plat recorded for the original P.U.D.		
10.	Is this a Major Amendment to a P.U.D.?		Χ
	a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		
11.	Are mutual access easements needed to assure adequate access to the site?		X
12.	Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

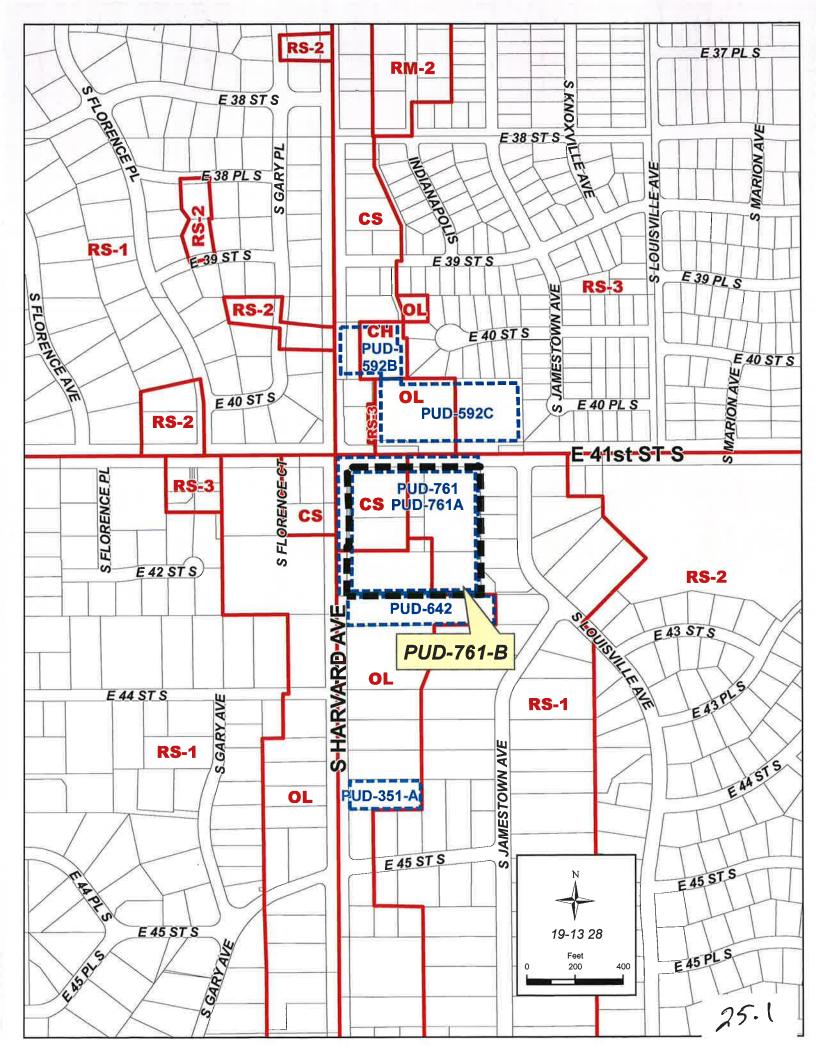
Note: If, after consideration of the above criteria, a plat waiver is granted on unplatted properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office by the applicant.

200

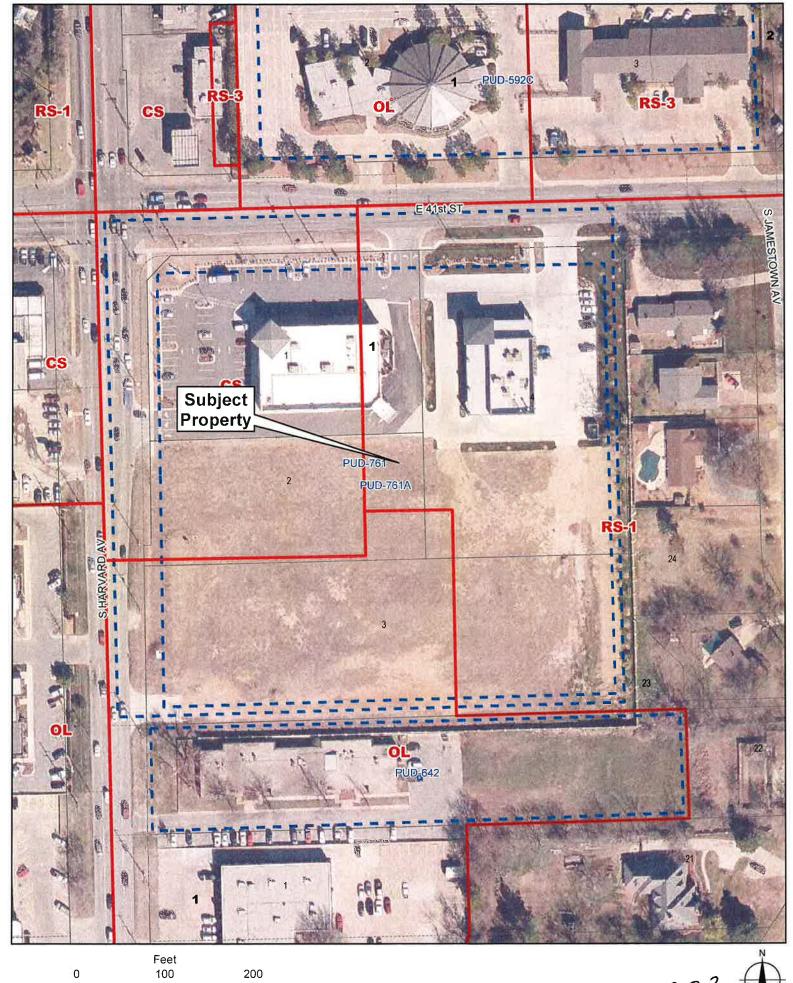




E		







TULSA METROPOLITAN AREA PLANNING COMMISSION **CASE REPORT**

APPLICATION: PUD-761-B

TRS 9328

Atlas 311

CZM 48

CD-9

TMAPC Hearing Date: October 17, 2012

(Continued to 11,07,2012)

Applicant: Lou Reynolds

Tract Size: 4.5+ acres

ADDRESS/GENERAL LOCATION:

Southeast corner of East 41st Street and South Harvard

Avenue

EXISTING ZONING: RS-1/OL/CS/PUD-761-A

EXISTING USE: Commercial and vacant

PROPOSED ZONING: RS-1/OL/CS/PUD-761-B

PROPOSED AMENDMENT: Establish and Development amend Areas development standards for Development

Area C and reallocation of floor area

ZONING ORDINANCE: Ordinance number 22302 dated September 17, 2010, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-761-A September 2010: All concurred in approval of a Major Amendment to Planned Unit Development on a 6.87+ acre tract of land to permit dry cleaner use on Lot 4 and amend some development standards, on property located Southeast corner of East 41st Street South and South Harvard Avenue and the subject property.

All concurred in approval of a proposed Planned Unit PUD-761 December 2008: Development a 6.87± acre tract of land for a neighborhood shopping center (Harvard Square) on property located on the southeast corner of East 41st Street and South Harvard Avenue and the subject property.

PUD-642 February 2001: All concurred in approval of a proposed Planned Unit Development on a 1.89± acre tract of land for office development on property located south of the southeast corner East 41st Street South and South Harvard Avenue and abutting south of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.5+ acres in size and is located southeast corner of East 41st Street and South Harvard Avenue. The property appears to be partially developed and vacant, and is zoned RS-1/OL/CS/PUD-761-A.

SURROUNDING AREA: The subject tract is abutted on the east by Villa Grove a single family residential subdivision, zoned RS-1; on the north by 41st Street and then "41st Place" a

commercial parcel, zoned CS/OL/RS-3/ PUD-592-C; on the south by Peachtree Square Replat L5-6 Block 1 Villa Grove Heights No. 1, zoned OL/ RS-1/PUD-642; and on the west by Harvard Avenue and then Charles Teel Addition and Quadrangle Addition, zoned CS/OL respectively.

<u>UTILITIES:</u> The subject tract has municipal water and sewer available.

TRANSPORTATION VISION:

The Comprehensive Plan designates South Harvard Ave and East 41st Street South as Multi-modal Street. Provisions will be made on this site for a bus shelter on South Harvard Ave. The interconnectivity component of the comprehensive plan was dismissed prior to this major amendment.

Physical obstructions including concrete fences and landscape screening were implemented to segregate the adjacent property uses from the commercial area in this Planned Unit Development. As a result of previous decisions the interconnectivity goals of the comprehensive plan cannot be met at this time.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Harvard Avenue	Secondary Arterial	100'	4
East 41 st Street South	Secondary Arterial	100'	4

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This entire PUD development has been the subject of zoning and PUD applications several years ago and was approved for commercial use. The neighborhood has been heavily involved during the re-development of this site which has resulted in significant improvements over minimum screening and landscape requirements provided in the Zoning Code. Those screening and buffer requirements have been installed and will remain in place or be expanded with this new development area. The underlying zoning will not be changed as part of this project and is still consistent with the Comprehensive Plan. Staff has historically supported the commercial development of this Neighborhood Center and continues to support that use.

The entire site is considered a Neighborhood Center / Existing Neighborhood and an Area of Growth in the Comprehensive Plan.

The Neighborhood Center is defined by the Comprehensive Plan as "small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to a number of destinations".

The original PUD 761 was approved after the mapping of the Land Use Plan in the 2010 Comprehensive Plan; therefore the existing neighborhood designation does not accurately reflect the current commercial development of the site.

While this project does not include any residential uses and all buildings are limited to single story construction, the remainder of the development aligns with the "Neighborhood Center"

vision defined in the Comprehensive Plan. Interior pedestrian links will be provided which encourage pedestrian movement within the PUD and provide adequate connectivity to the arterial street sidewalk system. The transit stop on Harvard will also provide a strong transit use opportunity for future users.

The proposal in this major amendment to the PUD is supported by the Comprehensive Plan.

STAFF RECOMMENDATION:

Staff finds PUD-761-B to be: 1) Consistent with the Comprehensive Plan; 2) in harmony with the existing and expected development of surrounding areas; 3) a unified treatment of the development possibilities of the site; 4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code and 5) consistent with the overall guiding principles of the original PUD that was approved for the site.

Therefore, staff recommends **APPROVAL** of PUD-761-B subject to the following development standards and concept illustrations:

HARVARD SQUARE SOUTH AMENDED

Planned Unit Development No. 761-B

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SCHEDULE OF DEVELOPMENT	20	

LIST OF EXHIBITS:

- EXHIBIT "A" Concept Site Plan for Harvard Square South Amended
- EXHIBIT "B" Aerial Photograph
 EXHIBIT "C" Landscape Concept
- EXHIBIT "D" Conceptual Site Plan Colored Rendering
- **EXHIBIT "E"** Enlarged Perimeter Buffers
- EXHIBIT "F" Sprouts Parking Landscape Concept
 EXHIBIT "G" Conceptual Building Elevations
 EXHIBIT "H" Access and Circulation Plan

- EXHIBIT "I" Topography and Drainage Concept
- **EXHIBIT "J"** Existing and Proposed Utilities
- **EXHIBIT "K"** East Boundary Cross-Sectional Views
- EXHIBIT "L" Aerial Zoning Map
 EXHIBIT "M" PUD Development Areas
- EXHIBIT "N" Legal Description Development Area "A"
- **EXHIBIT "O"** Legal Description Development Area "B"
- EXHIBIT "P" Legal Description Development Area "C"

DEVELOPMENT CONCEPT

Harvard Square South Amended has been planned as a Major Amendment to the Harvard Square development concept approved in PUD 761 to permit the development of a specialty grocery store accompanied by a retail development, in a separate building, next to such grocery store (on proposed Lot 2) and a future development lot (on proposed Lot 1) in the yet to be developed portion of Harvard Square South.

Harvard Square South Amended retains the prohibition against gasoline service stations which eliminates a possible convenience store use of the Property and limits the hours of operation of the businesses in order to assure a compatible relationship with the nearby neighborhoods.

In addition, Harvard Square South Amended retains the original exclusion on uses set forth in PUD 761-A (see Permitted Uses, page 9). Harvard Square South Amended increases the allowable building size and amends the building heights which were kept unusually low in the original Harvard Square development concept to permit a 26,000 SF specialty grocery and a separate 7,200 SF multi-tenant retail building adjoining such grocery use. Harvard Square South Amended proposes within one hundred feet nine (109 FT) of the east boundary a building height exclusive of parapet not to exceed 19 FT (with up to 23 FT for unoccupied architectural features) in height and in the remainder of the Project a 32 FT (with up to 39 FT for unoccupied architectural features) height restriction applies.

The Concept Plan for Harvard Square South Amended is shown on Exhibit "A", and Exhibit "B" is an Aerial Photograph indicating area land uses and the Harvard Square South Amended site. Mutual access easements will provide access between Harvard Square South and Harvard Square South Amended. Through such mutual access easements, the two (2) lots in Harvard Square South Amended will have access to and from East 41st Street through Harvard Square South. Additionally, through such mutual access easements, the lots within Harvard Square South will have access to and from South Harvard Avenue as well as Harvard Square South Amended. The Project does not require and/or propose any additional access points off either South Harvard Avenue or East 41st Street.

The Project will be connected to South Harvard Avenue and East 41st Street by sidewalks. Additionally, sidewalks within the Project will provide pedestrian connectivity within the Project as well as to and from Harvard Square South. Also, a public transportation transit stop is proposed along South Harvard Avenue.

The Applicant will re-plat all such remaining undeveloped land as Harvard Square South Amended (i.e., Development Area "C") into two (2) lots in order to facilitate the development of Property in accordance with PUD No. 761-B.

DEVELOPMENT CONCEPT (CON'T.)

No zoning change is necessary to support PUD 761-B.

In order to reduce the likelihood of any ambiguity created by the proposed development, PUD 761-B divides Harvard Square South into three (3) Development Areas.

Development Area "A" has been developed as a CVS pharmacy and Development Area "B" has been developed as a Yale Cleaners. Development Area "C" will be developed as proposed herein. No changes are proposed to the development standards for Development Area "A" and Development Area "B" but PUD 761-B will allocate the Building Floor Area within Development Area "A" and Development Area "B" as provided on page 7 and page 8 below.

Development Area "A" is comprised of all of Lot 1, Block 1, HARVARD SQUARE SOUTH. Development Area "B" is comprised of the northerly 225 FT (more or less) of Lot 4, Block 1, HARVARD SQUARE SOUTH. The southerly 137 FT (more or less) of Lot 4, Block 1, HARVARD SQUARE SOUTH, is included in Development Area "C" and will be lot split from Lot 4, Block 1, HARVARD SQUARE SOUTH, and replatted as a part of HARVARD SQUARE SOUTH AMENDED.

In order to develop the Project as proposed in PUD 761-B, the Applicant requests that the following development standards within Development Area "C" be amended:

MAJOR AMENDMENTS

1. Maximum Building Floor Area of any single building:

To 26,000 SF from 22,500 SF.

- 2. Maximum Building Height:
 - a. Within 109 FT of the east boundary;

Finished flat roof height: To 19 FT from 17 FT

• Unoccupied architectural features including building parapet:

23FT (i.e., no change).

b. Remainder of Harvard Square South Amended:

• Finished flat roof height: To 32 FT from 23 FT.

• Unoccupied architectural

features: To 39 FT from 29 FT.

DEVELOPMENT CONCEPT (CON'T.)

MINOR AMENDMENTS

1. Off-Street Parking:

Off-street parking within PUD 761-B will be met, in the aggregate, based on the number of parking spaces within the project rather than on a lot by lot basis.

2. Lot-Split:

Lot 4, Block 1, HARVARD SQUARE SOUTH, will be split and all of the property within PUD 761-B will be replatted as Harvard Square South Amended.

3. Building Landscaping:

Instead of landscaping along the front or sides of buildings, landscaping will be installed in the parking islands and planting beds in accordance with the conceptual landscape plan similar to exhibit C.

4. Internal Minimum Building Setbacks:

Will be reduced but the Building Setbacks for the east boundary, west boundary (i.e., centerline of South Harvard) and south boundary of the Project will <u>not</u> be changed and will remain the same as originally established in PUD 761-A.

5. Architectural Theme:

The Prairie-style architecture of the commercial buildings will utilize basic geometric shapes in combination with design elements such as horizontal roof planes capped by sloping roof features, natural colors and materials. The dark colored brick veneer wainscot and pilasters provide a natural anchor and massing effect that represents strength and stability of the architecture. The basic geometric forms, when combined with the natural earth tone colors and materials, evoke the symbolism of the prairie and spirit of mid-western culture.

6. Building Materials:

The revised building materials will consist of earth-tone colored brick veneers directly applied over the concrete tile panel walls. The brick veneers will occur on all exposed sides of the buildings and the building parapet will be capped with a horizontal, framed crown molding cornice to emphasis the linear roof -building forms. In addition, main entry, tower or accent features will be capped with a pediment/sloped roof feature with naturally colored standing seam metal roof material.

DEVELOPMENT STANDARDS

Development Area "A"

Land Area:

Gross:

2.234 acres

97,295 SF

Net Land Area:

1.516 acres

66,047 SF

Maximum Building Floor Area:

17,400 SF

There are no other changes to the Development Standards for Development Area "A".

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Development Area "B"

Land Area:

Gross: 1.459 acres 63,555 SF

Net Land Area: 1.194 acres 52,000 SF

Maximum Building Floor Area: 5,000 SF

There are no other changes to the Development Standards for Development Area "B".

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Development Area "C"

Land Area:

Gross: 4.565 acres 198,855 SF

Net Land Area: 4.157 acres 181,091 SF

Permitted Uses:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Office, Studios and Support Services; 12, Eating Establishments, Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services and Uses Customarily Accessory to Permitted Principal Uses,

Excluding however, the following uses:

Pawn Shops, Pay Day Loan Offices, Tobacco Stores, Tattoo Parlors, Body Piercing Parlors, Self-Serve Laundromats, More Than One (1) Drive-Through Restaurant, Apartments, Auto Alarms Installation, Auto Parts and Accessories, Auto Radio and Stereo Installation, Auto Window Tinting, Bail Bond Office, Bars, Building Materials, Dance Halls, Day Labor Hiring, Electrical Supply, Gasoline Service Station, Gunsmith, Locksmith, Massage Parlor, Multi-Family Dwellings, Nightclubs, Oil & Lubrication Service, Plumbing Fixtures, Pool Halls, Second Hand Store, Shoe Repair, Taverns, Tune-Up Service and Video Rentals.

Business Hours:

The opening of any business shall not occur before 6:00 a.m. and the businesses shall close by 11:00 p.m.

Truck Delivery Hours:

Truck delivery hours will be restricted to 7:00 a.m. to 9:00 p.m. No idling of trucks or trash dumpster service shall be allowed between the hours of 9:00 p.m. and 7:00 a.m.

Development Area "C"

Maximum	Building	Floor	Area
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Harvard Square South Amended

39,400 SF

Lot One:

6,000 SF

Lot Two:

33,400 SF

26,000 SF - grocery store

7,400 SF - retail center

* The maximum gross building floor area of any single building on a lot with Harvard Square South Amended shall not exceed 26,000 FT.

Maximum Building Height:

Lot One:

32 FT

Lot Two:

Within 109 FT of east boundary

19 FT*

Remainder of Lot Two

32 FT**

- * Architectural Elements (elements extending above building roof line) up to 23 FT for unoccupied architectural features shall be subject to Detailed Site Plan approval.
- ** Architectural Elements (elements extending above building roof line) up to 39 FT for unoccupied architectural features shall be subject to Detailed Site Plan approval.

Development Area "C"

Off-Street Parking:

Pursuant to Section 1106., Off-Street Parking and Loading., of the Tulsa Zoning Code, off-street parking on the lots in Harvard Square South Amended will be in common and when calculated in the aggregate will provide at least the minimum number of off-street parking spaces as required by the applicable Use Units of the Tulsa Zoning Code for all of the lots in Harvard Square South Amended. Provisions for the ownership and maintenance of the off-street parking will be incorporated into the subdivision plat in compliance with Sub-Section 1107.F., Planned Unit Development Subdivision Plat., of the Tulsa Zoning Code.

Minimum Building Setbacks:

Lot One:

From the north boundary	10 FT
From the east boundary	10 FT
From the south boundary	10 FT
From the centerline of South Harvard Avenue	125 FT

Lot Two:

From the north boundary	0 FT
From the east boundary	75 FT
From the south boundary	45 FT
From the centerline of	125 FT

DEVELOPMENT STANDARDS (CON'T.)

Development Area "C"

For purposes of calculating the street yard, the building setback on South Harvard Avenue shall be considered to be 100 FT.

Landscape Area:

A minimum of 18% of the total net area of the Project shall be improved as internal landscape open space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code. The minimum landscaped area of each lot shall be established at Detailed Site Plan review and similar or greater than exhibit C.

Signs:

- 1. One ground sign shall be permitted on each lot with frontage on South Harvard Avenue with a maximum 60 SF of display surface area and 12 FT in height.
- 2. Wall signs are permitted not to exceed 1.5 SF of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
 - a. No east or south facing wall sign shall be permitted in lot 2 block 1 of Development Area C as illustrated on exhibit L.
 - b. No east facing wall signs will be prohibited on the east side of Lot 1 Block 1 Development Area C
- 3. One monument sign at the southeast corner of South Harvard Avenue and East 41st Street South identifying businesses within the Project with a maximum height of 6 FT and a maximum length of 16 FT.
- 4. LED signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with moving parts shall be prohibited.
- 5. Pole signs shall be prohibited. Additionally, if any ground sign has twenty-four (24) inches or more of open space between the bottom of the sign facing the ground such open space between the bottom of the sign facing the ground shall be landscaped. The primary building materials of the monument-type ground sign structure shall be brick or stone.

Lighting:

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

DEVELOPMENT STANDARDS (CON'T.)

Development Area "C"

Trash and Mechanical Areas:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals or other equipment provided by franchise utility providers), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

Additional Development Standards:

- 1. No access shall be permitted to or from the Project to or from South Jamestown Avenue.
- 2. The principal building materials used on the front of a building shall be used on all other sides of the building, although the design and details may vary.

Minor Amendments:

In addition to the requirements outlined for Minor Amendments in Section 1107-H of the Tulsa Zoning Code, all amendments to PUD 761-B, whether major or minor, shall in addition to TMAPC approval also require City Council approval, except for the following amendments which shall continue to be treated as Minor Amendments under the Tulsa Zoning Code and require only TMAPC approval:

- 1. Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered.
- 2. Transfers of permitted floor area between lots; provided that no floor area of any lot shall exceed the Development Standard maximum of 33,400 SF, and, provided, further, that the maximum gross building floor area of any single building on a lot within Harvard Square South Amended shall not exceed 26,000 SF.
- 3. Changes in points of access provided the traffic design and capacity are not substantially altered; provided, further, that the total number of access points is not increased.
- 4. Changes in yards, open spaces, building coverage and lot widths or frontages, provided that the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered, provided that no floor area in any lot shall exceed the Development Standard maximum of 33,400 SF, and, provided, further, that the maximum gross building floor area of any single building on a lot within Harvard Square South Amended shall not exceed 26,000 SF.
- 5. Lot splits which modify the recorded plat and have been reviewed and approved by the Technical Advisory Committee.
- 6. Modification to approved screening and landscaping plans provided the modification is not a substantial deviation from the original approved plan; provided, further, that there is no reduction in the number of trees or overall landscaping.
 - 7. Any change in the Permitted Uses to allow more than one (1) drive-through restaurant in the PUD.

LANDSCAPING AND SCREENING CONCEPT

Development Area "C"

The Project landscaping and screening concept will comply with the requirements of the Tulsa Zoning Code for street frontage and parking area landscape and establish a 35 FT wide landscape buffer separating the Project from the existing residences on South Jamestown Avenue adjacent to the Project on the east (See "Exhibit C" – Landscape Concept).

EAST AND SOUTH BOUNDARY SCREENING:

An 8 FT high pre-cast masonry screening wall is in place along the east boundary of the Project. An 8 FT pre-cast masonry screening wall transitioning to 6 FT in height is in place along the south boundary of the Project.

EAST BOUNDARY LANDSCAPING:

Much of the east boundary landscaping shown on <u>Exhibit "C"</u> is in place today; however, twelve (12) trees will be added as shown on "<u>Exhibit C"</u>, Landscape Concept. Finally, as illustrated on <u>Exhibit "C"</u> a very dense mix of flowering, deciduous and evergreen trees will be installed along the south boundary of the Project.

SOUTH BOUNDARY LANDSCAPING:

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

STREET YARD LANDSCAPING:

At least five (5) of the street yard trees along South Harvard Avenue shall be evergreen; provided, all of the trees in the street yard shall comply with the applicable PSO guidelines. These evergreen trees shall be in addition to the ornamental trees shown on the concept illustration.

Any parking lot tree planted within five (5) of the internal boundary of a lot within PUD 761-B may be counted as one (1) tree for either lot, but not both lots; provided, that in no event shall the total number of parking lot trees within PUD 761-B be less than forty-five (45) trees.

BUILDING AND PARKING LOT LANDSCAPING:

In lieu of building landscaping, landscaping will be installed in the parking islands in Harvard Square South Amended. Additionally, several planting beds will be installed on the front (west) side of the specialty grocery building and the retail building on proposed Lot 2.

ACCESS AND CIRCULATION

Development Area "C"

Although designed for neighborhood shops, the Project has excellent regional access to the Broken Arrow Expressway approximately 1-½ miles to the north and from the Skelly Expressway less than 1 mile to the south.

At the intersection of East 41st Street and South Harvard Avenue, the Project is well located for neighborhood convenience over the Tulsa arterial street system.

Sidewalks will provide pedestrian access with good connectivity throughout the Project. Internally, mutual access and parking easements will provide for appropriate and convenient parking for visitors to more than one store or restaurant within Harvard Square South Amended as shown on "Exhibit H", Access and Circulation Plan.

ENVIRONMENTAL ANALYSIS

Development Area "C"

The Project is located south of the southeast corner of East 41st Street and South Harvard Avenue. "Exhibit I" indicates the Site Map Boundaries, Topography and Drainage Concept.

Topography:

The Project site dimensions and topography are shown on Exhibit "I", Topography and Drainage Concept. The 4.157 acre tract falls generally from the northeast to the south and west toward an existing underground detention facility at the southwest corner of the Project along South Harvard Avenue. The site topography rises from approximately 716 FT above mean sea level at the lowest point about 110 FT north of the southwest corner to an elevation of 719 FT above mean sea level at the northwest corner and 722 FT above the mean sea level in the northeast corner, and 721 FT above mean sea level in the southeast corner.

Utilities:

An existing 6 in. water line lies along the east side of South Harvard Avenue and connects with an existing 12 in. water line that runs along the south side of East 41st Street. A new 8 in. water line will be extended from Harvard Avenue south of the specialty grocery building, and then routed north to tie into an existing 12 in. city water line within the East 41st Street right-of-way, forming a looped water line. Fire hydrants will be installed on this loop line for fire protection to the proposed buildings to be constructed upon proposed Lot 2.

An existing 8 in. sanitary sewer line is located along the east side of South Harvard Avenue and has sufficient depth to allow Lots 1 and 2 to be served. Another 8 in. sanitary sewer line enters the site from the east approximately 315 FT south of East 41st Street. A portion of this line will be abandoned due to conflicts with the proposed retail building.

The Existing and Proposed Utilities are shown on Exhibit "J".

Other utilities, including electricity, gas, telephone and cable television are currently available for the site.

ENVIRONMENTAL ANALYSIS (Continued)

Development Area "C"

Drainage:

An existing underground stormwater detention facility on Lot 2 has the capacity to detain the increased and run-off created by the Project.

Soils:

The site soils are comprised entirely of Coweta Urban Land – Eram Complex. The soil complex is characterized by shallow bedrock and a high shrink/swell potential. The strength of the soil is considered low and will need to be stabilized before parking lot and building construction begins.

Area Zoning:

The Area Zoning Map is shown on "Exhibit L", Zoning Map.

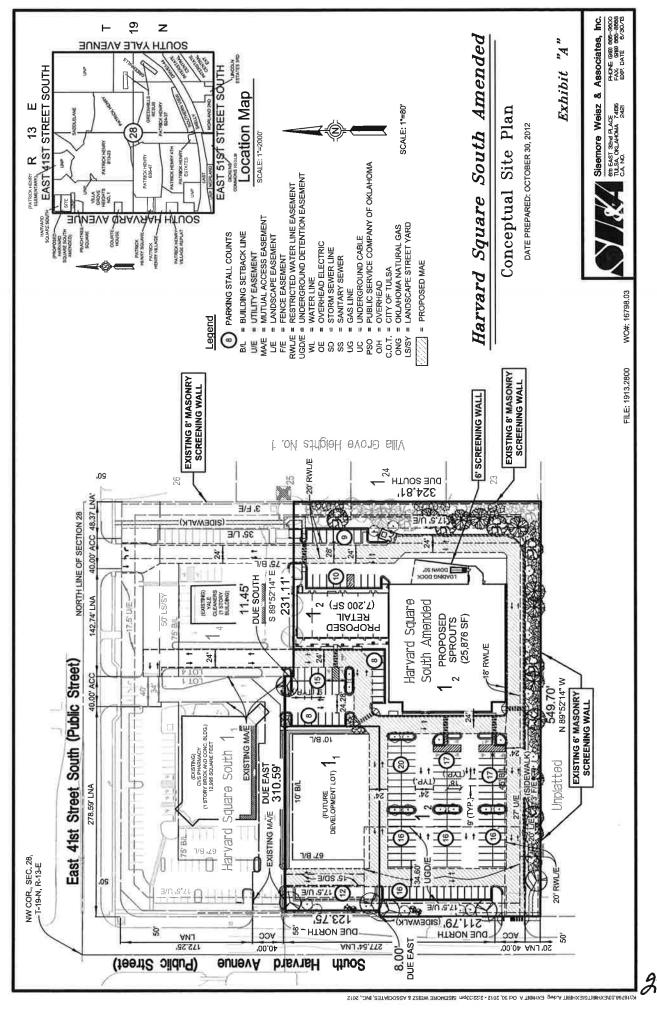
Development Area "C"

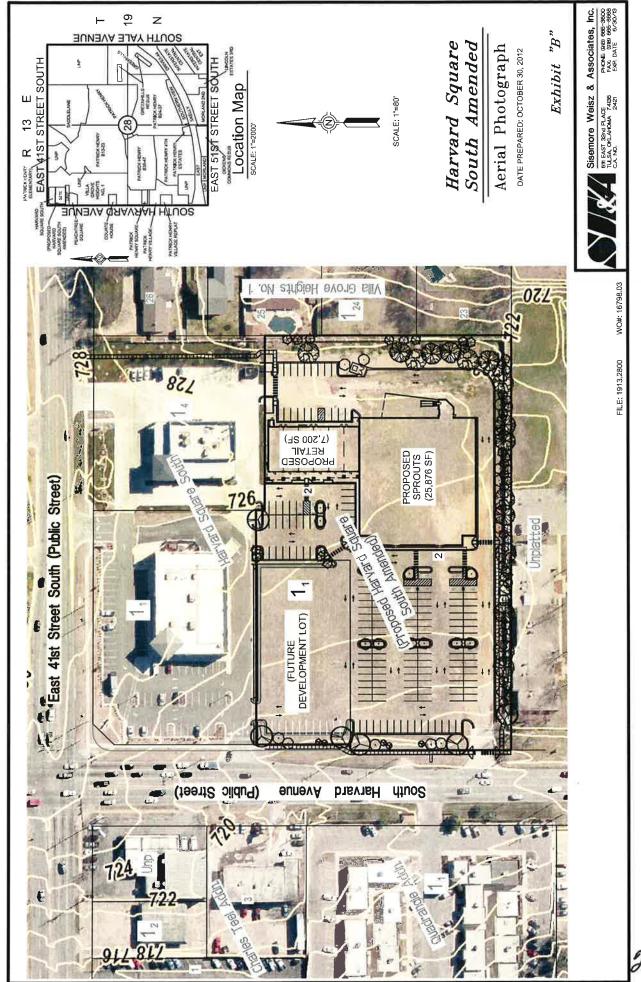
SITE PLAN REVIEW

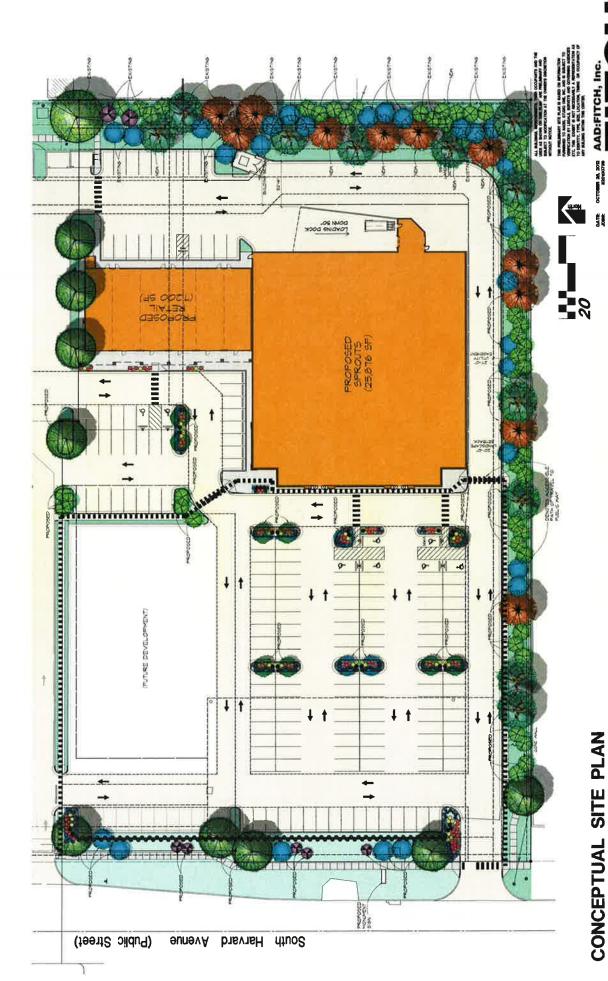
No building permit shall be issued for any building within the Project until a Planned Unit Development Detailed Site Plan and Detailed Landscape Plan for that lot or parcel had been submitted to Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the approved planned unit development standards

SCHEDULE OF DEVELOPMENT

Development within the Project is scheduled to begin in early 2013 after final approval of the Planned Unit Development, Detail Site Plan approval and the re-platting of the Property.







SEC 41ST STREET & HARVARD AVENUE

EXHIBIT "C"

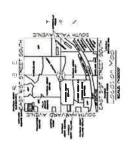
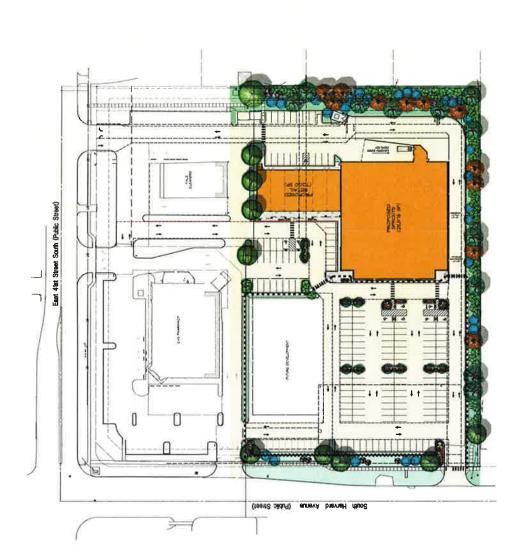




EXHIBIT "D"

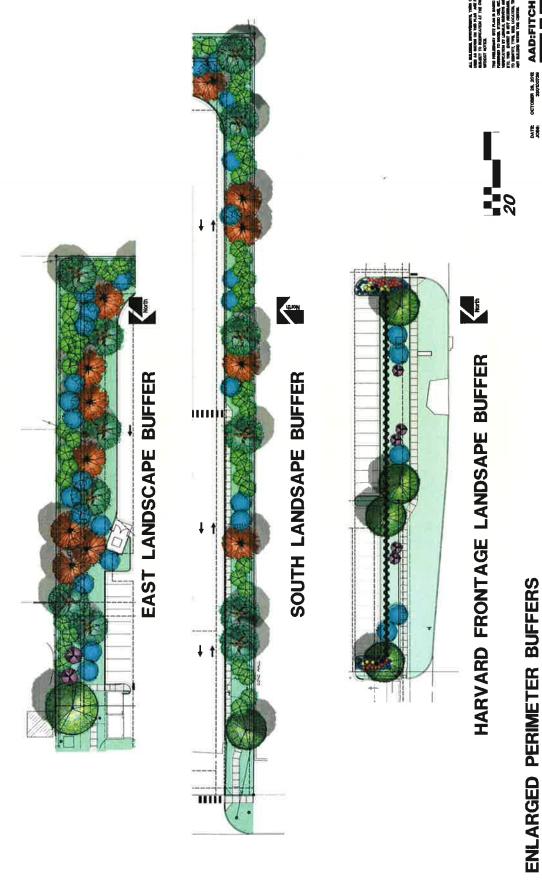
DATE OCTOBER 26, 2012 JOBB: 320100728

North



CONCEPTUAL SITE PLAN (OVERALL CENTER)

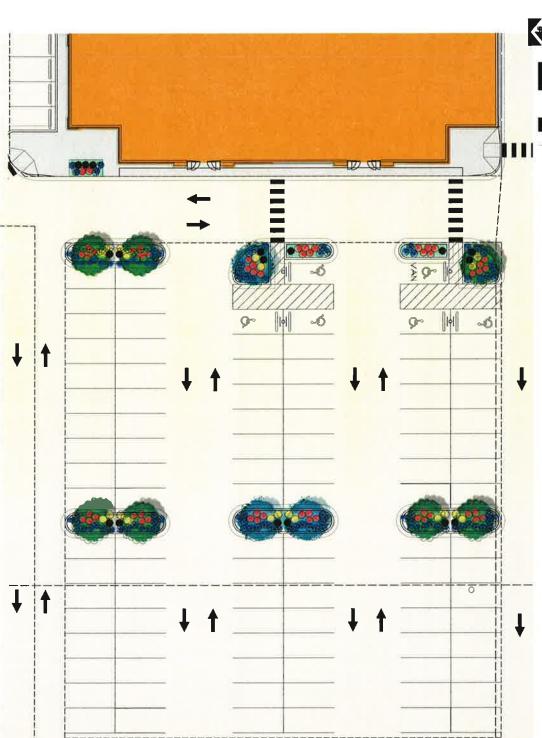
SEC 41ST STREET & HARVARD AVENUE TULSA, OKLAHOMA





SEC 41ST STREET & HARVARD AVENUE TULSA, OKLAHOMA





SPROUTS PARKING LANDSCAPE PLAN

SEC 41ST STREET & HARVARD AVENUE TULSA, OKLAHOMA

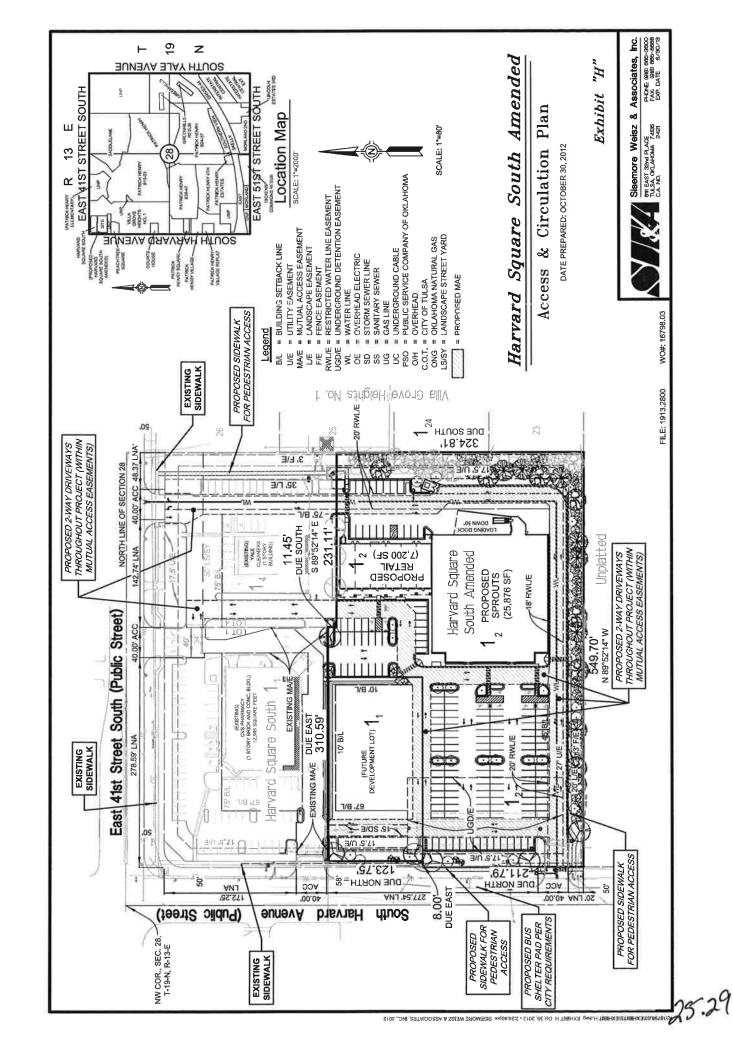


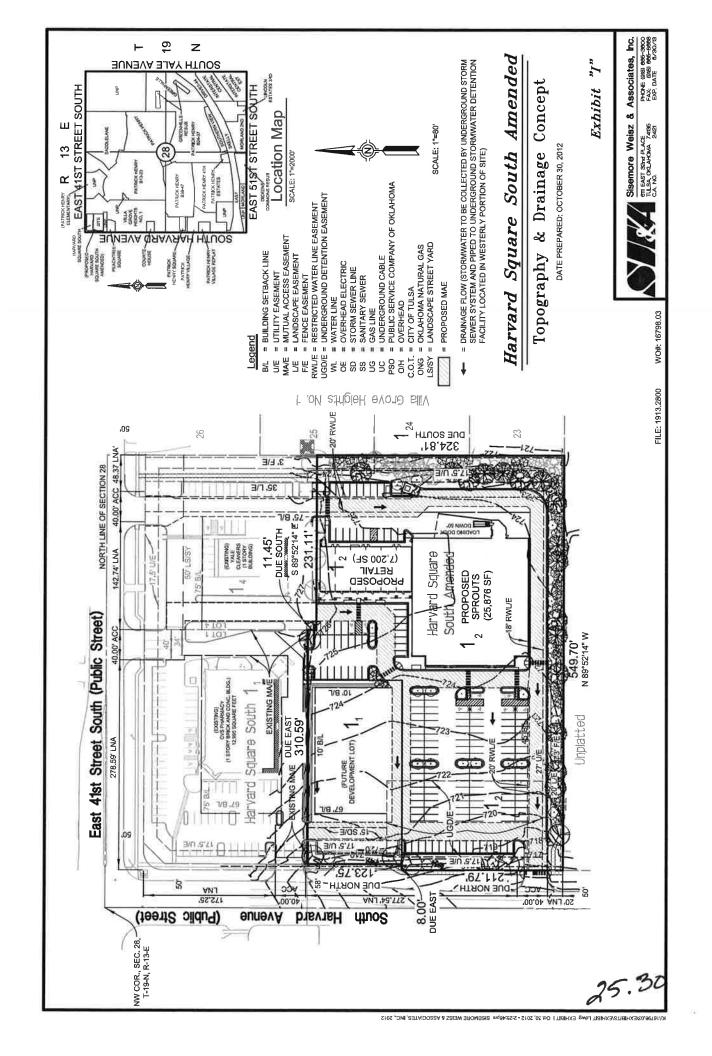
SPROUTS

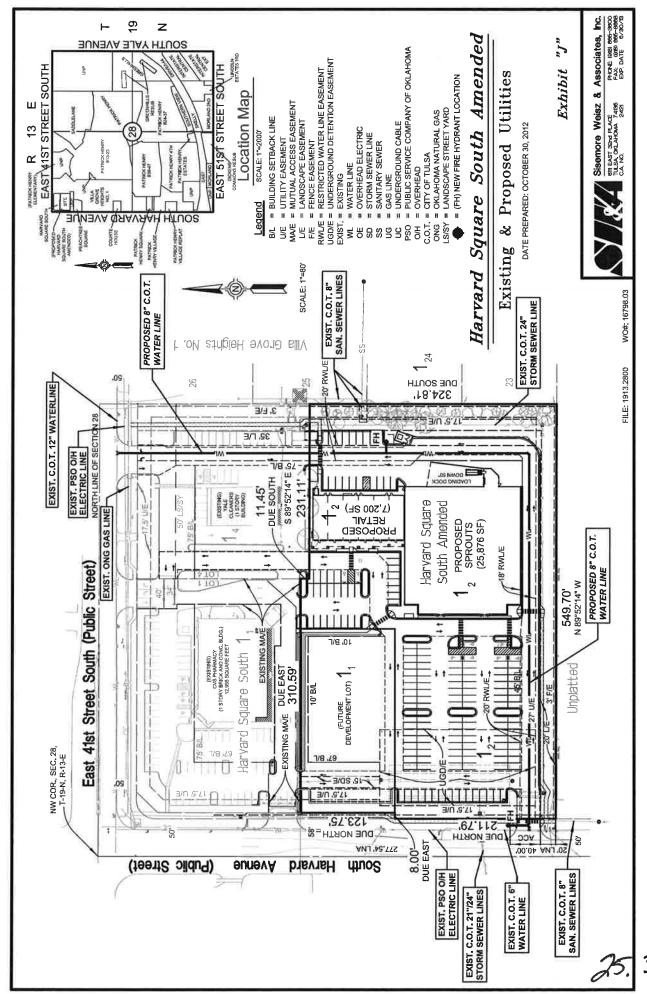
ARMSTRONG
DEVELOPMENT
PROPERTIES, INC.

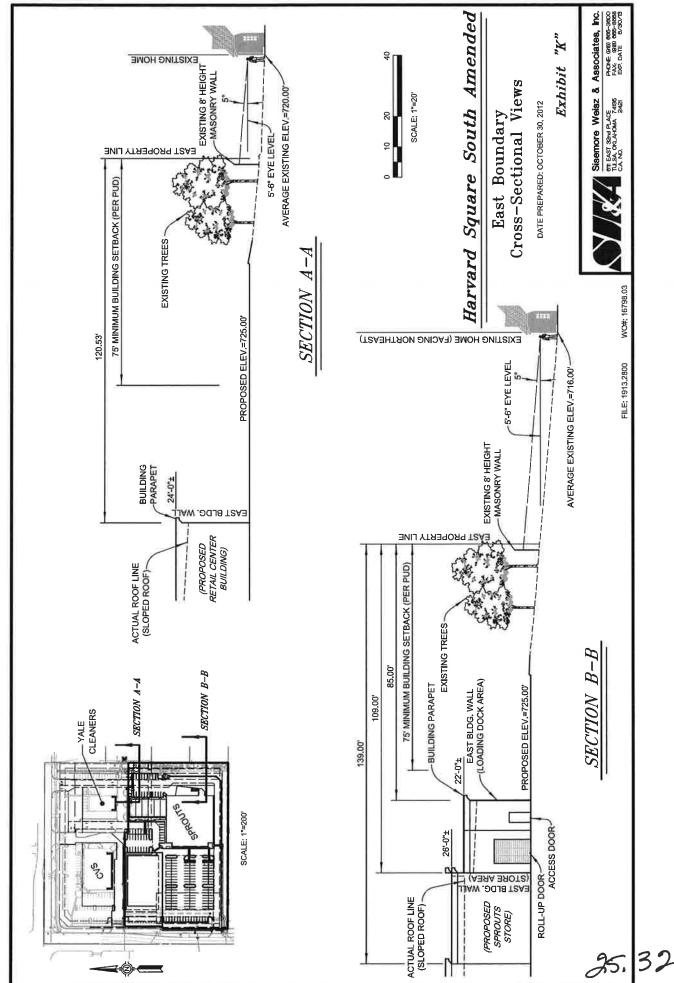
EXHIBIT "G"

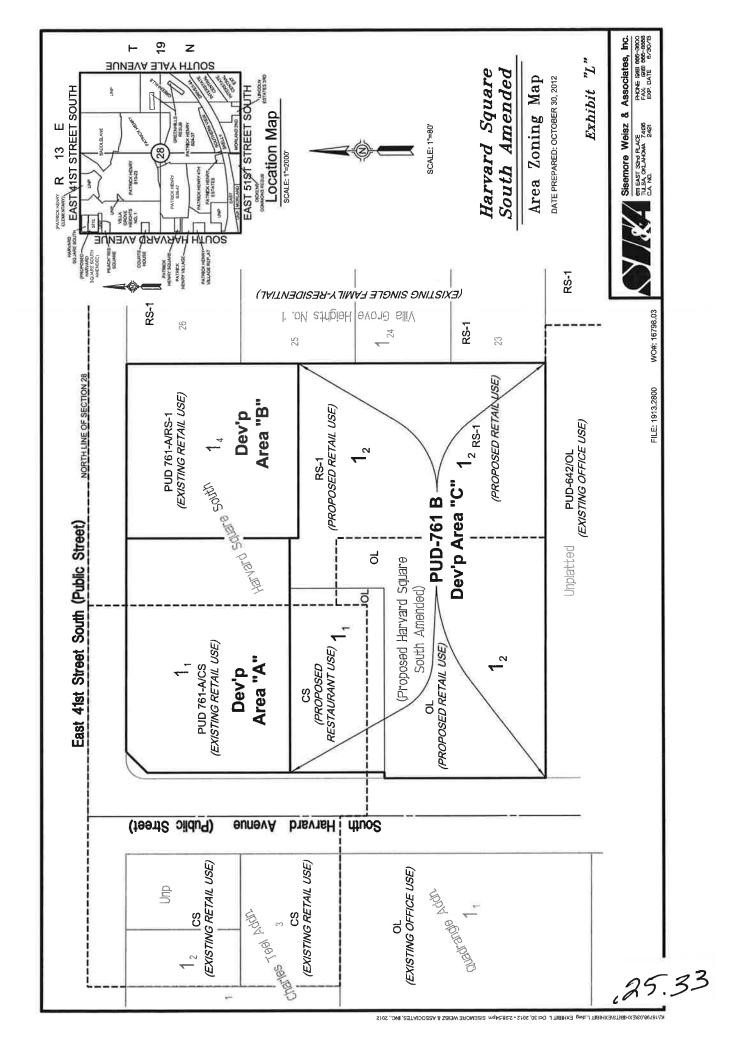
October 24, 2012

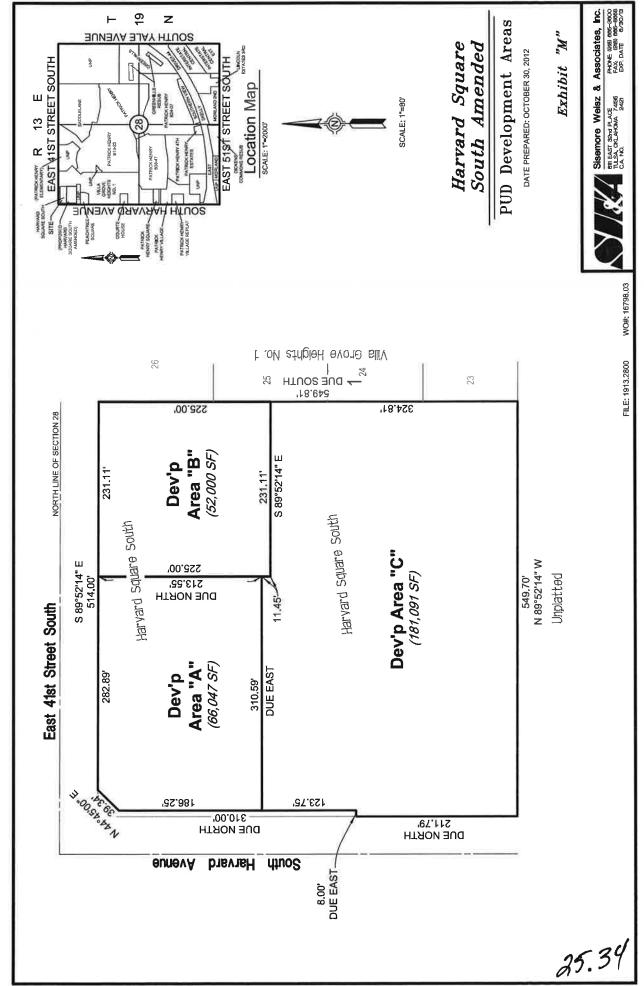


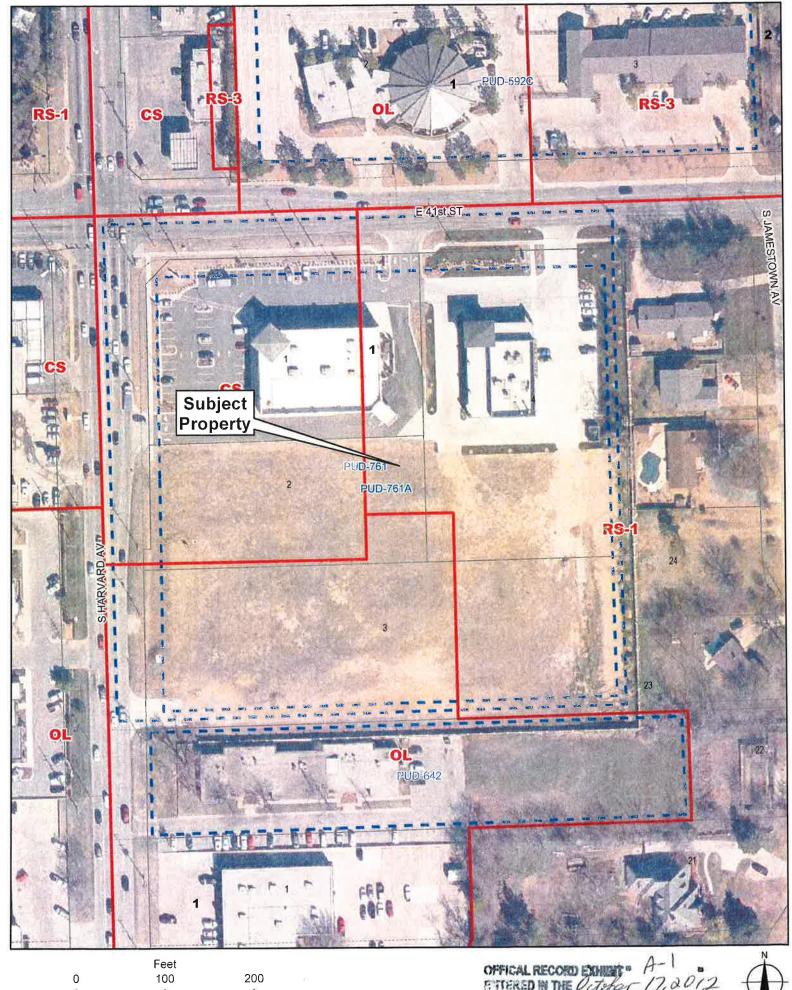












October, 17th 2012

CFFICAL RECORD SOUTH A-2
ENTERED IN THE OLDER 17, 20/o
MINUTES OF THE TRUSH RETROPOLITAN
AREA PLANNING COMMISSION.

To the TMAPC,

The Patrick Henry Neighborhood Association has taken a poll regarding the Proposed changes requested by the Manley family and developers. We would like it to be know that while we are not against a Sprouts Foods being built on the property, there are some issues we have with many of the proposed changes. Please take our Neighbors opinions into account when it comes time to make your decision regarding the changes to the PUD on this property.

Them #11

We would be **FOR** an Amendment to increase maximum building square footage from 22,500 to 26,000 sq feet.

We would be FOR an Amendment to increase building height.

We would be **Against** an Amendment to allow a drive through restaurant on lot 1.

We would be **FOR** an Amendment for off street parking to be met as an aggregate.

We would be **FOR an** Amendment for proposed lot 3 to use signage on proposed lot 2.

We would be **Against** an Amendment for landscaping change (remove requirement for landscaping next to building).

We would be FOR an Amendment to change internal minimum setbacks

The Patrick Henry Neighborhood Association

Neighborhood Response to Poll Questions	<u>For</u>	<u>Against</u>	No Response
Amendment to increase maximum	68	21	3
building square footage from 22,500 to 26,000 sq feet.			
Amendment to increase building height.	57	32	3
Amendment to allow a drive through	30	60	2
restaurant on lot 1.			
Amendment for off street parking	56	30	6
to be met as an aggregate.			
Amendment for proposed lot 3	51	34	3
to use signage on proposed lot 2.			
Amendment for landscaping change	34	55	3
(remove requirement for			
landscaping next to building).			
Amendment to change	51	34	7
internal minimum setbacks			
(east, west, and south will be unchanged).			

	<u>For</u>	<u>Against</u>	No Response
Amendment to Allow Variance of	27	63	0
Building Materials, Textured Paint			
Instead of Brick/Stone Veneer			

Individual Responses By Email

I would vote for a Sprouts but not a fan of fast food.

I would like that the building face north along the south fence.

I think the grocery store will probably do fine but I am very much against any fast food place. The traffic will be horrible. I hope we can prevent this from being put in.

I am in favor of the proposed changes.

This appears to be a quality development the physical brick and mortar standpoint.

This looks good and explains better the layout of the center.

I'm iffy on a restaurant.

We can support the noted changes.

I am not in favor of any of the amendments/changes because approval will open the door for the developer to build structures that they WANT. Not what is good for our nieghborhood.

Basically, I'm okay with the proposal and not against the proposal. O would prefer that the drive-thru restaurant not be included .

4 For The Proposed Drive-Thru

<u>5</u> <u>Against The Proposed Drive-Thru</u>

Timestamp (24/2012 14 36	footage from 22,500 to 26,000 eq foet.	Amedment to incresse building helph.	allow a drive through restaurant on lot 1.	street parking to be met as an aggregate.	proposed lot 3 to use signage on proposed lot 2.	requirement for lendecaping next to building).	(esel, west, and south will be unchanged).	Lectured point instead of brick/stone vensor.	Comments?
52	For	For	For	For	For	For	For	For	Sample test form
/24/2012 14 51: 43	Against	Against	Against	Aganst	Against	Against	Against	Against	Second lest sample I'm not entirely apposed to paint appoin but my this building is
72472012 20 21: 31 72472012 21:44:		For Against For	Againsi Againsi For	Far For For	For For For	For Againα For	For Aganst For	Against Against For	boxy looking. Even the Wak-Mart in Clenpool has more character such as a state awning over the pharmacy errannee and more brick and stone than what is shown here. Also, not completely opposed to a fast-hood restaura. Dut I'd sure like to know more about which one. Overall, I would really like to see the Sproutz mover in I have visited the store in OKC and it was clean, competitively priced foods, and very attentive staff.
03 12472012 22 06								Against	
24/2012 22:08	For	For	Against	For	Against	Against	Against	-	
09 /24/2012 22 29: 54		Far	Against For	For For	Against For	For	Against For	Aganst For	I have no problem with this I am excited to see this develop here Against an additional drive-through
									- Trash
									- Masin - Smells (I don't have to identify every possible smell. But smells from cooking. Smells from that Really bad smells covering a wide area from emptying the grease trap.) Dot I really have to live through that so that they can have that business there?)
									- Don't know if grease in the air (carned across the neighborhood) would still be a problem these days
									- Norse
									 Traffic (Admittedly, those last two are mitigated because they're on Harvard.) As a neighborhood, we don't need a driva- through restaurant.
									 Say, I could be wrong, but didn't we already grant one drive- through exception to the original PUD? Even if it is a "rice" drive- thru restaurant (whatever that means), once the variance is made, it could be replaced with a worst-case franchise (in my mind, McDonalds) some time in the luture
									Building Materials
									- I would also ask that we stand firm on building materials, I'm not over-enthusiastic about brick/stone, but that's what was standardized on. Even in the bank across the street. Why set a standard in the first place if we're just going to ignore it the first time someone requests something different? Let's keep a positive image for new construction in the neighborhood and keep things looking unified, sharp. Any new construction is going to reflect on us. We actually live here. This is important to us.
						ş	e.	500	 Nobody serious about a location is going to run away because of building materials requirement. (Perhaps with exceptions, such as a stand-alone fast-food franchise with a well-controlled identity.)
									Heft this question blank because I did not have a solid opinion and will defer to others.
									- Amendment for landscaping change (remove requirement for landscaping next to building)
25/2012 2:39 10 25/2012 5:48.06		For For	Against Against	For Against	For	Against	For Against	Against Against	Josh McCorrrick
25/2012 6:06.44 25/2012 6:17.07	Again <i>s</i> t	Against Against	Against	Against	Against	Against	Against Against Against	Against Against Against	As stated at the meeting, we are against any change to the onginal PUD, especially having serri trucks and dumpsters abuting the residential area, since the council effectively removed any buffer zone when they allowed the PUD to remove RS2 houses. And as, Mr. Midget said at their meeting on the Yale cleaners that their (Yale Cleaners) drive-thru was "the 2nd drive-thru" allowed by the PUD.
25/2012 6:19.59 25/2012 6:25 08		Against For	Against For	Against For	Against For	Against For	For	Against	
25/2012 7:09:01 25/2012 7:10:33		Against For	Against Against	For Against	For	For Against		Against Against	Lots of amendments
25/2012 7:10:33		For	Against	For	Agamsi	For	For	For	I hate the idea of a fast food restaurant being on the site. I really like the idea of an organic market being so close to my house.
25/2012 7:12 28	For	For	Against	Against	Against	Against	Against	Against	We would rather see a restaurant instead of a drive-thruille Panera, Queenies, I would be nice to have islands in parking with small times, landscaping. Parking areas don't always need to be solid asphalt. After all, it was to be more like a mini Ubca Square concept.
25/2012 7 53 13	For	For		For	For	For	For	Agsinst	My wife and I would like to go on the record as being all for the Sprouts grocery store. To have a nice grocery store that is walkable from our house is a huge plus and solves one of the few regrets we have about moving to Patrick Henry. The fast food resturant and other stores are not of interest to us and we would rather not have them, but we also feel some realism could go a long way when thinking about what this empty for could be
105/2010 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	Amainet	Ear	Anain⊄	For	For	Against	Against	Against	Thanks, Josh Combs
'25/2012 7 53 30		For	Against		For	•	Against	Against	I am strongly opposed to any business that might encourage traffic late in the evening
'25/2012 8 03 17 '25/2012 B 17 15		For For	Against For	For For	For	Againsi For	For	For	I think its a huge improvement over an empty lot full of weeds
125/2012 8 17 45 125/2012 8 42 17	Against	Against For	For Against	Against For	Against For	For For	Agamst For	Agamst For	I would love to see a local restaurant go in this site. I absolutely hate the last food dea for all the reasons others have
/25/2012 8 43 55		Against	Against	For	For	Againd	Again st	Against	mentioned, noise, smell, traffic into the night, trash
/25/2012 8 56 37 /25/2012 8 05 57		Against For	Against Against	For Against	For Agamst	EniegA	For Against	For Against	25 39
/25/2012 9 23 55 /25/2012 9 32 48 /25/2012 9 37 28	For Against	For Against Against	For Against Against	For	For Against Agamst	Against Against	For Again of	For Against Against	25.39

Timeetarip 9/25/2012 9 49 27 1 0/25/2012 9 49 28 1 9/25/2012 9 49 30 1	For	Amedment to increase building height. For For For	allow a drive through restaurent on lot 1. Against Against	errest parking to be met as an aggregate. Against Against			(sast, west, and south will be unchanged). For For	inetead of brick/stone veneer For For	
9/25/2012 9 49 30 1		For	Against	Lewedy	For	For	For For	For For	
9/25/2012 10 47 04 F	For	For		For	For	Againsi	For	Agamst	I think the brick front for the new building would look a lot bet and would also fit in with the building materials for the Yale cleaners and the CVS why is he trying to change it all - is he now wanting a 2 story
	Against	Against	Against	Against	Agamst	Against	Against	Against	building - I really do not want any fast food - the staffic would bad and the smell worse. I hope w can prevent it - MAMiller Sprouts should be moved. Joser to Harvard, The root should stream kned so that it would be lower and the parking would closer to Harvard and we don't need a fast food rest aurant.
9/25/2012 11:08 30 F	cot	Against	Against	For	For	Against .	Against	Against	Handy & Marlene Waychoff
9/25/2012 11 46 40 F 9/25/2012 12:03	For	For	For	For	For	For	For	For	
9/25/2012 12:03 18 F 9/25/2012 12:08	For	For	For	For	For	For	For	Against	As an architect, I think that some of the entry elements shoul brick or stone, instead of EIFS or peinted concrete
9/25/2012 12 U8 54 F	For	Against	Against	For		Against	Against	Against	
9/25/2012 12 22. 45 F	·er	For	Against	For	For	Against	For	Against	As a registered Landscape Architect and a Patrick Henry resident, I say we embrace a grocery store like Sprouts. Let's take a step towards nding bikes or welking to the local small scale neighborhood store to get our grocenes. I am against the reduction of foundation plant material and I am against the di through restaurant I would like to see a small sindown restaurant with outdoor seating and countyards that would can to bikes and walkers.
9/25/2012 12 44; 45 F		For	For	For	Far	For	For	For	er eriod alla Francij.
									MINIMALIST is my whole thought for the project
9/25/2012 13 07									Start slower and see/prove the plans and use of the new businesses as a working feature before enlarging at te unpro- first step
	Against	Against	Against	Again s	Against	Against	Against	Against	mack betts I'm voting against the development based on the McDonald's being a requirement of approxing this project. I am firm about this. The addition of Sprouts would be welcon as a convenience to the neighborhood and an enhancement the neighborhood amenties when selling a home.
									There are any number of alternative sublet businesses Sprou could support that would add real value to the entire Partick Henry neighborhood, such as a UPS-type store or a cellphon repair/retaiter, or a bottery retaiter or a candle shop any number of ideas are more desired than another McDonaid's Let's demand a 'needed' service to be built to serve OUR nee that would encourage more traffic to the Sprouts property
	gain st	Against	Against	Against	Against	Against	Against	Against	Ronald Gard
9/25/2012 14.07: 46 Fo	-		_	Agamst	For	For	For	Against	We need progress at 41st and Harvard - and that includes for
9/25/2012 14:51: 29 Fo	ar 1		For	-		For	For	For _	progress of the one heard of one bracking box
9/25/2012 14:59: 09 Fo	or I	For	Against	For	For	Against	For	Against	
9/25/2012 17:27 45 Fo	or i	For	For	For	For	Against	For	Against	
9/25/2012 20 58 01 Ag	gainst /	Against	Against	Against	Against	Against	Against	Against	
9/25/2012 21 35:		_							Lanly gave my voting opinion on those lifek Lunderstood Lwd like to see upper end retail or locally owned development but would support a market like Sprouts over some other developments Lifear could go in Livould support a Sprouts
9/26/2012 12:28:			-	For	_	Against		Against	market
39 Fo 9/28/2012 13:54:					For	For	For	For	
08 Ag 9/26/2012 14.19 10 Fo					Against Against	Against Against	Against Against	Against	Please don't make this a stop mail it would do a lot for proper values to have more themed architecture as opposed to the general direction the development is oursently going. Yale Cleaners and CVS architecturally do nothing for the visual beauty of the corner of 41st and Harvard. What happened to "Utica Square" type of look we were told? I am all for the development, just PLEASE don't put something in that the natural property evolution will end up attracting pawn shops at DMV offices. I am sure that the Sprous store front wid not look as obnozious side CVS red signs with two ugly brick colors!
									I really don't want a fast food drive thru, the yast majority of the become rundown, and trashy lookingincluding some trashy looking people, and aren't kept up like they should be. Arby's being the exception
									Some of the questions I wasn't sure about, that doesn't mean it means. Toni answer those for me will youll
									I want the area to get new businesses so I am excised. It's the "convenience store" across 41st Street with gas pumps which are usually out of gas that is the REAL eye sore. Goodness gracious it needs to go!
0,000,000,000,000									Anyway, basically I am all for the Farmers Market, I think it vio be a good draw for the neighborhood.
9/26/2012 20 49 58 For	r F	or A	Against F	For			For		Sallie Naylor
9/28/2012 21°24; 32 Ag: 9/27/2012 5:41 07 For			ydainar					Agamst	
9/27/2012 5:41 07 For 9/27/2012 11 37 16 Fer								Against	
9/27/2012 19:05: 21 For			-		_	_		Janus paris pA	
9/27/2012 20 29 49 For			_			_		Against For	Vile need this!
9/28/2012 12 59 3D For				_		Against		Against	25. %
9/29/2012 17 29 37			gainst			Against		Against	
9/30/2012 21 35 07 For	· A		-		_		_	-	Please consider putting a cover letter together explaining each question. I have not a club what some of these questions cove

Proventarno	Amendment to increase meximum building square footage from 22,500 to 25,000 eg feet.	Amadmant to Increase building helght.	Amendment to allow a drive through restaurant on lot 1.	Amendment for off ernet perlong to be mut se en aggregate.	Amendment for proposed lot 3 to use signage on proposed lot 2.	Amendment for fandscaping change (remove requirement for landscaping next to building).	Amendment to change listemat minimum settlecids (seef, weef, and south will be unchanged).	Arrandment to allow vertaince of building metarials, lexitured paint instead of briokietone veneer,	Comments?
V1/2012 10.19 52 V1/2012 14:33	?		Against			2 Pue gA	For	Against	
50	For	For	For	For	For	Againa	Against	For	
	Por .	For	For	Against	For (*)	Against	For	Against	
	For	Against	Against	For	For	Адэля	Against	Agamst	
	For	For	Agains	For	For	For	For	Against	
	Against	Agamst	Against	For		Against		Against	
	For	For	For	For		Against	For	For	
V2/2012 19.56: 51	l Against	Against	Against	Against	Agamst	Against	Against	Against	I am excited to have a new retail area in the neighborhood, but it
	7 For	For	For	For	For	For	For	Against	is important appearance is important that it have the same feel
0/3/2012 17:31: 54	For	For	For	For	For	For	For	For	
25/2012 22:08: 25	: 5 Against	Against	Against	Agains	Against	Against	Against	Against	I want the Christmas tree lot back
3/6/2012 12:45 28	3 For	For	For	For	For	Against	For	Against	
	5 For	Against	Against	Against	Far	Against	Again st	Against	The last thing I went to see is another fast food cham going in. We have too many in Tutsa now. Just because they have a coolde cutter design for their stores does not mean that we have to change the building height allowances or 'look/reel' of the see. The architect can just make a drawing change on the building exterior. I am not opposed to some succo but it should not domante the look. Signage is overblown and additional signage is not even required. Allowy signs can just be combined like at other shopping areas areas at one location.
	6 For	Against	Against	For	Against	Against	Agenst	Against	C. Pratt, 4338 S. Jamestown Ave
0/12/2012 9 30 34	i: 4 For	Agamst	Against		For	Against	For	For	I've voted once same way, but in case you need it again, thresponded again, ϵ
0/12/2012 8.50)				•				mack bettis
	7 Agamst	Against	Agains	Agaenst	Against	Against	Against	Against	3739 e 43 st Brick and/or Stone will last much longer and look better over
	5 For	For	Against	For	For	For	For	Against	time
	4 Against	Against	Agains	Aganst	Against	Against	Against	Against	
	4 Against	Against	Against	Again≰	Against	Against	Against	For	It needs to look rice. Stone and brick are nice. Please no yellow
31	7 For	For	Against	Against	For	Against	For	Against	colors
0/12/2012 Ø 59 45	5 For	For	Against	Again⊈	Agamst	Against	For	Against	Still think they ought to be pointed to a building almost exactly
1/12/2012 10:45	5: 4 Agavinst	Against	Aganst	Against	Against	Against	Against	Against	like they propose in a much stronger commercial area, one mile away-old Horreland Store
1/12/2012 11:52		For	For	For	For	For	For	Against	Stick with a conservative budget, make it have curb appeal, keeping it simple. And as far as parking, 15 parking pads should be more than enough where as to have a more than enough where as
1/12/2012 20 41		Annings	Anunet	For	Agamst	Against	For	For	conservative opinion, coming from a Big City Gat Millill
10/13/2012 8:14		Against	Agains:		For	For	For	For	
)/13/2012 14:51		For	For	For		For	For	For	This is a great opportunity that will increase the attractiveness of our neighborhood to young families. Make it happen!
)/14/2012 20 32		For	For	For	For		Far	For	
3/14/2012 21.32	7 For 2	For	For	Against -	For	For			
	1 For	For	Against	For	For	For	For	Against	
	1 Against	Against	For	Agains	Against	Against	Agawnst	For	
	4 For	For	For	For	For	Against	For	Against	

Subject: Re: Architectural Drawings & Poll

From: Ken & Rebecca Jones (kajrah@cox.net)

To: tonigraber@yahoo.com;

Date: Sunday, September 23, 2012 6:32 AM

Thanks, Toni

On 9/22/2012 1:20 PM, Toni Graber wrote:

Good morning everyone!

Please look through the inclosed attachments concerning the Proposed Development for Harvard Square on 41st & Harvard. The last four are the architectural drawings. After looking through the attachments please answer the poll and return to me. Please feel free to make comments below the poll. We also request that you share this information with your neighbors.

poll	For	Against
Amendment to increase maximum building square footage from 22,500 to 26,000 sq		
feet	×	
Amedment to increase building height	х	
Within 100 FT of the east boundary: To 25 FT from 17 FT.		
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Remainder of Harvard Square South Amended: to 32ft from 23 ft		
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Amendment to permit 1 drive through restaurant on lot 1		х
Amendment for off street parking to be met as an aggregate	x	
Amendment for proposed lot 3 to use signage on proposed lot 2	x	
Amendment for lot split	х	
Amendment for landscaping change(remove requirement for landscaping next to		,,
building)		X
Amendment to change internal minimum setbacks(east, west, and south will be		
unchanged)	×	
Amendment to allow variance of building materials, textured paint instead of	l,	
brick/stone veneer	X	

Subject: Re: Architectural Drawings & Poll

From: J. W. Hendricks (docjwh@aol.com)

To: tonigraber@yahoo.com;

Date: Sunday, September 23, 2012 1:45 PM

J. W. Hendricks, MD -----Original Message-----

From: Toni Graber <tonigraber@yahoo.com>

To: undisclosed recipients: ; Sent: Sat, Sep 22, 2012 1:09 pm

Subject: Fw: Architectural Drawings & Poll

---- Forwarded Message -----

From: Toni Graber <tonigraber@yahoo.com>

To:

Sent: Saturday, September 22, 2012 12:57 PM

Subject: Architectural Drawings & Poll

Good morning everyone!

Please look through the inclosed attachments concerning the Proposed Developement for Harvard Square on 41st & Harvard. The last four are the architectural drawings. After looking through the attachments please answer the poll and return to me. Please feel free to make comments below the poll. We also request that you share this information with your neighbors.

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Amendment to increase maximum building square footage from 22,500 to 26,000 sq	X	
feet	^_	
Amedment to increase building height	X	
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Amendment to permit 1 drive through restaurant on lot 1	X	
Amendment for off street parking to be met as an aggregate	X	
Amendment for proposed lot 3 to use signage on proposed lot 2	X	
Amendment for lot split	X	
Amendment for landscaping change(remove requirement for landscaping next to building)	×	
Amendment to change internal minimum setbacks(east, west, and south will be unchanged)	X	
Amendment to allow variance of building materials, textured paint instead of brick/stone veneer	Х	

Subject: Re: Proposed Developement at Harvard Square Info

From: Taron Mckowen (tpmckowen@yahoo.com)

To: tonigraber@yahoo.com;

Date: Monday, September 24, 2012 10:16 PM

Hi Toni, thank you for sending. I did not receive a 2nd email with a poll. I would vote for a sproutz market and retail setting. I'm not a fan of fast food but it is what it is I guess. Thank you

Sent from my iPhone

On Sep 22, 2012, at 12:36 PM, Toni Graber <tonigraber@yahoo.com> wrote:

---- Forwarded Message -----

From: Toni Graber <tonigraber@yahoo.com>

To:

Sent: Saturday, September 22, 2012 12:28 PM

Subject: Fw: Proposed Developement at Harvard Square Info

---- Forwarded Message -----

From: Toni Graber <tonigraber@yahoo.com>

To:

Sent: Saturday, September 22, 2012 12:04 PM

Subject: Fw: Proposed Developement at Harvard Square Info

Good Morning everyone!

Because of the size of the attachments I will be sending two e-mails concerning the Proposed Developement at Harvard Square. This first email contains the original agreement and Proposed Amendments. Please read through them. The second e-mail includes the Architectural Drawings and Poll.

Toni

Skip to search.

- Yahoo! Messenger Hi, Toni
 - o Profile
 - o Account Info
 - o You are signed in as: tonigraber
- Sign Out
- Options
- Help

Preview Mail w/ Y! Toolbar

Subject: Re: Proposed Developement for Harvard Square Info & Poll

From: ARCHIE RATZLOFF (dean1935@sbcglobal.net)

To: tonigraber@yahoo.com;

Date: Sunday, September 23, 2012 8:10 PM

Toni.
I would like that the building face north along the south fance.
The building needs to run east & west
Archie
PS. need a walk in restaurant.

archie

From: Toni Graber <tonigraber@yahoo.com> To: "skarphogirl@yahoo.com" <skarphogirl@yahoo.com>; "wecall45@gmail.com" <wecall45@gmail.com>; "mlindacalll@gmail.com" <mlindacalll@gmail.com>; "bbates12@cox.net" <bbates12@cox.net> Cc: Adelina Clonts <tinyma@aol.com>; "aherndon4@cox.net" <aherndon4@cox.net>; Alice McGregor <LexusLady123@hotmail.com>; Allen and Ruth Ann White <allen-white@sbcglobal.net>; Alton <Alton_Livingston@oknd.uscourts.gov>; "amber@amazingfitnesshoops.com" <amber@amazingfitnesshoops.com" <amber@amazingfitnesshoops.com"; Archie Ratzloff <dean1935@sbcglobal.net>; "Arno & Inge Kahn" <akahn@mindspring.com>; Barbara Sappenfield <barbara-sapenfield@ouhsc.ed>; Barbara Sappenfield <sappenfield74135@gmail.com>; Barbara Bates <bbates@cox.net>; "Barbara & Charles McGee" <cbmcgee@cox.net>; -sappenneiu/4153@gmail.com/s; barbara bates cobates@cox.net/s; barbara & Charles McGee* <comcgee@cox.net/s; barbi.mcnulty@firstoklahomabank.com/s; "bayouth2@cox.net" </pre>
cbayouth2@cox.net/s; Becky Grossman MWC <rcia2001@aol.com/s; "becn8r@cox.net* </pre>
cbertsgourd@cox.net/s; Bessie Floyd <eafloyd00@gmail.com/s; Beth Sewell <eastulsa@uscellular.blackberry.com/s; Beth Sewell</pre> <wrighthometeam@KW.com>; Bill Cupps <bill.cupps@cisco-eagle.com>; Bill Major <majorhome@cox.net>; Bill Savage "Brad & LaSondra Nickson" <brad@thenicksons.net>; Carl Szafranski <c.szafranski@szafranski-pugh.com>; Carl and Carolyn Steele <carl.steele@cox.net>; Carol Olson <Carol.J.Olson@cox.net>; Carolyn Hunt <hunt34@cox.net>; Charles Pratt <qec@quadrelec.com>; Charles Gotwals <cgotwals@aol.com>; Charles and Helen Pratt <hpratt@quadrelec.com>; Charles and Sheila Michie <cheryl-little@utulsa.edu>; Chris Streich <chrisstreich@brownappraisalservice.com>; Chris and Becca Pound <CFPound@cox.net>; Christin Warren <christinwarren@msn.com>; Christy M Vincent <cmvincent@saintfrancis.com>; Cindy Cupps <sjcupps@aol.com>; "Cody & Julia Stubblefield" <julia.stubblefield@nmfn.com>; Curt Beck <jetman49@cox.net>; Dan and Diane Leek <danleek@sbcglobal.net>; Daniel Smejkal <Dsmek96@yahoo.com>; Danny Overton <doverton@naitulsa.com>; Darryl and Linda Merle <11merle@aol.com>; "darynbridwell@gmail.com" <darynbridwell@gmail.com>; Dave Davis <dgdavis6073@att.net>; David York <fm1924@cox.net>; "David & Katie Johnson" <djohnson@bme-law.com>; David and Katie Tenison <tenison2@cox.net>; "dgotwals@mcgrawok.com" <dgotwals@mcgrawok.com>; "dhpoll@hotmail.com" <dhpoll@hotmail.com>; Diana Kugler <DKuys@cox.net>; Don Sappington <sapp3@swbell.net>; Donna miller <tulsacarlady@yahoo.com> Sent: Saturday, September 22, 2012 10:53 AM Subject: Proposed Developement for Harvard Square Info & Poll

Good morning everyone!

Please read through the inclosed attachments concerning the Proposed Developement for Harvard Square on 41st & Harvard. The last four are the architectural drawings. After looking through the attachments please answer the poll and return to me. Please feel free to make comments below the poll. We also request that you share this information with your neighbors.

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Amendment to permit 1 drive through restaurant on lot 1		
Amendment for off street parking to be met as an aggregate		

Subject: Re: Architectural Drawings & Poll

From: mary miller (mamtulsa@cox.net)

To: tonigraber@yahoo.com;

Date: Sunday, September 23, 2012 3:18 PM

First - thank you very much for sending this to me - next - I think the grocery store will probably do fine - but I am very much against any fast food place - the traffic off 41 willb e terrible and the smell will go all over us - I hope we can prevent it from being put in - thanks - mary a

On Sep 22, 2012, at 1:08 PM, Toni Graber <tonigraber@yahoo.com> wrote:

---- Forwarded Message -----

From: Toni Graber <lonigraber@yahoo.com>

To:

Sent: Saturday, September 22, 2012 12:57 PM

Subject: Architectural Drawings & Poll

Good morning everyone!

Please look through the inclosed attachments concerning the Proposed Developement for Harvard Square on 41st & Harvard. The last four are the architectural drawings. After looking through the attachments please answer the poll and return to me. Please feel free to make comments below the poll. We also request that you share this information with your neighbors.

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Amendment for lot split		
Amendment for landscaping change(remove requirement for landscaping next to	1	
building)		
Amendment to change internal minimum setbacks(east, west, and south will be		
unchanged)		
Amendment to allow variance of building materials, textured paint instead of		
brick/stone veneer		

<ELEV 2012 0727.pdf><ESP 2012 0807.pdf><LDSP 2012 0807.pdf><OSP_2012_0807.pdf>

Subject: RE: Architectural Drawings & Poll

From: Jason Kennon (jkennon@caseusa.com)

To: tonigraber@yahoo.com;

Date: Sunday, September 23, 2012 1:39 PM

I am in favor of all of the proposed changes. I truly believe this would enhance amenities to our neighborhood which ultimately will also help our home values.

Thanks for taking the initiative to get the word out!

Jason M. Kennon, CCIM

CASE COMMERCIAL

Case & Associates Properties, Inc.

4200 E. Skelly Drive, Suite 800

Tulsa, OK 74135

918-492-1983

918-610-9353 (direct)

918-492-2921 (fax)

jkennon@caseusa.com

From: Toni Graber [mailto:tonigraber@yahoo.com] Sent: Saturday, September 22, 2012 1:09 PM Subject: Fw: Architectural Drawings & Poll

---- Forwarded Message -----

From: Toni Graber < tonigraber(a) vahoo.com>

Sent: Saturday, September 22, 2012 12:57 PM Subject: Architectural Drawings & Poll

Good morning everyone!

Please look through the inclosed attachments concerning the Proposed Development for Harvard Square on 41st & Harvard. The last four are the architectural drawings. After looking through the attachments please answer the poll and return to me. Please feel free to make comments below the poll. We also request that you share this information with your neighbors.

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unchanged)		
Amendment to allow variance of building materials, textured paint instead of brick/stone		
veneer		

Privacy Act 18 U.S.C. § 2510: If the reader of this message (and any attachments thereto) is not the intended recipient, you are herein notified that any dissemination or distribution of the accompanying communication is strictly prohibited by law. If you received this communication in error, please notify the sender immediately. Electronic messages are not secure or error free and can contain viruses or may be delayed and the sender is not liable for any of these occurrences.

Subject: Proposed Scrubs Foods Developement at Harvard Square Info., SE/C 41st & Harvard

From: George Thomas (gmtonline@gmail.com)

To: tonigraber@yahoo.com;

Date: Sunday, September 23, 2012 12:21 PM

Toni: I could not find a "poll" in either of your two (2) email messages. However after opening all the attached files, this appears to be a quality development the physical brick and mortar standpoint.

----- Forwarded message -----

From: Toni Graber <tonigraber@yahoo.com>

Date: Sat, Sep 22, 2012 at 12:04 PM

Subject: Fw: Proposed Developement at Harvard Square Info

Good Morning everyone!

Because of the size of the attachments I will be sending two e-mails concerning the Proposed Developement at Harvard Square. This first email contains the original agreement and Proposed Amendments. Please read through them. The second e-mail includes the Architectural Drawings and Poll.

Toni

Slow Connection

Loading Yahoo! Mail... It appears that Yahoo! Mail is loading more slowly than usual. For faster performance, you may switch to basic Mail view, which disables extra features like Yahoo! Messenger and rich text. You'll return to regular Yahoo! Mail next time you sign in on a faster connection. You can also change back by selecting "Show Full Features" under the Help menu.

Switch to Basic Mail Continue

Subject: Re: Architectural Drawings & Poll

From: Barbara McGee (cbmcgee@cox.net)

To: tonigraber@yahoo.com;

Date: Sunday, September 23, 2012 9:39 AM

Thanks, Toni. This looks good and explains better the layout of the Center.

Barbara and Charley McGee On Sep 22, 2012, at 12:57 PM, Toni Graber wrote:

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brick/stone veneer		
ELETT 4014 0505 10 -ECD 4014 0005 10 -LDOD 4014 0005 10 -OCD 4014	0007 10	

<ELEV_2012_0727.pdf><ESP_2012_0807.pdf><LDSP_2012_0807.pdf><OSP_2012_0807.pdf>

Subject: Re: Architectural Drawings & Poll

From:

M.Carolyn Steele (mcarolyn.steele@cox.net)

To:

tonigraber@yahoo.com;

Date:

Saturday, September 22, 2012 7:47 PM

Toni.....interesting.....we can't stop change, but I have no idea whether to be for or against any of these amendments. This shows how out-of-the-loop I am....I can't imagine how you have off street parking at 41st and Harvard. And, I'd rather have brick/stone than textured paint, however, don't know what the textured paint would look like. I'm iffy on a restaurant...it would depend on WHAT restaurant. Have no opinion on the landscaping change.

Sooooo, you see I am no help. I feel I'd be casting a vote without understanding the ramifications of my vote.

Carolyn Steele

www.mcarolynsteele.com

From: Toni Graber

Sent: Saturday, September 22, 2012 1:20 PM

To: undisclosed recipients:

Subject: Architectural Drawings & Poll

Good morning everyone!

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unchanged)		
Amendment to allow variance of building materials, textured paint instead of		
brick/stone veneer		

Subject: Re: Proposed Developement for Harvard Square Info & Poll

From: Allen White (allen-white@sbcglobal.net)

To: tonigraber@yahoo.com;

Date: Saturday, September 22, 2012 12:00 PM

We can support the noted changes....Allen and Ruth Ann White

From: Toni Graber <tonigraber@yahoo.com>

To: "skarphogirl@yahoo.com" <skarphogirl@yahoo.com>; "wecall45@gmail.com" <wecall45@gmail.com>; "mlindacalll@gmail.com" <mlindacalll@gmail.com>; "bbates12@cox.net" <bbates12@cox.net>

Cc: Adelina Clonts <tinyma@aol.com>; "aherndon4@cox.net" <aherndon4@cox.net>; Alice McGregor <LexusLady123@hotmail.com>; Allen and Ruth Ann White <allen-white@sbcglobal.net>; Alton <Alton_Livingston@oknd.uscourts.gov>;

"amber@amazingfitnesshoops.com" <amber@amazingfitnesshoops.com"; Archie Ratzloff <dean1935@sbcglobal.net"; "Arno & Inge Kahn" <akahn@mindspring.com"; Barbara Sappenfield <barbara-sapenfield@ouhsc.ed"; Barbara Sappenfield <sappenfield74135@gmail.com"; Barbara Bates <bbr/>bates@cox.net"; "Barbara & Charles McGee" <cbmcgee@cox.net"; "barbi.mcnulty@firstoklahomabank.com"; "bayouth2@cox.net"

<bayouth2@cox.net>; Becky Grossman MWC <rcia2001@aol.com>; "becn8r@cox.net" <becn8r@cox.net>; Bert Gourd <Bertsgourd@cox.net>; Bessie Floyd <eafloyd00@gmail.com>; Beth Sewell <eastulsa@uscellular.blackberry.com>; Beth Sewell

<wrighthometeam@KW.com>; Bill Cupps <bill.cupps@cisco-eagle.com>; Bill Major <majorhome@cox.net>; Bill Savage
<billndeidre@cox.net>; "Bill & Cathy Barney" <31bill@cox.net>; Bill and Grace Leiter <LeighterGB@webtv.net>; Bob Stewart

<ri>stewart@cox.net>; Bob Brice <rbryce@swbell.net>; Bob McClain <Bobsjobs@cox.net>; Brad Nickson
brad.nickson@gmail.com>;
"Brad & Dickson
brad.nickson
brad.nickson

<sjcupps@aol.com>; "Cody & Julia Stubblefield" <julia.stubblefield@nmfn.com>; Curt Beck <jetman49@cox.net>; Dan and Diane Leek <danleek@sbcglobal.net>; Daniel Smejkal <Dsmek96@yahoo.com>; Danny Overton <doverton@naitulsa.com>; Darryl and Linda Merle <11merle@aol.com>; "darynbridwell@gmail.com" <darynbridwell@gmail.com>; Dave Davis <dgdavis6073@att.net>; David York <fm1924@cox.net>; "David & Katie Johnson" <djohnson@bme-law.com>; David and Katie Tenison <tenison2@cox.net>;

"dgotwals@mcgrawok.com" <dgotwals@mcgrawok.com>; "dhpoll@hotmail.com" <dhpoll@hotmail.com>; Diana Kugler <DKuys@cox.net>; Don Sappington <sapp3@swbell.net>; Donna miller <tulsacarlady@yahoo.com>

Control Control on 22, 2012 10 Carta Cal

Sent: Sat, September 22, 2012 10:54:57 AM

Subject: Proposed Developement for Harvard Square Info & Poll

Good morning everyone!

Please read through the inclosed attachments concerning the Proposed Developement for Harvard Square on 41st & Harvard. The last four are the architectural drawings. After looking through the attachments please answer the poll and return to me. Please feel free to make comments below the poll. We also request that you share this information with your neighbors.

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Amendment for proposed lot 3 to use signage on proposed lot 2		

Subject: Re: Architectural Drawings & Poll

From: Barbara Sappenfield (sappenfield74135@gmail.com)

To: tonigraber@yahoo.com;

Date: Saturday, September 22, 2012 5:19 PM

I am not in favor of any of the amendments/changes because approval will open the door for the developer to build structures that they WANT, not what is good for our neighborhood.

Sent from my iPad

On Sep 22, 2012, at 12:57 PM, Toni Graber <tonigraber@yahoo.com> wrote:

Good morning everyone!

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RE: Proposed Developement for Harvard Square Info & Poll

From: Cheryl Peters (revpeters@msn.com)

To: tonigraber@yahoo.com;

Date: Saturday, September 22, 2012 11:25 AM

Thanks for all the information that you sent to us. I couldn't get the poll feature to work. Basically, I'm okay with the proposal and not against the proposal. I would prefer that the drive-thru restaurant not be included but it seems to be a major part of the deal. I think that the drive-thru restaurant will cause traffic problems on Harvard. I don't have a solution for the traffic problems other than not include the drive-thru restaurant. I'm also basing my opinion on the type of business that the developer said was part of the deal--the Sprouts store. It has a particular kind of traffic that I think would work at that location and be a positive addition to the corner. Thanks, again, for all the important information you sent. Cheryl Peters, 3725 E. 43rd Street

Date: Sat, 22 Sep 2012 08:53:28 -0700

From: tonigraber@yahoo.com

Subject: Proposed Developement for Harvard Square Info & Poll

To: skarphogirl@yahoo.com; wecall45@gmail.com; mlindacalll@gmail.com; bbates12@cox.net CC: tinyma@aol.com; aherndon4@cox.net; LexusLady123@hotmail.com; allen-white@sbcglobal.net; Alton_Livingston@oknd.uscourts.gov; amber@amazingfitnesshoops.com; dean1935@sbcglobal.net; akahn@mindspring.com; barbara-sapenfield@ouhsc.ed; sappenfield74135@gmail.com; bbates@cox.net; cbmcgee@cox.net; barbi.mcnulty@firstoklahomabank.com; bayouth2@cox.net; rcia2001@aol.com; becn8r@cox.net; Bertsgourd@cox.net; eafloyd00@gmail.com; eastulsa@uscellular.blackberry.com; bsewell@tulsarealtors.com; BethTulsaRealtor@gmail.com; bcobb1941@cox.net; wrighthometeam@KW.com; bill.cupps@cisco-eagle.com; majorhome@cox.net; billndeidre@cox.net; 31bill@cox.net; LeighterGB@webtv.net; r.s.stewart@cox.net; rbryce@swbell.net; Bobsjobs@cox.net; brad.nickson@gmail.com; brad@thenicksons.net; c.szafranski@szafranski-pugh.com; carl.steele@cox.net; Carol.J.Olson@cox.net; hunt34@cox.net; qec@quadrelec.com; cgotwals@aol.com; hpratt@quadrelec.com; protriumph@aol.com; chase217@gmail.com; RevPeters@msn.com; cheryl-little@utulsa.edu; chrisstreich@brownappraisalservice.com; CFPound@cox.net; christinwarren@msn.com; cmvincent@saintfrancis.com; sjcupps@aol.com; julia.stubblefield@nmfn.com; jetman49@cox.net; danleek@sbcglobal.net; Dsmek96@yahoo.com; doverton@naitulsa.com; 11merle@aol.com; darynbridwell@gmail.com; dgdavis6073@att.net; fm1924@cox.net; djohnson@bme-law.com; tenison2@cox.net; dgotwals@mcgrawok.com; dhpoll@hotmail.com; DKuys@cox.net; sapp3@swbell.net; tulsacarlady@yahoo.com

Good morning everyone!

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building)		

David C. Roberson, Manager

OPPICAL RECORD EXHIBIT "

AREA PLANNING CONSTISSION.

Via Hand Delivery

October 17, 2012

Tulsa Metropolitan Area Planning Commission c/o Indian Nations Council of Government 175 East 2nd Street Tulsa, Oklahoma 74103

Re:

TMAPC Application PUD-761B

Harvard Square

SEC of East 41st Street and South Harvard Avenue

Tulsa, Oklahoma

Ladies and Gentleman of the Commission:

The purpose of this letter is to ask for a continuance of the hearing on the proposed amendments to the above referenced Planned Unit Development.

I am the managing member of Oak Plaza, LLC, which owns the property immediately south of the Harvard Square site. We did not receive mailed notification of this hearing and only received information regarding the proposed amendments on Tuesday afternoon, October 16, 2012. While I have been able to review the information in a cursory manner, there has not been adequate time to properly research the proposed amendments and their potential impact on not only my property, but the entire abutting neighborhood, of which I am a resident. While one of the amendments is termed as being "minor" and therefore does not require City Council approval, it increases the potential height of the adjoining structure that will abut my property by ten feet to a potential total height of 39'. This is in contrast to the two-story height limitation imposed by the Planning Commission on our adjoining property, which has the same underlying zoning of "OL" – Office as the Harvard Square site.

All of the owners of Oak Plaza, LLC are commercial real estate appraisers, each with over 20 years of experience and each of which holds the MAI designation of the Appraisal Institute. We are well versed in factors that influence value and feel that several of the items included in the proposed amendments to PUD 761 will have a negative impact on our abutting property.

When the initial Planned Unit Development was conceived, we were involved with the developers in arriving at a plan that was agreeable to both parties. We have not been contacted by the developer in regard to these proposed major and minor amendments and feel a continuance is warranted to provide time to have such a meeting and to again reach a mutually agreeable decision.

In brief, our concerns are in regard to: the proposed increase in height of the adjoining structure; the potential for signage on the south side of the adjoining structure; the size and location of the proposed monument sign adjacent to South Harvard Avenue; the location and decibel level of the speaker system for the potential drive-through restaurant; the exterior building material and screening of the adjoining building from neighbors to both the east and south. While landscaping is noted on the renderings attached to the proposed amendments, it appears the verbiage potentially allows this landscaping buffer to be moved to a different area of the property. I have attached a rendering that was provided by the developer in conjunction with the initial development of the site, as well as illustrations of landscape buffers and building height on the Fresh Market facility on South Yale Avenue, north of East 81st Street.

While we feel the project generally represents the highest and best use of the property, we feel a continuance is warranted, as there has not been adequate time to research the full document. However, we feel concessions need to be made to bring the document into compliance with the spirit of the original Planned Unit Development.

David C. Roberson, MAI, SRA

Managing Member Oak Plaza, LLC

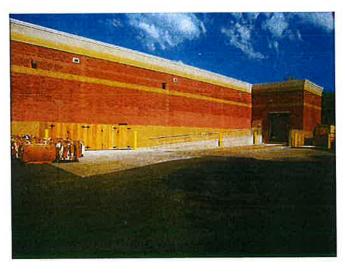
Illustrations from Fresh Market Location at 81st and Yale



Screening on East Property Line



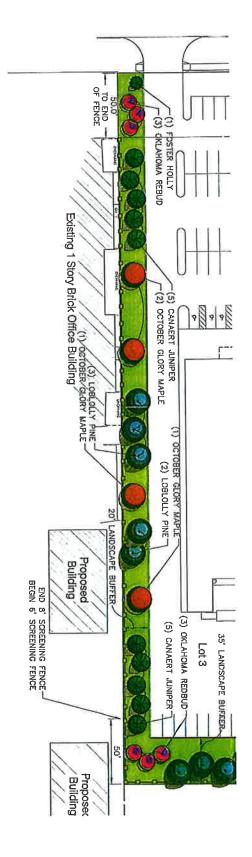
Screening on East Property Line



Reflects Eave Height of Less than 30'



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Harvard Square
South Boundary Landscape Details
EXHIBIT 'D-3'

Planned Unit Development Number 761

OFFICAL RECORD EXHIBIT ENTERED IN THE October 17, 2012 MINUTES OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION. 4.565 acres

Gross:

Net Land Area:

cton 4/1

4.157 acres

198,855 SF 181.091 SF

Permitted Uses:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Office, Studios and Support Services; 12, Eating Establishments, Other Than Drive-Ins (but permitting one (1) Drive-Through Restaurant on proposed Lot 1 only); 13, Convenience Goods and Services; 14, Shopping Goods and Services and Uses Customarily Accessory to Permitted Principal Uses,

Excluding however, the following uses:

Pawn Shops, Pay Day Loan Offices, Tobacco Stores, Tattoo Parlors, Body Piercing Parlors, Self-Serve Laundromats, More Than One (1) Drive-Through Restaurant, Apartments, Auto Alarms Installation, Auto Parts and Accessories, Auto Radio and Stereo Installation, Auto Window Tinting, Bail Bond Office, Bars, Building Materials, Dance Halls, Day Labor Hiring, Electrical Supply, Gasoline Service Station, Gunsmith, Locksmith, Massage Parlor, Multi-Family Dwellings, Nightclubs, Oil & Lubrication Service, Plumbing Fixtures, Pool Halls, Second Hand Store, Shoe Repair, Taverns, Tune-Up Service and Video Rentals.

Business Hours:

The opening of any business shall not occur before 6:00 a.m. and the businesses shall close by 11:00 p.m.

Truck Delivery Hours:

Truck delivery hours will be restricted to 7:00 a.m. to 9:00 p.m. No idling of trucks or trash dumpster service shall be allowed between the hours of 9:00 p.m. and 7:00 a.m.

Maximum Building Floor Area:

Harvard Square South Amended

37,600 SF

Lot One:

4.200 SF

Lot Two:

33,400 SF

26,000 SF – grocery store 7,400 SF - retail center

Maximum Building Height:

Lot One:

29 FT

Lot Two:

Within 100 FT of east boundary 25 FT*

Remainder of Lot Two

32 FT**

*Architectural Elements (elements extending above building roof line) up to 29 FT for unoccupied architectural features shall be subject to Detailed Site Plan approval.

25.58 11.84

TMAPC 10.17.12

^{*}The maximum gross building floor area of any single building on a lot with Harvard Square South Amended shall not exceed 26,000 FT.



**Architectural Elements (elements extending above building roof line) up to 39 FT for unoccupied architectural features shall be subject to Detailed Site Plan approval.

Off-Street Parking:

Pursuant to Section 1106., Off-Street Parking and Loading., of the Tulsa Zoning Code, off-street parking on the lots in Harvard Square South Amended will be in common and when calculated in the aggregate will provide at least the minimum number of off-street parking spaces as required by the applicable Use Units of the Tulsa Zoning Code for all of the lots in Harvard Square South Amended. Provisions for the ownership and maintenance of the off-street parking will be incorporated into the subdivision plat in compliance with Sub-Section 1107.F., Planned Unit Development Subdivision Plat., of the Tulsa Zoning Code.

Minimum Building Setbacks:

TOT ONE:	- 4	0		
	OΤ	O	ne:	

From the north boundary From the east boundary From the south boundary	10 FT 10 FT 10 FT
From the centerline of South Harvard Avenue	125 FT
Lot Two: From the north boundary From the east boundary From the south boundary	0 FT 75 FT 45 FT

South Harvard Avenue 125 FT

From the centerline of

For purposes of calculating the street yard, the building setback on South Harvard Avenue shall be considered to be 100 FT.

Landscape Area:

A minimum of 18% of the total net area of the Project shall be improved as internal landscape open space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code. The minimum landscaped area of each lot shall be established at Detailed Site Plan review.

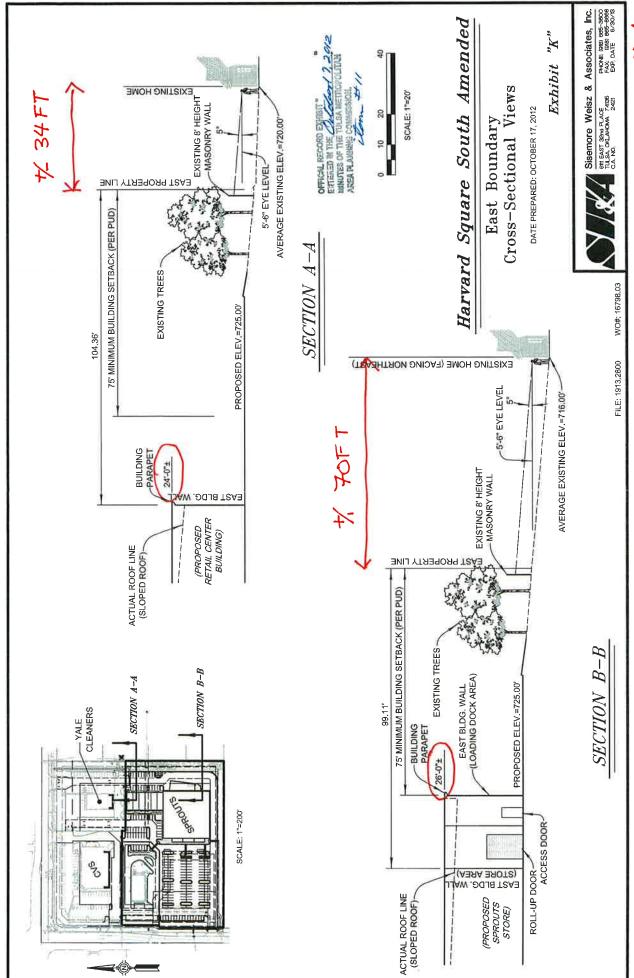
Signs:

- 1. One ground sign shall be permitted on each lot with frontage on South Harvard Avenue with a maximum 60 SF of display surface area and 12 FT in height.
- 2. Wall signs are permitted not to exceed 1.5 SF of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building. No east facing wall sign shall be permitted.

 No SOUTH FACING WALL SIGN SHALL BE PERMITTED ON LOT 2.

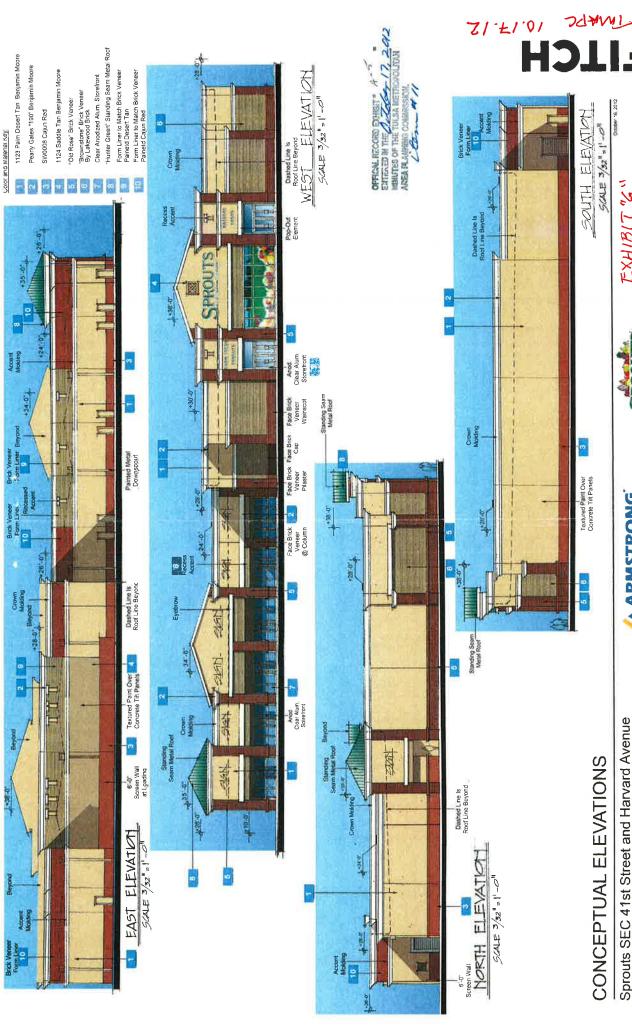
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K:116798_03)EXHIBITS/EXHIBIT K,dwg EXHIBIT K Oci 17, 2012 - 10:13:36am SISEMORE WEISZ & ASSOCIATES, INC., 2012



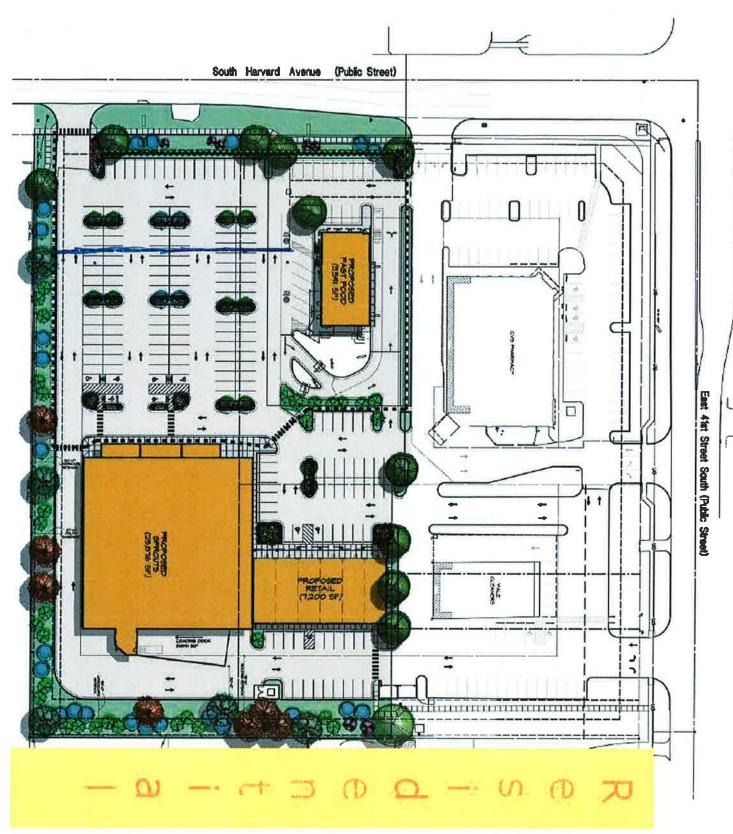
ARMSTRONG
DEVELOPMENTS, INC.

EXHIBIT "4"

11.23A

25.41

Tulsa, Oklahoma



OFFICAL RECORD EXHIBIT " A-6 "
EXTERED IN THE October 17, 2012
MINUTES OF THE TULSA RETROPOLITAN
AREA PLANNING CONTRISSION.

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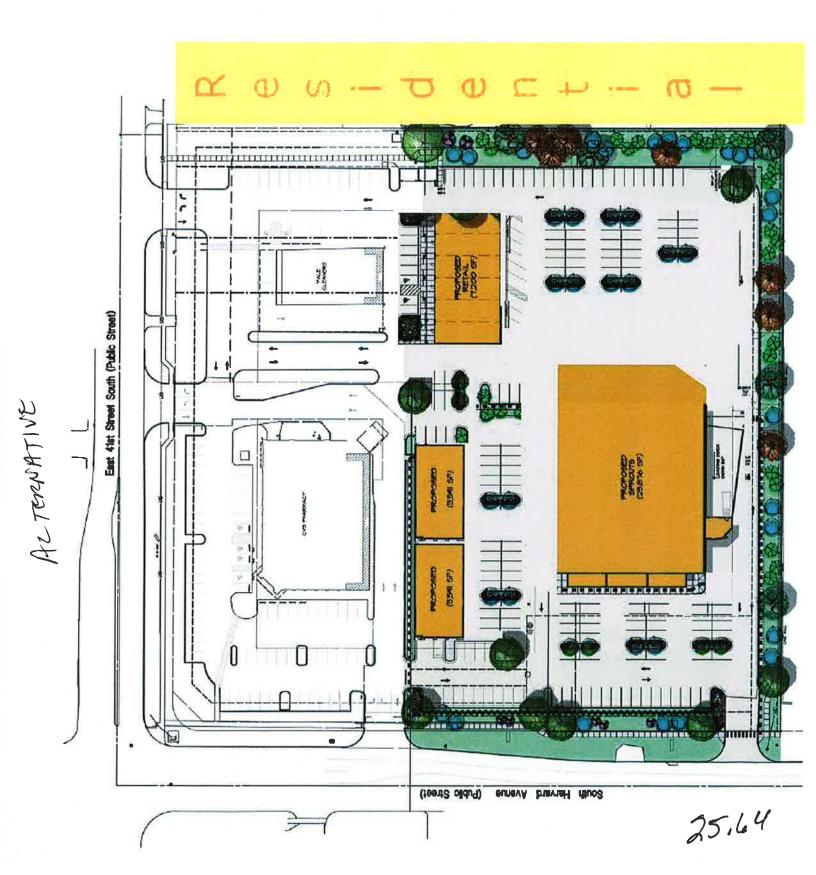
OFFICAL RECORD EXHIBIT "
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MINUTES OF THE TULSA RETROPOLITAN
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FLIPPED TO FACE HARVARD East 41st Street South (Public Street) 100 euneva breviet fituos (Public Street)

OFFICAL RECORD EXHIBIT "
ENTERED IN THE October 17, 2012 MINUTES OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION.

item#11





BALER & COMPACTOR

www.ptrco.com

Self-Contained Compactors





PT-300

(30 Cubic Yards)

OFFICAL RECORD EXHIST A TENTERED IN THE COLOR OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION.



The PT-300 Compactor has been engineered and manufactured to provide many years of reliable service. The heavy-duty structural steel components are welded by AWS certified technicians and water tested to ensure leak proof containment under high compaction forces. This unit has total U.L. approval, standard 3 button controls, On/Off key switch, mushroom stop, auto reverse and a *Sure-Tite* TM door seal.

Speci	fica	tion	S

Charge Box Capacity	2 Cu Yd
Container Capacity	30 Cu Yd
Clear Top Opening (L x W)	41" x 60"

Performance Characteristics

Cycle Time	31 sec	
Total Normal Force	42,708	lbs
Total Maximum Force	51,250	lbs
Normal Ram Face Pressure	23.8	psi
Maximum Ram Face Pressure	28.5	psi

Electrical Equipment

Electrical Motor 208/230/460v	3 Phase
Horse Power	10
Electrical Control Voltage	120 VAC

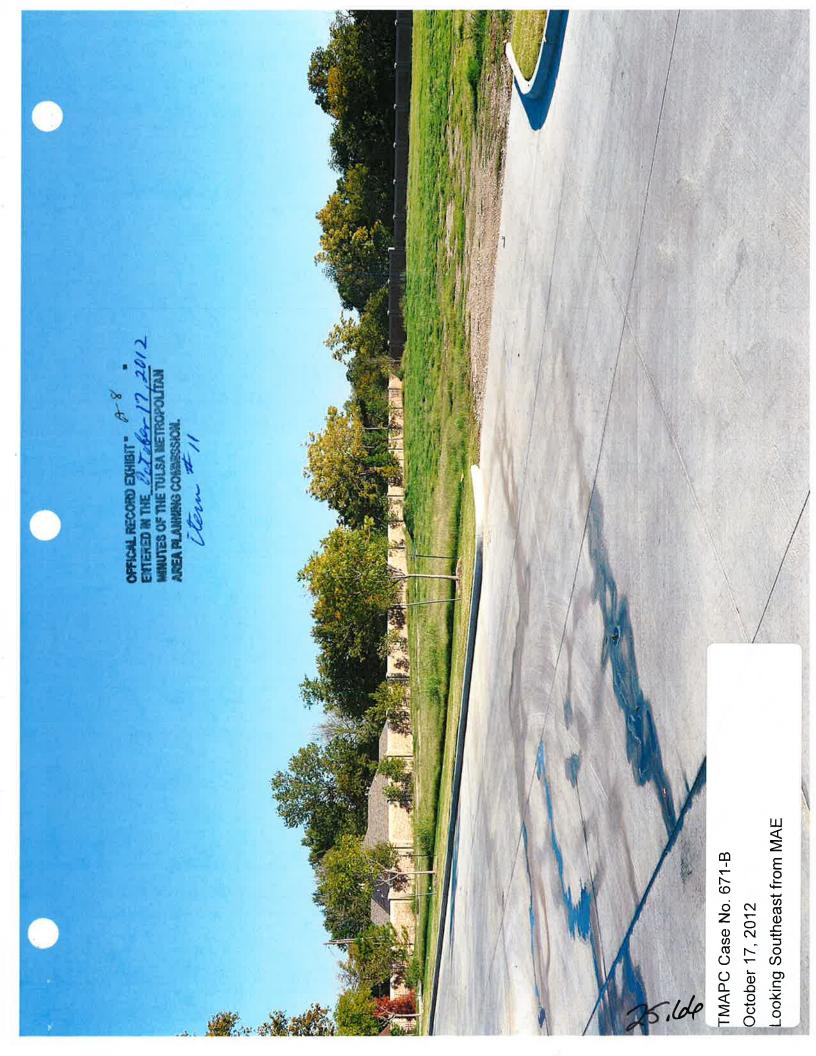
Hydraulic Equipment

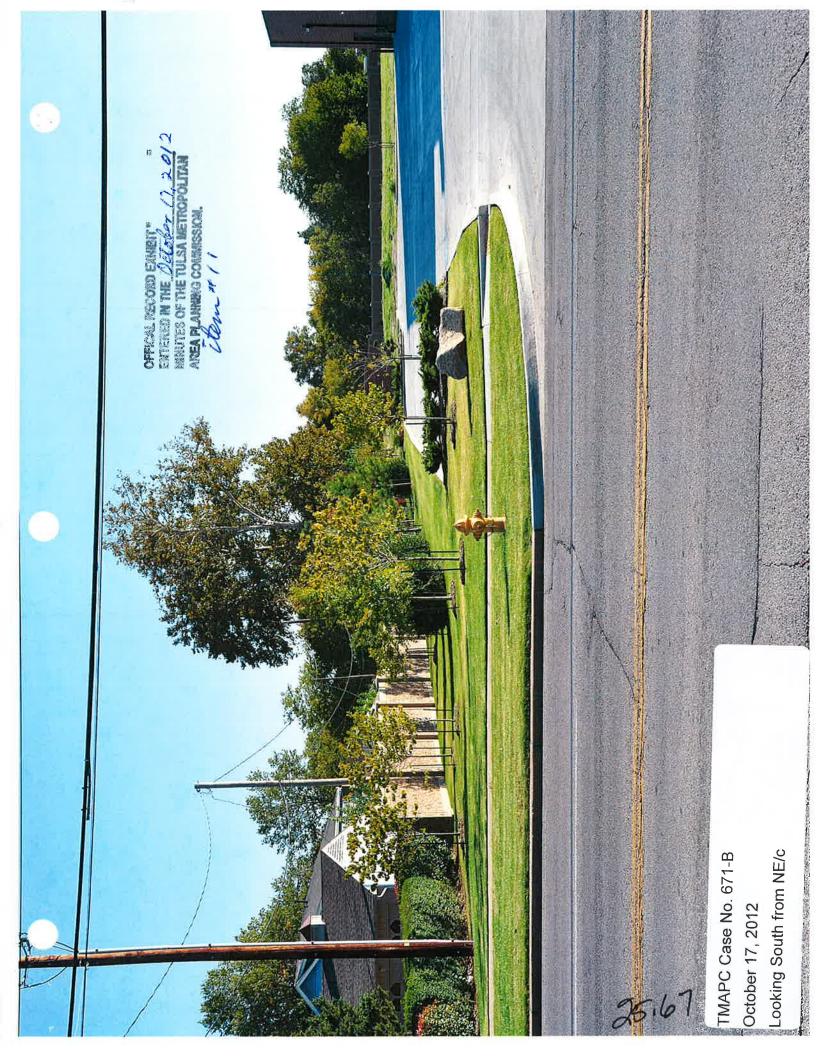
Hydraulic Pump Capacity	10.5 gpm
Normal Pressure	2000 psi
Maximum Pressure	2400 psi
Hydraulic Cylinder (2) Bore	4"
Hydraulic Cylinder Rod	2.5"



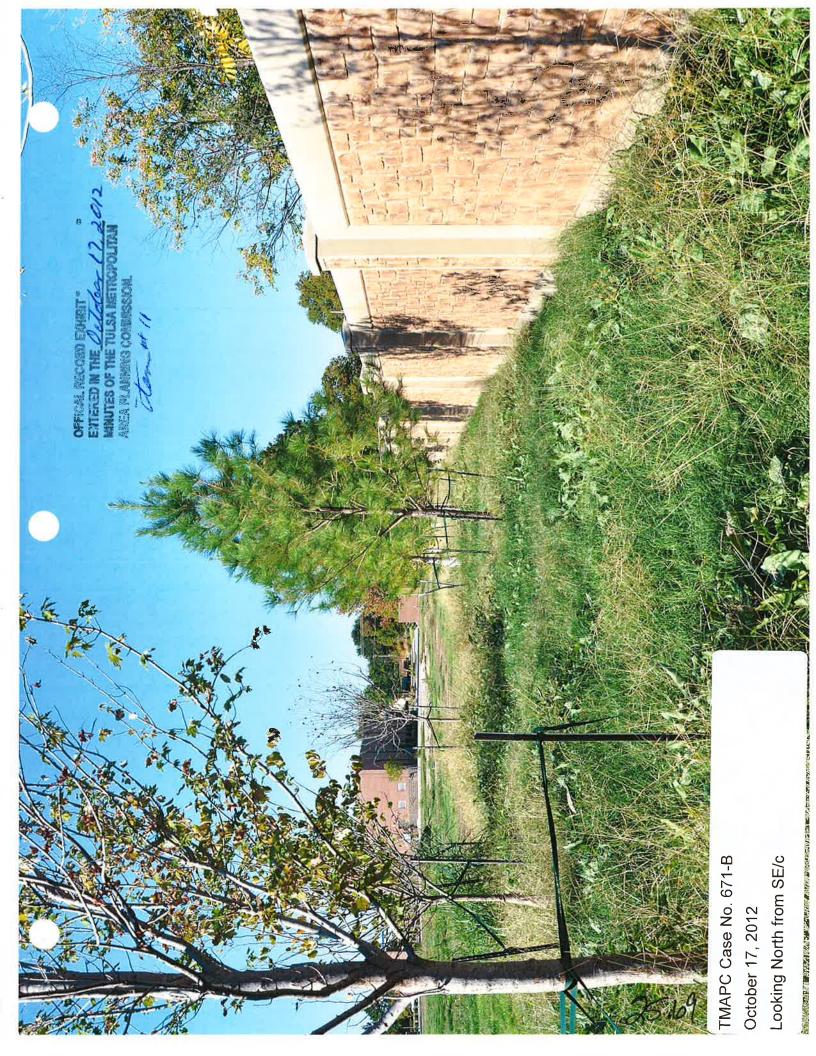
TMAPC Case No. 671-B

October 17, 2012

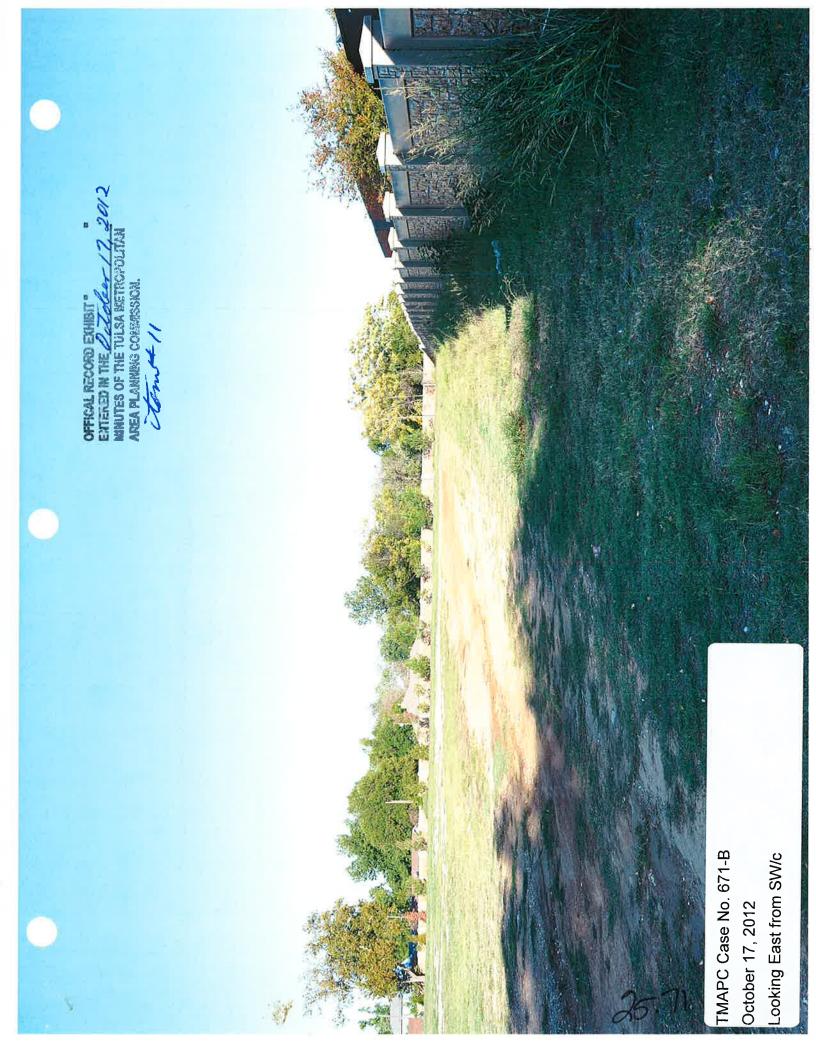


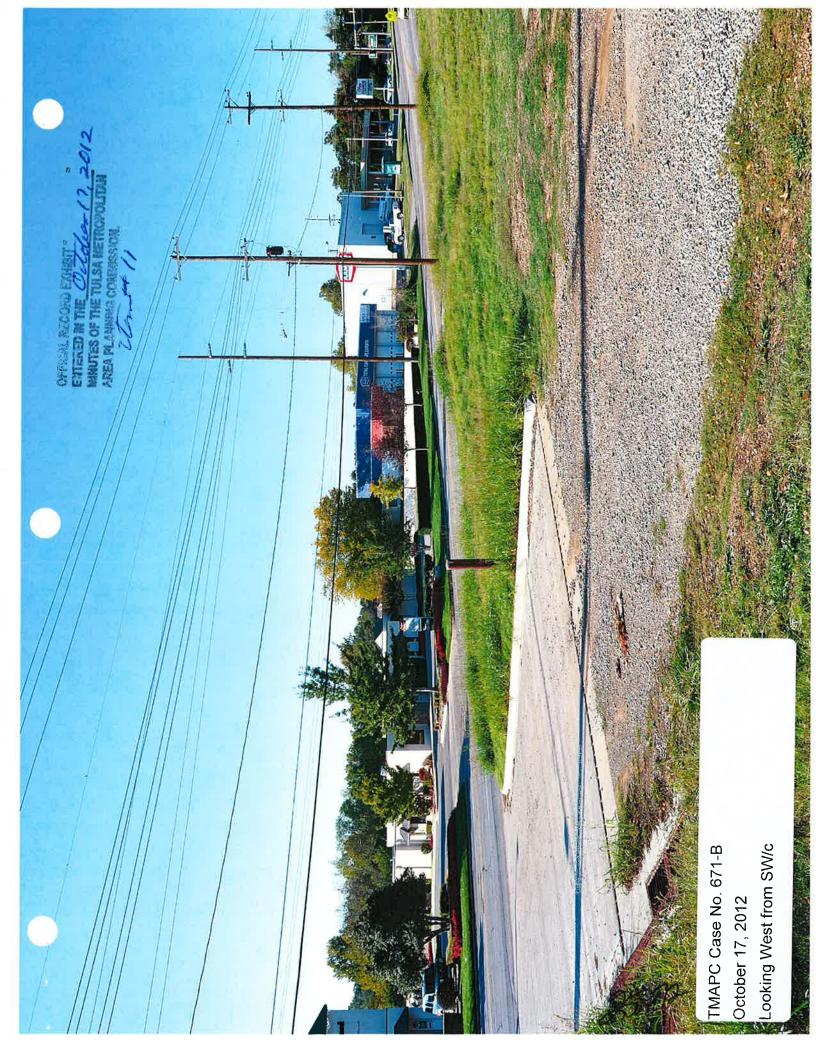


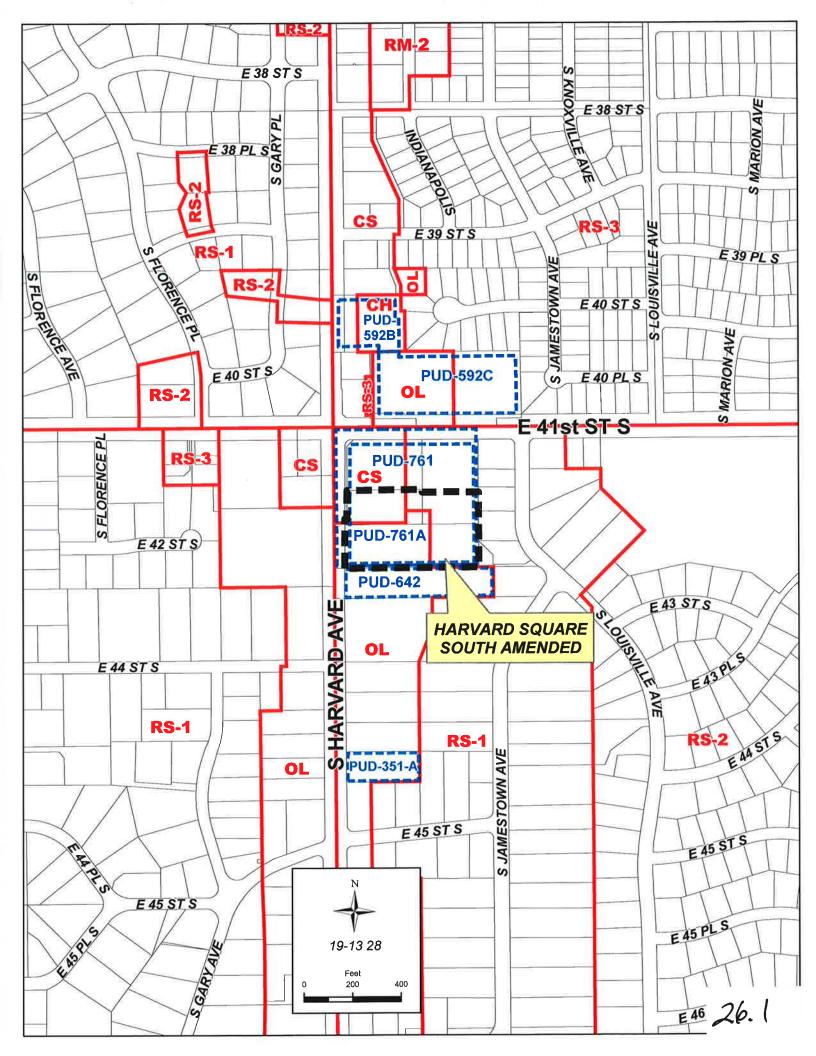


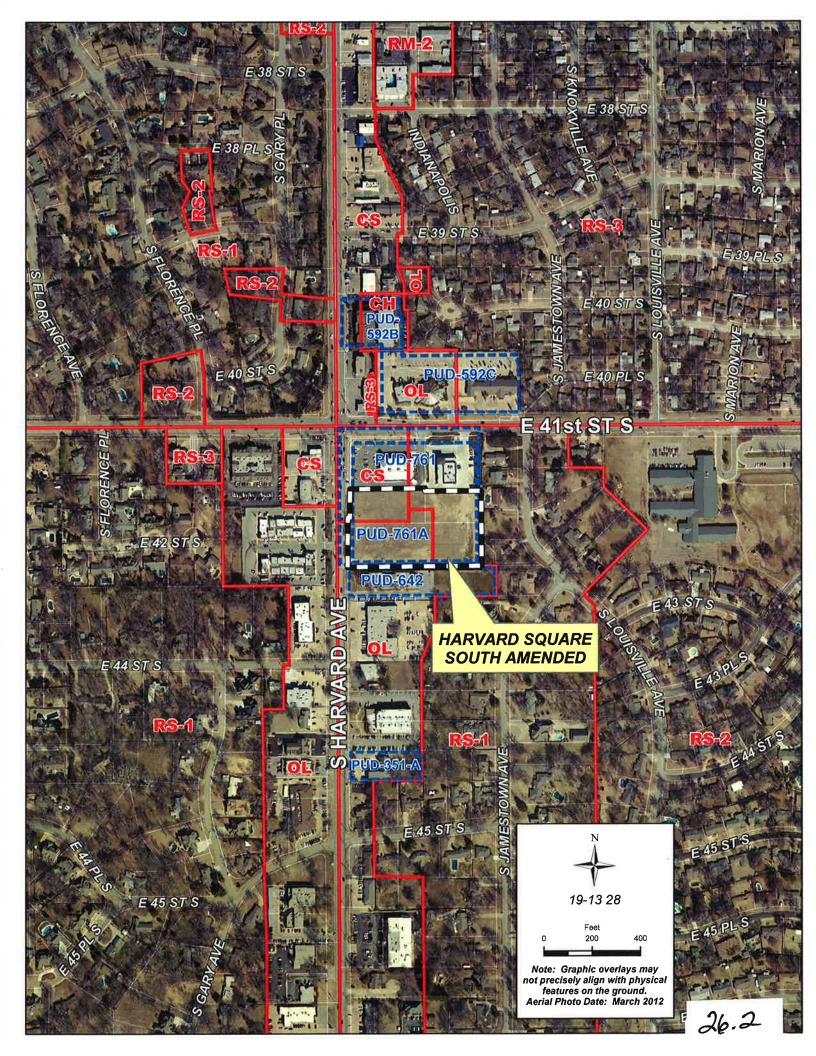












PRELIMINARY SUBDIVISION PLAT

Harvard Square South Amended - (9328) (CD 9)

South of Southeast corner of East 41st Street South and South Harvard Avenue

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

The following issues were discussed October 4, 2012, at the Technical Advisory Committee (TAC) meetings:

- **1. Zoning:** The property is zoned Planned Unit Development 761 B (pending). All PUD standards must be listed in covenants.
- 2. Streets: Provide reference for right-of-way and mutual access easement such as plat number or Book and Page number. Provide separate instrument number for mutual access easement. Modify sidewalk language to reflect condition on-site.
- 3. Sewer: The proposed sanitary sewer main extension will use eight-inch pipe, instead of the six-inch pipe shown. In the landscape plan, do not plant trees within the proposed sanitary sewer easement.
- 4. Water: Add Restrictive Waterline Easement (R/WL/E) to the legend. MAE/WL/E if used will need to be added. Add language for easements to covenants. Installing the proposed eight-inch water main inside the landscape easement and/or near masonry or concrete walls will not be allowed. A possible location of the water main line could be in the Mutual Access Easement/Proposed Waterline Easement. On utility plan add a note as to where the proposed water main will connect and what type of dedicated off site easement will be used. All proposed water main lines installed under pavement are required to be ductile iron pipe. Show proposed water service connections for each lot.
- 5. Storm Drainage: No comment.
- **6.** Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others: PSO may need a larger easement.
- 7. Other: Fire: No comment.

GIS: Use actual bearings on face of plat. The basis of bearing should be clearly described and stated in degrees, minutes, and seconds. Submit a subdivision control data form.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

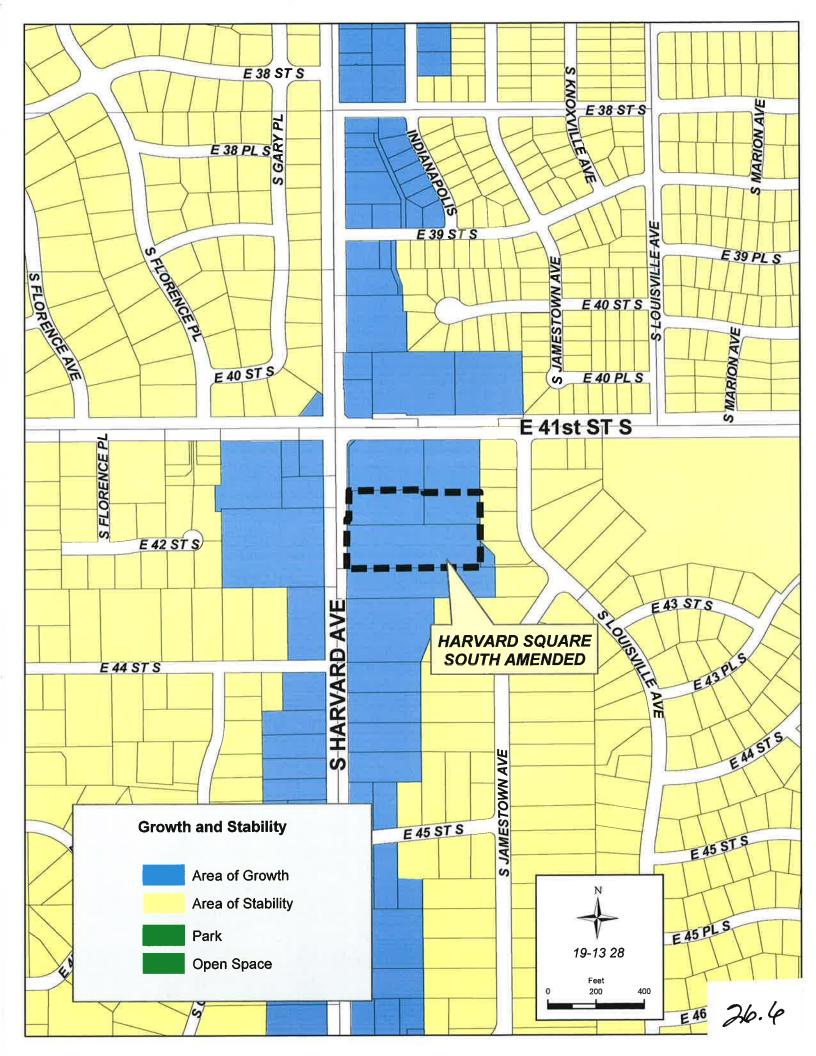
Special Conditions:

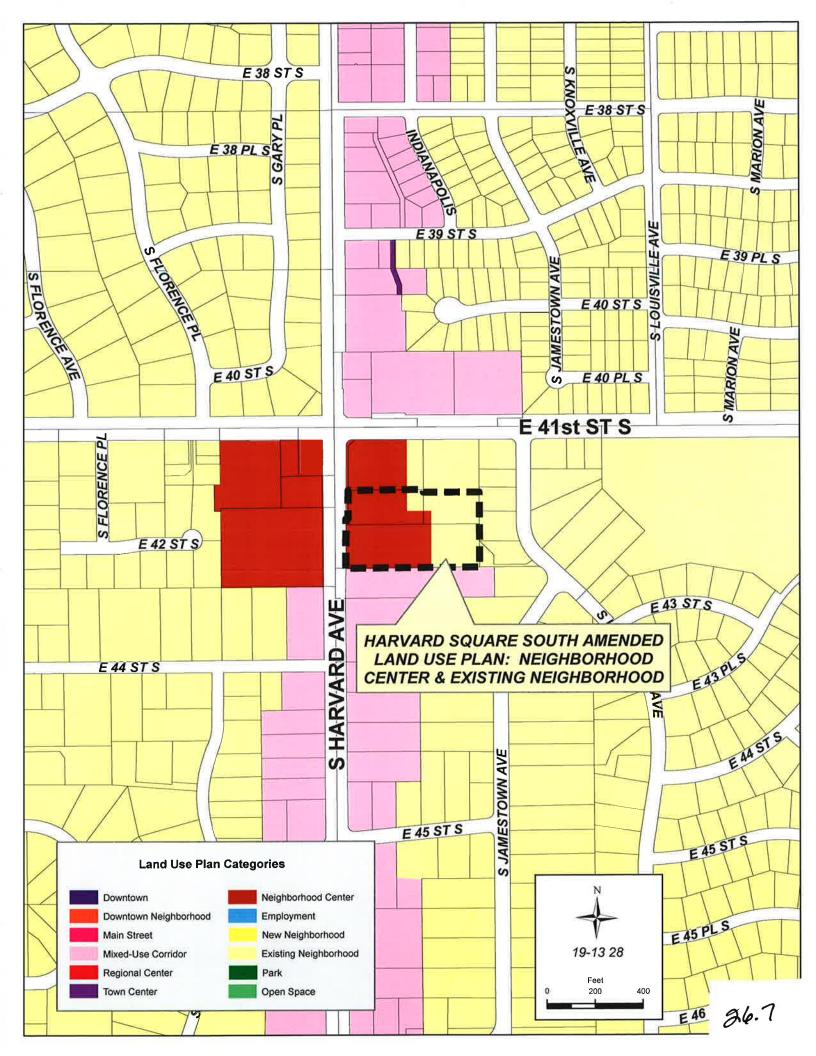
1. The concerns of the Public Works staff and Development Services staff must be taken care of to their satisfaction.

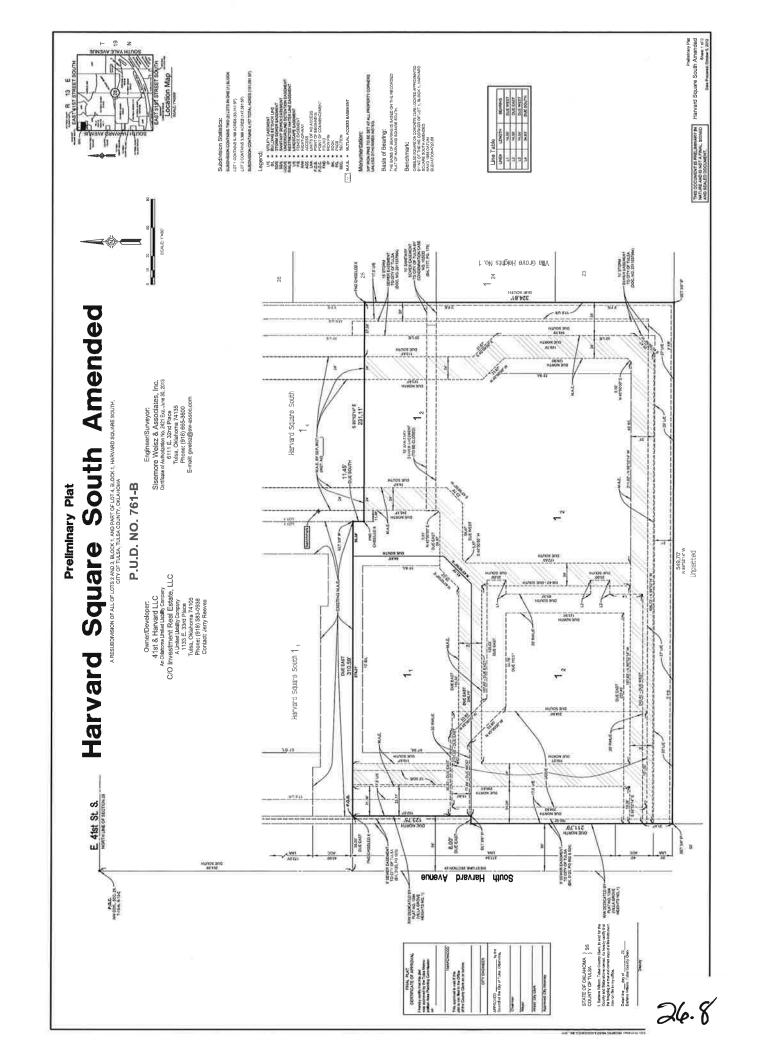
Standard Conditions:

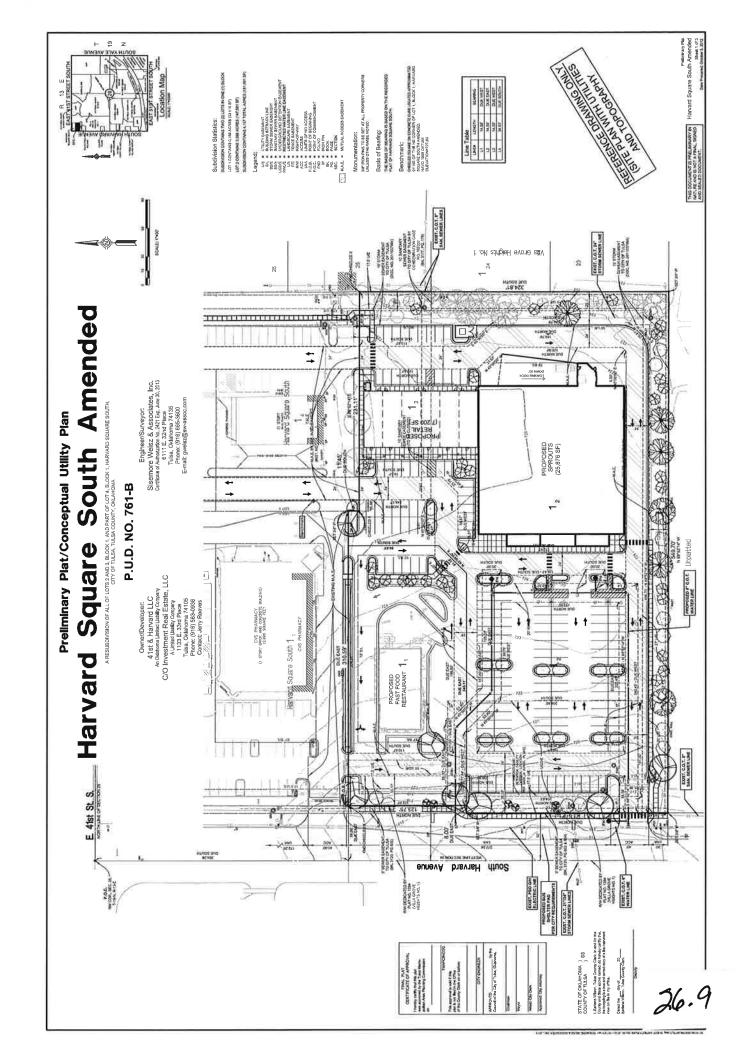
- Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
- 2. Water and sanitary sewer plans shall be approved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

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

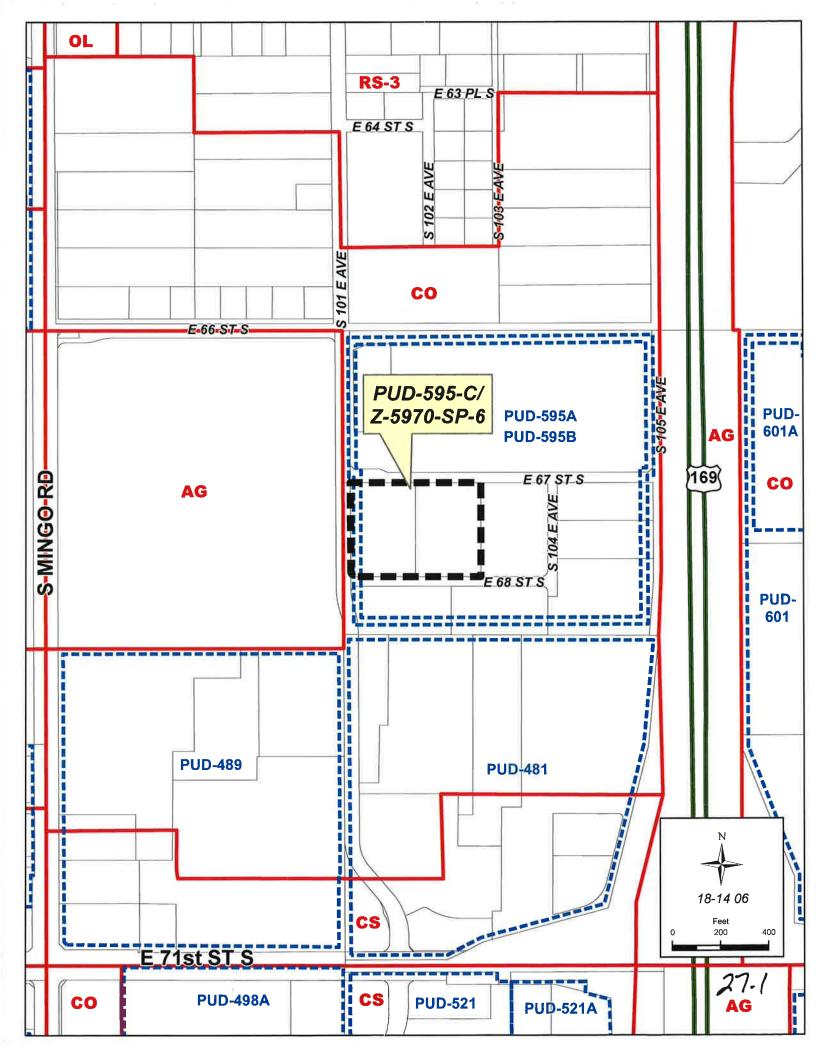








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TULSA METROPOLITAN AREA PLANNING COMMISSION CASE REPORT

APPLICATION: PUD-595-C/ Z-5970-SP-6

TRS 8406

Atlas 996/873

CZM 54

CD-8

TMAPC Hearing Date: November 7, 2012

Applicant: LEW Land Investments LLC/ Michael

Tract Size: 4.84+ acres

Joyce

ADDRESS/GENERAL LOCATION:

Southeast corner of South 101st East Avenue and East

67th Street

EXISTING ZONING:

CO/ PUD-595-B

EXISTING USE:

Vacant

PROPOSED ZONING: CO/ PUD-595-C

PROPOSED USE: Use Unit 23

ZONING ORDINANCE: Ordinance number 21453 dated February 8, 2007, established zoning

for the subject property.

RELEVANT ZONING HISTORY:

PUD-595-B/Z-5970-SP-5 February 2007: All concurred in approval of a proposed Planned Unit Development on a 37+ acre tract of land to establish development areas and to increase allowed land coverage, on property located northeast of the northeast corner East 71st Street and South Mingo Road and includes the subject property.

PUD-595-A/Z-5970-SP-4 February 1999: All concurred in approval of a Major Amendment to PUD/Corridor Site Plan to change land area, maximum building floor area and building height of previously approved PUD-595/Z-5970-SP-3 on the subject property.

PUD-595/Z-5970-SP-3 October 1998: All concurred in approval for a PUD/Corridor Site Plan for a proposed retail furniture sales center on the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.84+ acres in size and is located southeast corner of South 101st East Avenue and East 67th Street. The property is vacant and is zoned CO/PUD-595-B.

SURROUNDING AREA: The subject tract is abutted on the east by a hotel site, zoned PUD 595 B and CO; on the north by furniture retail/warehouse, zoned PUD 595 B and CO; on the south by vacant property which is zoned PUD 595 B and CO; and on the west by a large Church, zoned AG which was approved by a Board of Adjustment Special Exception.

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

TRANSPORTATION VISION:

The Comprehensive Plan references South 101st Street as a residential collector.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 10st East Avenue	Residential Collector	60'	2
East 67 th Street (Private)	Not Applicable	Not Applicable	2
East 68 th Street (Private)	Not Applicable	Not Applicable	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use Plan:

The entire site is included in a Regional Center designation in the Comprehensive Plan. A Regional Center is defined as an area that is "a mid-rise mixed use area for large scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district".

The north and south sides of the site are defined by private streets that have been constructed by the original developer of the area. On-street parking is not an opportunity on privately owned streets. These existing streets are outside of limits of our property boundary on private property maintained by a property owners association. South 101st East Avenue defines the west side of the site and is a publicly owned and maintained street. 101st not classified in the major street and highway plan.

This proposed major amendment to the underlying PUD will encourage employment centered development and provide a required warehousing area to support the proposed retail development east of the hotel site.

While this particular use does not encourage a parking management district it does provide some level of additional parking that might someday be used for parking should a transit hub ever be established in this area. Large parking areas exist in the area for the Church on the west side of the site and the Furniture retail/warehouse on the north side of the site.

This site is mapped as an area of growth in the Growth and Stability Map.

STAFF RECOMMENDATION:

Development Concept:

The Applicant is seeking a major amendment to PUD-595-B for Home Center Amended (the "PUD") as well as various associated PUD minor amendments and lot combinations. Approval of the applications is sought in order to allow for the construction of a new warehouse/distribution building to be occupied by a tenant of the applicant and operated as a major regional retail appliance and warehouse operation which will initially employ approximately 100 individuals at the subject locations.

This application covers Lots 2 and 3, Block 1, Home Center Amended (the "Warehouse Site"), and seeks a PUD major amendment to add Use Unit 23 "Warehousing and Wholesaling" as a permitted use with restrictions noted in the paragraph below labeled "Relationship to Previously Approved Planned Unit Development". Included in this request is an associated PUD minor amendment to allow an increase in the maximum land coverage of buildings upon the Warehouse Site from 30% to 43%. With the approval of this application (and related applications for lot combination for Lots 2 and 3), the Applicant will be able to seek its permit to construct a 90,000SF (approximate) warehouse facility which will support the planned new retail location fronting HWY 169 and located several hundred feet to the east of the Warehouse Site.

Asbury United Methodist Church is located to the west of the warehouse site, across South 101st East Avenue. In order to buffer the Asbury site from the warehouse site, the applicant will heavily landscape (trees, shrubs and berms) the western portion of the warehouse site, exceeding the landscape requirements of the PUD and Tulsa Zoning Code. ALOFT Hotels is located to the east of the warehouse site and to the west of retail site, across South 104th East Avenue (Private Road). Similar to efforts taken to buffer the Asbury site, the applicant will heavily landscape (trees, shrubs and berms) the eastern portion of the warehouse site, exceeding the landscape requirements of the PUD and Tulsa Zoning Code.

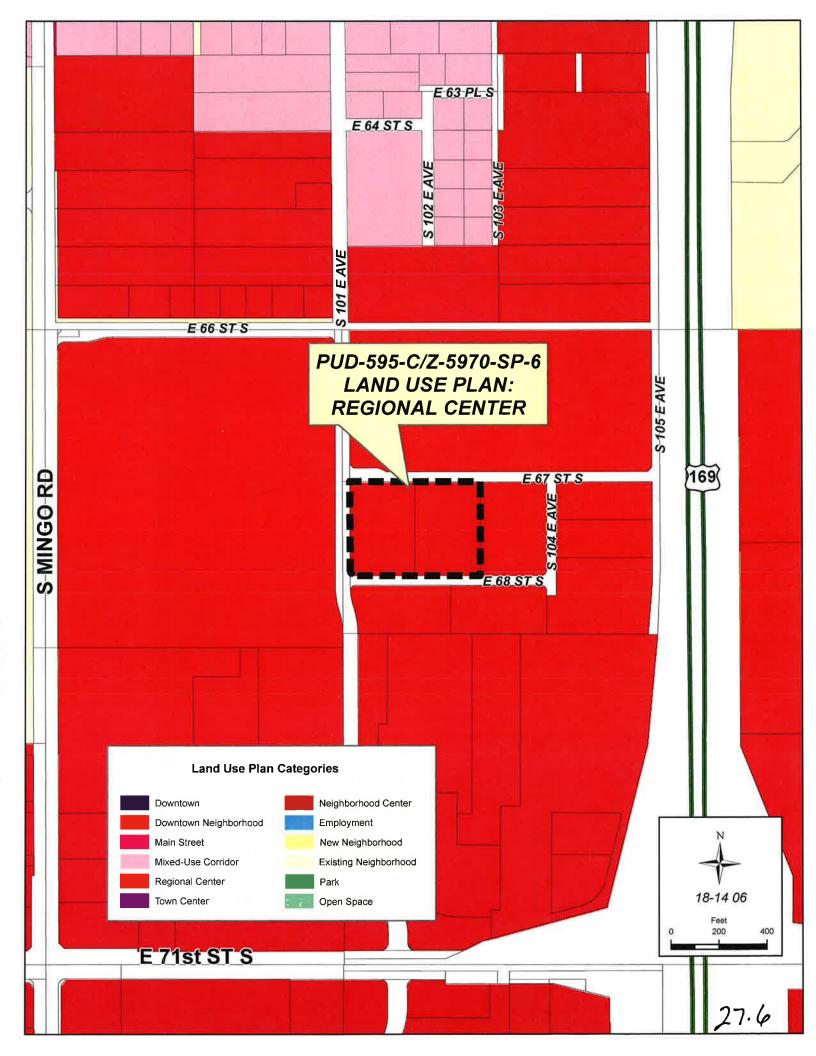
Within the conceptual plan attached the number of off-street parking spaces for the warehouse site exceeds the minimum requirements under the applicable provisions of the PUD and the Tulsa Zoning Code. The trucking lanes and loading berths on the west side of the building to be constructed on the warehouse site are not included in the parking space calculations and are not intended as off-street parking spaces. The applicant requests that they thus be distinguished from off-street parking spaces as recognized under the Tulsa Zoning Code and thus exempted of record from the landscape requirements for off-street parking areas under Chapter 10 Section 1002 of the Tulsa Zoning Code.

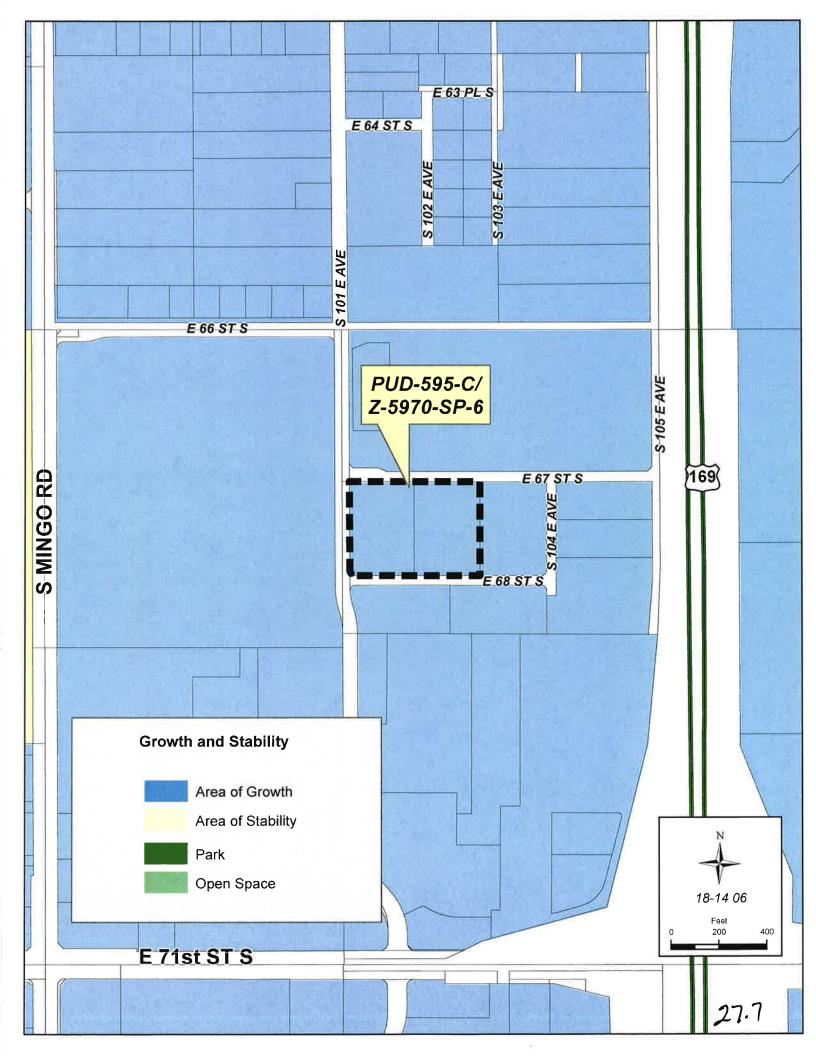
Relationship to Previously approved Planned Unit Development (PUD 595-B):

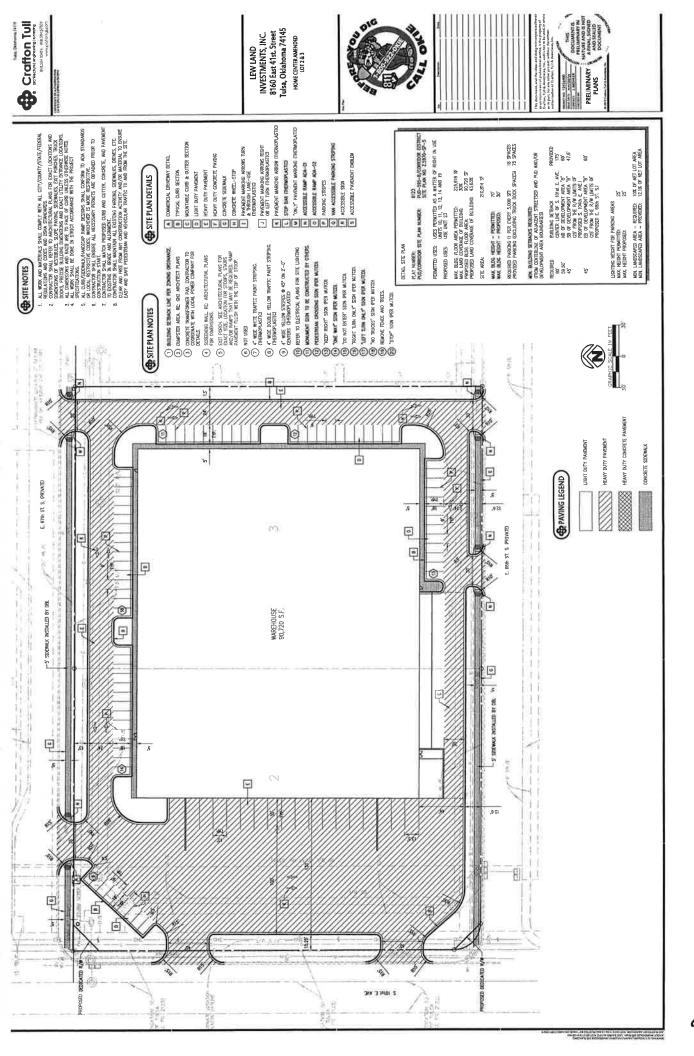
- 1. No changes are requested in the previously approved Planned Unit Development standards except as noted above and summarized here.
- 2. Add Use Unit 23 "Warehousing and Wholesaling" however this use unit shall be limited to. Warehousing, Wholesale Distributing (furniture and home furnishings, electrical goods, appliances, machinery, equipment and supplies)
- 3. Increase the permitted land coverage from 30% to 43%.
- 4. All other development standards as defined in the Tulsa Zoning Code remain in effect for this PUD major amendment.
- 5. Significant additional landscaping will be provided as part of the approval process to provide a visual buffer between South 101st East Avenue and the hotel site on the East.

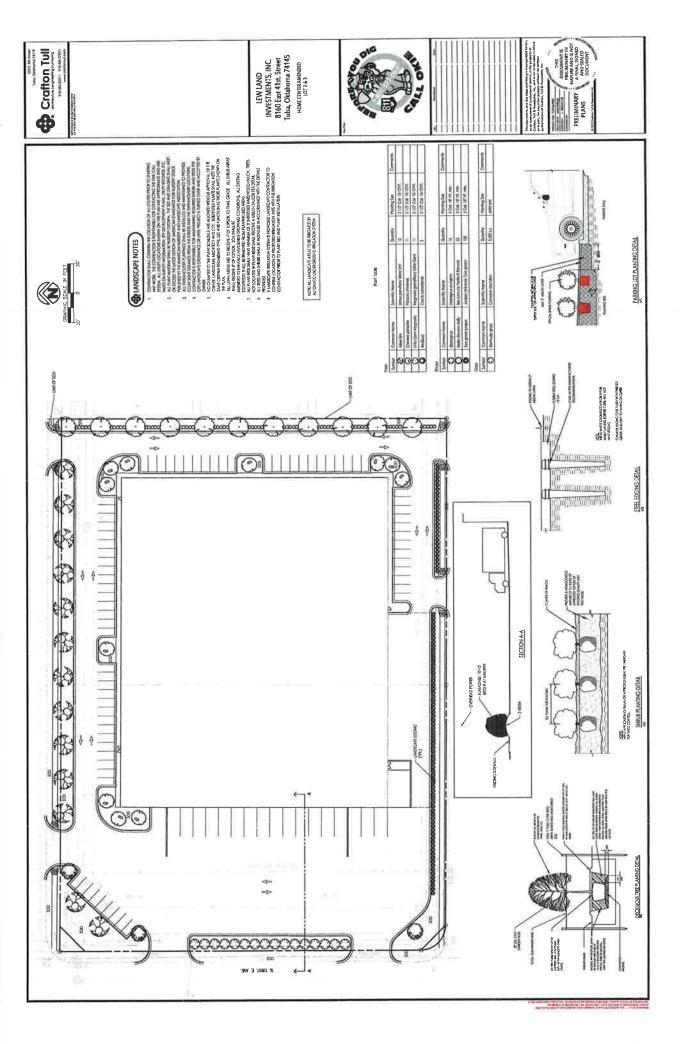
The concept illustrated and detailed in the applicant's PUD text shall be made a condition of approval and is consistent with the spirit and intent of the Code. Staff finds PUD-595-C to be: (1) in harmony with the existing and expected development of surrounding areas; (2) a unified treatment of the development possibilities of the site; (3) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code and (4) consistent with the overall guiding principles of the original PUD that was approved for the site.

Therefore, staff recommends **APPROVAL** of PUD-595-C as noted above.

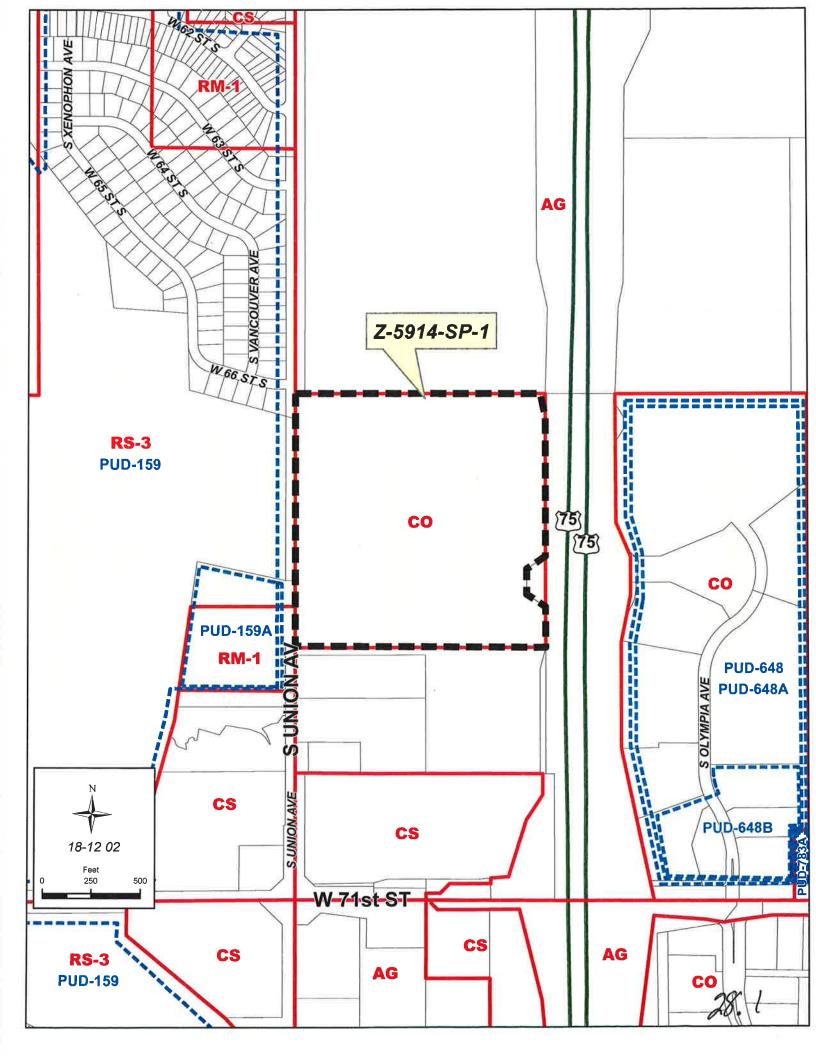


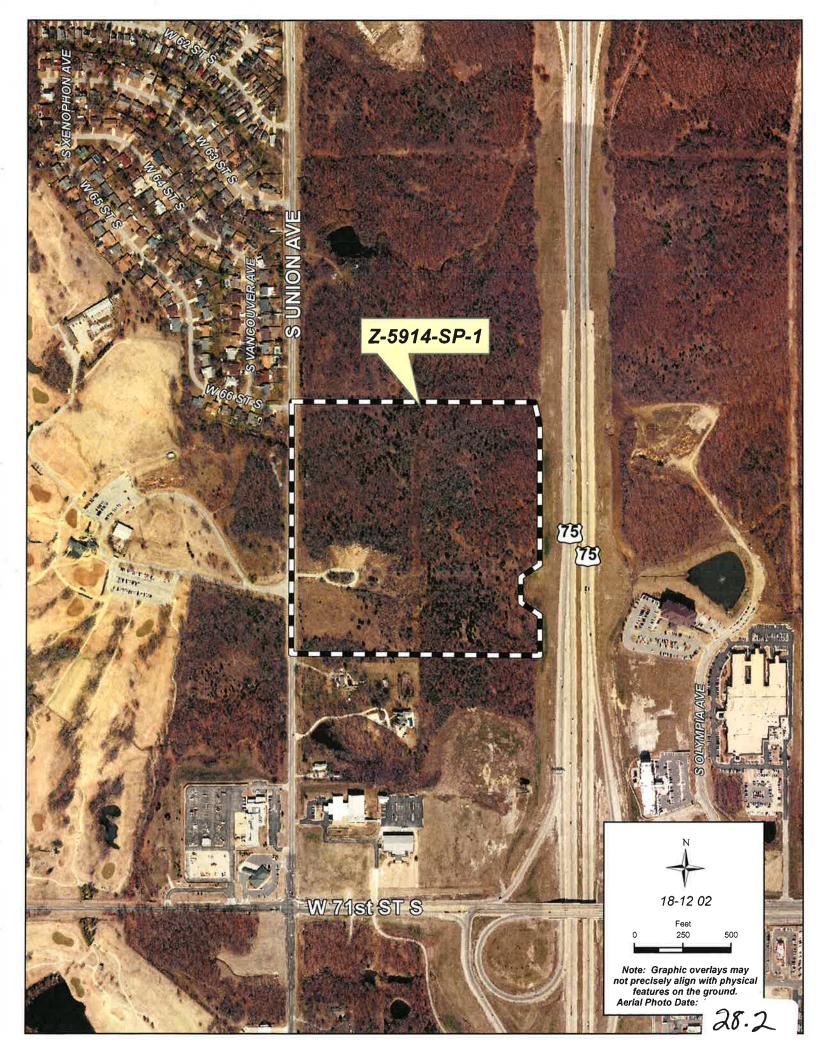






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TULSA METROPOLITAN AREA PLANNING COMMISSION CASE REPORT

APPLICATION: Z-5914-SP-1 (Corridor Development Plan)

TRS 8202

Atlas 1012/889

CZM 51

CD-2

TMAPC Hearing Date: November 7, 2012

Applicant: Lindsey Management

Tract Size: 38+ acres

ADDRESS/GENERAL LOCATION:

North of northeast corner of South Union Avenue and

West 71st Street

EXISTING ZONING:

CO

EXISTING USE:

Vacant

PROPOSED USE: Multifamily development

ZONING ORDINANCE: Ordinance number 15996 dated April 9, 1984, established zoning for the subject property.

RELEVANT ZONING HISTORY:

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

Z-7120 December 2008: A request was made, for rezoning a 5.4+ acre tract of land from AG to CS for CS uses and outdoor advertising sign, on property located south of southwest corner West 71st Street and Highway 75 South. The applicant withdrew the application prior to meeting date.

Z-6001-SP-2/PUD-648-A June 2007: All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with six development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner of West 71st Street South and Highway 75 South.

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

BOA-19068 May 8, 2001: The Board of Adjustment approved a Special Exception to permit Use Unit 15. Other Trades and Services, within proposed Lot 2; and a Special Exception to modify the screening requirement, per plan submitted with conditions to restrict outside storage of gas pipe no higher than 5 feet, outdoor light standards shall not exceed 20 feet in height, and outdoor lighting and building mounted lights be hooded and directed downward and away from boundaries of the site, on property located at the northwest corner of West 71st Street and South Union Avenue.

<u>BOA-18428 June 8, 1999:</u> The Board of Adjustment approved a Variance to allow off-street parking on a lot other than lot containing the use; and a Variance of the required parking spaces from 67 to 18 to permit a new school and gymnasium; subject to a tie agreement, per plan submitted, on property located at the northeast corner of West 71st Street and South Union Avenue

Z-6614 February 1998: All concurred in approval of a request for rezoning a 4.73± acre tract of land from AG to CS for commercial use, on property located west of the northwest corner of West 71st Street and Highway 75 South.

<u>PUD-159-A May 1986:</u> All concurred in approval of a proposed Major Amendment to PUD on a 7.9± acre tract of land to permit a nursing home and accessory uses with 166 beds and a 59 unit apartment complex on property located north of the northwest corner of West 71st Street and South Union Avenue.

<u>PUD-159 June 1974:</u> All concurred in approval of a proposed Planned Unit Development on a 595± acre tract of land for a 250 acre golf course and clubhouse, 44 acres for commercial development, 302 acres for residential development including: 612 single-family detached units, 342 single-family attached units and 876 apartment units, on property located between West 61st Street and West 71st Street and between South Union Avenue and South 33rd West Avenue, and southwest of the southwest corner of West 71st Street and South Union Avenue.

AREA DESCRIPTION:

<u>SITE ANALYSIS:</u> The subject property is approximately 38± acres in size and is located north of northeast corner of South Union Avenue and West 71st Street. The property appears to be undeveloped and is zoned CO.

SURROUNDING AREA: The subject tract is abutted on the east by Highway 75. East of highway 75 is zoned CO; on the north side of our property is a large tract currently zoned AG; on the south, a single family residential tract zoned AG; and on the west across South Union Avenue by Page Belcher Golf course which is zoned RS-3/RM-1/PUD-159/PUD-159-A.

<u>UTILITIES:</u> The subject tract has municipal water and sewer available.

TRANSPORTATION VISION:

The Comprehensive Plan designates South Union as a Multi Modal Secondary Arterial Corridor ultimately proposed to be developed as a four lane arterial street. A multi modal street system should balance the needs of all modes of travel, giving people the option to walk, bike, ride transit or drive. These street types attempt to strike a balance between functional classification, adjacent land use, and the competing travel needs.

A future multipurpose trail is anticipated on the west side of South Union. Future site development shall consider opportunities for connection to the Multipurpose Trail System.

Consideration should be given, during the site plan process, to include connectivity options to adjacent property.

STREETS:

Exist. Access

MSHP Design

MSHP R/W

Exist. # Lanes

South Union Avenue

Secondary Arterial Multi Modal Corridor 100'

2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

LAND USE PLAN:

This project site is located entirely inside a Mixed Use Corridor as defined on the land use plan. The Mixed Use Corridor designation is defined as an area that is considered a "modern thoroughfare that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are design so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind".

While this specific site is not considered a mixed use, this parcel is seen as a part of the larger anticipated mixed use corridor in the Comprehensive Plan that may be developed in the area between South Union and Highway 75 from 71st to 61st.

STABILITY AND GROWTH MAP:

The proposed Corridor Development Plan is located entirely inside an area of growth.

RELATIONSHIP TO WEST HIGHLANDS SMALL AREA PLAN:

At this time the West Highlands Small Area Plan is a work in progress and has not been adopted. Based on input from City Planning Staff and TMAPC Staff the applicant has provided greenbelt development which will provide a substantial buffer to the existing property owners north and south of the site as well as a wooded style buffer along South Union Avenue. Additionally a significant storm water detention pond will be placed between South Union Avenue and multifamily buildings.

STAFF RECOMMENDATION:

Based upon the proposed Development Concept and Standards provided below, staff finds Z-5914-SP-1 (Corridor Development Plan) to be: (1) consistent with the goals of the Tulsa Comprehensive Plan; (2) in harmony with the existing and expected development of the anticipated development of this area; (3) a unified treatment of the development possibilities of the site; (4) inclusive of provisions for proper accessibility, circulation, and functional relationships of uses; (5) is consistent with the stated purposes and standards of the CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-5914-SP-1 subject to the following Development Standards:

DEVELOPMENT AREA A

Area of Tract:

38.53 Acres

Current Zoning:

CO

Permitted Uses: Uses permitted as a matter of right in Use Unit 8, Multifamily; and uses customarily accessory to permitted principal uses.

Density:

Limited to total units:

595 Units

Units/Acre:

15.4 units/acre

Minimum Land area per dwelling unit:

1000 SF

Minimum Livability Space per dwelling unit:

200 SF

Parking requirement: As required by Chapter 5 City of Tulsa Zoning Code

Minimum Building Setbacks:

Minimum Front yard setback (west): 50 FT
Minimum Side yard setback (north): 50 FT
Minimum Side yard setback (south): 50 FT
Minimum Rear yard setback (east): 25 FT
Minimum separation between buildings 20 FT

Buildings:

Minimum 80% brick/Masonry Maximum 3 story structures

Maximum Building Height 50ft as measured from the finished floor of the first floor. The height limit includes all architectural features. Accessory buildings shall include a clubhouse, pool buildings, mail

kiosk, and maintenance building.

Landscaping:

Landscape Area required:

50% minimum

Landscaping shall exceed the minimum standards defined in the Chapter 10 of the City of Tulsa Zoning Code. In keeping with the native character of the site the landscape plan shall provide a minimum of 25% more trees than required by the minimum standards in the Code.

A <u>minimum</u> 25 foot wide vegetative buffer beyond the 17.5' perimeter utility easement along the North, South, and West boundary lines shall be provided except in areas where vehicular or pedestrian penetration is required and where utilities may cross the landscape buffer. Existing trees inside the vegetative buffer will not

be considered as part of the required tree count in the street yard or the parking areas. The buffer shall maintain a natural vegetative character representing the natural existing site with possible understory clearing for site maintenance.

Lighting:

Light fixture height will not exceed 20 feet whether pole mounted or wall mounted. All outdoor lighting will be "dark-sky" compliant and shall be directed down and away from adjacent property boundaries. A photometric plan shall be part of the Corridor Site Plan approval illustrating that all new lighting is limited to the site with zero foot candles shown at the property line. Interior breezeway lighting is not included in this restriction.

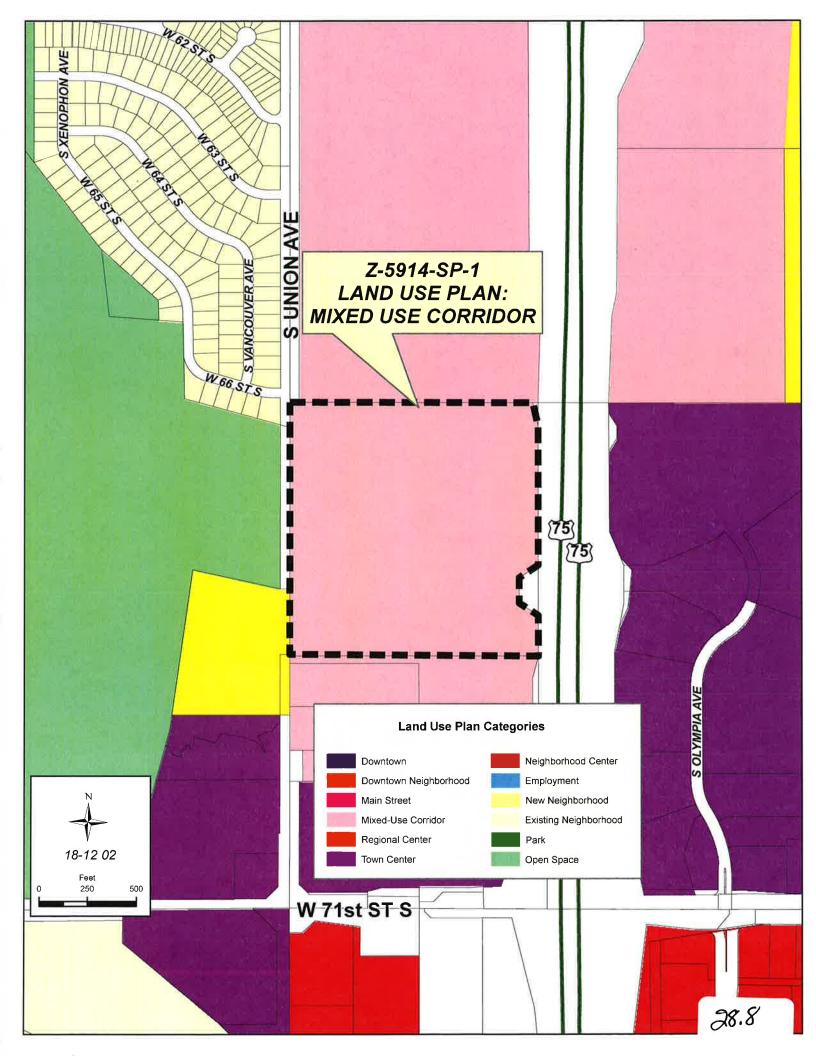
Signage:

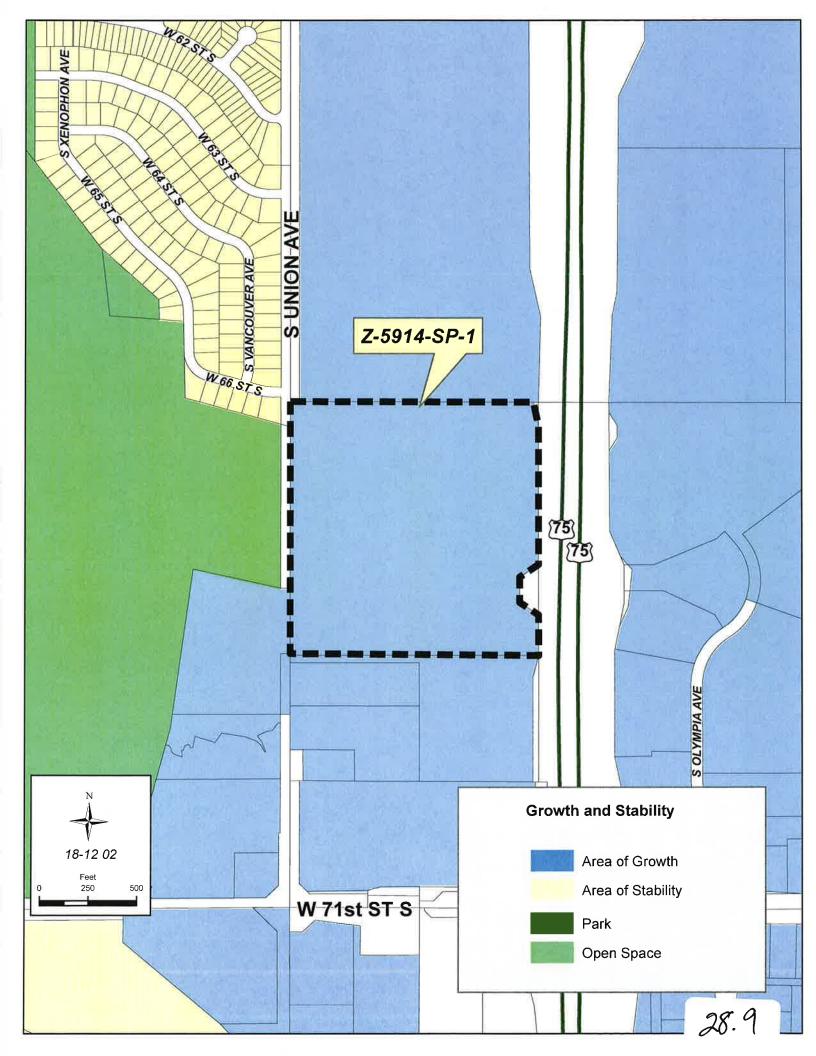
All measurements shall conform to the City of Tulsa Sign Standards.

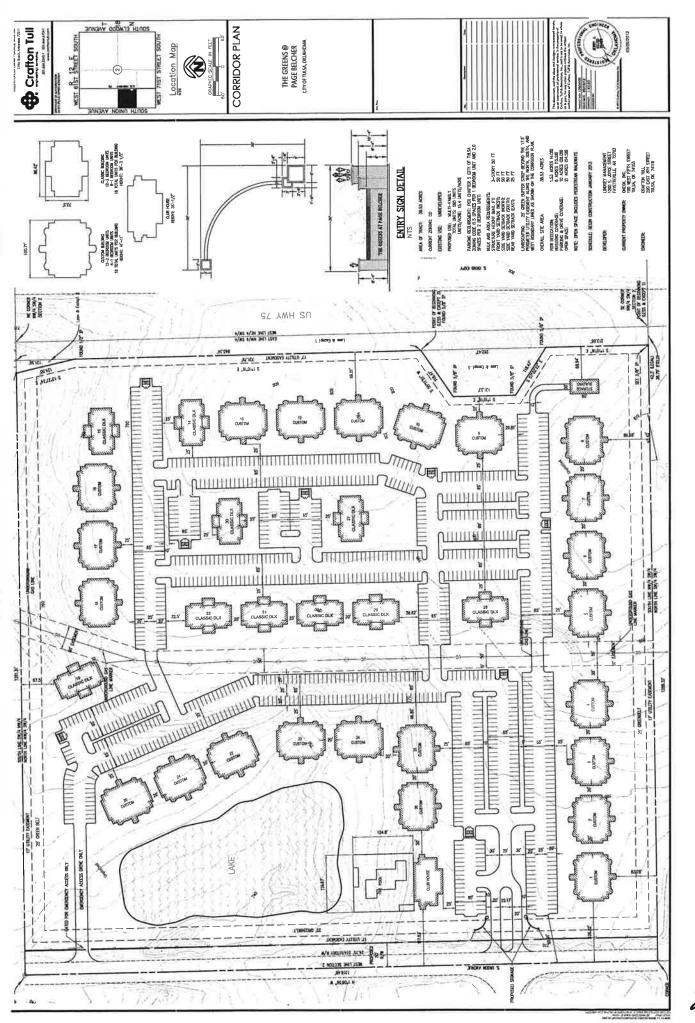
One ground sign will be permitted along the Union Avenue Frontage with a maximum height of 8 feet and a maximum display surface area of not more than 60 square feet. "Back-lit" signs shall not be permitted.

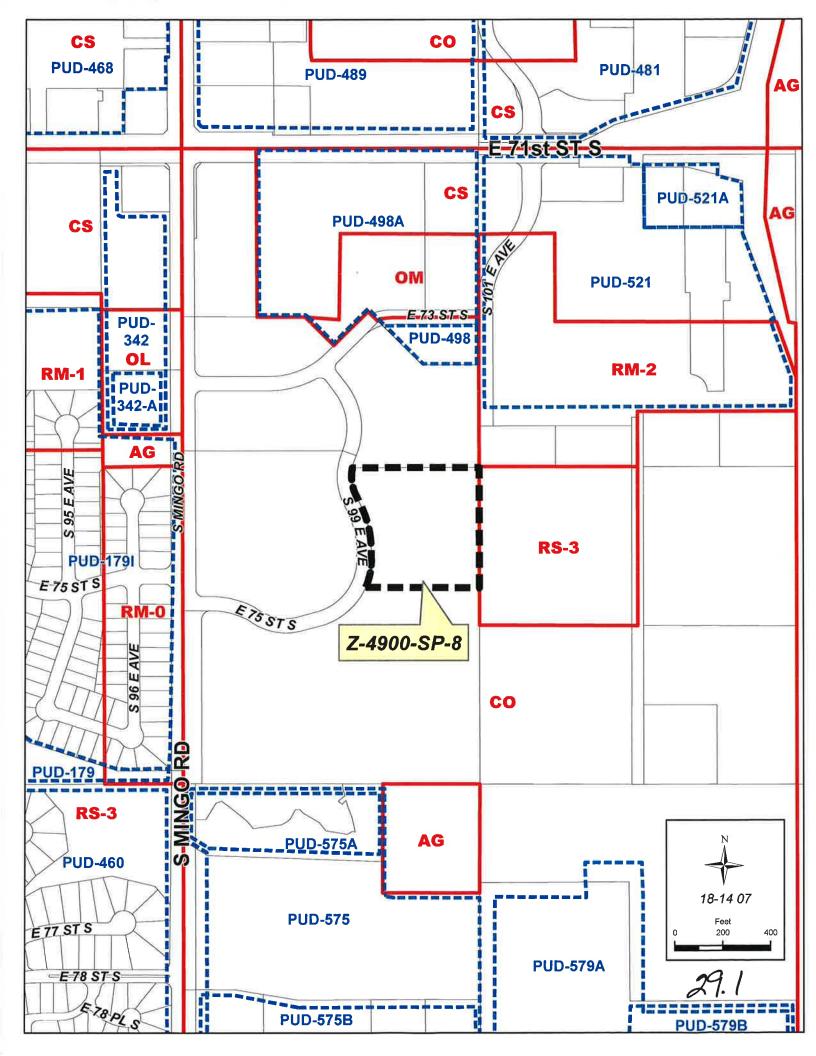
One wall sign shall be allowed on a building facing Highway 75. The maximum wall sign size shall not exceed two (2) square feet of display surface area for each linear foot of wall length where it is attached.

11/07/12











TULSA METROPOLITAN AREA PLANNING COMMISSION CASE REPORT

APPLICATION: Z-4900-SP-8

TRS 8407 **Atlas** 1127

CZM 54 CD-7

TMAPC Hearing Date: November 7, 2012

Applicant: Roy D. Johnsen **Tract Size**: 5.48+ acres

ADDRESS/GENERAL LOCATION: East of northeast corner of South Mingo Road and East

75th Street South

EXISTING ZONING: CO EXISTING USE: Vacant

PROPOSED USE: Senior living facility

ZONING ORDINANCE: Ordinance number 14040 dated February 7, 1978, established zoning

for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

Z-4900-SP-1 February 1983: All concurred in approval of a Corridor Plan on a 16.6± acre tract of land for multifamily development done in two phases. Phase I includes 297 units that have been built and Phase II was for 175 units that has not been built and is the subject property. This plan is on property located south of the southeast corner of East 71st Street and South Mingo Road and includes the subject property.

<u>BOA-21506</u>: An application is *pending* for the Board of Adjustment to permit a Variance to allow for an "off-premise sign" in a CO district, on property located at east of the southeast corner of East 75th Street and South Mingo Road and includes the subject property. *This application is scheduled to be heard on the November 27th, 2012 meeting.*

Surrounding Property:

<u>Z-4900-SP-7 October 17, 2012:</u> Staff and TMAPC recommended approval of a request for a Corridor Plan on a 3.2± acre tract of land, to allow for Use Unit 17 to permitted uses, but limited to the selling of automotive parts, off-road equipment and accessories and the installation and repair thereof, and restoration and storage of classic cars, on property located on the northeast corner of East 73rd Street and South Mingo Road and located north and east of subject property. *It is going to be transmitted to City Council for final action.*

<u>Z-4900-SP-4 June 1999:</u> All concurred in approval of a Corridor Plan on a 12.7<u>+</u> acre tract of land for a 184 unit multifamily complex, on property located on the southeast corner of South Mingo Road and East 75th Street South, and south of the subject property.

AREA DESCRIPTION:

<u>SITE ANALYSIS:</u> The subject property is approximately 5.48± acres in size and is located east of northeast corner of South Mingo Road and East 75th Street. The property appears to be vacant and is zoned CO.

SURROUNDING AREA: The subject tract is abutted on the east by undeveloped property, zoned RS-3; on the north by multifamily residential, zoned CO; on the south by undeveloped property, zoned CO; and on the west by multifamily property, zoned CO.

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

TRANSPORTATION VISION:

The Comprehensive Plan is silent regarding South 99th East Avenue. South Mingo Road is considered a Commuter Corridor. A pedestrian access should be provided as the south portion of the site is developed ultimately leading to a connection to South Mingo.

Future consideration for an interconnectivity street should be given for the vacant land east of this site. Street access to the vacant tract east of the site may be required in the future to insure connections to the undeveloped property adjacent to Highway 169.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	<u>Exist. # Lanes</u>
South 99 th East Avenue	No Designation	50	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The entire site is located in a New Residential Neighborhood area which is defined as an area "intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhomes and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

The project site is located in an area of growth in the Comprehensive Plan.

This senior living center provides an appropriate mix into the neighborhood and meets the intent of the New Residential Neighborhood vision

STAFF RECOMMENDATION:

Based upon the proposed Development Concept and Standards provided below, staff finds Z-4900-SP-8 to be: (1) consistent with the goals and vision of the Comprehensive Plan for this area, (2) In harmony with the existing and expected development pattern anticipated in this area, (3) consistent with the stated purposes and standards of the Corridor Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-4900-SP-8 subject to the following Development Standards.

I. Development Concept

The subject property (the "Property") comprises 5.5 net acres located approximately 860 feet east of the northeast corner of South Mingo Road and East 75th Street South. The Property is within a CO Corridor District established by rezoning application Z-4900. The Property has 518 feet of frontage on a collector system that provides access commencing at South Mingo Road and 75th Street and extending eastwardly and northerly to East 71st Street.

The proposed development is senior housing providing market rate apartments designed for independent living.

II. Development Standards

Land Area Net:

5.5 acres

Permitted Uses:

Use Unit 8; Multifamily Dwellings And Similar Uses but limited to senior housing.

Maximum Dwelling Units:

140 DUS

Minimum Livability Space Per Dwelling Unit:

400 SF

[open space not allocated to parking or drives]

Maximum Building Height:

42 FT

Maximum Stories:

3 stories

Maximum Building Coverage

30% of net lot area

Minimum Building Setbacks:

From right of way of collector street

17.5 FT

From other boundaries

17.5 FT

Minimum Off-street Parking Spaces:

1 space per dwelling unit

Minimum Landscaped Area

20% of net lot area

Signs:

Ground signs shall be limited to one monument sign located along the collector street and identifying the multifamily project. The monument sign shall not exceed 12 feet in height nor 80 square feet in display surface area. Wall signs shall be limited to one wall sign not exceeding 80 square feet in display service area.

III. General Provisions

A. Landscaping

Landscaping shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code. For the purposes of determining the street yard, as defined by the Landscape Chapter, the minimum building setback from the collector street shall be deemed to be 17.5 feet.

B. Access

Vehicular and pedestrian access is to be derived from the collector system commencing at South Mingo Road and 75th Street and extending eastwardly and northerly to East 71st Street.

C. Utilities and Drainage

Utilities are at the site or accessible by customary extension. A storm water system will be designed and constructed and a fee in lieu of storm water detention will be provided.

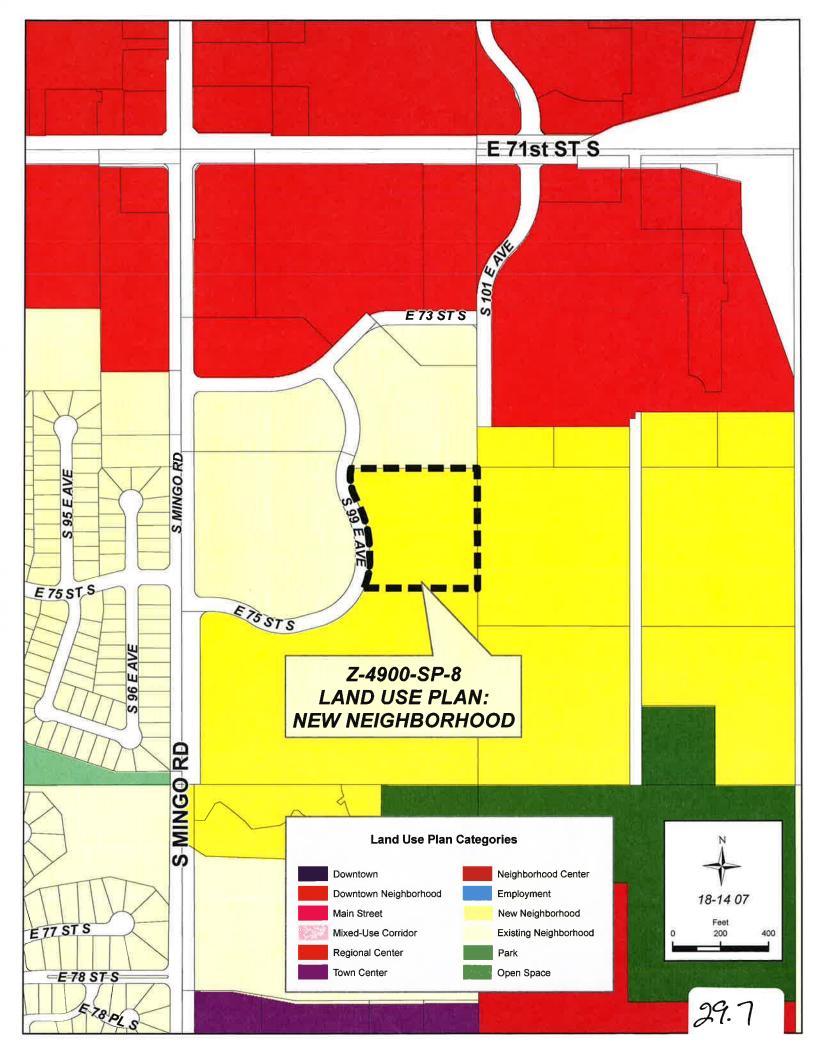
D Site Plan Review

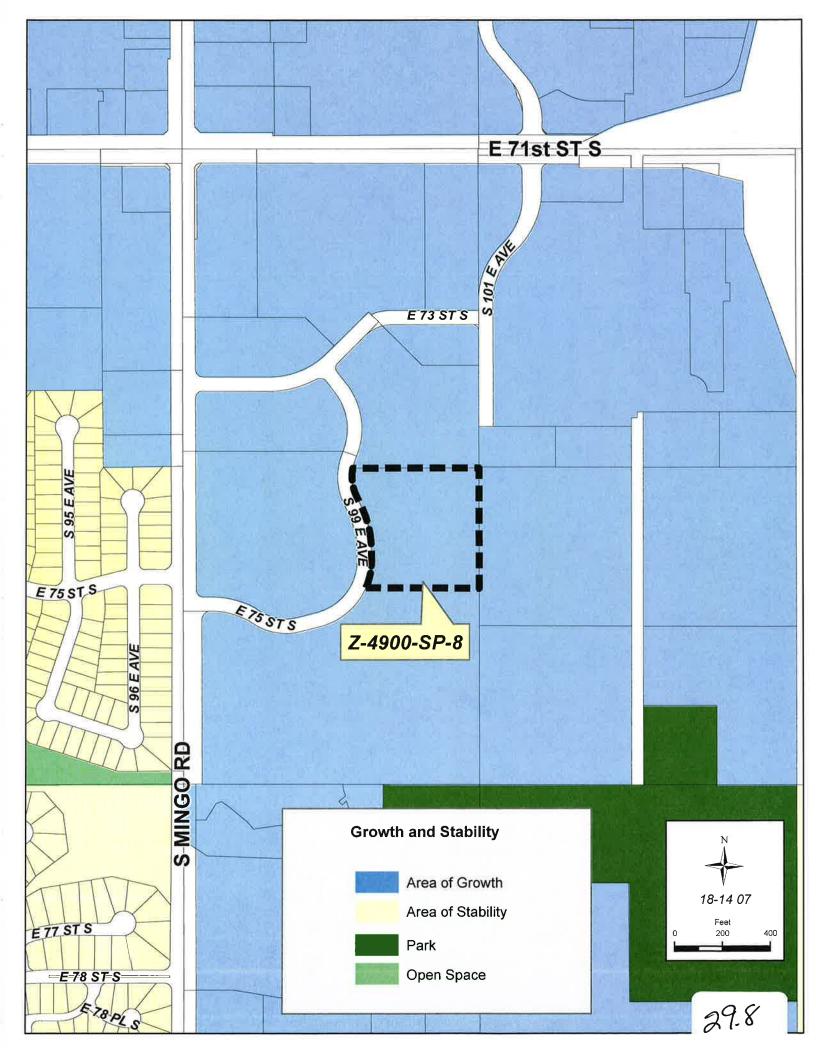
Development may proceed in phases. No building permit shall issue until a detailed site plan (including landscaping) has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the development concept and the development standards and conditions. No Certificate of Occupancy shall issue until the landscaping for the applicable phase of development has been installed in accordance with a landscaping plan and phasing schedule approved by the Tulsa Metropolitan Area Planning Commission.

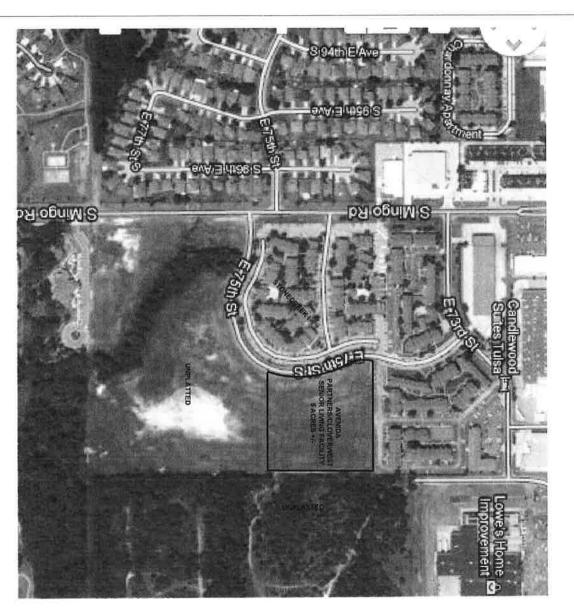
E. Platting Requirement Development may be phased. No building permit shall issue until the development phase for which a permit is sought has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Council of the City of Tulsa, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved planned unit development and the City of Tulsa shall be a beneficiary thereof.

F. Schedule of Development

Development is expected to commence within 6 months and to be completed within 18 months thereafter.





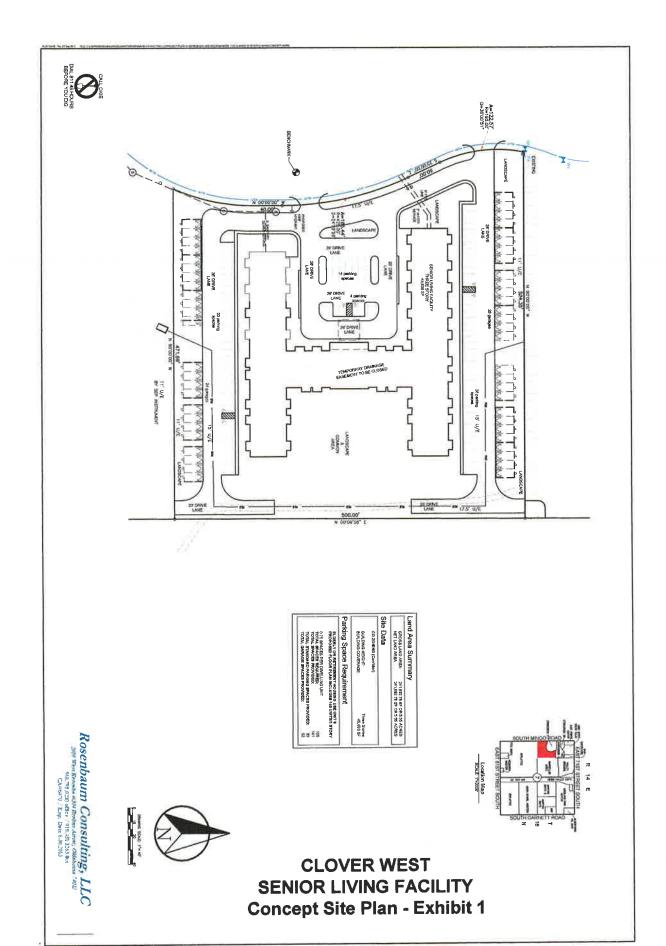


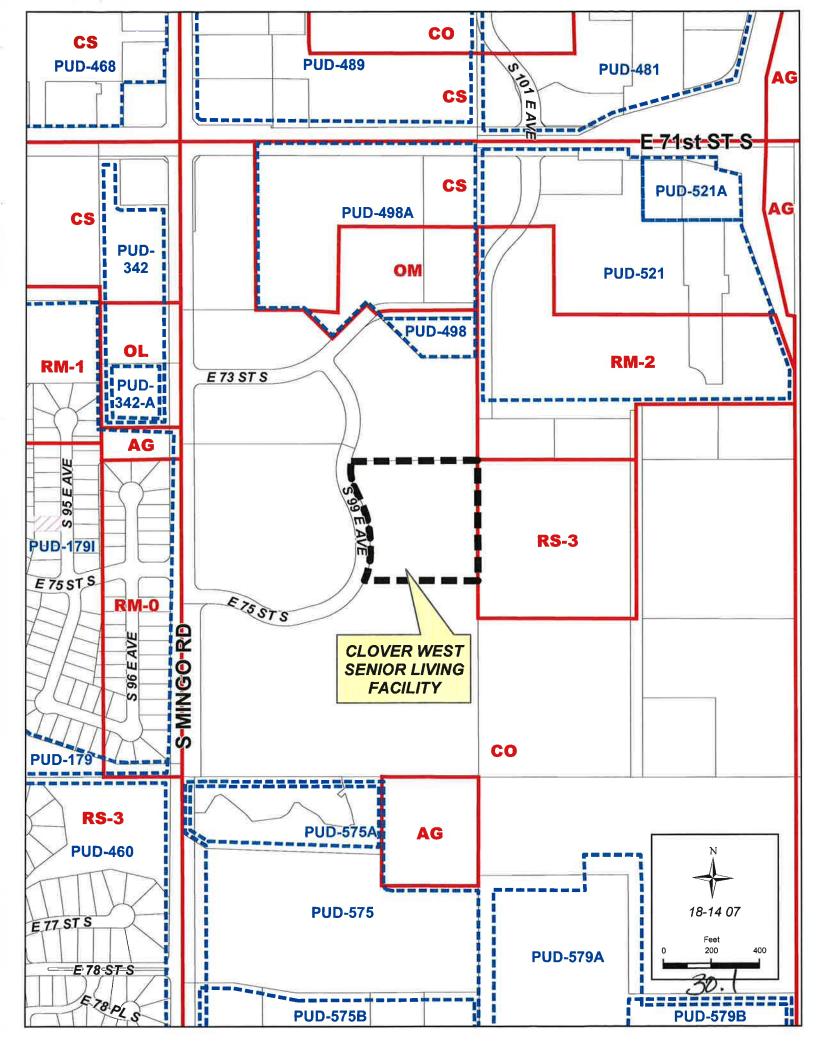


CLOVER WEST SENIOR LIVING FACILITY Aerial - Exhibit 2



Rosenbaum Consulting, LLC
1881 In France 2011 Detection Chichester 1822
In France 2011 Odia - 1884 LLAS See
CARRIER C. Exp. Date 4.39 2011







PRELIMINARY SUBDIVISION PLAT

<u>Clover West Senior Living Facility</u> - (8407) (CD 7) South of East 71st Street, East of East 75th Street South

This plat consists of one lot, one block, on five acres.

The following issues were discussed October 18, 2012, at the Technical Advisory Committee (TAC) meetings:

- 1. **Zoning:** The property is zoned CO (corridor site plan Z-4900-SP-8 pending). Corridor standards need to be followed in the plat and put in the restrictive covenants.
- 2. Streets: For 75th Street provide reference to right-of-way per plat number and not just subdivision name. Intent of note F is not clear. There are no Limits of No Access so remove Section I G.
- 3. Sewer: If there is an existing utility easement adjacent to the northern plat boundary in Stonecreek II, then show it on the plat. If not, then we will require a 1.5-foot utility easement along this boundary. In Section I C 2, omit the words "in excess of three feet", or use the standard language. You are showing an eight-inch service line from the building to the public sanitary sewer main. All eight-inch sanitary sewer lines must be constructed under the IDP (infrastructure development plan) process, with engineered plans approved by the City of Tulsa. All eight-inch sanitary sewer lines must connect at a manhole, and a manhole will be required adjacent to the building being served.
- **4. Water:** All water services will be metered located in the street right-of-way; utility or dedicated easements.
- **5. Storm Drainage:** The 15-foot utility easement containing the storm line should be designated a drainage easement. This easement has not been dimensioned along the north side of the property. Add standard language for drainage easement.
- 6. Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others: No comment.
- 7. Other: Fire: Hammerheads do not meet IFC (international fire code) 2006; Appendix D the T section is too short. Aerial access needs to meet Appendix D section 105 of the IFC 2006.

GIS: Provide the email address for both the engineer and the surveyor. On the face of the plat in the description at the top of the page add "City of Tulsa" before Tulsa County. Label all subdivisions and expressways within the mile section of the location map. Include a north arrow for the location map. Tie the plat from a section corner using bearings and distances from a labeled point of commencement (P.O.C.) to the labeled point of beginning (P.O.B.). Correct the inconsistencies in the metes and bounds description in the deed-of-dedication and the bearings and distances labeled on the face of

the plat. Show chord bearing and length information from the legal description on the face of the plat. The date of preparation needs to be corrected. Submit a subdivision control data form. Point of commencement should be described in the legal description. The metes and bounds legal description does not match what is shown on the face of the plat.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below.

Waivers of Subdivision Regulations:

None requested.

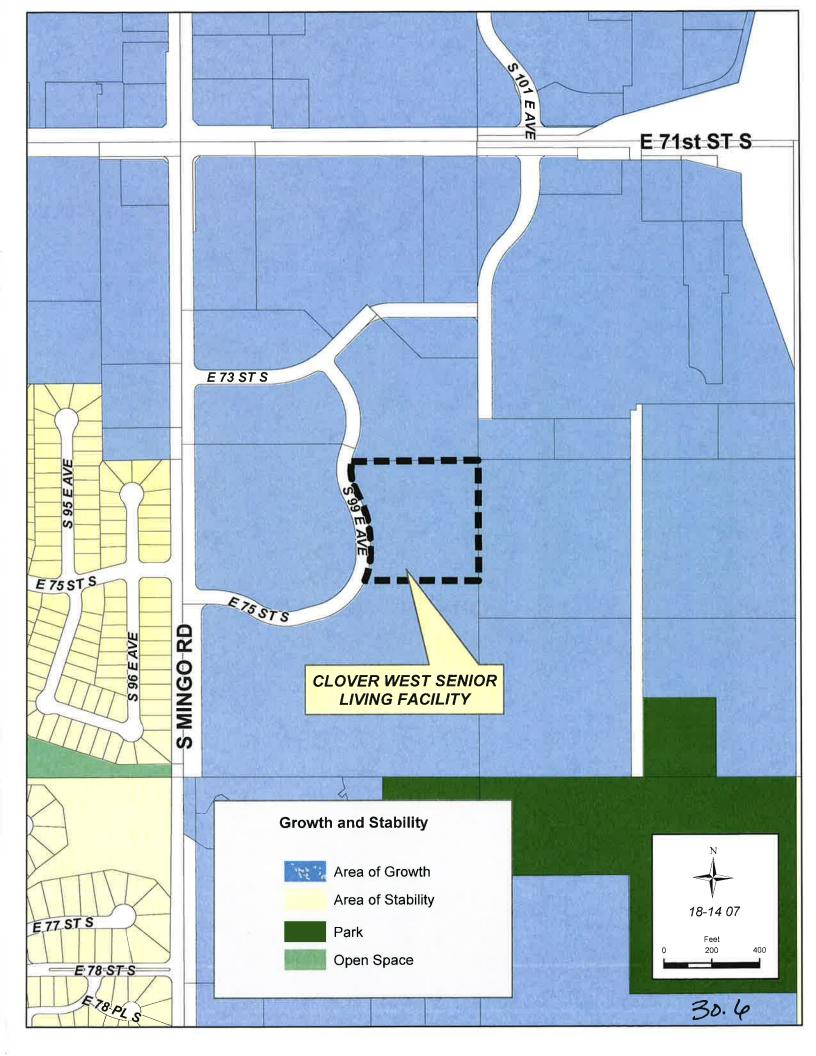
Special Conditions:

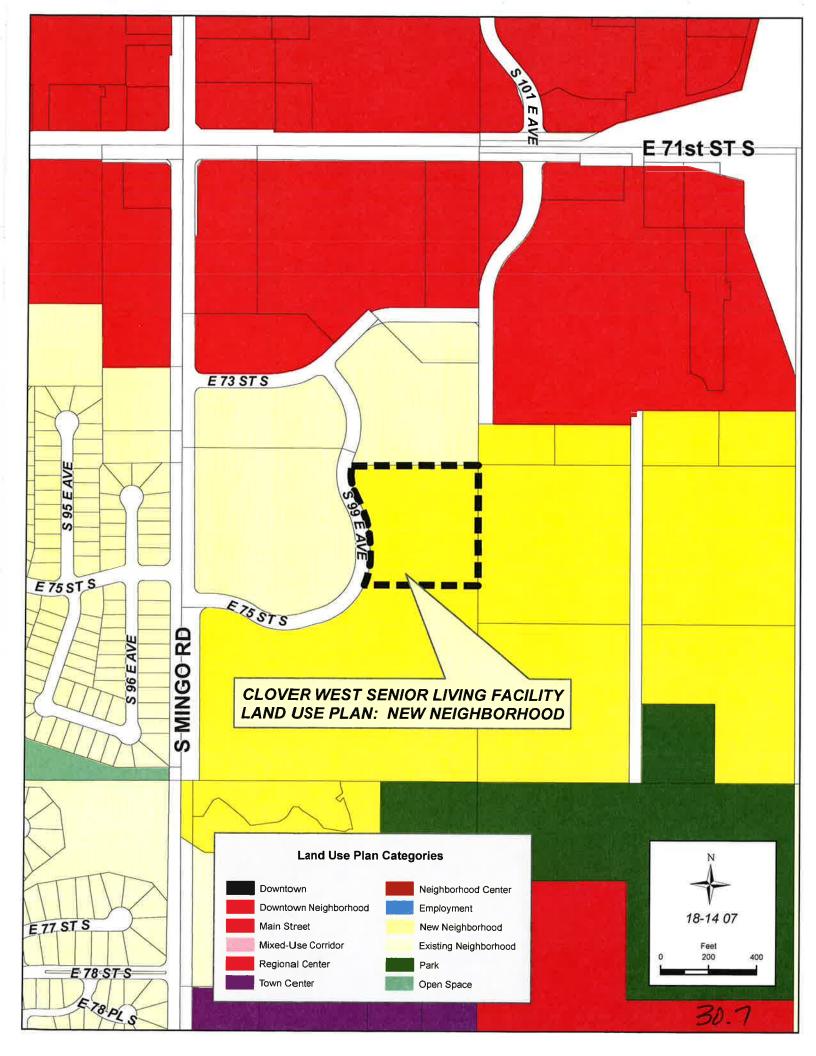
1. The concerns of the Public Works staff and Development Services staff must be taken care of to their satisfaction.

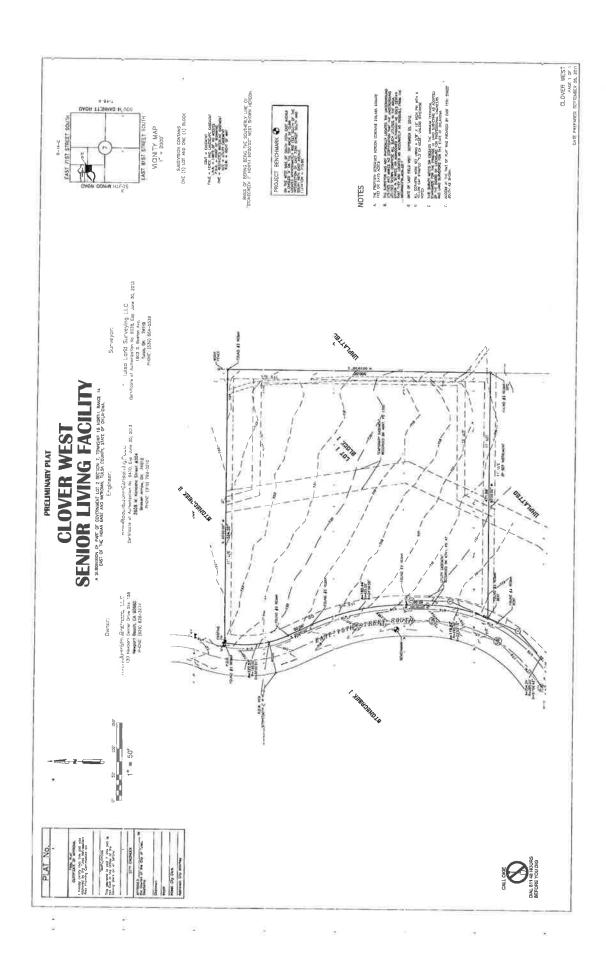
Standard Conditions:

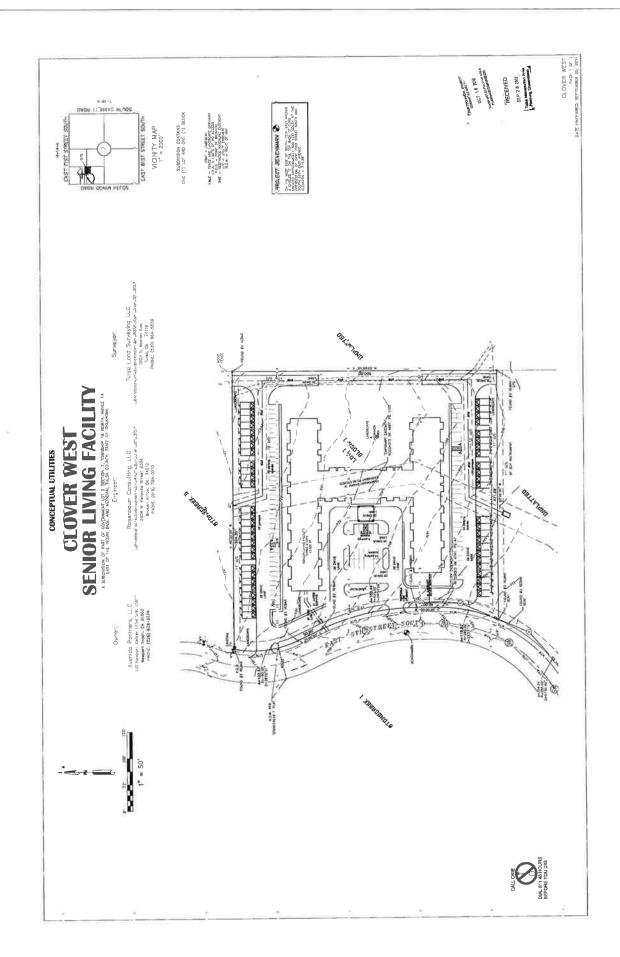
- Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
- 2. Water and sanitary sewer plans shall be approved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

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









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