

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2445

Wednesday, May 3, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Harmon	Alberty	Boulden, Legal
Bayles		Chronister	
Bernard		Fernandez	
Cantees		Huntsinger	
Carnes		Matthews	
Collins		Rohi-Catinella	
Hill			
Jackson			
Midget			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, April 28, 2006 at 8:38 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Bernard called the meeting to order at 1:30 p.m.

Mr. Bernard read the rules and procedures for the meeting.

Mr. Bernard stated that there are several items requesting a continuance and one application that is withdrawn:

MINOR SUBDIVISION PLATS:

Parkside – (9307)

(PD 4) (CD 4)

East 12th Street and South Trenton Avenue (**request
continuance to 5/17/06 for further TAC review**)

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Carnes, Hill, Jackson, Midget "aye"; no "nay"; none "abstaining"; Cantees, Collins, Harmon "absent") to **CONTINUE** the minor subdivision plat for Parkside to May 17, 2006.

Application No.: PUD-723

MAJOR AMENDMENT

Applicant: R.L. Reynolds/Gotcha Tire

(PD-2) (CD-3)

Location: 2111 East Pine Street North

Applicant has withdrawn this application.

Commissioner Collins in at 1:33 p.m.

Application No.: Z-7023

RS-3 to RM-2

Applicant: Keli Hearon

(PD-6) (CD-4)

Location: 1617 South Lewis

TMAPC COMMENTS:

Ms. Bayles stated that she is currently serving as a member on the steering committee on the OU Urban Design Studio Midtown Tulsa Redux study. The final presentation will be made Saturday May 6, 2006 at the Hartford Building, 111 South Greenwood at 9:00 a.m. Today's staff recommendation refers to the previous Z-6985 zoning case and she would like to request a continuance based on the moratorium on further rezoning pending the outcome of the study and that of the University graduate school.

Mr. Bernard asked the applicant if she had a problem with the continuance. In response, Ms. Hearon stated that she doesn't really have a problem with a continuance but she is not sure she understands the reason for it and how it would affect her.

Ms. Bayles stated that last year the City Council enacted a moratorium on zoning applications pending the result of an INCOG special study that has been completed; however, there is an OU Urban Design Studios study that is currently pending and is now complete. The final outcome and recommendations will be

presented on Saturday, May 6, 2006 and that information will be brought back to the Planning Commission in a worksession on May 24th. Rather than have a recommendation for denial by staff, she is making a request for a continuance for this application to a date uncertain pending the results of the OU study.

Ms. Hearon asked if she could explain why she is petitioning to have this zoning change. Ms. Bayles stated that what is being considered today is whether or not to continue this application.

Ms. Hearon stated that she is not sure how the OU study will actually affect her property.

Ms. Bayles stated that she believes she is giving Ms. Hearon an opportunity because staff is recommending denial of the subject zoning application. Ms. Bayles further stated that she giving the applicant the benefit of the doubt, as well as weighing the consideration of the neighborhood and their concerns about the rezoning of the residential properties along the urban arterial (Lewis).

Ms. Hearon asked if she could explain something about the subject property. In response, Ms. Bayles stated that she believes the question, again, is whether or not there is an objection to the continuance today. Ms. Hearon stated that would require that she would have to come before the Planning Commission again and she doesn't particularly want to do that. However, if this is in her favor to do this, then she will accept the continuance.

Ms. Bayles asked Ms. Hearon if she was aware that staff has recommended denial of the subject zoning application. In response, Ms. Hearon stated that if they are, she would question why they are recommending denial. Ms. Bayles advised Ms. Hearon to give the staff and the Planning Commission the opportunity to weigh this consideration to a future date.

Mr. Midget stated that he would reiterate what Ms. Bayles is suggesting. He explained that the applicant can accept the continuance or hear this today and then deal with the results.

Ms. Hearon stated that she could wait.

Mr. Boulden stated that he was not aware of a moratorium that had been acted by the City Council or that the Council somehow instructed the Planning Commission to enact one. He further stated that he is not aware of when the Commission enacted a moratorium and he has previously advised that this has to be done by ordinance and there must be specific dates attached to moratoria.

Mr. Bernard stated that he wasn't aware of the moratorium either until Ms. Bayles brought this to his attention and the comment in the staff recommendation. Mr. Bernard further stated that it is his understanding that the INCOG report is done, but the OU study is not.

Mr. Alberty stated that there was not an official moratorium declared. What was requested by resolution by the City Council was that the Planning Commission not hear any applications within the study area until the study was completed. He believes that is where disagreement and questioning might be considered. From the staff's standpoint, action could be taken on this application because from staff's viewpoint the study was completed. The Planning Commission has not taken action on the study and staff has chosen to process the application as it was presented to make a recommendation based on what staff found in the study. However, there is sentiment on the Planning Commission, obviously, to wait on the OU study and then the Planning Commission take action following that. There was no official moratorium, but more consideration given to not processing applications until the study was completed.

Ms. Hearon stated that she could explain her situation in less than two minutes and it is very simple.

Mr. Bernard stated that he understands Ms. Hearon's point, but the Planning Commission is trying to determine whether this application should be continued and Ms. Hearon expressed that she wasn't concerned if the Planning Commission continued her zoning case for a couple of weeks.

Mr. Bernard asked for an action on whether to move forward with the application.

Ms. Bayles stated that she made a motion to continue to a date uncertain, pending the review of the OU study at a worksession.

Mr. Alberty stated that there would have to be a date.

TMAPC Action; 8 members present:

On **MOTION** of **BAYLES**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Carnes, Collins, Hill, Jackson, Midget "aye"; no "nay"; none "abstaining"; Cantees, Harmon "absent") to **CONTINUE** Z-7023 to June 7, 2006.

TMAPC COMMENTS:

Mr. Jackson encouraged Ms. Hearon to meet with staff for more information about this continuance and the INCOG study and OU study.

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REPORTS:

Director's Report:

Mr. Alberty reported on the City Council agenda and the Board of County Commissioners agenda.

Mr. Alberty reported that the BOCC appointed a new member to the Planning Commission to replace Mr. Horner, Dr. Larry Wofford. Dr. Wofford is in the audience today to observe the meeting and plans to be seated at the next regularly-scheduled meeting.

Mr. Bernard stated that the Planning Commission will look forward to seeing Dr. Wofford at the next meeting.

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SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19957 – Kristopher Broyles (8308)

(PD 18) (CD 9)

2812 East 71st Street

STAFF RECOMMENDATION:

This lot-split is in order and staff recommends **APPROVAL**.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Carnes, Collins, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Harmon "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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LOT-COMBINATION:

LC-17 – McDonald's USA, LLC (9309)

(PD 4) (CD 4)

Southeast corner of East 13th Street and Harvard (Continued from April 19, 2006 meeting)

STAFF RECOMMENDATION:

In June 2005, the Lot Combination process was implemented to allow property owners to voluntarily combine adjoining lots into one combined lot.

Subdivision Regulations, **6.6 LOT COMBINATIONS**, The owner of two or more adjoining lots or parcels of land may apply to the Planning Commission to voluntarily combine such lots or parcels into a single parcel of land for the purpose of complying with the bulk and area requirements of the applicable Zoning Code and Subdivision Regulations of the Tulsa Metropolitan Area.

It is staff's opinion that the process was created to allow two to three lots to be tied together, mainly for residential purposes. However, since its inception, staff has received a number of requests to tie many lots together for churches and corporations. Staff believes that requests to combine several tracts of land together should be platted through the minor subdivision platting process or subdivision process. The lot combinations should not be used as a vehicle to circumvent the normal subdivision process.

Staff recommends **DENIAL** of the lot combination requested because of the number of lots involved. The Planning Commission may want to create a policy on this issue for future lot combination requests. The *Subdivision Regulations* will be updated accordingly.

Ms. Chronister reminded the Planning Commission that this application was heard on April 19, 2006 and was continued to this date in order to allow all parties to meet. She stated that Mr. French, Traffic Engineering, has submitted his comments by email since he is unable to attend today's meeting.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that this application was for the purpose of combining seven lots. Three are lots are located on South Harvard and four on the south side of 13th Street and the west side of Indianapolis. The application was recommended for denial by the staff because it included more than three lots. However, the Planning Commission discussed the issue with counsel and by reading the plan provisions of the Subdivision Regulations, it was determined that one can voluntarily combine two or more lots and there is no limitation to the number of lots that could be combined under that existing language. Staff recommendation also suggested that the subject property should be subject to a platting process and there is no trigger in the Zoning Code that would require replatting of the property. If it were to be replatted, then the zoning issue would be exactly the same. The zoning boundaries would still be enforced by allowing only CH uses in the CH portion and OL uses in the OL portion.

Mr. Norman stated that at the request of Councilor Barnes and the Planning Commission, he agreed to the continuance and to meet with the interested parties. Since that time he has had conversations with Mr. Alberty, Dustin Wright and met with a group of 20 or more residents who were led by Kris Eenhuis. As

a result of the meetings and discussions with McDonald's, he would like to submit a letter and attachments, which reflect voluntary concessions on the part of McDonalds with respect to this project (Exhibit A-1). Mr. Norman read the letter from McDonalds and their concessions as follows: 1) construct a six-foot high screening fence within the OL portion of the site; 2) the screening fence along East 13th Street, South Indianapolis Avenue and the south boundary of Lot 16, Block 11, Summit Heights Addition, will be a Woodcrete product or equivalent; 3) final specifications of the Woodcrete product or equivalent will be discussed with Kris Eenhuis prior to construction; 4) a six-foot high wood screening fence will also be constructed along the rear lot line of Lot 16 adjacent to C & C Tile and Carpet as noted on the site plan [Exhibit A-1]; 5) McDonalds will use best efforts to minimize construction personnel parking on East 13th Street and South Indianapolis Avenue realizing that no parking is permitted on South Harvard Avenue, 6) McDonalds will also use best efforts to minimize dust from the construction site by watering and or other methods.

Ms. Cantees in at 1:48 p.m.

Mr. Norman concluded that he hopes that most of the residents in attendance with not oppose the lot-combination.

TMAPC COMMENTS:

Mr. Bernard asked staff if they would have disagreed with the request if the applicant had replatted the property.

Mr. Alberty stated that he believes what the staff was requesting at the Planning Commission was that in lieu of establishing a limit, staff would prefer to treat it on a case-by-case basis. Staff will continually run each of the requests through TAC and should there be any requirements that staff feels would be waived through a lot-combination, at that time they would suggest it. Staff is in total agreement with the Planning Commission to treat these on a case-by-case basis. Staff has no problem with a lot-combination in this instance.

Mr. Ard stated that he is confused, because in the agenda packet staff is still recommending denial. In response, Mr. Alberty stated that the agenda packet has the initial recommendation and perhaps it should have been amended. Staff can amend the recommendation verbally today. Based on the discussion from the last meeting, the Planning Commission gave staff a clear indication that they didn't see a problem with how the lot-combination was initially intended. It is clear through the regulation that there should be no limitation placed on it and treated on a case-by-case basis.

Mr. Ard asked Mr. Norman if the information he shared with the Planning Commission is the same information presented to the neighborhood and Councilor Barnes. Mr. Norman stated that he didn't get the revised site plans

until this morning, but he has met with Kris Eenhuis and provided her with copies of what has been submitted today and the same with Councilor Barnes.

Mr. Norman suggested that the Planning Commission continue to look at the Subdivision Regulations and coordinate them in any way the Planning Commission seems fit, and do it some formal way if there is a future problem so that those who work with lot-combinations will understand what we can and could not be expected to do.

Mr. Midget stated that he is glad Mr. Norman had an opportunity to meet with the neighbors. He had some concerns with lighting, hours of operation and the intensity. Mr. Midget commented that he is a supporter of infill development; however, he wouldn't want infill to ruin the character of the neighborhoods. McDonald's is a mega operation and has a lot of patrons coming in.

Mr. Norman stated that the lighting has to meet the Kennebunkport Formula so that the lights will have to be designed so that the light-producing element cannot be visible from the residential neighborhoods.

In response to Mr. Midget, Mr. Norman stated that McDonald's has taken the position that what was proposed was a matter of right and they have set down and tried to agree on additional design elements he hopes are satisfactory to most of the people involved.

Mr. Bernard stated that Mr. Jackson had requested that Darryl French, Traffic Engineering, present his thoughts and ideas on this topic. Mr. French is not able to attend today, but he did send an email stating the following: East 13th Street is 36 feet and would have the capacity to handle commercial traffic to Harvard. Under straight zoning and with an existing curb cut from this property, this office would have no means to deny an access onto 13th Street. Even with the staff recommendation of re-platting this area, Traffic Engineering would not propose to restrict access to a non-arterial without a PUD.

Mr. Norman stated that the access to 13th Street is within the CH district and not permitted within the OL area. The plan has been revised to reflect that.

Mr. Jackson asked if 13th Street has a collector status on the Major Street and Highway Plan. In response, Mr. Jackson stated that he doesn't believe it is designated as a collector, but it was built to collector standards.

INTERESTED PARTIES:

Carol Tharp, 1320 South Indianapolis, 74112, representing her family who own 1320 South Indianapolis, stated that she feels that her questions have been answered and the details she can discuss with Mr. Norman. However, she wanted to make sure that the OL portion remains zoned OL.

Terry Liggans, 1319 South Harvard, 74112, C&C Tile and Carpet, stated he understands that the applicant will install a fence to the east and he understands that it is not required by the Code but he would like to request that they put a fence to the north of his property (their south property line). He is not opposed to the lot-combination.

In response to Mr. Ard, Mr. Liggans stated that he would like to see a fence on the north property line between his property and the subject property. He understands that the Zoning Code doesn't require it, but he would like to go on record requesting it.

Kris Eenhuis, 3321 East 13th Street, 74112, stated that she has been involved with all of the meetings with the neighborhood and the applicant. She commented that she is surprised to hear some of the initial thoughts or interest in her neighborhood because she certainly didn't get that the last time she was before the Planning Commission. She further commented that she felt that the Planning Commission was ready to approve it at the first meeting.

Ms. Eenhuis stated that she did meet with the applicant and she is still concerned with traffic, trash, noise and hours of business. She indicated that she was happy to work with the applicant and work through some of the concerns. Ms. Eenhuis concluded that she would prefer the subject property be used for something else as it had originally been planned, but based on the negotiations and the letter from McDonald's (Exhibit A-1), she is satisfied with the lot-combination.

Ms. Bayles asked Ms. Eenhuis if she has contacted the Mayor's Office to register as a neighborhood association. In response, Ms. Eenhuis answered negatively. Ms. Bayles invited Ms. Eenhuis to the OU Urban Design Study presentation in order to become acquainted with some of the individuals and learn about this particular study.

Councilor Maria Barnes, District 4, stated that this is how the process should work and she thanked Mr. Norman for agreeing for the continuance and meet with the neighborhood. She understands that the neighbors are not happy with the McDonald's being developed, but due to zoning it is allowed. This is a great opportunity for McDonald's to show that they can be neighborhood-friendly and try to lessen the impact in this neighborhood.

Ms. Bayles stated that last week she made a request for the Infill Task Force Study to be reviewed and unfortunately she was unable to attend. She will be requesting, and she did request, that all of our Planning Commissioners review the full text of the Summary rather than only the summary. She reminded Councilor Barnes that she was a member of the Task Force. Earlier Mr. Midget stated that he is a proponent of infill development and she is going to qualify that with the fact that she believes that all are in support of quality infill development

and there is a distinct difference between the two. As this proceeds further and the Planning Commission has more discussions, she would like those who were present on the original study to attend.

Mr. Midget stated that he wanted to thank the neighborhood for sitting down with Mr. Norman and the developers to work something out. What the neighborhood did on this subject proposal should be a model for other neighborhoods. Not everyone gets what they want, but they can at least try to work together to make things reasonable for both ends.

Ms. Bayles asked Mr. Norman to be recognized.

Ms. Bayles asked Mr. Norman if his client has given consideration to continuing the fence. In response, Mr. Norman stated that he didn't realize that the discussion was for the east/west boundary. He will mention the C & C Tile and Carpet's interest to McDonald's and ask them to work together. He reminded the Planning Commission that screening is not required in the CH district, but it might be to their mutual benefit to share the cost of a wooden fence between the two.

Ms. Bayles discussed the fact that Mr. Norman served on the Subdivision Regulations Committee. She stated that it is often talked about for the necessity for the written policy to be the standards that everyone can live with. She asked Mr. Norman if he had any concern about the staff recommendation that states "...staff believes that requests to combine several tracts of land together should be platted through the minor subdivision platting process or subdivision process." She stated that she understands that the Planning Commission has received his opinion on this previously and she is having some concern about the Planning Commission having a policy that still demands that these cases are taken on a case-by-case basis. Mr. Norman stated that he doesn't believe that this should be a policy and it should be whatever the rules in the Subdivision Regulations and Zoning Code actually provide. There are several approaches that could be taken and should be discussed in worksessions.

Ms. Hill stated that she believes that there is a need for infill; however, this proposal has given her some concerns. She is pleased to see that the neighborhood and the developer have worked this out together. She is still concerned about the impact this proposal will have, but she believes it is better than the original proposal. Ms. Hill concluded that she would have rather seen something else on the subject property.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Collins, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Harmon "absent") to **APPROVE** the lot-combination for LC-17, subject to concessions made by McDonald's in their letter dated May 2, 2006 as follows:

McDonald's voluntarily agrees to construct a six-foot high screening fence within the OL portion of the site as shown on site plan (C-1); the screening fence along East 13th Street, South Indianapolis Avenue and the south boundary of Lot 16, Block 11, Summit Heights Addition will be a Woodcrete product or equivalent; the final specifications will be discussed with Kris Eenhuis prior to construction, a six-foot high wood screening fence will also be constructed along the rear lot line of Lot 16 adjacent to C & C Tile and Carpet as noted on the site plan (C-1); McDonald's will use best efforts to minimize construction personnel parking on East 13th Street and South Indianapolis Avenue realizing that no parking is permitted on South Harvard Avenue; McDonald's will also use best efforts to minimize dust from the construction site by watering and or other methods.

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REINSTATEMENT OF PLAT:

Adesa- (Tulsa Parking and Storage Facility) (9403) (PD 17) (CD 6)

Southwest corner of East Admiral Place and South 161st East Avenue

STAFF RECOMMENDATION:

Mrs. Fernandez stated that the preliminary plat was approved September 17, 2003 and staff has no objection to the reinstatement of this preliminary plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

Mr. Boulden asked Mrs. Fernandez if there was a provision in the Subdivision Regulations that provides that these plats will expire after a specified period of time. In response, Mrs. Fernandez stated that there is such a provision, and under the new Subdivision Regulations it is easier to not have the plats come back before the Planning Commission if they have made substantial progress. These were under the old Subdivision Regulations and also have not made progress. Therefore, the Planning Commission will see these and make sure that they should proceed as they were.

Mr. Boulden asked if this would require a waiver of the Subdivision Regulations if the regulations state that it expires. In response, Mrs. Fernandez stated that it would not.

Mr. Boulden stated that he can't find the specific provision in the Subdivision Regulations and he will not suggest that he is required at this time.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Collins, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Harmon "absent") to **APPROVE** the reinstatement of plat for Adesa per staff recommendation.

Hillcrest Medical Center One – (9307)

(PD 4) (CD 4)

South of East 11th Street and West of Trenton Avenue

STAFF RECOMMENDATION:

Mrs. Fernandez stated that staff recommends **APPROVAL** of the reinstatement of the plat. The preliminary plat was approved September 3, 2003.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Collins, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Harmon "absent") to **APPROVE** the reinstatement of plat for Hillcrest Medical Center One per staff recommendation.

PRELIMINARY PLAT:

Union Place – (8418)

(PD 18) (CD 8)

Southwest corner 81st Street South and Garnett Road
(continued from 3/15/06 and 4/5/06)

STAFF RECOMMENDATION:

This plat consists of three lots, one block, on ten acres.

The following issues were discussed **April 20, 2006** at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under CO Z-6054-SP-6. The plat has been continued from 3/2/06 so that the City Council could approve the CO plan. There has been an issue with Explorer Pipeline and with easements and setbacks over the pipeline easements (4) on the property. The pipeline easement language per the Council approval needs to be shown in the covenants. The streets need to be defined as to whether they are public or private. A width of 26 feet as a minimum is required and maintenance needs to be defined. Mutual access easements need to be defined on the face of the plat and in the covenants. The third access onto Garnett needs to be approved by Traffic Engineering. The site plan on the property has not been approved so the applicant is proceeding at his own risk with the plat. Any deviation from the CO or site plan will need further Planning Commission and staff review. *The consulting engineer for the project at first wanted to tie in an access to Garnett at a later date by separate instrument. Staff requested the accesses to Garnett be defined. The developer agreed that the access to Garnett would be defined.*
2. **Streets:** Right-of-way dedications on 81st and on Garnett need clearer delineation with additional labels and leader arrows. Comments from 3/2/06 still apply. Section I.A. utility easements heading needs to include streets, and section needs standard language for street rights-of-way dedication. Sidewalks are required on arterials and collectors. Traffic Engineering has withdrawn its previous recommendation to require a 36-foot east-west public collector street through the Union Place subdivision. Recommend that the private street continue southeasterly to tie to Garnett Road as depicted in the PUD site plan. Include 81st Street in Section I.F. (LNA). The storage for the drive-in appears to be inadequate and will be reviewed in detail for the corridor site plan. Redesign the drive-in storage or eliminate the connection of the north-south access easement to the east-west collector street (N. leg of the T). Recommend two out-bound lanes for the 81st Street access for Lot 1.
3. **Sewer:** The ten-foot utility easement in the northern portion of Lot 1, where the proposed sanitary sewer line will lay, must be increased to a minimum width of 15 feet. Broken Arrow system development fees will be assessed at \$700.00/per acre, and excess capacity fees of \$1,128.03/acre will also be required.
4. **Water:** Confirm locations of existing fire hydrants along East 81st Street South and the coverage area of fire protection.

5. **Storm Drainage:** Detention is not being required for this site; however, the 100-year rainfall event drainage must be collected on-site and piped to the adjacent public drainage system. The connections to the public system must be made at locations as designated by the Tulsa County Engineer's engineering staff. Offsite drainage flowing onto Lot 3 must be conveyed across the platted area in Overland Drainage Easements (ODE's), and/or must be collected near the upstream property line and thence piped across the site in a storm sewer easement. Add ODE language to the covenants.
6. **Utilities: PSO, ONG, Cable:** Additional easements may be necessary.
7. **Other: Fire:** 508.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6. 508.5.1 where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1. Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.1.1 or 903.3.1.2, the distance requirement shall be 600 feet. **County Engineer:** Stormwater tie-in to system on 81st Street and on Garnett needs to be coordinated. Inlet on Garnett was designed to receive the majority of runoff. Coordinate design on Garnett road with County project.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Collins, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Harmon "absent") to **APPROVE** the preliminary plat for Union Place, subject to special conditions and standard conditions per staff recommendation.

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COMPREHENSIVE PLAN PUBLIC HEARING

Consider amending the District 8 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area (Resolution No. 2445:878)

STAFF RECOMMENDATION:

RESOLUTION NO.: 2445:878

A RESOLUTION AMENDING THE DISTRICT EIGHT PLAN MAP, A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 9th day of June, 1976 this Commission, by Resolution No. 1115:428, did adopt the District Eight Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a Public Hearing was held on the 3rd day of May 2006, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District Eight Plan Map according to the following map changes.

Plan Map: Designate as a Corridor the area east of U.S. 75 South of West 71st Street South to West 91st Street South, from South Jackson Avenue between West 71st Street South to approximately West 76th Street South; and west to South Maybelle Avenue south to West 91st Street.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendments to the District Eight Plan Map, as above set out, be and are hereby adopted as part of the District Eight Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Bayles, Bernard, Carnes, Cantees, Collins, Midget, Hill, Jackson "aye"; no "nays"; none "abstaining"; Harmon "absent") to recommend **APPROVAL** the amended District 8 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area and Resolution No. 2445:878 per staff recommendation.

* * * * *

Consider amending University of Tulsa Master Plan and Text, a part of the District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area (Resolution No. 2445:877)

STAFF RECOMMENDATION:

Staff has reviewed the proposed amendments to the University of Tulsa Master Plan. These involve new uses, primarily student housing and related uses, within the boundaries of the existing University of Tulsa Special District, necessitated largely by new requirements for sprinklering of large dormitories and costs to retrofit. Staff finds the proposed amendments in accord with both the Campus Master Plan and the District Detail Plan for Planning District 4 and recommends approval.

RESOLUTION No.: 2445:877

**A RESOLUTION ADOPTING
THE UNIVERSITY OF TULSA AMENDED MASTER PLAN
MAP AND TEXT, A PART OF THE DISTRICT 4 DETAIL PLAN, A PART OF
THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June, 1960, adopt a Comprehensive Plan of the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 28th day of October, 1987 this Commission, by Resolution No. 1667:649, did adopt the University of Tulsa Master Plan Map and Text as a part of the District 4 Detail Plan, A Part of the Comprehensive Plan for the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, the University of Tulsa Master Plan Map and Text were subsequently amended in full by this Commission on February 18, 2004 by Resolution No. 2369:860 as a part of the District 4 Detail Plan, a Part of the Comprehensive Plan for the Tulsa Metropolitan Area, and was subsequently approved by the Mayor and City Council of the City of Tulsa;

WHEREAS, a public hearing was held on the 3rd day of May, 2006 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to adopt the amended University of Tulsa Master Plan Map and Text, Attachments A through E and Appendix, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC that the Amended University of Tulsa Master Plan Map and Text, Attachments A through E and Appendix, be and are hereby adopted as a part of the District 4 Detail Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, explained the proposal and the process TU is currently undergoing. He indicated that he will also be filing four separate applications with the Board of Adjustment to approve the details of the proposed expansion. Mr. Norman cited the projects that are planned as stated in the TU letter dated April 6, 2006 and accompanied by the proposed amendments to the TU Master Plan dated April 1, 2006 and site plans.

Mr. Carnes out at 2:22 p.m.

Mr. Norman stated that Councilor Barnes is present and she has met with members of the staff and neighbors and he believes she would like to speak today.

INTERESTED PARTIES:

Councilor Maria Barnes, District 4, stated that Bob Shipley came to several neighborhood meetings and they had some concerns. Mr. Shipley returned with

some changes in the plans and it was much better for the neighborhood. She thanked Bob Shipley and the University of Tulsa for working with the neighborhood.

TMAPC Action; 8 members present:

On **MOTION** of **BAYLES**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Collins, Midget, Hill, Jackson "aye"; no "nays"; none "abstaining"; Carnes, Harmon "absent") to recommend **APPROVAL** of amending University of Tulsa Master Plan and Text, a part of the District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area and Resolution No. 2445:877 per staff recommendation.

CONTINUED ZONING PUBLIC HEARING:

Application No.: CZ-375

AG to CG

Applicant: Jeffrey Levinson

County

Location: Northeast corner East 151st Street and South Lewis Avenue

STAFF RECOMMENDATION:

RELEVANT ZONING HISTORY:

CBOA-2006 October 2002: The Board of Adjustment denied a request of a Use Variance to permit a warehouse in an AG district, finding a lack of hardship and that rezoning would better serve the purpose on subject property. Applicant subsequently constructed the existing building for personal use, as is permitted under AG zoning, with the appropriate permits and inspections.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5± acres in size; the property is vacant (except for a large building on the north of the property that is allowed under the current zoning so long as no business is being conducted from it) and zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 151 st Street South (SH 67)*	Primary arterial	120'	2 lanes
South Lewis	Secondary arterial	100'	2 lanes

*Letter has been received from the Oklahoma Department of Transportation (ODOT) advising that any new or modified access onto this highway required by this action must be approved by ODOT Field Division Engineer.

UTILITIES: The subject tract has municipal water, according to the applicant; nearby properties (in Glenpool) are reportedly on a rural water district. Sewer must either be extended or be by septic or an alternate means.

SURROUNDING AREA: The subject tract is abutted on the north by what appears to be a farm, residential and related agricultural uses, zoned AG; to the east by vacant and/or agricultural land, zoned AG; to the west by vacant and/or agricultural land, zoned AG, to the south by some large-lot single-family residential uses, zoned AG. The location of this site is somewhat problematic, in that the Glenpool fence line lies to the west across Lewis, the site is within the Bixby fence line but not within its city limits at this time and is therefore within the unincorporated part of Tulsa County. The Glenpool Comprehensive Plan for the area immediately west of Lewis designates the South Lewis/South 151st Street intersection in their planning area as a Medium Intensity/Commercial and Office node, surrounded by Low Intensity-Residential land use.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Bixby Comprehensive Plan designates this area as Corridor. According to the Bixby City Planner (conversation of March 9, 2006 and March 13, 2006), commercial development may be allowed in this corridor, but use of a PUD is strongly encouraged. According to the Metropolitan Development Guidelines, this site would qualify as a Type II (10 acre/corner) node, which would permit Medium Intensity uses. The requested CG **may be found** to be in accord with that designation.

STAFF RECOMMENDATION: Based on the Bixby and Glenpool Comprehensive Plans, as well as the Metropolitan Development Guidelines, staff can support in concept a commercially-designated zoning. However, the Bixby Plan clearly specifies a preference for a PUD zoning overlay and without that control, staff feels CG intensity is premature at this time. Therefore, staff can recommend **APPROVAL** of CS zoning in the alternative for the southern approximately 610' and OL as a buffer on the northern 50' of the property.

RELATED ITEM:

Application No.: PUD-731

AG to CS/PUD

Applicant: Jeffrey Levinson

County

Location: Northeast corner East 151st Street and South Lewis Avenue

STAFF RECOMMENDATION:

CZ-375 March 2006: A request for rezoning, for the subject property, is pending for TMAPC recommendation to the City Council upon this Planned Unit Development submitted (PUD-731).

CBOA-2006 October 2002: The Board of Adjustment denied a request of a Use Variance to permit a warehouse in an AG district, finding a lack of hardship and that rezoning would better serve the purpose on subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5± acres in size; the property is vacant (except for a large building on the north of the property) and zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 151 st Street South (SH 67)*	Primary arterial	n/a	2 lanes
South Lewis	Secondary arterial	n/a	2 lanes

*Letter has been received from the Oklahoma Department of Transportation (ODOT) advising that any new or modified access onto this highway required by this action must be approved by ODOT Field Division Engineer.

UTILITIES: The subject tract has municipal water, according to the applicant; nearby properties (in Glenpool) are reportedly on a rural water district. Sewer must either be extended or be by septic or an alternate means.

SURROUNDING AREA: The subject tract is abutted on the north by what appears to be a farm, residential and related agricultural uses, zoned AG; to the east by vacant and/or agricultural land, zoned AG; to the west by vacant and/or agricultural land, zoned AG, to the south by some large-lot single-family residential uses, zoned AG. The location of this site is somewhat problematic, in that the Glenpool fence line lies to the west across Lewis, the site is within the Bixby fence line but not within its city limits at this time and is therefore within the unincorporated part of Tulsa County. The Glenpool Comprehensive Plan for the area immediately west of Lewis designates the South Lewis/South 151st Street intersection in their planning area as a Medium Intensity/Commercial and Office node, surrounded by Low Intensity-Residential land use.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Bixby Comprehensive Plan designates this area as Corridor. According to the Bixby City Planner (conversation of March 9, 2006 and March 13, 2006), commercial development may be allowed in this corridor, but use of a PUD is

strongly encouraged. According to the Metropolitan Development Guidelines, this site would qualify as a Type II (10 acre/corner) node, which would permit Medium Intensity uses. The requested CG **may be found** to be in accord with that designation.

STAFF RECOMMENDATION:

Concurrent with PUD 731 is a request for rezoning of the approximate 4.45 acres to CG, Commercial General. Staff is recommending OL zoning for the north 50 feet with the balance being CS per CZ-375. The tract has approximately 642.75 feet of frontage on South Lewis Avenue and 330.98 feet of frontage on East 151st Street South and has a building of approximately 10,000 square feet located close to the northeast boundary. The building does not conform to recommended standards.

The surrounding area is generally undeveloped or large-lot residential. However, because the tract is located at the intersection of a primary and secondary arterial and thus medium intensity uses are permitted per the Metropolitan Development Guidelines; and because the Bixby Comprehensive Plan would support commercial development if within a PUD, staff recommends **APPROVAL** of PUD-731 subject to rezoning per CZ-375 and the following conditions:

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

Development Area A

Land Area (gross): 105,434 S.F. 2.42 AC

Permitted Uses:

The uses permitted by right in a CS District and uses customarily accessory thereto including stormwater detention, except Use Units 2, 19, 19(A) and 20.

Maximum Number of Lots: One

Access:

Access to East 151st is permitted in the east half of Area A subject to approval by ODOT, Tulsa County and TMAPC. Access to South Lewis Avenue is permitted subject to approval of ODOT, Tulsa County and TMAPC. Mutual access shall be provided between Development Areas A and B.

Maximum Floor Area:

50,000 S.F.

Maximum Building Height:

East 100 feet of Area A:

One-story not to exceed 25 feet in height

Remaining area:

Not to exceed 40 feet in height

Minimum Building Setbacks:From centerline of E. 151st St. S.:

110 feet

From centerline of S. Lewis Ave.:

100 feet

From the east boundary:

50 feet

From the north boundary:

10 feet

Minimum Setback of Parking**And Access Drives from East Boundary:**

20 feet

Off-Street Parking:

As required per the applicable use unit of the Tulsa County Zoning Code.

Landscaping and Screening:

A minimum 15% of the net lot area shall be maintained as landscaped open space. A minimum 20 foot wide landscaped buffer shall be provided along the east boundary of Area A. A minimum six-foot high screening fence shall be required if/when the adjacent property is development as residential.

Lighting:

Site lighting, whether pole or building mounted, shall not exceed 25 feet in height and shall be hooded and directed downward and away from adjacent residential uses. Shielding of such light shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible from residential uses. Compliance with these standards and with the Tulsa County Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.

Bulk Trash Containers:

Bulk trash receptacles shall be screened from view of persons standing at ground level and shall be setback a minimum of 20 feet from the east boundary of Area A.

Signage:

One ground sign permitted per street frontage, each not to exceed 25 feet in height and 160 feet of display surface area. Wall signs shall be permitted not to exceed two square feet per lineal foot of building wall to which attached; however, no wall signs shall be permitted on east-facing walls.

Development Area B

Land Area (gross): 88,574 S.F. 2.03 AC

Permitted Uses:

The uses permitted by right or by special exception in a CS district and uses customarily accessory thereto including stormwater detention, except Use Units 2, 17, 19, 19(A) and 20.

Maximum Number of Lots: One

Access:

Access to South Lewis Avenue is permitted subject to approval of Tulsa County and TMAPC. Mutual access shall be provided between Development Areas A and B.

Maximum Floor Area: 38,103.75 SF

Maximum Building Height: One-story, not to exceed 25 feet in height.

Minimum Building Setbacks:

From centerline of S. Lewis Ave.:	100 feet
From the north boundary:	75 feet
From the east boundary:	50 feet
From the south boundary:	10 feet

Minimum Setback of Parking And

Access Drives from North and East Boundaries: 20 feet

Off-Street Parking:

As required per the applicable use unit of the Tulsa County Zoning Code.

Landscaping and Screening:

A minimum 15% of the net lot area shall be maintained as landscaped open space. A minimum 20-foot wide landscaped buffer shall be provided along the north and east boundaries of Area B. A minimum six-foot high screening fence shall be required if/when the adjacent property is development as residential.

Lighting:

Site lighting, whether pole or building mounted, shall not exceed 25 feet in height and shall be hooded and directed downward and away from adjacent residential uses. Shielding of such light shall be

designed so as to prevent the light producing element or reflector of the light fixture from being visible from residential uses. Compliance with these standards and with the Tulsa County Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.

Bulk Trash Containers:

Bulk trash receptacles shall be screened from view of persons standing at ground level and shall be setback a minimum of 20 feet from the east and north boundaries of Area B.

Signage:

One ground sign permitted along S. Lewis Avenue not to exceed 25 feet in height and 160 feet of display surface area. Such ground sign shall not be located within 100 feet of the north boundary of Area B and shall maintain a minimum separation of 100 feet from the ground sign on South Lewis Ave. frontage as permitted in Area A. Wall signs shall be permitted not to exceed two square feet of display surface area per one foot of building wall to which attached; however, no wall signs shall be permitted on north or east-facing walls.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to occupancy or at the soonest appropriate planting time. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or 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.

7. A professional engineer registered in the State of Oklahoma shall certify to the appropriate County official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. No building permit shall be issued until the requirements of Section 1170.5 of the County Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

TAC Comments from April 20, 2006:

General – No comments.

Water – Outside the City of Tulsa service area.

Fire – No comment - out of City of Tulsa.

Stormwater – Information for stormwater drainage was not provided.

Wastewater – Out of service area; no comment.

Transportation – County requirements will apply, in conjunction with Major Street and Highway Plan criteria for primary arterials (151st St. S.) and secondary arterials (S. Lewis Ave.).

Traffic – A total of 70 ft of R/W will be required for 151 SF per the Major St. Plan (primary arterial w/ Rt. Turn Bay) with a 30ft Intersection radius. Dedicate 50 ft of R/W for Lewis Ave. along Lot 2(secondary arterial). Recommend a Mutual Access Easement and would support an access in the east half of Lot 1 onto 151st.

GIS – No comment.

County Engineer – Right-of-way considerations on 151st are to be determined.

Transit/ Transportation:

- MSHP: 151st Street South designated as primary arterial (ROW=150') and Lewis Ave. designated as secondary arterial. Encourage pedestrian-friendly design of proposed development. Per TMAPC Subdivision Regulations, request sidewalks along 151st St. S. and S. Lewis Ave.
- LRTP: 151st St. South, between Lewis Ave. and Harvard Ave., existing 4 lanes. South Lewis Ave., between 141st St. S. and 151st ST. S, existing 2 lanes.
- TMP: No comments.
- Transit: No comments.

TMAPC COMMENTS:

Mr. Ard stated that he understands that in the long term, these locations will probably be commercial, but today it appears to be spot-zoning. He asked staff to explain if it is spot-zoning. In response, Ms. Matthews stated that it does meet the development guidelines as a node (Type II Node) being at the corner of a secondary arterial and a primary arterial. Technically, by the development guidelines this proposal is in accord with the plan.

Mr. Jackson asked if 151st Street is considered to be a primary arterial. In response, Ms. Matthews stated that it is a primary arterial.

Applicant's Comments:

Jeffrey Levinson, 9308 South Toledo Avenue, Tulsa, Oklahoma 74136, representing Sitton Properties, LLC, stated that is a combination of a zoning and PUD request. He further stated that the zoning is limited by the PUD and his client has agreed to that. The subject property is in the County and within the Bixby fence line. He discussed the appropriateness of the use with Mr. Coffey (Bixby Planner). The use is appropriate and is consistent with the Master Plan, which calls for commercial uses. Bixby did indicate that they were more comfortable with a PUD. Mr. Levinson cited that his client agreed to restrict some of the uses that would be allowed in a CS district. Mr. Levinson amended his proposal to delete the Use Unit 17 uses from Development Area A. He indicated that Mr. Moody's clients would support the application if Use Unit 17 uses were deleted from Development Area A.

INTERESTED PARTIES:

Jack Crissup, 1729 East 71st Street, Tulsa, Oklahoma 74136, stated that his comments are directed at the PUD and the road outline. He explained that he owns the property to the east and the property immediately north. Two years ago Sitton Properties exchanged easements with him and he was granted an access and utility easement across the land under application today. The easement is of record. The easement would be conflictive with the roadway contemplated under the PUD.

Mr. Crissup stated that the application under the PUD provides for a building as high as 40 feet on the subject property within ten feet of the property line. He explained that the existing building is 25 feet in height and is a warehouse-type building, which is within 15 feet of the property line. The slab of the existing building is within one inch of his property line, but the building was actually moved back so that it wouldn't be so close to the property line. The proposed 40-foot height concerns Mr. Crissup and the fact that it would be ten feet from the property line. He requested that the proposed building be set back farther from the property line and possibly 100 feet back on the north end of the subject property.

Mr. Bernard asked Mr. Crissup if the easement is currently in use. In response, Mr. Crissup stated that there is a north/south poly fence on the common property line and there is a gate for access, which he utilizes to reach his property. Mr. Crissup further stated that he has access off of 151st Street. Mr. Crissup indicated that he is not using the utility easement because he has not built anything on his property to the east.

Mr. Bernard asked Mr. Crissup if he has talked with the applicant regarding the easement. In response, Mr. Crissup stated that he has talked with the attorney for the applicant and the applicant is aware of it because he is the one who signed the easement.

Mr. Collins out at 2:48 p.m.

Mr. Ard questioned if a 40-foot high building would be permitted in the subject area that Mr. Crissup is indicating.

Ms. Matthews stated that the area Mr. Crissup is discussing is Development Area B and the setback is 75 feet. The building height is restricted to one-story 25 feet in height. Mr. Crissup stated that he misread the staff recommendation.

Mr. Midget asked what the setback is for the east side. Ms. Matthews stated that on Development Area B it is 50 feet from the east boundary.

Doug Pittman, 14736 South Lewis, Bixby, Oklahoma 74008, stated that he owns the property immediately to the west of the subject property. This is the first commercial development anywhere near the subject area and he believes it is spot zoning as Mr. Ard questioned. The CS-zoned property on the southeast corner no longer exists because ODOT purchased it to make the road wider. The first commercial development is two miles to the east into Bixby or to Highway 75. Today's request seems to be wide open to any kind of development and he is concerned with the quality. What he has seen so far on the subject property is not quality. There is an existing 10,000 SF building in the northeast corner of the subject tract. He questioned if the existing building would have to be removed.

Ms. Matthews stated that the applicant may have to remove it to meet the requirements.

Mr. Pittman stated that he has a lot of comments about the building, but he would hold them if the building is being removed.

Mr. Boulden stated that the existing building could possibly be a lawful non-conforming use and would be grandfathered in.

Mr. Pittman stated that the existing building was built too close to the property line and then there was some exchange of easements to increase the setback on the east side. He questioned how the rezoning could be done with the existing building and easements and should there be a lot-split. Additionally, there were several parts of the existing building that were never inspected. There is no City water and the closest Bixby water line is one mile to the east of Harvard. Creek County Rural Water District doesn't know anything about this commercial development and they are not sure they can adequately supply water for the use. He expressed concerns of losing water pressure in his home due to the commercial development. Mr. Pittman stated that he doesn't know what neighbors are in support of this proposal as Mr. Levinson has indicated. He believes this is an example of someone trying to backdoor zoning on an existing building that apparently has never had a certificate of occupancy and was never used. He requested a 30-day continuance to review this and obtain legal representation for the neighborhood.

Mr. Ard stated that he believes if the existing building becomes a legal non-conforming use and the applicant wanted to construct anything on the subject property or make significant changes to the existing structure, that are in excess of a certain percentage of its value, then they have to get a building permit and they would have to meet the zoning that is in effect at the time.

Mr. Boulden agreed with Mr. Ard's statement.

Mr. Pittman stated that he doesn't believe that the PUD is restrictive enough. He further stated that he would like to request a continuance because he feels that he is in over his head and he needs to obtain legal representation.

Gladys Parker, 2750 East 151st Street, Bixby, Oklahoma 74008, stated that she moved into the subject area in 1980 and to live in the country. She further stated that originally it was a two-lane road and now it is four-lanes and the traffic is constant. If commercial is allowed in the subject area it will be like Memorial Drive and she avoids Memorial as much as possible.

James Parker, 2750 East 151st Street, Bixby, Oklahoma 74008, stated that he has lived in the subject area for many years. He further stated that he would like

to see the subject area remain as a farm. He commented that emergency vehicles wouldn't be able to get between the existing building and the house next to it if a fire were to happen.

John W. Moody, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74119, representing Dr. David Traub, stated that his client is outside of the 300 feet and he didn't receive notice. After discussing this issue with Mr. Levinson, he believes that they are in agreement; however, he would like to make it a part of the record to assure that his client's interests are observed: 1) the zoning will be CS and not CG, no metal buildings and that there be a site plan submitted with a notice of it to Mr. Moody; 2) delete Use Unit 17; no Use Unit 16, and within Use Unit 15 there be specifically no bait shops, fuel oil, ice plant, no fabrication or manufactured of plastic materials, no portable storage building sales unless it is accessory to a principal use such as a Lowes or Home Depot, no furnace cleaning other than offsite, and no mattress or pillow operations unless completely enclosed; within Use Unit 14, no vehicles accessory to the permitted principal uses can be parked, except for immediate loading and unloading, within the rear of the building are parking lot and within the screening wall or area (he doesn't want a line of vehicles or trucks parked in the open that would be detrimental).

Mr. Moody explained that his client purchased his property with the intent of building a home for himself and subdividing into eight large estate tracts. He wants to make sure that whatever does happen on the subject property will look nice and enhance the subject area. With these conditions his client would not be in opposition to the proposal.

TMAPC COMMENTS:

Ms. Bayles asked Mr. Moody if his client has a position regarding the existing building on the subject property. In response, Mr. Moody stated that he discussed this with Mr. Levinson and his client doesn't have a problem with removing the existing building at the appropriate time. Mr. Moody further stated that Mr. Levinson did show him the County Building permit that was issued for personal use/non-business. He suggested that there be condition imposed that the existing building must be removed prior to the issuance of any new building permits or occupancy permits on the property and the existing building couldn't be issued an occupancy permit for any other use.

Ms. Bayles recognized Mr. Pittman.

Mr. Bayles stated that Mr. Moody has addressed several of the same concerns as Mr. Pittman stated in this letter and comments today. She asked Mr. Pittman if the agreements and restrictions that Mr. Levinson has agreed to alleviate his concerns. In response, Mr. Pittman stated that it alleviates some of his concerns. He expressed concerns with the existing building and its appearance. He would like to see quality commercial development without metal buildings.

Mr. Pittman listed the many uses that he would not like to see on the subject property. He reiterated that he would like a continuance to obtain legal counsel and research it more.

Ms. Bayles recognized Mr. Crissup.

Mr. Crissup stated that he has a plat with the existing building on it with the dimensions.

Applicant's Rebuttal:

Mr. Levinson stated that he spoke with Mr. Moody and he believes it would be best if there was a continuance to May 17, 2006. He commented that he would like to go over the details and restrictions that Mr. Moody mentioned before any action taken. He would like to have Mr. Moody submit his requests in writing.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Levinson what his standpoint is on the existing building. In response, Mr. Levinson stated that if Development Area A develops first, it shouldn't affect the existing building on Development Area B. He explained that he has copies of the permit that was issued for the existing building for personal use only. He indicated that he will have to talk to his client regarding the existing building.

After a lengthy discussion regarding the existing building it was determined to continue this item to May 17, 2006.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Cantees, Hill, Jackson, Midget "aye"; no "nay"; none "abstaining"; Carnes, Collins, Harmon "absent") to **CONTINUE** CZ-375 to May 17, 2006.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Cantees, Hill, Jackson, Midget "aye"; no "nay"; none "abstaining"; Carnes, Collins, Harmon "absent") to **CONTINUE** PUD-723 to May 17, 2006.

* * * * *

Application No.: Z-7022/PUD-729

RS-3 to OL/PUD

Applicant: Jeffrey Levinson/Brookside 33, LLC (PD-6) (CD-9)

Location: 1127, 1133 & 1135 East 33rd Place

STAFF RECOMMENDATION FOR Z-7022:

PUD-718 September 2005: All concurred in approval of a Planned Unit Development for offices and townhouses, per TAC conditions and without endorsing of conceptual plan, that would be addressed during detail site plan and landscape review, located east of the southeast corner of East 35th Place South and South Peoria Avenue,.

Z-6960 October 2004: Approval was granted to rezone a 100' x 140' + foot tract from RS-3 to OL for office development and located east of the southeast corner of East 35th Place South and South Peoria Avenue.

Z-6944 July 2004: All concurred in approval rezoning a 100' x 140' + foot tract from RS-3 to OL for Office development and located east of the southeast corner of East 35th Place South and South Peoria Avenue.

PUD-698 February 2004: All concurred in approval of a Planned Unit Development on a 1.46+ acre tract zoned RS-3, located on the southeast corner of East 32nd Street and South Peoria, for redevelopment of six single-family dwellings. It was approved with conditions.

PUD-670 November 2002: All concurred in approval of a Planned Unit Development on a 2 + acre tract, located on the southeast corner of East 31st Street and South Rockford Avenue for residential development. The request was approved by the TMAPC with conditions and the City Council approved it by modifying some conditions while deleting others.

Z-6865 August 2002: A request to rezone the residential lot located on the northwest corner of East 32nd Street and South Peoria Avenue from RS-3 to OL was denied.

Z-6756 April 2000: A request to rezone two lots located east of the northeast corner of East 34th Street and South Peoria Avenue from RS-3 to PK. The two adjoining lots to the north had been granted a special exception to allow a parking lot and were within the parking line delineated in the Brookside study.

PUD-422-B February 1997: All concurred approving a request for a major amendment to PUD-422 to allow a beauty-hair salon within the office development located northwest of subject property.

Z-6436 April 1994: All concurred in approval of a request to rezone two separate tracts located east of the southeast corner of East 34th Street South and South Peoria Avenue from RS-3 to PK for off-street parking.

Z-6430 January 1994: All concurred in denial of OL zoning and approved PK zoning from RS-3 on a lot located east of the southeast corner of East 34th Street S. and South Peoria Avenue.

PUD 488 June 1992: The TMAPC and City Council unanimously approved rezoning from CH, OL and RS-3 to CH/OL/RS-3/PUD to add a seven-lane drive-in to an existing bank north of the subject property. The TMAPC recommended increasing the proposed screening fence height to 8' and making the width of the landscaped area on the east boundary a minimum of 12'. The City Council concurred.

Z-6334 December 1991: All concurred in granting CH zoning on the west 12 feet and PK zoning on 38 feet on a lot located east of the northeast corner of East 36th Street and South Peoria Avenue and southeast of subject property.

PUD 474 November 1991: All concurred in granting a rezoning from RS-3 to OL/PUD 474 on a property located east of the northeast corner of East 35th Place and South Peoria Avenue and southeast of subject property.

Z-6128/PUD-422 December 1986: A request to rezone a 3.2 acre tract located north and west of East 33rd Street and South Peoria Avenue from RS-3 to OL, OMH and PUD. All concurred in approval of OMH zoning on only the south 66 of the easterly 165 tract fronting on Peoria Avenue with the balance of the tract remaining RS-3. Approval of the PUD was for an office development subject to standards and safeguards for abutting residential properties.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 140' x 132'+ in size (two lots) and is located west of the northwest corner of South Peoria Avenue and East 33rd Place. The property contains two vacant houses and is zoned RS-3. It lies within the Northern Brookside Business Area, as designated in the Brookside Infill Special Study.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 33 rd Place	Residential	50'	2 lanes

UTILITIES: The subject tract is served by municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the east by mixed commercial uses, zoned CH; on the north by office and related uses, zoned PUD-422; on the south by a parking lot and a single-family residence, zoned RS-3; and on the west by a single-family residence, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as part of the Northern Brookside Business District in the Brookside Infill Special Study.

STAFF RECOMMENDATION:

Staff can support the requested rezoning to OL, finding that it is compatible with existing nearby uses and is in accord with the intent of the Brookside Special District study and the District 6 Plan. Therefore, staff recommends **APPROVAL** of OL for Z-7022.

STAFF RECOMMENDATION PUD-729:

The subject property is currently the site of two unoccupied structures: a duplex and single-family home. An application to change the underlying zoning from RS-3 to OL has been filed in conjunction with PUD 729.

Immediately south of the property and across East 33rd Place is a large parking lot adjacent to the Delta Café. Crow Creek Office Park is to the north and a Laundromat and the Mecca Coffee Company are to the east. A residence is located next to the western boundary.

The owner plans to demolish and remove the existing buildings and replace them with a small office park comprising three structures situated on individual lots, designated as Development Areas A, B and C as noted on Exhibit "A". Proposed uses are light office – general business offices; because medical offices have a higher parking ratio, such uses are not proposed due to insufficient parking for intended floor area. In fact, the current concept plan is one space short of complying with the Zoning Code for general business offices and the *applicant must either reduce the proposed floor area by 300 square feet or seek a variance from the Board of Adjustment*. Parking for the office buildings will be provided within the development and will be accessible through a mutual access, parking and utility easement.

The applicant proposes three two-story buildings. Staff is concerned regarding the potential negative impact of a two-story office building five feet from a residential property line. This negative impact must be mitigated by reducing the westernmost structure to one-story, increasing the setback and/or providing enhanced screening and landscaping in keeping with the District 6 Comprehensive Plan and Brookside Infill Development Design Recommendations for the Residential and Business Special Consideration Areas, relevant policies as noted below:

District 6 Comprehensive Plan

- 3.4.1.10 Development and redevelopment here should include adequate screening and buffering to avoid negative impacts on adjacent residential areas. Screening is encouraged to be in masonry walls, landscaping or combinations.

- 3.4.1.16 Landscaping should be a part of any development/redevelopment in this area, especially when used to buffer residences and to provide relief from large expanses of parking.

Brookside Infill Development Design Recommendations (adopted 10-29-02)

- 1.C.2 Continue to buffer and separate residential land uses and nonresidential land uses as identified in the District 6 Plan. This does not preclude the development of mixed use business and residential projects within the Northern and Southern Business Areas, particularly in older multiple-story buildings. See Exhibit 22 (attached) for a cross section illustration of screening, buffer and entry between the Northern Business Area and Northern Residential Area.
- 1.C.7 Respect adjacent buildings through consideration of mass, rhythm, scale, setback, height, building materials, texture and related design elements when developing or redeveloping in the area. Refer to Exhibit 4 (attached).

Because the proposed office development (if accompanying OL zoning is approved) with on-site parking and reduced front setbacks is generally in conformance with the District 6 Comprehensive Plan and the Brookside Infill Development Design Recommendations, with exception to proposed setbacks and/or building heights adjacent to the west boundary and need for an additional parking space, staff recommends **APPROVAL** of PUD 729 subject to the following conditions:

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

Development Area A

Land Area (gross): 6,600 S.F.

Maximum Number of Lots: One

Permitted Uses:

General Business Offices as permitted within Use Unit 11, Offices, Studios and Support Services.

Maximum Floor Area: ~~2,200~~ 2,300 S.F.

Maximum Building Height:

Minimum 8 feet from west boundary:	One-story
Minimum 15 feet from west boundary:	Two-story
	maximum height 35 FT

Minimum Building Setbacks:

From 33 rd Place right-of-way:	5 feet
From west boundary:	
One-story:	8 feet
Two-story:	45 <u>8</u> feet
From north boundary:	10 feet
From east boundary:	10 feet

Minimum Setback of Parking and Access

Drives from West Boundary:	3 feet
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Off-Street Parking:

Per shared parking easement, ~~22~~ 23 parking spaces shall be provided serving a maximum aggregate ~~6,600~~ 6,900 square feet of general office uses.

Sidewalks:

A minimum five foot wide sidewalk shall be required in the East 33rd Street right-of-way.

Minimum Internal Landscaped Open Space and Streetyards:

A minimum of 15 percent of the net land area shall be improved as internal landscaped open space and may include required streetyards and landscape buffers. All landscaping shall be in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code and PUD Development Standards.

Other Landscaping and Screening.

A minimum six foot high masonry screening wall, similar in design to the "Brookside Infill Development Design Recommendations – A Component of the Brookside Infill Neighborhood Detailed Implementation Plan, 'Exhibit 22', 'Cross Section Illustration – Screening, Buffer and Entry'", shall be required along the west boundary. Landscaping, at minimum, shall be in accordance with the concept plan.

Signage:

No ground or wall signage is permitted; however, one nameplate attached to the face of the wall and not exceeding four square feet in display surface area is permitted per Section 225.B of the Zoning Code.

Lighting:

No pole-mounted lighting shall be permitted. Bollards not exceeding four feet in height and typical residential-style lighting are permitted. Security lighting, if used, shall be hooded and directed downward and away from adjacent residential uses and shielding of such light shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to persons within residential districts. Compliance with these standards and with the City of Tulsa Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.

Bulk Trash Containers:

Bulk trash containers shall not be permitted.

Development Area B

Land Area (gross): 6,600 S.F.

Maximum Number of Lots: One

Permitted Uses:

General Business Offices as permitted within Use Unit 11, Offices, Studios and Support Services.

Maximum Floor Area: ~~2,200~~ 2,300 S.F.

Maximum Building Height: Two-story

Minimum Building Setbacks:

From 33 rd Place right-of-way:	5 feet
From west boundary:	10 feet
From north boundary:	10 feet
From east boundary: for one and two story	0 feet

Minimum Setback of Parking and Access

Drives from East Boundary: 3 feet

Off-Street Parking:

Per shared parking easement, ~~22~~ 23 parking spaces shall be provided serving a maximum aggregate ~~6,600~~ 6,900 square feet of general office uses.

Sidewalks:

A minimum five foot wide sidewalk shall be required in the East 33rd Street right-of-way.

Minimum Internal Landscaped Open Space and Streetyards:

A minimum of 15 percent of the net land area shall be improved as internal landscaped open space and may include required streetyards and landscape buffers. All landscaping shall be in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code and PUD Development Standards.

Other Landscaping and Screening.

Landscaping, at minimum, shall be in accordance with the concept plan. Screening of the east boundary is not required.

Signage:

One monument-style ground sign, not exceeding 32 square feet of display surface area and four feet in height, for the office development is permitted. No wall signs are permitted; however, one nameplate attached to the face of the wall and not exceeding four square feet in display surface area is permitted per Section 225.B of the Zoning Code.

Lighting:

No pole-mounted lighting shall be permitted. Bollards not exceeding four feet in height and typical residential-style lighting are permitted. Security lighting, if used, shall be hooded and directed downward and away from adjacent residential uses and shielding of such light shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to persons within residential districts. Compliance with these standards and with the City of Tulsa Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.

Bulk Trash Containers:

Bulk trash containers shall not be permitted.

Development Area C

Land Area (gross):	8,580 S.F.
Maximum Number of Lots:	One

Permitted Uses:

General Business Offices as permitted within Use Unit 11, Offices, Studios and Support Services.

Maximum Floor Area:

~~2,200~~ 2,300 S.F.

Maximum Building Height:

Office Building:

Two-story

Garage:

One-story

Minimum Building Setbacks:

From west boundary:

15 feet

From north boundary:

6 feet

From east boundary:

10 feet

From south boundary:

10 feet

Garage Setback:

From west boundary:

10 feet

From north boundary:

6 feet

From east boundary:

10 feet

From south boundary:

30 feet

Minimum Setback of Parking and Access

Drives from West, North and East Boundaries:

3 feet

Off-Street Parking:

Per shared parking easement, ~~22~~ 23 parking spaces shall be provided serving a maximum aggregate ~~6,600~~ 6,900 square feet of general office uses.

Minimum Internal Landscaped Open Space and Street yards:

A minimum of 15 percent of the net land area shall be improved as internal landscaped open space and may include required street yards and landscape buffers. All landscaping shall be in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code and PUD Development Standards.

Other Landscaping and Screening.

A minimum six foot high masonry screening wall, similar in design to the "Brookside Infill Development Design Recommendations – A Component of the Brookside Infill Neighborhood Detailed Implementation Plan, 'Exhibit 22', 'Cross Section Illustration – Screening, Buffer and Entry'", shall be required along the west boundary. Landscaping, at minimum, shall be in accordance with the concept plan. Screening of the north and east boundaries is not required.

Signage:

No ground or wall signage is permitted; however, one nameplate attached to the face of the wall and not exceeding four square feet in display surface area is permitted per Section 225.B of the Zoning Code.

Lighting:

No pole-mounted lighting shall be permitted. Bollards not exceeding four feet in height and typical residential-style lighting are permitted. Security lighting, if used, shall be hooded and directed downward and away from adjacent residential uses and shielding of such light shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to persons within residential districts. Compliance with these standards and with the City of Tulsa Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.

Bulk Trash Containers:

Bulk trash containers shall not be permitted.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. Access to all lots from East 33rd Place and shared access of all lots to parking shall be assured through provision of a mutual access and parking easement.
5. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to occupancy or at the soonest appropriate planting time. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or 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.

8. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required Stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
9. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

General – No comments

Water – Tract "C" does not have access to the existing water main along E. 33rd Pl. A looped water main extension could be required with a 20' restrictive water line easement.

Fire – 508.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6.
508.5.1 where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

Stormwater – No comments

Wastewater – No comments

Transportation – No comments

Traffic – The center drive will need the minimum 10 ft radii that will likely eliminate adjacent parking spaces. Recommend parallel parking within the 33rd Place right-of-way rather than perpendicular parking for safety purposes. Connect the proposed sidewalk back to the public R/W or any existing sidewalk.

GIS – No comments

County Engineer – No comments

Transit -

- MSHP: E. 33rd PI is a neighborhood street. Recommend sidewalks if nonexistent or maintained if existing.
- LRTP: Peoria Ave, between 31st St. S. and 41st St. S., existing 4 lanes.
- TMP: No comments.
- Transit: Currently, Tulsa Transit operates an existing route along Peoria Ave., and according to future plans, will continue to service this location. Therefore, consideration for access to public transportation should be included in the development.

STAFF RECOMMENDATION:

Ms. Matthews stated that Mr. Levinson has amended his application and has conferred with Mr. Alberty regarding these changes. The neighborhoods are in support of this application.

TMAPC COMMENTS:

Ms. Bayles asked what the circumstances of why these revisions were not received in writing prior to the meeting today. In response, Ms. Matthews stated that she believes the negotiations were going on until yesterday afternoon.

Mr. Ard asked staff if the amended application is in accord with the Brookside Infill Development Plan. In response, Ms. Matthews answered affirmatively.

Applicant's Comments:

Jeffrey Levinson, 9308 South Toledo Avenue, Tulsa, Oklahoma 74136, representing Brookside 33, LLC, stated that he met with Mr. Alberty at the INCOG office yesterday and made some minor revisions and the new revisions are reflected on the new site plan (Exhibit C-1) and written changes in writing (Exhibit C-2). This plan is the same as the original submittal with three minor changes. The setbacks were slightly changed, the parking has been reconfigured to allow 23 spaces, in Development Area C there is a large green area and he wanted to make sure that all of the landscape area could be counted as a PUD as a whole (15%). To the best of his knowledge, there are no more parking issues, setback issues and the developers have met with the

associations and several neighbors. The neighbors are excited about this proposal because the older homes will be removed and replaced with the proposal. Mr. Levinson requested that the zoning and PUD be approved with his minor revisions of Exhibit C-1 and C-2.

Mr. Levinson stated that there is one other issue he would need to address, which is the screening fence. Immediately to the north of the subject project is Crow Creek Office Park that has an existing fence which has stoned columns and wood. Staff is requiring all masonry and he would like to use the existing fence and build the fencing on the west side to look the same.

Mr. Ard asked staff if they have an opinion relating to the fencing issue. In response, Ms. Matthews stated that the fencing requirement came from the Brookside Infill Plan and the existing fence doesn't meet the Plan. The Crow Creek fence was built prior to the adoption of the Brookside Infill Plan. Ms. Matthews clarified that the PUD doesn't require changing the existing fence, but the west fence would have to be masonry.

Mr. Midget stated that if the applicant would like to keep the same style or character of the fencing he can use composite materials to achieve that. He believes that the neighborhood associations would be flexible if he was trying to meet the spirit of the plan.

There were no interested parties wishing to speak.

Mr. Ard stated that the applicant went about this the right way and he has the commitment and advice of the neighborhood association and followed the Infill Plan. He is excited about this and it is nice to see this type of buffer development occur.

Mr. Boulden wanted to make clear that if the existing fence were ever to come down it would be required by the applicant to be replaced.

TMAPC Action; 7 members present:

On **MOTION** of **BAYLES**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Cantees, Midget, Hill, Jackson "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon "absent") to recommend **APPROVAL** of OL zoning for Z-7022 per staff recommendation and recommend **APPROVAL** of PUD-729 per staff recommendation and the amendments to the revised text (Exhibit C-2) and the site plan submitted (Exhibit C-1). (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7022/PUD-729:

Lot 8, Block 1, Peebles Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **From** RS-3 (Residential Single-family District) **To** OL/PUD (Office Low Intensity District/Planned Unit Development).

ZONING PUBLIC HEARING

Application No.: PUD-730

OL/RS-3 to OL/R-3/PUD

Applicant: Robert Johnson

(PD-4) (CD-4)

Location: 3617 East 21st Street

STAFF RECOMMENDATION:

Z-7019 March 2006: A request for rezoning a 60' x 131.25' tract of land from RS-3 to PK for office parking, located as part of the subject property. The TMAPC advised the applicant to instead seek development of the three lots under a PUD.

Z-4602 January 1972: A request for rezoning a 110' x 131.25' tract from RS-3 to OL, located at the northwest corner of East 21st Street and South Louisville Avenue and abutting the subject property to the south. All concurred in the approval of rezoning this tract.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .781± acres in size and is located at the northwest corner of South Louisville Avenue and East 21st Street. The property is being used as an office and possibly single-family residence and is zoned OL/RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 21 st Street	Secondary Arterial	100'	4 lanes
South Louisville Avenue	Residential	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the east by Expo Square/Tulsa County Fairgrounds, zoned AG in Tulsa County; on the north by single-family residences, zoned RS-3; on the south by single-family residence, zoned RS-3; and on the west by single-family residences, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Low Intensity no specific land use. The zoning district and plan category **may be found** in accordance.

STAFF RECOMMENDATION:

PUD 730 comprises 0.781 acres located on three lots on the northwest corner of East 21st Street South and South Louisville Avenue. Two lots have underlying OL, Office Light, zoning and the northernmost lot is zoned RS-3. The applicant recently requested rezoning of the northernmost lot to PK, Parking; however, TMAPC advised the applicant to instead seek development of the three lots under a PUD.

The applicant is proposing general office uses in a one and one-half story residential-style building with an interior courtyard. No upper-story windows are to face the adjacent residential to the west or north. Access to the site will be from South Louisville Avenue, only.

Because the existing zoning and proposed use are generally consistent with the Comprehensive Plan, in harmony with existing and expected development of surrounding areas, and an appropriate buffer between Expo Square and adjacent residential, staff recommends **APPROVAL** of PUD 730 subject to the following conditions:

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

Land Area (Gross):	34,007.6 S.F.	0.781 AC
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Land Area (Net):	21,118.1 S.F.	0.485 AC
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Permitted Uses:

General office uses as permitted by right in OL, Office Light, zoning district, excluding medical offices, banks, funeral home, studio or school for teaching ballet, dance, drama, fine arts, music, language, business or modeling.

Maximum Building Floor Area:	7,200 S.F.
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Maximum Building Height: One and one-half story* 28 feet
*No upper story windows on west or north-facing walls.

Minimum Building Setbacks:
From the centerline of E. 21st St. S. 95 feet
From the centerline of S. Louisville Ave. 55 feet
From the west boundary 8 feet
From the north boundary 8 feet

Access:
Permitted from South Louisville Avenue, only.

Minimum Off-Street Parking:
As required by the applicable Use Unit of the Tulsa Zoning Code.

Sidewalks:
Sidewalks shall be provided in the rights-of-way of all public residential and arterial streets in accordance with the Subdivision Regulations.

Minimum Internal Landscaped Open Space and Streetyards:
A minimum of 15 percent of the net land area shall be improved as internal landscaped open space and may include required streetyards and landscape buffers. All landscaping shall be in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code and PUD Development Standards.

Other Landscaping and Screening.
A minimum six eight-foot high screening wall or fence shall be required along the west and north boundaries. Landscaping of the north and west boundaries shall be in accordance with the concept plan.

Signs:
One monument-style ground sign not to exceed 32 square feet.

Lighting:
No pole-mounted lighting. Building-mounted lighting shall be decorative in nature; however, security lighting on the west and north elevations, if used, shall be hooded and directed downward and away from adjacent residential uses and shielding of such light shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to persons within residential districts. Compliance with these standards and with the City of Tulsa Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.

Outdoor Trash Receptacles:

Outdoor trash receptacles shall be screened from view of persons standing at ground level.

Other Bulk and Area Requirements:

As established within an OL district.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to occupancy or at the soonest appropriate planting time. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or 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.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required Stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.

9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

TAC Comments from April 20, 2006:

General – No comments.

Water – Only the six-inch and 12-inch water mains can be tapped for services.

Fire – No comments.

Stormwater – Grading and drainage have not been addressed, neither existing nor proposed. Therefore, there is no information on stormwater collection or conveyance, either overland or in pipes.

Wastewater – Sanitary Sewer is available to the development.

Transportation – A five-foot sidewalk already exists on 21st Street South. The proposed sidewalk on Louisville is recommended to be five feet also.

Traffic – A total of 50 ft of right-of-way will be required for 21st St. per the Major Street and Highway Plan (secondary arterial) with a 30 FT Intersection radius.

GIS – No comments.

County Engineer – No comments.

Transportation/ Transit:

- MSHP: 21st St. South designated as secondary arterial. Encourage pedestrian-friendly design of proposed development. Per TMAPC Subdivision Regulations, request sidewalks along 21st St. and Louisville Ave.
- LRTP: 21st St. South, between Harvard Ave. and Yale Ave., existing 4 lanes.
- TMP: No comments.
- Transit: Currently, Tulsa Transit operates existing routes along 21st Street, between Harvard Ave. and Yale Ave. and according to future plans will continue to service this location. Therefore, consideration for access to public transportation should be included in the development.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Scott Trizza, 2626 North Denver Avenue, Tulsa, Oklahoma 74103, stated that he owns the property directly north of the subject property. He indicated that he is for this development and appreciates the office being in the corner and the parking towards 21st Street. He would like an added stipulation that an eight-foot high screening fence be installed around the abutting RS-3 districts.

TMAPC COMMENTS:

Ms. Bayles asked Mr. Trizza if he has spoken to Mr. Johnson about the eight-foot screening fence request. In response, Mr. Johnson stated that he wrote a letter requesting this during the last meeting.

Ms. Bayles asked Mr. Johnson if he would consider an eight-foot high screening fence around the RS-3 districts. In response, Mr. Johnson indicated his agreement to an eight-foot fence.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Cantees, Midget, Hill, Jackson "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon "absent") to recommend **APPROVAL** PUD-730 per staff recommendation, subject to the amendment to have an eight-foot high screening fence on the north end abutting the RS-3 districts. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-730:

Lots 11, 12, and 13, Block 2, Wilson View Addition Resub Block 2 Hickory Heights, an addition to the City of Tulsa, Tulsa County, and State of Oklahoma. **FROM OL/RS-3 (Office Low Intensity District/Residential Single Family District) TO OL/RS-3 (Office Low Intensity District/Residential Single Family District /Planned Unit Development [PUD-730).**

* * * * *

Application No.: PUD-390-B-3

MINOR AMENDMENT

Applicant: Kristopher S. Heroux

(PD-18) (CD-7)

Location: 8925 East 61st Street

STAFF RECOMMENDATION:

The applicant is requesting an amendment to PUD 390-B to permit one wall sign and one monument sign and to permit an increase in the total allowable signage from 40 square feet of display surface area to 89.6 square feet. The PUD and underlying zoning limit signage to one sign not to exceed 2/10 of a square foot

per lineal foot of street frontage. The applicant received approval from the Board of Adjustment on April 25, 2006, per BOA-20245 for the increase in number of signs permitted to two and for the increase in permitted display surface area from 40 square feet to 89.6 square feet.

Based upon Board of Adjustment action permitting the increase in number of signs and total display surface area, staff recommends **APPROVAL** of PUD 390-B-3 as proposed.

The applicant indicated his agreement with staff's recommendation.

TMAPC COMMENTS:

Ms. Bayles asked what the size of the sign is that is currently facing the street. In response, Mr. Kris Heroux, 502 West 6th Street, 74103, stated that he is representing the property owner. Mr. Heroux stated that the actual total size is 17.7 FT from each post left to right and 15 SF display area and total height is five feet for the sign and six feet to the top of the post.

Ms. Bayles asked if this is for an existing sign. In response, Mr. Heroux stated that he is not seeking approval for a new sign, but just the existing sign.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-1-0 (Ard, Bernard, Cantees, Hill, Jackson, Midget "aye"; Bayles "nay"; none "abstaining"; Carnes, Collins, Harmon "absent") to **APPROVE** the minor amendment for PUD-390-B-3 per staff recommendation.

* * * * *

OTHER BUSINESS:

Application No.: L-19920

Refund

Applicant: Stephen Schuller

County

Location: 10724 East 126th Street North

STAFF RECOMMENDATION:

The applicant applied for a lot-split and a waiver of the Subdivision Regulations. Upon further review, the waiver of the Subdivision Regulations was not required, and the application received prior approval by staff. The applicant is asking for a refund of the \$50.00 application fee for the waiver of the Subdivision Regulations.

Staff recommends **APPROVAL** of the \$50.00 partial refund of the \$150.00 lot-split application fee.

There were no interested parties wishing to speak.

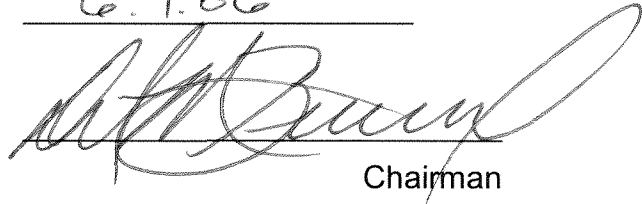
TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Ard, Bayles, Bernard, Cantees, Hill, Jackson, Midget "aye"; "nays"; none "abstaining"; Carnes, Collins, Harmon "absent") to **APPROVE** the refund of \$50.00 per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 3:46 p.m.

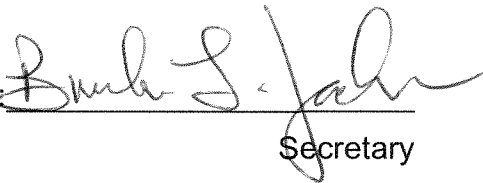
Date Approved:

6.7.06

A large, stylized handwritten signature in dark ink, likely belonging to the Chairman, is written over a horizontal line.

Chairman

ATTEST:

A handwritten signature in dark ink, likely belonging to the Secretary, is written over a horizontal line.

Secretary