

**Amended**  
**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2451**

Wednesday, July 5, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Bayles	Ard	Alberty	Boulden, Legal
Bernard	Cantees	Fernandez	
Carnes	Collins	Huntsinger	
Harmon		Matthews	
Jackson			
Midget			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 29, 2006 at 4:20 p.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 1:34 p.m.

Mr. Bernard read the opening statement and rules of conduct for the TMAPC meeting.

**REPORTS:**

**Chairman's Report:**

Mr. Bernard reported that Commissioner Mary Hill's appointment expired in December 2005, and she called today indicating that she received a call from the Mayor's office and that they are going to appoint someone else. Mr. Bernard thanked Ms. Hill for her service for the past years on the Planning Commission.

**Director's Report:**

Mr. Alberty reported that there is one item on the City Council agenda this Thursday.

**Requests for Continuances:**

Mr. Bernard stated that Ms. Bayles informed him that there has been a request for a continuance on Item 8 from Mr. East. Mr. Bernard asked the applicant if he would agree to a continuance.

**Application No.: PUD-732**

**OL to OL/PUD**

**Applicant:** Khoury Engineering, Inc. (PD-6) (CD-4)

**Location:** Northwest corner of 17<sup>th</sup> Place and South Utica Avenue

**Applicant's Comments:**

**Malek Elkhoury**, 1435 East 41<sup>st</sup> Street, 74105, stated that he objects to a continuance and would like to have it heard today.

**Mr. Midget in at 1:38 p.m.**

Mr. Bernard stated that Item 8 will be heard at its regular time within the agenda.

\* \* \* \* \*

**SUBDIVISIONS:**

**LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:**

**L-19968** (9317)

(PD-6) (CD-9)

2553 East 22<sup>nd</sup> Street, Jack Ramsey

**STAFF RECOMMENDATION:**

The proposal is to split a Tract A off Tract 1 and tie it to Tract 2. Both resulting tracts would meet the RS-2 bulk and area requirements; however, both tracts would have more than three side lot lines. The applicant is requesting a waiver of the Subdivision Regulations that no tract have more than three side lot lines.

The Technical Advisory Committee expressed no concerns at their June 15, 2006, meeting.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, subject to Tract A being tied to Tract 2.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Bernard, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Collins "absent") to **APPROVE** the waiver of Subdivision Regulations

and of the lot-split, subject to Tract A being tied to Tract 2 for L-19968 per staff recommendation.

\* \* \* \* \*

**FINAL PLAT:**

**Eastbrook –** (9319)

(PD 6) (CD 9)

1316 East 35<sup>th</sup> Place

**STAFF RECOMMENDATION:**

This plat consists of nine lots in one block on .64 acres.

All release letters have been received and staff recommends **APPROVAL**.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Bernard, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Collins "absent") to **APPROVE** the final plat for Eastbrook per staff recommendation.

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**Parkside –** (9307)

(PD 4) (CD 4)

East 12<sup>th</sup> Street and South Trenton Avenue

**STAFF RECOMMENDATION:**

This plat consists of four lots in two blocks on three acres.

All release letters have been received and staff recommends **APPROVAL**.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Bernard, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Collins "absent") to **APPROVE** the final plat for Parkside per staff recommendation.

**Kingdom Corner – (0319)**

(PD 2) (CD 3)

Northwest corner of Apache Street and North Lewis Avenue

**STAFF RECOMMENDATION:**

This plat consists of three lots in one block on 6.3 acres.

All release letters have been received and staff recommends **APPROVAL**.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Bernard, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Collins "absent") to **APPROVE** the final plat for Kingdom Corner per staff recommendation.

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**PRELIMINARY PLAT:**

**Tulsa Hills – (8211)**

(PD 8) (CD 2)

East of US 75, between West 71<sup>st</sup> and West 81<sup>st</sup> Streets

**STAFF RECOMMENDATION:**

This plat consists of 20 lots, seven blocks, on 176 acres.

The following issues were discussed June 15, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CO – Z-7008-SP-1. Make sure that reserve areas match covenants. All CO standards must be met. Setbacks per the CO need to be correct. Include the exact sign and lighting standards per the CO. Include the appropriate parking standards. Show the trail easement on or near the PSO easement. Show west boundary landscape buffer. Show Limits of No Access. Show all pipelines and agreements related to paving per the City Council approval. Show crosswalks (3). The pedestrian access plan needs to be submitted showing the trail before the CO site plan is approved. Bus bump-outs need to be shown per MTTA requirement.

2. **Streets:** Blank right-of-way and easement book and page numbers need to be completed. On sheet two, a highway right-of-way line along northwest ends on 71<sup>st</sup> Street South, without explanation. Right-of-way dedications on 71<sup>st</sup> and 81<sup>st</sup> need to be shown with dimensions and documentation. The legal description is not consistent with the south property and right-of-way dedication lines shown on sheets one and four. Section I.A heading should be: "Streets and Utility Easements". The "Limits of No Access" paragraph, I.F., needs to show correct street and highway references. In Section I.H. Mutual Access Easement, the referenced Lots 8, 10, 11, 12 of Block 2 do not appear on the face of plat. Section I.J. paragraph lacks consistency in language referring to owners and owners association. Language establishing the referenced owners' association is absent and needed. In Section I.J for the listed reserves, the inclusion of "M" in this paragraph is questioned because of its overlap with the mutual access easement; declared uses are in conflict. On 71<sup>st</sup> Street South at east end, eastbound transition from three to two lanes is of insufficient length (the taper section which appears on other plans is shown 13.5.1 and needs to be approximately doubled). Sidewalks on the arterial streets are required by the Subdivision Regulations. ~~Recommend a cul-de-sac bulb or a turnaround at the south end of Jackson Avenue.~~ Show width and label statutory roadway easement for south half of 81<sup>st</sup> Street. Design adequate transitions on 81<sup>st</sup> eastbound traffic at both the west and east ends of the proposed pavement widening. Increase the storage capacity of the Highway 75 northbound off-ramp with approval by ODOT.
3. **Sewer:** The ten-foot utility easements where the sanitary sewer lines will be located must be changed to sanitary sewer easements. Add language to the covenants restricting the use of the sanitary sewer easements.
4. **Water:** Label the 17.5-foot utility easement along both west and east sides of South Olympia Avenue. Check for conflict between 20-foot restricted waterline easement and Reserve "M" from 71<sup>st</sup> Street South. Add language for the restrictive water line easement.
5. **Storm Drainage:** FEMA and City of Tulsa regulatory floodplains need to be shown and respectively labeled, including the appropriate creek name of the drainage basin.
6. **Utilities: Telephone, PSO, ONG, Cable:** Additional easements will be needed.
7. **Other: Fire:** Provide a proper turnaround at the end of Jackson Avenue. Cul-de-sacs greater than 500 feet in length and with abutting front yards for more than twenty lots shall have a turnaround radius of not less than forty-eight feet of paving and a radius of sixty feet of right-of-way at the property line. For a cul-de-sac with a rolled curb section the turnaround radius may

be measured to the back of the curb. Alternative turnarounds may be a one hundred and twenty foot hammerhead or a sixty foot "Y". 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: For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 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. Show highway right-of-way and dimension. Complete location map. Insert indexes on each page. South Olympia Avenue should be labeled as a public street. Subdivision regulations require surveyor's e-mail address and CA number along with renewal date to be shown on plat. Show adjacent subdivisions on each sheet of plat. On Page 2, Block 2, Lot 2 there is a 50-foot dimension that needs to be clarified as being a "pipeline easement and overland drainage easement." Show correct lots and blocks.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the TAC comments and the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).

4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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.

Mrs. Fernandez stated that there is an email from Mark Brown, City Traffic Engineering, who indicates that he is no longer requiring a cul-de-sac bulb or turnaround at the south end of Jackson Avenue and the Fire Marshal is in agreement.

**Applicant's Comments:**

**Charles Norman**, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that with the withdrawal of the recommendation of Transportation, he is in agreement with the staff recommendation.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Bernard, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Collins "absent") to **APPROVE** the preliminary plat for Tulsa Hills subject to special conditions and standard conditions per staff recommendation deleting the recommendation for the turnaround on Jackson Avenue per Mark



Brown's email dated 7/5/06. (Language with a strike-through has been deleted and language with an underline has been added.)

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## **ZONING PUBLIC HEARING**

**Application No.: Z-7028**

**AG to RS-3**

**Applicant:** Tanner Consultants

(PD-17) (CD-6)

**Location:** South of the southwest corner of East 41<sup>st</sup> Street and South 177<sup>th</sup> East Avenue

### **STAFF RECOMMENDATION:**

**Z-7006 January 2006:** All concurred in approval of a request to rezone an 80+ acre tract from RS-3 to RS-4 for Residential purposes located south of the southeast corner of East 41<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue.

**Z-6999 September 2005:** All concurred in approval of a request to rezone a 90+ acre tract locate west of the southwest corner of East 41<sup>st</sup> Street and 193<sup>rd</sup> East Avenue from RS-3, AG, OL and CS to RS-4 for single-family development.

**Z-6972/PUD-712 February 2005:** All concurred in approval a request to rezone approximately eight acres in a wrap-around configuration located north and west of the northwest corner of East 51<sup>st</sup> Street and South 193<sup>rd</sup> East Avenue from RM-0 to OL. Approval was also granted for a PUD on the entire northwest corner of this intersection to allow retail development with a proposed mini-storage facility around the commercial corner.

**Z-6970 February 2005:** All concurred in approval of a request to rezone a ten-acre tract located south of the southwest corner of East 49<sup>th</sup> Street and South 177<sup>th</sup> East Avenue and south of the subject property, from AG to RS-3.

**PUD-711 February 2005:** Approval was granted for a gated single-family development for 38 lots. The property is located west of the northwest corner of East 51<sup>st</sup> Street and South 177<sup>th</sup> East Avenue.

**Z-6945 August 2004:** Approval was granted for RS-3 zoning from AG on a 126.5-acre tract located north and east of the northeast corner of East 51<sup>st</sup> Street and South 177<sup>th</sup> East Avenue.

**Z-6913 October 2003:** A request to rezone 11.6 acres, located west of the northwest corner of East 51<sup>st</sup> Street and South Lynn Lane (South 177<sup>th</sup> East Avenue) from AG to RS-4. Staff recommended denial on the grounds there were

no other zoning and development patterns in the area with RS-4 zoning. Staff recommended the applicant re-submit the application along with a Planned Unit Development.

**Z-6911 September 2003:** Approval was granted to rezone 160 acres located east of the northeast corner of East 51<sup>st</sup> Street South and South 161 East Avenue from AG to RS-3 for single-family development.

**Z-6834 October 2001:** The TMAPC and City Council approved a request to rezone property south of the subject property from AG to RS-3.

**Z-6816 June 2001:** All concurred in approval of a request to rezone an eleven-acre tract located north and east of the northeast corner of East 41<sup>st</sup> Street and South 177<sup>th</sup> East Avenue from RM-0 and RS-3 to AG and RS-3 for residential and agricultural uses.

**Z-6500 September 1995:** The TMAPC and City Council approved rezoning from AG to RS-4 on a property north of East 51<sup>st</sup> Street between Lynn Lane (South 177<sup>th</sup> East Avenue) and South 193<sup>rd</sup> East Avenue.

#### **AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately ten acres in size and is located south of the southwest corner of South 177<sup>th</sup> East Avenue and East 41<sup>st</sup> Street. The property appears to be vacant and is zoned AG.

#### **STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South 177 <sup>th</sup> Avenue East	Secondary Arterial	100'	2

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

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant land, zoned RS-4; on the north by a single family residence, zoned AG; on the south by single family residential platted development with some vacant lots, zoned RS-3 and on the west by vacant land, zoned AG.

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

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity – No Specific land use. According to the Zoning Matrix, the requested RS-3 is in accord with the Plan.

**STAFF RECOMMENDATION:**

Based on the District 17 Plan and surrounding land uses/zoning, staff can support the requested rezoning and therefore recommends **APPROVAL** of RS-3 zoning for Z-7028.

**Ricky Jones**, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, Oklahoma 74105, representing developer and landowner, stated that he is in agreement with the staff recommendation. There will be a single-family subdivision consistent in lot sizes with the addition to the south. There will be a stub street to the south and he requested that the RS-3 zoning be approved.

In response to Mr. Midget and Mr. Bernard, Mr. Jones stated that the preliminary design will tie into the stub street at South 175<sup>th</sup> East Avenue.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Bayles, Bernard, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Collins "absent") to recommend **APPROVAL** of the RS-3 zoning for Z-7028 per staff recommendation.

**Legal Description for Z-7028:**

A tract of land that is south half of the south half of the southeast quarter of the northeast quarter of Section 26, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, **From AG (Agriculture District) To RS-3 (Residential Single Family District).**

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**Application No.: Z-7029**

**AG/OL to CS**

**Applicant:** Wallace Engineering

(PD-18) (CD-7)

**Location:** North of the northeast corner of South Memorial Drive and East 71<sup>st</sup> Street.

**STAFF RECOMMENDATION:**

**PUD-186-A/Z-6854 May 2005:** All concurred in approval of a request for rezoning and a Major Amendment to PUD-186 on a 2.97± acre tract of land from RM-1/PUD-186 to CS/PUD-186-A for retail and office use located on the east side of South 85<sup>th</sup> East Avenue and south of East 66<sup>th</sup> Street South.

**BOA-19595 May 27, 2003:** The Board of Adjustments approved a Special Exception to allow a single-family dwelling in an OL district on the subject property.

**BOA-16149 October 13, 2003:** The Board of Adjustments approved a Variance of the maximum square footage permitted for a sign to permit an 80 SF sign on the subject property.

**PUD-379-A/Z-6113 July 1986:** All concurred in approval of a request for rezoning and a Major Amendment to PUD-379 on a 32.9± acre tract of land from PK to CS to add commercial property to the existing development, therefore changing the development standards, located directly west of subject property.

**PUD-379/Z-6011 December 1984:** A request for rezoning and a Planned Unit Development on a 33± acre tract of land from CS/RS-3/OL/AG to CS/RM-2/PUD for commercial development was approved by the TMAPC recommending CS and PK instead of RM-2, for retail development, located directly west of subject property.

**PUD-309/Z-5790 April 1983:** All concurred in approval of a request for rezoning a Planned Unit Development on a 10.28± acre tract of land from OM to CS for retail shopping and a cinema theater, with the North 300 feet remaining OM on property located northeast of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately one-half acre in size and is located north of the northeast corner of East 71<sup>st</sup> Street South and South Memorial Drive. The property contains a restaurant and is zoned AG/OL.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Memorial Drive	Primary Arterial	120'	4

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

**SURROUNDING AREA:** The subject tract is abutted on the east by mixed retail uses in conjunction with Woodland Hills Mall and related developments, zoned CS; on the north by restaurant use, zoned CS/OL/AG; on the south by restaurant use, zoned CS/AG and on the west by mixed retail and related uses, zoned CS/PUD-379/PUD-379-A.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Special District 3 – Commercial Complex, involving the Woodland Hills Mall and related uses. The requested CS

zoning **may be found** in accord with the Comprehensive Plan by virtue of its location within a Special District. Plan policies call for attention to circulation, screening and compatibility with surrounding uses.

**STAFF RECOMMENDATION:**

This area is one of heavily commercialized development. The request for CS zoning is compatible with adjacent land uses and zoning. The District 18 Plan recognizes this area as a commercial special district. Therefore, staff recommends **APPROVAL** of CS zoning for Z-7029.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Bayles, Bernard, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Collins "absent") to recommend **APPROVAL** of the CS zoning for Z-7029 per staff recommendation.

**Legal Description for Z-7029:**

A part of Lot One (1), Block Two (2), WOODLAND HILLS MALL BLOCKS Two (2), Three (3), Four (4), and Five (5), an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof. Located in Section One (1) Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, according to the United States Government Survey thereof, more particularly described as follow, to-wit: Commencing at the most Southerly Northwest Corner of said Block 2; thence South 00o03'42" West along the West line of said Block 2 a distance of 274.17 feet to the Point of Beginning; thence North 90o00'00" East a distance of 131.00 feet; thence South 00o03'42" West a distance of 182.00 feet; thence South 90o00'00" West a distance of 131.00 feet; thence North 00o03'42" East a distance of 182.00 feet to the Point of Beginning; containing 0.5473 acres more or less, the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **From OL/AG (Office Low Intensity District/Agriculture District) To CS (Commercial Shopping Center District).**

\* \* \* \* \*

**Application No.: PUD-732**

**OL to OL/PUD**

**Applicant:** Khoury Engineering, Inc. (PD-6) (CD-4)

**Location:** Northwest corner of 17<sup>th</sup> Place and South Utica Avenue

**TMAPC COMMENTS:**

Ms. Bayles reminded the Planning Commission that she is a member of the Swan Lake HOA. She indicated that she had ex parte communication relative to PUD-732.

**STAFF RECOMMENDATION:**

**BOA-20263 2006:** The application was withdrawn by the applicant to go to the TMAPC for a Planned Unit Development on the subject property.

**PUD-708-A June 2005:** A Major Amendment to PUD-708 to remove the property from the HP overlay zoning district on a 1.34± acre tract located on the southeast corner of East 15<sup>th</sup> Street and South Utica Avenue. The TMAPC approved it per staff recommendation, subject to the removal of the Victor access. The final City Council vote to approve was 6:0:1, with Councilor Mautino abstaining.

**Z-6977 June 2005:** All concurred for approval of a request for rezoning a .42± acre tract from RS-3/PUD/HP to RS-3/PUD for off-street parking for PUD-708-A on property located on the southeast corner of East 15<sup>th</sup> Street and South Utica Avenue.

**PUD-708 August 2004:** An application was filed for a Planned Unit Development which proposed the consolidation of several parcels with various zoning, CH, OL, PK, RS-3 and HP for the development of a bank. Approval was granted subject to staff recommendations, subject to specific traffic flow requirements.

**BOA-19390 June 25, 2002:** The Board of Adjustment approved a Special Exception to allow required parking on lot other than where principal use is located, per plan allowing modification of the landscaping to meet zoning requirements and subject to a tie agreement on the subject property.

**BOA-19279 January 2002:** The Board of Adjustment approved a request for a special exception to permit a restaurant located south of the southwest corner of East 15<sup>th</sup> Street and South Utica, to meet part of the parking requirements on lots adjoining the property where the restaurant is located. Approval was granted per plan and subject to a tie agreement for the lots.

**PUD-614 August 1999:** An application for a PUD that proposed a one-story medical office (KMO Cancer Care Facility) on a 1.2-acre tract located on the southeast corner of East 15<sup>th</sup> Street and South Victor and northeast of the subject property was approved.

**PUD-553 April 1997:** A request for a Planned Unit Development that would allow a bank, including drive-in facility, and offices on a tract located on the southwest corner of East 15<sup>th</sup> Street and South Utica Avenue was approved per conditions.

**BOA-17463 August 13, 1996:** The Board of Adjustments approved a Variance to allow parking on a lot other than where the office uses are located per plan submitted and subject to a tie contract on the subject property.

**Z-6490/Z-6490-A August 1995:** All concurred in approval of a request to rezone an area of approximately 74 acres in the Yorktown neighborhood that included lots between East 15<sup>th</sup> Street on the north, west to South Utica Avenue, east to Lewis and south to St. John's Medical Center, for Historic Preservation (HP) supplemental zoning.

**PUD-417-D March 1999:** All concurred in approval of a Major Amendment to expand the existing parking facility and adding five residential lots to Development Area B for St. John Medical Center.

**PUD-417-C April 1991:** All concurred in approval of a Major Amendment to incorporate additional land and alter development standards on St. John Medical Center, Inc. property.

**Z-6212 May 1989:** All concurred in approval of a request to zone the Gillette neighborhood with HP supplemental zoning overlay. This request included properties lying south of 15<sup>th</sup> Street and those lots fronting South Yorktown on the west; including those lots fronting South Gillette Avenue on the east to East 17<sup>th</sup> Street on the south.

**PUD-417 September 1986:** PUD-417-B August 1990: All concurred in approval subject to conditions of a PUD that combined PUDs 225, 338, 401 and BOA-12767. The PUD amended certain standards previously approved and added property to St. John Hospital complex located southeast of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 0.69 ± net acres in size and is located on the northwest corner of South Utica Avenue and East 17<sup>th</sup> Place. The property is vacant and is zoned OL, Office Light Intensity. The subject property is **not** located within the Historic Preservation District.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Utica Avenue	Urban Arterial	70 feet	4 lanes
East 17 <sup>th</sup> Place	Residential	60 feet	2 lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the east by South Utica Avenue and a medical office, zoned OM, Office medium intensity; on the north by an office use, zoned OL, Office light intensity; on the south by East 17<sup>th</sup> Place and single-family residential, zoned RS-3/HP, Residential Single-Family, Historic Preservation District and on the west by single-family residential, zoned RS-3/HP, Residential Single-Family, Historic Preservation District.

**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 Special Consideration Area – Cherry Street, Low Intensity Subarea (Area G), No Specific Land Use and is adjacent to the Swan Lake Historic Neighborhood. PUD-732, a proposed office development, may be found **in accordance** with the Plan by virtue of its location within a special consideration area.

**STAFF RECOMMENDATION:**

PUD-732 comprises four lots located on the northwest corner of East 17<sup>th</sup> Place and South Utica Avenue. The subject property has 140 feet of frontage on East 17<sup>th</sup> Place and 200 feet of frontage on South Utica Avenue and is zoned OL, Office Light Intensity. Development was initially proposed through Board of Adjustment application 20263, which sought variances for the setback from South Utica Avenue, building height limitations for a two-story office, setback of parking from residential, screening requirements along East 17<sup>th</sup> Place and a special exception to increase the floor area ratio from thirty percent to forty percent. The applicant subsequently withdrew the application after being advised to resubmit the proposed development as a PUD.

The applicant is proposing medical office uses in a 10,610 square foot two-story building located close (6.5') to the South Utica Avenue right-of-way, in keeping with existing development in the area. Two access points onto South Utica Avenue are proposed, the southernmost being located approximately 24 feet from the south boundary of the PUD and 40 feet from the driving surface of East 17<sup>th</sup> Place.

Adjacent to the west boundary of the subject property and south across East 17<sup>th</sup> Place is existing single-family residential which is part of the Swan Lake Historic Preservation District. The subject property is not located within the HP district.



Existing office uses are adjacent to the north and to the east across South Utica Place.

Because the existing zoning and proposed use are consistent with the Comprehensive Plan, in harmony with existing and expected development of surrounding areas, and an appropriate buffer between residential and non-residential land uses, staff recommends **APPROVAL** of PUD-732 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:

<b>Land Area (Gross):</b>	39,100 S.F.	0.90 AC
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<b>Land Area (Net):</b>	28,000 S.F.	0.64 AC
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**Permitted Uses:**

Uses as permitted by right in OL, Office Light districts, except drive-through banks; and Barber and Beauty Shops as provided in Use Unit #13, Convenience Goods and Services.

<b>Maximum Floor Area Ratio:</b>	0.40
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<b>Maximum Building Height:</b>	2-story*, not to exceed 35 feet in height
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\*No upper story windows on west-facing walls.

**Minimum Building Setbacks:**

From centerline of S. Utica Ave.	40 feet
From the north boundary of PUD 732	10 feet
From the r-o-w of E. 17 <sup>th</sup> Place	50 feet
From the west boundary of PUD 732	60 feet

**Parking Setbacks:**

From the centerline of S. Utica Ave.	47 feet
From the west boundary	5 feet

**Access:**

Permitted from South Utica 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 Streetyard:**

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.

**Screening:**

A minimum eight-foot high screening wall or fence shall be required along the west boundary of the PUD. The south boundary, adjacent to East 17<sup>th</sup> Place shall be screened by an eight foot high screening fence from the west boundary extending eastward 40 feet, then decreasing in height to no less than three feet extending eastward an additional 65 feet.

**Signs:**

One wall sign not to exceed 64 square feet of display surface area shall be permitted on the east-facing wall, only. In addition, one nameplate not to exceed four square feet in display surface may be attached to the south-facing wall in conformance with Section 225.B.1 of the zoning code.

**Lighting:**

No pole-mounted lighting is permitted. Building-mounted lighting shall be decorative in nature; however, security lighting on the north, west and south 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 must be setback from the west boundary of the PUD by a minimum of 20 feet, by five (5) feet from the south boundary and 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 6-15-06:**

**General** – No comment.

**Water** – A six-inch water main exists along the eastside of Utica Avenue and a four-inch water main exists along the south side of East 17<sup>th</sup> Pl.

**Fire** – Location map has wrong Range and Township, should be T-19-N and R-13-E.

**Stormwater** – No comment.

**Wastewater** – TV inspection of the existing line must be completed prior to connection. If the condition of the line will not support new connections, then the developer will be required to rehab the line at his own expense. Contact Mark Rogers, Underground Collections, at 669-6117 to schedule an inspection.

**Transportation** – Additional five feet of right-of-way on Utica must be dedicated to conform to the Major Street and Highway Plan designation of Urban Arterial, requiring 35' of right-of-way from the centerline. A 30' radius property line at the corner of 17<sup>th</sup> Place is also required.

**Traffic** – The design of adequate intersection line of sight for 17th Place shall be approved by the Traffic Engineer and will effect the location of the sign structure, the first parking space and possibly the southeast corner of the building.

**GIS** – No comment.

**County Engineer** – No comment.

**MSHP**: Utica Avenue, between 11<sup>th</sup> Street and 21<sup>st</sup> Street South designated as urban arterial

**LRTP**: Utica Avenue, between 11<sup>th</sup> Street and 21<sup>st</sup> Street South, existing four lanes

**TMP**: No comments

**Transit**: Tulsa Transit operates existing routes on Utica Avenue, between 11<sup>th</sup> Street and 21<sup>st</sup> Street South. According to MTTA future plans, this location will continue to be served by transportation routes.

**Applicant's Comments:**

**Malek Elkhoury**, 1435 East 41<sup>st</sup> Street, 74105, stated that the architect would like to speak on this application.

**Danny Mitchell**, 5110 South Yale, Suite 510, 74135, stated that there are a few things in the staff recommendation that he would like the Planning Commission to consider. He clarified that the first staff recommendation referenced this project as a 6,430 SF building and it is actually a 10,610 SF building (as noted in

the amended staff recommendation). Mr. Mitchell asked the Planning Commission to reconsider the staff recommendation that there can be no upper story windows on the west-facing walls because the building sets back 71 feet from the west building wall to the property line. There are existing mature trees on the neighbor's property and an eight-foot screening fence along the west property line and he believes that the request to limit windows on the west façade is extreme. Regarding screening he is in agreement with staff's recommendations; however, along the south boundary adjacent to 17<sup>th</sup> Place there is an area of fence that decreases to no less than three feet in height and he would like to use shrubbery for that particular area. Mr. Mitchell requested that a three-foot high sign at the southeast corner of the subject property be approved. It is 36 inches in height and should not obstruct views at that area. He commented that there is no residential lot across the street in the subject area and he believes a sign in this location is necessary for people traveling northbound. The height of the proposed sign would be 36 inches above the driving level of the road in that location. Staff has limited the nameplate (or address) to no more than four square feet and he asked that this be allowed in the south of the building as well. Regarding the outdoor trash receptacles, he agrees with the 20-foot setback from the west property line, which adjoins a resident's property, but he believes that it is unrealistic to ask for a 20-foot setback on the south, which is a street. There is an eight-foot screening wall requirement at the location of the trash receptacle and an additional eight-foot high screening around the trash enclosure. Trash would be the same that is generated at an office location (paper products, cardboard boxes, etc.) anything of human tissue, blood material or syringes would not be in the trash receptacle because the law requires that it be disposed of as a biohazard. Regarding TAC comments, Transportation has requested an additional five feet of right-of-way on the west side of Utica and he is in agreement with this request. For clarification he would like a 30-foot right-of-way at the southeast corner. Mr. Mitchell submitted a site plan (Exhibit A-3) and indicated the 35-foot right-of-way and the 30-foot radius at the end of it. Mr. Mitchell requested that the Planning Commission approve the staff recommendation with his proposed modifications.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Mitchell how many square feet he wanted on the monument sign on the south side. In response, Mr. Mitchell stated that he would like a monument sign on the southeast corner with a display surface area of 32 square feet (two feet high and 16 feet long).

Mr. Harmon asked Mr. Mitchell what he thought a reasonable setback would be for the south side of the property. Mr. Mitchell stated that he believes what he has shown that the trash enclosure currently is approximately ten feet.

Mr. Elkhoury stated that he spoke with staff regarding the trash enclosure setback from the south and there was a typo on the staff recommendation

regarding this. There is no restriction on the south side and the restriction is from only the west property line which is 20 feet and he complies.

Mr. Wofford asked the applicant how many windows they would like on the west-facing of the building and how many offices there would be involved with these windows. In response, Mr. Mitchell stated that the only windows on the west side, second floor, are at the reception area to the doctor's practice. No examination rooms or private offices would have windows. Mr. Wofford asked what the vegetation is like in the yards abutting this property. In response, Mr. Mitchell stated that there are mature trees and they are on the neighbors' properties.

Mr. Midget asked the applicant if they had talked with the neighborhood and if they are still reluctant to have a continuance. In response, Mr. Mitchell stated that there have been conversations between Dr. Hinkle and the neighborhood for approximately two years. The first he heard anything about a continuance was this morning. Dr. Hinkle has adjusted his entire schedule so that he could be off this afternoon for this hearing and for a continuance to be requested at the last day puts a strain on his practice. He understands that the request for the continuance is based on traffic in the area and Traffic and Transportation have reviewed this at TAC and had no comments. The other issue is stormwater management in the subject area and this is a sensitive issue. He fully understands he will have to meet the City's Civil Engineer's requirements before being approved to build. If there are other items relative to the request for a continuance he is not aware of it at this time.

Mr. Jackson summarized the issues to be scale, rhythm, traffic, stormwater management, no windows on the west-facing of the proposed building, signage and the location of the trash dumpster and the trash pickup times.

#### **INTERESTED PARTIES IN FAVOR OF A CONTINUANCE:**

Jim East, 1723 S. Rockford Ave, 74120; Chip Atkins, 1638 E. 17<sup>th</sup> Pl, 74120; Bill Schulz, 1715 South Troost, 74126.

#### **INTERESTED PARTIES ISSUES:**

Stormwater management, traffic and signage in view of sight line, placement of trash dumpster and pickup times for the trash, no windows on the west second story of the building for safety and privacy issues, rhythm and scale of proposed building, and architectural style.

After a lengthy discussion from the applicant and his representatives and interested parties, the Planning Commission determined that it would be best to continue this case to July 19, 2006, to allow the applicant and interested parties to meet and discuss their concerns.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Bayles, Bernard, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nay"; none "abstaining"; Ard, Cantees, Collins "absent") to **CONTINUE** PUD-732 to July 19, 2006 in order to allow both the applicant and interested parties to meet and discuss issues.

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**Application No.: Z-7024-SP-1**

**Corridor Site Plan**

**Applicant:** Tulsa Engineering & Planning (PD-18) (CD-7)

**Location:** South of the southwest corner of South Garnett Road and East 81<sup>st</sup> Street South

**STAFF RECOMMENDATION:**

**Z-7024 May 2006:** All members of TMAPC concurred in recommending approval of CO zoning for the subject property on May 17, 2006. All members of City Council concurred in approval of TMAPC recommendation on June 8, 2006.

**PUD-716/Z-6989 July 2005:** All concurred in approval for a request to rezone a 9.37+ acre tract of land and a Planned Unit Development from CO to CS/PUD for commercial development and approved per staff recommendation.

**PUD-666 August 2002:** Approval was granted for a Planned Unit Development on a ten-acre tract located on the northwest corner of East 81<sup>st</sup> Street and South 113<sup>th</sup> East Avenue from RM-0 and CS to PUD for commercial development.

**PUD-663 June 2002:** A request to rezone a 26-acre tract located north and west of the subject property on the north side of East 81<sup>st</sup> Street, from CO to CO/PUD-663 was approved by TMAPC. The PUD was approved for a recreation and sporting goods store, boat sales, and other retail and office uses.

**PUD-569-A/Z-6054-SP-3 December 1997:** All concurred in approval of a request for a corridor site plan and Planned Unit Development on a 30.7-acre tract abutting the subject property on the west for a mixed use development.

**Z-6054 July 1985:** All concurred in approval of CO zoning on a 137-acre tract located at the southeast corner of East 81<sup>st</sup> Street South and Mingo Valley Expressway.

## **AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 20 ± acres in size and is located south of the southwest corner of East 81<sup>st</sup> Street South and South Garnett Road. The property is vacant.

## **STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Garnett Road	Secondary Arterial	100 feet	2 lanes
South 107 <sup>th</sup> E. Ave.	Collector	60 feet	2 lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the east by mostly abandoned commercial recreation uses, zoned R-1 in Broken Arrow; on the north by vacant and large-lot residential land, zoned CO and PUD 716; on the south by single-family residential uses, zoned CO; and on the west by residential and mixed uses, zoned PUD 569-A. To the northeast is Golf World, zoned C-5; and to the southeast is single-family residential, zoned PUD 117, both in Broken Arrow.

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

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Corridor. Z-7024-SP-1, a proposed single-family residential development, is found to be **in accordance** with the Plan.

## **STAFF RECOMMENDATION:**

The proposed corridor site plan is for a 20-acre residential development with 660 feet of frontage along South Garnett Road and approximately 178 feet of frontage along South 107<sup>th</sup> East Avenue, a collector street.

The immediate surrounding area is part of a large corridor district zoning pattern which encompasses a wide range of uses from detached single-family residential, churches, and multi-family uses to commercial development. The subject property is abutted on the south by two traditional single-family residential subdivisions (Oak Tree Village Addition and Oak Tree Center), along the southerly portion of the west boundary by Saint Therese Maronite Church, on the north by two proposed commercial developments (Union Place and Three Lions Square) and on the east by South Garnett Road (the boundary between the City of Tulsa and the City of Broken Arrow), across which is Golf World and mostly abandoned commercial recreation uses.



The proposed corridor site plan is proposed as a private/gated attached residential development of both duplex and triplex units, with each unit on its own lot. Due to the existing pipelines that traverse the property and the large overhead power lines along the west property line, the corridor development will provide a significant amount of open space. The two primary points of access will be from South Garnett Road and South 107<sup>th</sup> East Avenue. No street connection is proposed from the proposed development to the South 109<sup>th</sup> East Avenue stub which exists in the Oak Tree Village Addition abutting the subject property's south boundary. Gates are proposed at all entries to the development.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds Z-7024-SP-1 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-7024-SP-1 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:

<b>Land Area:</b>	20.00 acres (Gross)	19.24 acres (Net)
<b>Minimum Project Open Space:</b>	25%	
<b>Maximum Building Coverage for Project:</b>	30%	(261,360 sq. ft.)
<b>Minimum Livability Space for Project:</b>	18,600 sq. ft.	

**Permitted Uses:**

Uses permitted as a matter of right in Use Unit 8, Multifamily Dwellings and Similar Uses; and uses customarily accessory to permitted principal uses, including entry gates, guardhouses and clubhouse with pool.

<b>Maximum Number of Dwelling Units:</b>	93
<b>Maximum Number of Lots:</b>	93
<b>Clubhouse (to be located in a Reserve):</b>	One

**Minimum Lot Size:** 4,000 sq. ft.

**Maximum Building Coverage Per Lot:** 2,780 sq. ft.

**Minimum Lot Frontage:** 40 feet\*

*\*Measured at the front building line for cul-de-sac and eyebrow lots.*

**Off-Street Parking:**

Two enclosed off-street parking spaces per dwelling unit and at least two additional off-street parking spaces per dwelling unit.

**Yards:**

Minimum Front Yard 20 feet

Minimum Side Yard abutting private street 15 feet\*\*

*\*\*Garage openings shall not be permitted to face the 15 foot building setback/ side yard.*

Minimum Side Yard (interior lot line) 0 feet

Minimum Side Yard abutting North boundary 17.5 feet

Minimum Side Yard abutting West boundary 17.5 feet

Minimum Side Yard abutting South boundary 11 feet

Minimum Rear Yard 15 feet

Minimum Rear Yard abutting South Garnett Ave. 35 feet

**Maximum Building Height:** 35 feet\*\*\*

*\*\*\*Architectural decorative features such as chimneys and cupolas may extend to a maximum height of 45 feet; however, no habitable portion of any dwelling may exceed the 35 foot height limitation.*

**Access:**

One access to Garnett Road and one access to South 107<sup>th</sup> East Avenue per the Concept Illustration, Exhibit 'A'.

**Private Streets:**

Minimum width\* (noted in gold per Exhibit 'D'): 26 FT

*Parking Area cul-de-sacs (noted in green per Exhibit 'D')* 22 FT

*"Half-streets with single lot frontage (noted in purple per Exhibit 'D')* 18 FT

All base and paving materials shall be of a quality and thickness which meet the City of Tulsa standards for minor residential public streets.

**Pedestrian Circulation and Transit Access:**

Sidewalks shall be required along the frontage of South Garnett Road, South 107<sup>th</sup> East Avenue and internally within easements or private street reserve areas. In addition, a concrete pad for a bus stop shall be provided along South Garnett Road no more than 50 feet from the south boundary of the PUD, adjacent to the reserve area.

**Signs:**

One identification sign may be erected on each perimeter street frontage. The sign shall not exceed two-tenths (2/10) of a square foot of display surface area per lineal foot of street frontage; provided that in no event shall the sign be restricted to less than 32 square feet nor permitted to exceed 150 square feet of display surface area. The sign shall not exceed eight feet in height, and illumination, if any, shall be by constant light.

3. No zoning clearance permit shall be issued for a lot within the Corridor Site Plan until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan 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 issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the Corridor Site Plan until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
6. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
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. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets,

sidewalks and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the Corridor Site Plan.

9. All private roadways shall have a minimum right-of-way of 30 feet. Paving of combined roll curb and gutter two-way streets shall be a minimum of 26 feet in width; roads servicing parking shall be a minimum of 22 feet in width; and "half-streets" serving no more than two lots shall be a minimum of 18 feet in width, measured ~~face-to-face~~ back to back of curb. ~~in accord with Exhibit 'D'.~~ All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
10. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
11. No building permit shall be issued until the requirements of Section 805.E 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 Corridor Site Plan conditions of approval and making the [City/County] beneficiary to said covenants that relate to Corridor Site Plan conditions.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. Entry gates and guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
14. Approval of the Corridor Site Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
15. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the Corridor Site Plan except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the Corridor Site Plan.

**TAC Comments from 6/15/06:**

**General** – No comment.

**Water** – Looped water main extension will be required.

**Fire** – No comment.

**Stormwater** – No comment.

**Wastewater** – Sanitary Sewer Service must be provided to all lots.

**Transportation** – Sidewalks are required by the Subdivision Regulations.

**Traffic** – Gated entry to be subject to approval of a detailed site plan by Traffic Engineer. (Excellent exhibit showing the proposed paving plan.)

**GIS** – No comment.

**County Engineer** – County has a road improvement project planned for Garnett Road. We will need close coordination on access to location and drainage.

**MSHP**: Garnett Road, between 81<sup>st</sup> Street South and 91<sup>st</sup> Street South is designated as a secondary arterial. Recommend the construction of sidewalks per the Subdivision Regulations along Garnett Road and 107<sup>th</sup> East Avenue and along the streets within the development.

**LRTP**: Garnett Road, between 81<sup>st</sup> Street South and 91<sup>st</sup> Street South, planned four lanes.

**TMP**: No comments.

**Transit**: Currently, Tulsa Transit operates existing routes in less than a mile from this location. According to MTTA future plans, Garnett Road and 81<sup>st</sup> Street South will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Bernard, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Collins "absent") to **APPROVE** the corridor detail site plan for Z-7024-SP-1 per staff recommendation. (Language with a strike-through is Scrivener's error and language with an underline has been added.)

\* \* \* \* \*

**Application No.:** PUD-713-5

**MINOR AMENDMENT**

**Applicant:** Jim Thompson

(PD-26) (CD-8)

**Location:** 11719 South Kingston Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to reduce the rear setback from 25 feet to 20 feet to permit construction of a garage as part of a new residence. The proposed one-car garage is an attached accessory building. (The proposed

three-car garage is a detached accessory building; as such, the 25-foot setback does not apply and the proposed accessory building complies with Sections 210.B.5 and 402.B.1.d of the Zoning Code.) A similar reduction in setback was approved by TMAPC per PUD 713-4 on April 19, 2006.

Staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-713-5 as proposed.

**TMAPC COMMENTS:**

Ms. Bayles stated that the proposal indicates stairs and she asked what the second story would be used for. In response, Ms. Matthews stated that the application doesn't indicate what it would be used for but she would guess it would be for a terrace for outside seating.

**The applicant was not present.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-1-0 (Bernard, Carnes, Harmon, Jackson, Midget, Wofford "aye"; Bayles "nay"; none "abstaining"; Ard, Cantees, Collins "absent") to **APPROVE** the minor amendment for PUD-713-A per staff recommendation.

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**Application No.: PUD-522-2**

**MINOR AMENDMENT**

**Applicant:** Sack & Associates, Inc./Jim Beach (PD-18c) (CD-8)

**Location:** West of southwest corner of East 81<sup>st</sup> Street South and South Mingo Road

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to reallocate floor area and signage on two lots created by lot split of Lot 2, Block 1, Meadowbrook Center. The new lots are labeled "Tract A" and "Tract B" on the attached exhibit. The applicant proposes reallocating floor area as follows:

Lot 1 (McDonald's) – 10,000 square feet  
Tract 'A' (Lot 2) – 15,000 square feet  
Tract 'B' (Lot 2) – 15,000 square feet

The applicant further proposes that one ground (pole) sign be permitted on Tract 'A' with 140 square feet of display surface area and one ground (pole) sign on Tract 'B' with 140 square feet of display surface area; and proposes wall signage on both tracts be permitted a maximum of three square feet of display surface area per lineal foot of building wall for wall signs.

Floor area and signage have previously been reallocated per PUD 522-1 to permit a combined floor area of 40,000 square feet for Lots 1 and 2, and to permit ground signs as follows:

Ground signs (pole) shall be limited to one for each arterial street frontage, each with a maximum of 280 square feet of display surface area and 30 feet in height.

One monument sign shall be permitted at each arterial street entry, with a maximum of one on 81<sup>st</sup> Street South and one on South Mingo Road, each with a maximum of 60 square feet of display surface area and six feet in height.

PUD-522-1 did not address wall signage. The original PUD development standards permit wall signs not to exceed two square feet of display surface area per lineal foot of building wall to which attached, not to exceed 75% of the frontage of the tenant space.

Staff can support the requested reallocation of floor area and ground signage as proposed, but cannot support the increase in wall signage as it exceeds what is permitted by the PUD chapter of the zoning code.

Therefore, staff recommends **APPROVAL** of PUD-522-2 subject to TMAPC approval of the related lot-split, LS-19974 and the following conditions:

1. Floor area be reallocated as follows:

Lot 1 (McDonald's) – 10,000 square feet  
Tract 'A' (Lot 2) – 15,000 square feet  
Tract 'B' (Lot 2) – 15,000 square feet

2. Ground (pole) signage be permitted as follows:

Lot 1 (McDonald's) – one ground sign not to exceed 280 square feet of display surface area and 30 feet in height

Tract 'A' (Lot 2) - one ground sign not to exceed 140 square feet of display surface area and 30 feet in height

Tract 'B' (Lot 2) - one ground sign not to exceed 140 square feet of display surface area and 30 feet in height

3. Wall signage be permitted as follows for Lot 1 and Tracts 'A' and 'B' of Lot 2:

Wall signs on the north and east side of the building shall not exceed ~~two~~ three square feet of display surface area per lineal foot of building wall to which attached and shall not exceed 75% of the frontage of the tenant space, subject to the wall signage on the south and west side of the building being eliminated.

**Applicant's Comments:**

**Ted Sack**, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that one of the items his client was requesting was to increase the wall sign up to three square feet per lineal foot of building rather than the two square feet that the PUD will allow. He indicated that he is willing to put a stipulation on the property and eliminate the signs on the west and south sides of buildings if he could increase the signage on the north and east sides. The subject property is located on the southwest corner of 81<sup>st</sup> and Mingo. This is an irregularly shaped lot and has frontage on 81<sup>st</sup> Street and Mingo. Since this is a small building he would like to increase the signage on the north and east sides and eliminate the signage on the west and south sides.

**TMAPC COMMENTS:**

Mr. Bernard asked Mr. Sack if he discussed this with staff prior to today's meeting. In response, Mr. Sack stated that he talked to Delise Tomlinson and she is not in attendance.

Mr. Bernard asked staff how they felt about Mr. Sack's request. In response, Mr. Alberty stated that the reduction in square footage was a part of the original PUD approval. If this were not a PUD, then three square feet per lineal foot would be the standard. However, in the PUDs, staff is reluctant to change what was originally approved due to the fact that there are extenuating circumstances, perhaps, in that approval. Once a PUD is approved, then there is criticism of the applicant returning and asking for amendments to the original conditions. Mr. Alberty stated that since he wasn't a part of the original approval of the PUD, he is reluctant to recommend approval and he would stay with the original two square feet.

Mr. Bernard asked if McDonald's was held at the two square foot. In response, Mr. Sack answered affirmatively.

Mr. Sack stated that originally the PUD had some additional property that lies to the west. The additional property has been sold to the country club and will probably never be developed. There is a driving range to the west of the subject property.



Mr. Harmon asked Mr. Sack what prompted the request for the additional signage. In response, Mr. Sack stated that his client is Starbuck's and the other tenant is unknown. Starbuck's desire is to have the additional signage since the building will small.

**There were no interested parties wishing to speak.**

**TMAPC COMMENTS:**

Mr. Midget stated that he understands staff's reluctance to modify the original PUD conditions. If this weren't a PUD, then the three feet would be allowed. He doesn't have a problem with removing two signs and adding one foot to each of the other two signs.

Mr. Bernard stated that the signage being eliminated would face a driving range and it doesn't appear that the applicant is really giving anything up. He agrees with the requests, but understands staff's reluctance to change the requirements.

Mr. Harmon stated that this seems to be a minor change and shouldn't cause any harm.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Bernard, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Collins "absent") to **APPROVE** the minor amendment for PUD-522-2 per staff recommendation, subject to the amendment of allowing an increase of wall signage for one square foot per lineal foot of building for the north and east side, subject to eliminating wall signage on the west and south sides of the building as modified by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

\* \* \* \* \*

**OTHER BUSINESS:**

**Application No.:** PUD-600-A

**DETAIL SITE PLAN**

**Applicant:** Summit Properties 2006, Inc.

(PD-18b) (CD-8)

**Location:** 9321 South Toledo Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a one-story general office building. The proposed use, Use Unit #11, Offices, Studios and Support Services, is in conformance with Development Standards of PUD 600-A.

The proposed building complies with minimum setback requirements and maximum height restrictions. Parking and access drives also comply with required setbacks and meet minimum design requirements per the zoning code. Internal lot landscaped area and landscaped streetyard meet minimum requirements and screening is provided along the east boundary as required. The site is also screened from adjacent residential to the south by an existing six-foot wood fence which must be replaced if/when necessary by the owner of Lot 7, Block 3.

Therefore, staff recommends **APPROVAL** of PUD 600-A detail site plan for Lot 7, Block 3, Ashton Creek Office Park as proposed.

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

Site plan does not meet standards and zoning code – 6/26/06.

**Applicant was not present.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Bernard, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Collins "absent") to **APPROVE** the detail site plan for PUD-600-A per staff recommendation.

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**Application No.: PUD-597**

**DETAIL SITE PLAN**

**Applicant:** Sack & Associates/Jim Beach

(PD-18c) (CD-8)

**Location:** 9343 East 95<sup>th</sup> Court South

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 5,486 square foot single-story office building. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with Development Standards of PUD-597.

The proposed building complies with maximum permitted floor area, minimum building setbacks and maximum permitted height. Proposed parking for the general office building is in conformance with the zoning code; and the

applicant's application of the Kennebunkport formula demonstrates that proposed parking lot lighting is in compliance with the development standards and zoning code.

In addition, proposed landscaped area exceeds minimum requirements per development standards and is in compliance with the zoning code. An existing six-foot high screening fence extends along the northwest boundary as required by development standards, replacement of which, if necessary, will be the responsibility of the property owner of Lot 3. No sidewalks are indicated on the site plan; staff recommends sidewalks be provided.

Staff recommends **APPROVAL** of PUD-597 detail site plan.

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

**Applicant's Comments:**

**Ted Sack**, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, expressed concern that staff has recommended sidewalks. This was a PUD that was approved quite some time ago and sidewalks were not required at that time. The subdivision plat has been filed and it was not a condition of the subdivision plat. He believes to require sidewalks at the time of detail site plan and landscape plan, when it was not part of the PUD or a part of the Subdivision Regulations, is unfair. He indicated that the street is private. The property to the east is currently developed and it has no sidewalks there. Mr. Sack concluded that he understands the concern and sympathizes with the sidewalk situations, but when it is required after the fact on areas currently developed, he doesn't believe it is fair to the purchaser of the lot, who was not anticipating placing sidewalks.

**TMAPC COMMENTS:**

Mr. Midget stated that he can appreciate what Mr. Sack is stating, but he believes a better argument to him is that he doesn't see any practical purpose for a sidewalk in the subject location. This is obviously a private street and he doesn't know who would be walking where and why. There may be areas in other PUDs that will require sidewalks now and the argument that the PUD was approved prior to the amended Subdivision Regulations is not a good one.

Mr. Harmon stated that there is no way to know how the property adjacent to it may develop. He can't see any good reason to not require a sidewalk. Mr. Harmon stated that the wave of the future is to have sidewalks everywhere to allow for circulation. It is easy to say that it goes from nowhere to nowhere, but if the sidewalks are never approved, they will always go from nowhere to nowhere. He commented that he is a strong believer in sidewalks and he believes that they should be in every development.

**Applicant's Rebuttal:**

Mr. Sack stated that the adjacent property has recently been developed and there are no sidewalks along the front of it. The private street dead-ends at the Creek Turnpike. The subject property is a small office park with a private street and no cul-de-sac. He is concerned if he will meet the streetyard requirement for landscaping if he had to put in a sidewalk because he didn't calculate this, as he didn't anticipate a sidewalk being required for the subject development.

**TMAPC COMMENTS:**

Mr. Bernard stated that 99.9% times in full agreement with Mr. Harmon regarding requiring sidewalks, but he is familiar with the subject area and it is 100% housing behind the subject property with fencing and there is no access to the housing subdivision. He agrees that it is immaterial that he purchased the property a long time ago when there were no regulations to put sidewalks in. Here there is absolutely nowhere to take the sidewalk because it dead-ends on both ends and there is no place to go. This is a unique situation.

Ms. Bayles agrees with Mr. Bernard, but everything she is hearing as far as planning and development trends are about healthy and safe communities. If it means that the people who reside in this office park, Monday through Friday, 8:00 a.m. to 5:00 p.m. have a chance to get out and walk in the morning, noon or night, then she would like for them to have that opportunity to be on a sidewalk instead of the street or parking lot. She indicated that she is going to stand with Mr. Harmon and staff recommendation.

Mr. Harmon stated that he would like to see the Planning Commission make all communities more user-friendly in the future. Get rid of some of these laws and obstacles that keep the neighborhood from walking to the office complex. If one doesn't put sidewalks in as development is done, then ten years from now there will not be any sidewalks.

Mr. Sack stated that if sidewalks are going to be required for a detail site plan, then he believes that the Planning Commission needs to make a policy. Right now it is part of the Subdivision Regulations and most of the PUDs that are coming in the Planning Commission are making it a condition, but to require it on a detail site plan, he is not really sure the Planning Commission can require it. The Planning Commission is requiring something on this PUD that is somewhat arbitrary, unless it is made a policy so that everyone can start picking up on that and advising their clients to prepare the detail site plan in this fashion.

Mr. Midget stated that this is a good point and the Planning Commission can ask staff to address it so that everyone is on the same page as sidewalks are looked at. Mr. Harmon and Ms. Bayles make very valid points regarding make more pedestrian-friendly neighborhoods.

Mr. Midget made a motion to **APPROVE** detail site plan for PUD-597 and eliminating the sidewalk requirement on this particular development.

No second.

**MOTION FAILED.**

Mr. Midget stated that he understands the concept of sidewalks, but he doesn't see how in this situation it benefits anyone, since the Planning Commission can't go back and make the adjacent property install a sidewalk.

Mr. Boulden stated that the sidewalk requirement is under Section 4 of the Subdivision Regulations, planning and design requirements. Certainly, if the subject property was platted a long time ago then they should have put their development in a long time ago when the Subdivision Regulations didn't require the sidewalks. He believes that the Planning Commission can properly impose a sidewalk requirement at the design stage.

Mr. Bernard stated that he doesn't believe that ownership of land constitutes a grandfather clause on something like this. When the property develops, it falls under the existing policy during development.

**TMAPC Action; 7 members present:**

On **MOTION** of **BAYLES**, TMAPC voted 4-3-0 (Bayles, Carnes, Harmon, Wofford "aye"; Bernard, Jackson, Midget "nays"; none "abstaining"; Ard, Cantees, Collins "absent") to **APPROVE** the detail site plan for PUD-597 per staff recommendation.

\* \* \* \* \*

**Commissioners' Comments:**

Ms. Bayles stated that the Planning magazine of July 2006, page 26 has reference to ways in which technology empowers neighborhood residents. Ms. Bayles read the article. She thought this might be a tool to investigate if the Planning Commission is willing to have staff review and see if there is more information on this.

Ms. Bayles asked if there was a resolution or what was the outcome of Z-7020 in North Tulsa County that Councilor Turner has referred to.

Mr. Alberty stated that he had a verbal request from Councilor Turner; however, in the past the Planning Commission has only responded to whenever there has been a letter or resolution coming from the Council and staff is waiting for that.

Mr. Harmon asked if there is a need to change the policy if the Planning Commission is going to pursue the sidewalks in PUDs or is there something in the books that support it as it stands.

Mr. Alberty stated that there is ample policy under the PUD Chapter that states "pedestrian circulation". He doesn't know how to handle pedestrian circulation without a sidewalk. Mr. Alberty commented that it has been his argument for the last three years that the provision is there. What was further cemented was that any development now, if platted, has to provide sidewalks and it is also a stated policy by the Public Works Department that sidewalks will be provided in all Public Works' street projects. Mr. Alberty stated that if the staff should amend something, it could be done in the guidelines for reviewing site plans and place it in there. He doesn't know how anything could be more clear by actions of this Planning Commission, by adopted policies and by statements from the Public Works Director all the way down to the Permit Office, that any plan that comes through will be expected to have a sidewalk on it.

Mr. Boulden stated that lawyers love it when everything is specific and written down and all questions are answered. He could look at the Subdivision Regulations and/or all ordinances and try to nail it down further. Mr. Boulden stated that he believes that sidewalks are already required and he agrees with Mr. Alberty that there is ample justification for requiring them in PUDs.

Mr. Wofford stated that he voted for the continuance on the proposed office on Utica and he believes it was the right thing to do. However, he is puzzled why an organized homeowners association hadn't taken a more active role in seeking information. He finds it very difficult to suggest that the onus should be upon the developer or the builder. This group should be active and seeking this kind of information, especially when it is in their interest. It was borderline, in terms of voting for the continuance, to wait until this period of time. He suggested that the Planning Commission do whatever necessary to encourage neighborhood groups to be active earlier. If that is better communication or if it is simply taking a stance that if the group hasn't done something by the time it is has been around 90 days or six months that they have some way foreclosed their rights.

Mr. Bernard stated that this is why he asked how long ago things had transpired and found that they had multiple conversations starting as far back as two years ago. Apparently, these conversations were with only one individual, but he was the president of the homeowners association.

Mr. Wofford stated that he is not suggesting that the builder or owner shouldn't take an active role in promoting those conversations, but it shouldn't be all put on the developer.

Mr. Bernard asked staff what the possibility would be to have the BOA and TMAPC meeting to talk about some of the problems that are continually coming up and to talk about some of these zoning issues.

Mr. Alberty stated that this could be accommodated and it would have to be posted that there would be a joint meeting. This could be set at any time as a worksession.

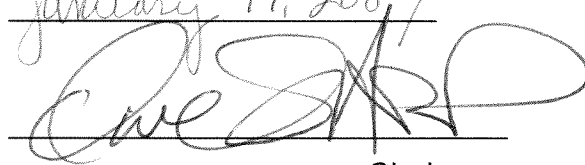
Mr. Bernard requested that staff talk with both sides and come up with a date that they could meet.

Mr. Wofford stated that his comments were not on the merits of the comments that any neighborhood group had, but just the process.

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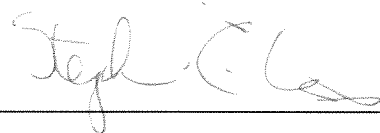
There being no further business, the Chair declared the meeting adjourned at 3:33 p.m.

Date Approved:

January 17, 2007  


Chairman

ATTEST:



Secretary

