

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2465

Wednesday, December 6, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Cantees	Alberty	Boulden, Legal
Bayles		Chronister	
Cantrell		Fernandez	
Carnes		Huntsinger	
Collins		Matthews	
Harmon		Lasker	
Midget			
Shivel			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, November 30, 2006 at 10:47 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 Ard called the meeting to order at 1:34 p.m.

Minutes:

Approval of the minutes of October 4, 2006 Meeting No. 2460

On **MOTION** of **CARNES**, the TMAPC voted 7-0-0 (Ard, Cantrell, Carnes, Collins, Harmon, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Midget "absent") to **APPROVE** the minutes of the meeting of October 4, 2006, Meeting No. 2460.

Minutes:

Approval of the minutes of October 18, 2006 Meeting No. 2461

On **MOTION** of **HARMON**, the TMAPC voted 7-0-0 (Ard, Cantrell, Carnes, Collins, Harmon, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Midget "absent") to **APPROVE** the minutes of the meeting of October 18, 2006, Meeting No. 2461.

REPORTS:

Chairman's Report:

Mr. Ard reported that on December 20, 2006 there will be a worksession prior to the regular meeting, which will involve some education at the INCOG offices. This will start the Planning Commission's training and will attempt to do this once a month.

Mr. Ard reported on the executive session from the November 15, 2006 meeting. Mr. Ard requested Mr. Boulden to further report on the executive session. Mr. Boulden reported on the lawsuit that the Planning Commission discussed during their executive session.

Ms. Bayles in at 1:36 p.m.

Mr. Ard stated that it is his great honor and pleasure to announce that the Planning Commission is lucky to have with them Dane Matthews today who has been serving at INCOG and TMAPC for 30 years (applause). Mr. Ard commented that Ms. Matthews must have started working when she was in first grade. The list of Ms. Matthews's accomplishments are almost too long to read, but in addition to the wonderful guidance that Ms. Matthews gives the Planning Commission the following are only a few of her achievements: APA Planner of the Year in 1991, served two terms of the Oklahoma Chapter APA President, APA Charter Member, etc. Mr. Ard stated that there is a long list of achievements and accolades for Ms. Matthews. Some of the things that she has been involved with, that all of Tulsa could be proud of, is her involvement with the Kendall-Whittier area and the transformation of that whole neighborhood into what it is now. Everyone can be thankful that Dane was a part of that process and is still actively engaged in that process. Mr. Ard stated that he personally appreciates the guidance and support that Ms. Matthews gives to him. Mr. Ard congratulated Ms. Matthews on her 30 years and stated that he knows that INCOG looks forward to having her for another 30 years.

Ms. Matthews thanked Mr. Ard. Ms. Matthews stated that she would not be here if it had not been for the agency (INCOG). Ms. Matthews commented that Kendall-Whittier got to where they are by themselves. She concluded that she gets a big kick out of it. Ms. Matthews thanked the Planning Commission for recognizing her 30 years of service.

Director's Report:

Mr. Alberty reported on the BOCC and City Council agendas.

Mr. Midget in at 1:42 p.m.

Mr. Ard read the opening statement and rules of conduct for the TMAPC meeting. Mr. Ard announced that Mr. Boulden will keep track of time in order to move the meetings along efficiently. He reiterated that if there is anyone wishing to speak at today's meeting, please sign the signup sheet.

Mr. Ard stated that there have been several continuances requested:

Shipley Subdivision – (8305)

(PD 18) (CD 2)

6336 South Harvard (**Request continuance until 1/3/07 meeting for City Council to review PUD standards for approval**)

STAFF RECOMMENDATION:

Ms. Matthews stated that this PUD hasn't been before the City Council and therefore the plat is premature.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **CONTINUE** the preliminary plat for Shipley Subdivision to January 3, 2007 per staff recommendation.

Application No.: Z-7041

RS-3 to PK

Applicant: Mark Kinney/Cyntergy/City of Tulsa (PD-11) (CD-1)

Location: West of southwest corner of West Newton Street and North
Gilcrease Museum Road

STAFF RECOMMENDATION:

Ms. Matthews stated that this case will be before the Board of Adjustment December 12, 2006 and staff is recommending that it be continued to December 20, 2006.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **CONTINUE** Z-7041 to December 20, 2006.

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Application No.: Z-7045

AG to RS-4/CS

Applicant: Jerry W. Ledford, Jr., Tulsa Engineering & Planning

(PD-17) (CD-6)

Location: Southeast corner East 11th Street and South 161st East Avenue

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant is not in agreement with staff's recommendation and would like more time to possibly refine their proposal. The applicant would like a continuance to December 20, 2006.

TMAPC COMMENTS:

Mr. Ard stated that there are several people signed up to speak on this application. He asked if anyone has a problem with this being continued to December 20, 2006 in order to allow the applicant time to work out some of the issues.

Applicant was not present.

Mr. Ard stated that obviously this application is still in progress and possibly some changes made. He realizes that many people took time out of their day to be here and hear this issue. He is willing to hear their opinions relating to the continuance.

Mr. Ard asked staff if there is any way to hear this case today, considering where it is in the process. In response, Ms. Matthews stated that the staff recommendation before the Planning Commission is based on what the applicant has presented and the applicant is not here and doesn't agree with staff's recommendation. The applicant would be at a disadvantage.

Mr. Ard asked if the application is still under construction. In response, Ms. Matthews stated that it is still under construction and it is her understanding that the applicant is trying to see if a mutual agreement can be made.

INTERESTED PARTIES:

Christy Boggs, 11275 South 157th East Avenue, 74108, representing the interested parties, stated that she didn't receive notice (out of 300' radius), but did see the posted signs on the subject property. She indicated that the neighborhood is strongly opposed to the highest density zoning that is being proposed. The neighbors moved into the subject area because of the rural setting. Ms. Boggs indicated that there would have been more people present had she had better notification.

TMAPC COMMENTS:

Mr. Harmon stated that it would appear that a continuance would work in the favor of the neighborhood. In response, Ms. Boggs stated that she could generate a lot more people to oppose this application if she had more time. Mr. Harmon stated that a continuance would give the neighborhood time to talk with the applicant and meet with the neighbors.

Mr. Alberty informed the interested parties that if they did not receive notice for this application, but would like notice of any other changes ahead of time, they should please give their information on the sign-in sheet. He explained that there are three methods of notification: 1.) Newspaper (Tulsa Commerce and Daily Legal News); 2.) The posting of the signs on the subject property, and 3.) Mailing written notices to property owners within a 300-foot radius of the boundaries of the subject property (everyone who lives within 300 feet of the subject property would have received notice).

In response to Mr. Midget, Ms. Boggs stated that there is not a registered homeowners association in the subject area.

After a lengthy discussion it was determined to continue the case to a date certain chosen by the interested parties.

TMAPC Action; 9 members present:

On **MOTION** of **BAYLES**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **CONTINUE** Z-7045 to January 17, 2007.

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Mr. Midget out at 1:57 p.m.

Application No.: Z-7020

AG to IL

Applicant: Robert Johnson

(PD-16) (CD-3)

Location: West of the southwest corner of East 56th Street North and North
145th Avenue East

STAFF RECOMMENDATION:

Ms. Matthews stated that this case has been before the Planning Commission many times and it is staff's understanding that the applicant has engaged an attorney to represent him. The attorney would like a continuance to January 3, 2007.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Midget "absent") to **CONTINUE** Z-7020 to January 3, 2007.

SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-20034 – Fred Keas (7426) (County)

16610 East 166th Street South

L-20040 – White Surveying (0336) (PD 16) (CD 6)

1120 North Mingo

L-20042 – Jack Ramsey (6311) (County)

6808 East 191st Street South

L-20043 – Regina Whitham (2301) (County)

West of northwest corner East 176th Street North and 93rd
East Avenue

STAFF RECOMMENDATION:

Both of these lot-splits are in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

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

LOT-COMBINATIONS FOR RATIFICATION OF PRIOR APPROVAL:

LC-30 – Mitchell Medcalf (0236) (PD 2) (CD 1)

507 East King Street

LC-34 – White Surveying (0336) (PD 16) (CD 6)

1120 North Mingo

STAFF RECOMMENDATION:

All these lot-combinations are in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

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

Mr. Midget in at 1:59 p.m.

PLAT WAIVERS:

Z-7037 – (9312) (PD 5) (CD 5)

West of southwest corner of East 19th Street South and 85th
East Avenue

STAFF RECOMMENDATION:

The platting requirement is being triggered by a pending rezoning from RS-1 to RS-3.

Staff provides the following information from TAC at their November 2, 2006 meeting:

ZONING:

TMAPC Staff: The applicant is trying to rezone property from RS-1 to RS-3 to facilitate a lot-split for residential uses. The Planning Commission recommended approval of the RS-3 zoning on September 9, 2006 and City Council action is pending.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X

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

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, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the plat waiver for Z-7037 per staff recommendation.

FINAL PLAT:

Stonebrook Glen – (1182)

(PD 8) (CD 2)

Northwest corner of 81st Street and South Elwood

STAFF RECOMMENDATION:

This plat consists of 81 lots in four blocks on 30.76 acres.

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the final plat for Stonebrook Glen per staff recommendation.

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All Commerce Business Park – (9403)

(PD 17) (CD 6)

East of the southeast corner of Admiral Boulevard and 145th
East Avenue

STAFF RECOMMENDATION:

This plat consists of seven lots in two blocks on 9.36 acres.

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

Mrs. Fernandez stated that she had a phone call this morning concerning drainage for this particular plat. Public Works has approved what they have seen as far as drainage for each individual lot being taken care of by each individual lot owner.

TMAPC COMMENTS:

Mr. Ard asked staff if someone from Public Works could be present at the meeting when there is a new plat. Mr. Ard further asked what determines whether a project requires onsite retention areas. In response, Mrs. Fernandez stated that she can speak very generally to that. She explained that there are two specialists in Stormwater Management that reviews these cases very carefully. Generally, new development cannot create water runoff that would run onto the neighbor's property and create more water than exists there presently. After several flooding incidents, Tulsa developed a very good stormwater

management program. Each individual subdivision is different and some retain water in ponds, dry versus wet ponds and most of the engineers will come to Stormwater Management Engineers and suggest a way to make sure that the water doesn't go onto the neighbor's property. In this case Stormwater Management has signed off on this and approved it.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Jim Mautino, 14628 East 12th Street, 74128, representing Tower Heights Association and President of Homeowners for Fair Zoning, expressed concerns with drainage and cited existing problems with drainage. He requested that this application be continued until there is a resolution to the drainage problem.

TMAPC COMMENTS:

Mr. Ard stated that he appreciates Mr. Mautino's concerns; however, stormwater is not within the Planning Commission's purview. It would be helpful to have someone from Public Works at the meeting because it is obviously an issue that concerns every development. He is not sure how the Planning Commission could hold this process up at this point.

In response to Mr. Mautino, Mr. Harmon stated that the new development can't put excess water onto the next-door neighbor's property. It might take some legal action to get that enforced, but that is not something the Planning Commission can control. If the applicant meets all of the requirements of the platting, then the Planning Commission should approve it. Stormwater management is very important and should be addressed, but it is not within the Planning Commission's purview to address it.

Mr. Midget stated that Mr. Mautino understands the process very well. Because the Planning Commission is constrained on what can be approved and can't be approved, this plat should be moved on and the issues taken up with Stormwater Management prior to any permits being issued to ensure that the applicant has met the stormwater requirements.

Mr. Mautino reiterated his concerns with water draining into the borrow ditches and then into the intersection. He indicated that he called Stormwater Management and didn't receive information he was seeking.

Applicant's Comments:

Nicole Peltier, Deshazo Tang & Associates, 10830 East 45th Street, 74012, stated that she is the Engineer on the subject project. A storm sewer system has been designed that will be on the west and the east side of the subject property. Owners of each lot will do their own detention as they develop on their own lot, then discharge into the storm sewer. There will not be any draining onto any property that is located on the west or the east side. The water will be collected,

sewered and taken to the borrow ditch, after it has been detained on the individual properties. There will be no increase in the runoff into the borrow ditch along Admiral. It will be regulated at or below the existing drainage flow.

TMAPC COMMENTS:

Mr. Ard asked Ms. Peltier if anyone from her firm or the client has had any conversations with the neighborhood association and give them some comfort level with all of these issues. In response, Ms. Peltier stated that this is the first time she has heard anyone have any issues or concerns with this. Everything has been approved by the Permit Center and the City of Tulsa.

Mr. Harmon asked Ms. Peltier if she is stating that this project meets all of the requirements of the Stormwater Management. In response, Ms. Peltier answered affirmatively.

Mr. Ard requested the applicant to come up.

David Lacy, White Survey, 9936 East 55th Place, 74145, stated that his agency is the surveyor of the subject property.

Mr. Ard urged Mr. Mautino and his group to meet with someone from the engineering firm or the surveying firm and developer.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the final plat for All Commerce Business Park per staff recommendation.

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Tulsa Technology Center-Lemley Campus- (9323)

(PD 17) (CD 5)

3420 South Memorial Drive

STAFF RECOMMENDATION:

This plat consists of two lots in two blocks on 40 acres.

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the final plat for Tulsa Technology Center – Lemley Campus per staff recommendation.

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Jamestown Plaza – (9321)

(PD 6) (CD 7)

Northwest corner of East 33rd Street South and Jamestown Avenue

STAFF RECOMMENDATION:

This plat consists of six lots in one block on 1.93 acres.

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the final plat for Jamestown Plaza per staff recommendation.

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Oak Ridge Park – (9425)

(PD 17) (CD 6)

East of the southeast corner of East 41st Street South and 177th East Avenue

STAFF RECOMMENDATION:

This plat consists of 139 lots in seven blocks on 39.8 acres.

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the final plat for Oak Ridge Park per staff recommendation.

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PRELIMINARY PLAT:

Oklahoma Oncology – (9430)

(PD 18) (CD 6)

Southwest corner of East 48th Street South and Garnett Road (continued from November 1, 2006 meeting)

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 9.5 acres.

The following issues were discussed October 19, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 312 (IL). PUD standards must be included in the Covenants and followed in the plat. A minor amendment to allocate floor area is included on this TMAPC agenda.
2. **Streets:** Must show recording references for existing right-of-way dedications. The north access on Garnett is not approved by Traffic Engineering in close proximity to the collector street which will also provide substantial access to/from this large lot. Anticipating healthy volumes from this large lot we suggest two outbound lanes at one or both southern access points.
3. **Sewer:** No comment.
4. **Water:** If the conceptual comments from the fire department are not met, then a water main line extension is required.
5. **Storm Drainage:** The AE flood zone is clearly shown on the east and southeast edges of the property, but is not clearly shown on the southwest and west. Please add this information. There is more than one lot; therefore, the floodplain should be placed in a reserve area, and should be labeled as such. There must be a minimum of 20 additional feet, outside both limits of the floodplain and inside the reserve, for access to the floodplain. Please change the title of Section I.H. to "overland drainage easement in reserve A". In item 3 of this Section, please remove the words, "or single trunk trees

having a caliper of not less than two and one-half (2 1/2 inches)".

6. **Utilities: PSO, Telephone, ONG, Cable:** No comment.
7. **Other: Fire:** 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 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 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.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and PUD requirements 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.

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 **MIDGET**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to recommend **APPROVAL** of the preliminary plat for Oklahoma Oncology, subject to special conditions and standard conditions per staff recommendation.

Memorial Commons – (8326)

(PD 26) (CD 8)

North of the northwest corner of East 111th Street South and Memorial Drive

STAFF RECOMMENDATION:

This plat consists of 11 lots, one block, on 34.34 acres.

The following issues were discussed November 16, 2006 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PUD-619 B. All PUD requirements must be adhered to and shown in the restrictive covenants. Make sure setbacks are shown per PUD standards.
2. **Streets:** Street rights-of-way for dedication, referenced in Section 1 of Covenants, and existing right-of-way record references need to be shown. Provide a statement that sidewalks are to be constructed in accordance with Subdivision Regulations requiring provision of sidewalks for separate pedestrian circulation (SR Sec. 4.1.4). Width of sidewalk on Memorial needs to be five feet. Show "Limits of No Access" along the arterial frontage. Modify two median openings on Memorial for northbound left-turn bays and lengthen the eastbound proposed turn bay north of Lot 7 and per the PUD recommendations. Please review the design details of the traffic circle with traffic engineering for operational and safety concerns.
3. **Sewer:** We would prefer the 15-foot utility easement with the sanitary sewer in it that moves north across Lot 2 and into Lot 1 be described as a Sanitary Sewer Easement. Add language describing the sanitary sewer easement.
4. **Water:** Denote water easement as (20' R/W/E) for a restrictive waterline easement. Add language for restrictive waterline easement. Add R/W/E to the legend.
5. **Storm Drainage:** D/E is shown to occupy the same space as the ODE. Please remove the D/E, and if for public storm sewer pipe being placed in the ODE, then show the limits of these storm sewer easements and label them as such. The ODE should be placed in a reserve to be maintained by a property owners association. Subsection 1.5.1 should state that the roof drains are to be designed and constructed to drain into the on-site public storm drainage system. Please remove the roof drain sentence from Subsection 1.6.1. The title to Subsection 1.11 should include the name of the reserve area. Please remove "or single trunk trees having a caliper of not less than two and one-half (2 ½)" from subsection 1.11.3. Subsection 1.11.4 should be revised to include maintenance to be provided by a property owners' association and each lot should have a prorated share of the maintenance and lien liability. See Pre-Development conference comments relative to channels not making 90 degree turns. Reinforced concrete junction boxes are to be used for such changes in direction in a drainage system.
6. **Utilities: Telephone, PSO, ONG, Cable:** Okay. **GIS:** Location map needs to be readable with distinct plat boundaries; duplicated T18N is a typo error. The C.A. needs a renewal date. Basis of bearing needs to be included. The lot lines need to be bolder so they stand out on the face of plat. Rewrite the legal description to match the boundary dimensions on face of plat. Show missing lot dimensions. Verify and describe the ownership and maintenance

of Reserve A for access to and from Memorial in the Covenants. There is no language for an owners' association. "SAS" label needs inclusion in the legend.

7. **Other: Fire:** 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. Exception: 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.

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.

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 **HARMON**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to recommend **APPROVAL** of the preliminary plat for Memorial Gardens, subject to special conditions and standard conditions per staff recommendation.

Greenhill Distribution Center II – (0417)

(PD 16) (CD 3)

Southeast corner of East 46th Street North and U.S. 169

STAFF RECOMMENDATION:

This plat consists of four lots, two blocks, one reserve on 46.83 acres.

The following issues were discussed November 16, 2006 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned IM. The right-of-way for the frontage road will be 50 feet as it was for the first addition. There is no need for a five lane frontage road and a three lane road is contemplated in the future.

2. **Streets:** Existing right-of-way along the northwest boundary lines (ODOT) needs to be labeled. Discuss future Garnett as a three lane roadway, and its intersection at 46th Street North (MSHP and ODOT discussions). If traffic is to be accommodated from the 46th Street North exits of Highway 169 (eastbound 46th) then additional right-of-way may be required to reconfigure the intersection of Garnett with 46th Street North for eastbound semi-tractor trailers making the 180 degree right turn onto Garnett. The 80-foot wide MAE/UE for future East 43rd Street North on the adjacent plat should be identified as right-of-way to be dedicated by separate instrument; that dedication should be initiated to ensure its recording is concurrent with recording this plat. Limits of No Access need to be shown. ~~Sidewalks statement does not apply to this plat.~~ Subdivision Regulations require sidewalks on all streets. Dedicate Reserve A, Greenhill 1 Addition to the public, either as a part of this plat or by separate instrument. Include 46th Street north in the LNA paragraph. Recommend a minimum 4 lane, 44-foot paving section within the proposed 80-foot Industrial Collector R/W due to the significant future volume. Suggest constructing a WB turn bay on 46th Street North at Garnett. A meeting needs to be held with ODOT to determine how to design for the hard right turn of truck traffic from 46th Street.
3. **Sewer:** All pipes for sanitary sewer must be ductile iron.
4. **Water:** If waterline is to go west of east property line, a 20-foot restricted waterline easement will be needed. Add language for restrictive waterline easement.
5. **Storm Drainage:** Label both the existing and proposed "Lower Mingo Creek Tributary RB-1 City of Tulsa Regulatory Floodplain" as such. Label Reserve A as combined stormwater detention easement and overland drainage easement for floodplain. GDC 1 final plans show the 20-foot OD/E along the west boundary of L1, B 1 of GDC II as a separate instrument easement; show recording reference. According to the conceptual plan, storm sewers discharge drainage overland between Lots 1 and 2 of Block 2 and across Lot 3 of Block 2; this overland drainage must be conveyed in an overland drainage easement. Add the standard language for stormwater detention facility maintenance in a reserve area. The overland drainage easement for the floodplain in Reserve A must be addressed as such. See plat comments. The plan shows inlets and storm sewer along the east side of Lot 1, Block 1 in GDC I, which is outside of the utility easement, and was not constructed by the PFPI project on that site. This storm sewer system, if constructed, must be placed in a separate instrument storm sewer easement with a minimum width of 15 feet.
6. **Utilities: Telephone, PSO, ONG, Cable:** Okay.

7. **Other: Fire:** 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 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. Exception: For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 9-3.3.1.2, the distance requirement shall be 600 feet. Cul-de-sacs greater than two hundred and fifty feet in length shall have a turn-around radius of not less than forty feet of paving and a radius of fifty-two feet of right-of-way at the property line. Show all the highway right-of-way along 46th Street North with dimensions and labels. Label for Block 1 of GDC I must be readable. Internal line loops will be needed for building permits.

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.

In response to Mr. Harmon, Mrs. Fernandez stated that sidewalks are required for this plat and the language in Item 2 should be deleted.

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 **HARMON**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to recommend **APPROVAL** of the preliminary plat for Greenhill Distribution Center II, subject to special conditions and standard conditions per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

* * * * *

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-595-B/Z-5970-SP-5

**MAJOR AMENDMENT
CORRIDOR SITE PLAN**

Applicant: Sisemore Weisz & Associates

(PD-18c) (CD-8)

Location: 6611 South 101st East Avenue

STAFF RECOMMENDATION PUD-595-B:

Z-6277-SP-3/Z-6484-SP-1/Z-6718-SP-1 October 2006: All concurred in approval of a proposed Corridor Site Plan on a 13.1± acre tract for commercial development on property located on the northwest corner of South 105th Avenue and East 66th Street, per staff recommendation as amended by the applicant.

PUD-599-C September 2001: All concurred in approval of a Major Amendment to a PUD to permit automobile body repair center and coffee shop on Lot 1 of PUD-599-A on a 1.52+ acre tract located north of subject property, subject to modifications and conditions as recommended by the TMAPC.

Z-6725 December 1999: All concurred in approval of a request to rezone a 34.78± acre tract from CO to AG for church and accessory uses on property located on the southeast corner of East 66th Street and South Mingo Road.

Z-6718 October 1999: A request to rezone a 1.18-acre tract located on the northeast corner of East 66th Street South and South 101st East Avenue, apart of the subject tract, from RS-3 to CO was approved by TMAPC and the City Council.

PUD-599-A August 1999: All concurred in approval of a major amendment located north of the subject property to allow a three-story, 49,600 square foot office building and a 61-room, three-story hotel.

Z-6673-SP-1/AC-47 April 1999: All concurred in approval of a Corridor Site Plan on 4.56+ acre tract for a 75,000 square foot recreational vehicle storage and self-storage facility located and north to the subject property; also approving an Alternative Compliance to landscape requirements.

BOA-18357 March 23, 1990: The Board of Adjustment approved a Variance of the land area coverage by building from 30% to 41% in a CO district on property north to the subject property.

Z-6722-SP-2 March 1999: On a proposed Corridor Site Plan to re-approve an existing outdoor advertising sign (Z-6722-SP-1 originally approved sign April 17, 1990 for a period of 5 years) on a 2.2± acre tract, staff recommended denial but TMAPC recommended approval due to it's placement in a freeway corridor, and the City Council approved it per TMAPC recommendation.

Z-6673 February 1999: All concurred in approval of a request to rezone a 4.5-acre tract located on the southeast corner of East 63rd Place South and South 103rd East Avenue from RS-3 to CO.

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

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

BOA-17848 October 1997: The Board of Adjustment approved a request for a special exception to allow church and accessory uses and a special exception to allow a school in an RS-3 zoned district, located north of subject property.

Z-6078-SP-4 September 1997: All concurred in approval of a Corridor Site Plan to permit a mobile home on property located north of northwest corner of East 66th Street and South 101st Avenue East.

Z-6078-SP-3 February 1997: All concurred in approval of a Corridor Site Plan to permit a mobile home on property located on northwest corner of East 66th Street and South 101st Avenue East.

Z-6484 April 1995: All concurred in approval of a request to rezone a 6.7-acre tract located south of the southeast corner of East 65th Place South and South 103rd East Avenue from RS-3 to CO.

Z-6078-SP-2 March 1995: All concurred in approval of a Corridor Site Plan to permit a mobile home on property located north of northwest corner of East 66th Street and South 101st Avenue East.

Z-6345/PUD-489 May 1992: All concurred in approval of a request to rezone a 5.4-acre tract located west of the northwest corner of East 71st Street South and South Mingo Valley Expressway from CO to CS/PUD for a shopping center development.

Z-6345/PUD-481 March 1992: All concurred in approval of a request to rezone a 35-acre tract located north of E. 71st Street and west of the Mingo Valley Expressway and south of subject property, from CS and CO to CS/PUD.

Z-6277 January 1990: All concurred in approval of a request to rezone a two-acre tract located on the northwest corner of East 66th Street South and South Mingo Valley Expressway, from RS-3 to CO.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 37.248+ acres in size and is located northeast of the northeast corner East 71st Street and South Mingo

Road. The property contains Mathis Brothers Furniture Store but mostly vacant, and is zoned CO/PUD.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
101 st East Avenue	Collector	60'	two

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

SURROUNDING AREA: The subject tract is abutted on the east by U.S. Highway 169 South, zoned AG; on the north by vacant land, zoned CO; on the south by mixed retail, zoned CO/PUD; and on the west by Asbury Methodist Church, zoned AG.

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 being medium and low-intensity corridor. According to the Zoning Matrix, the requested development **may be found** in accord with the comprehensive plan.

STAFF RECOMMENDATION:

PUD-595 and the related corridor site plan, Z-5970-SP-3, were approved September 24, 1998 with a land area of 19 acres, maximum floor area of 500,000 square feet and maximum building height of 40 feet. Subsequently, PUD-595-A/Z-5970-SP-4 was approved February 11, 1999 and amended the original PUD by doubling the size of the PUD to 38.19 acres, increasing permitted floor area to 1,000,000 square feet and allowing a maximum building height of 120 feet. The property was then platted as Home Center, with one lot and one block, and a large warehouse and showroom for Mathis Brothers was constructed on the north half of Lot One.

Through PUD-595-B/Z-5970-SP-5, the applicant proposes to subdivide the property to create a total of nine lots within four development areas. Primary access to the proposed lots is to be from private streets and mutual access easements per Exhibit "E". An increase in land coverage from 30 percent to 40 percent is proposed for Development Area A, where the existing Mathis Brothers showroom and warehouse are located. This increase is intended to accommodate construction of new warehouse and showroom first floor space and an additional 12,800 square feet of second floor showroom space. The proposed second floor showroom will then extend and connect to a proposed 15,200 square foot second floor showroom that will be constructed within the existing warehouse per Exhibit "B". Per the zoning code, maximum land coverage of 30 percent is permitted. In a related action, BOA approved a variance to increase land coverage to 37 percent (for the entire PUD) per BOA-20357 on October 24, 2006 and in its action limited floor area for the furniture

store (proposed Development Area 'A') to 60% and building height to two stories or 40 feet. Subsequently, the applicant went back to the Board of Adjustment on November 28, 2006 (BOA-20396) to request that the height restriction be changed from 40 feet to 50 feet to accommodate existing and proposed development of the Mathis Brother's site. BOA approved the request. No increase to overall floor area for the PUD is proposed per this amendment.

The applicant is also requesting that required parking for Mathis Brothers (Lot 1) be reduced from 608 spaces to 548 spaces per Section 1305 of the Tulsa Zoning Code which permits a ten percent reduction in required parking stalls for shared parking facilities for commercial mixed-use developments with 100,000 square feet or more of total gross floor area.

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 PUD-595-B/Z-5970-SP-5 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 stands of the PUD and Corridor Chapters of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-595-B/Z-5970-SP-5 subject to the following conditions:

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

2. Amended Development Standards:

Development Area A:

GROSS LAND AREA: 17.933 AC 781,172.20 SF

PERMITTED USES:

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking Areas; 11, Offices, Studios and Support Services; 12, Eating Establishments other than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 23, Warehousing and Wholesaling facilities for the storage, repair, service and distribution of furniture, furnishings, equipment, products and supplies, displayed and sold within the Mathis Brothers facility provided no exterior display or storage shall be permitted, and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA: 468,703 SF

MAXIMUM LAND COVERAGE OF BUILDINGS: 37%

MAXIMUM BUILDING HEIGHT:

Use Unit 11 Uses: 120 FT
Other Uses: 50 FT

Architectural elements may exceed the maximum building height with detail site plan approval.

MINIMUM LOT FRONTAGE ON CORRIDOR COLLECTOR STREET: 150 FT

MINIMUM LOT FRONTAGE FOR LOTS ABUTTING INTERNAL
PRIVATE STREET: 100 FT

MINIMUM BUILDING SETBACKS:

From the centerline of South 101st East Avenue 110 FT
From the north boundary of Development Area "A" 40 FT
From the south boundary of Development Area "A" 28 FT
From the Mingo Valley Expressway Right-of-Way 65 FT

MINIMUM LANDSCAPED AREA: 10% of net lot area

SCREENING:

All trash, mechanical and equipment areas shall be screened from public view by a wall or solid fence having a minimum height of six feet.

LIGHTING:

All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height if within 150 feet of any existing or planned residential area and all such lights shall be set back at least 25 feet from such residential areas abutting the PUD. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

OFF-STREET PARKING:

A minimum of 548 on-site parking stalls shall be required for the Mathis Brothers Furniture Store facility, as permitted per Section 1305 of the Zoning Code which allows a 10 percent reduction in required parking stalls for shared parking facilities for commercial mixed-use developments with 100,000 square feet or more of total gross floor area.

Development Area B:

GROSS LAND AREA: 8.404 AC 366,070.83 SF

PERMITTED USES:

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking Areas; 11, Offices, Studios and Support Services; 12, Eating Establishments other than Drive-Ins; 13, Convenience Goods and Services; and 14, Shopping Goods and Services; Hotel-Motel uses, only, as provided in Use Unit 19., Hotel, Motel and Recreation Facilities.

MAXIMUM BUILDING FLOOR AREA: 225,618 SF

MAXIMUM LAND COVERAGE OF BUILDINGS: 30%

MAXIMUM BUILDING HEIGHT: 70 FT
Architectural elements may exceed the maximum building height with detail site plan approval.

MINIMUM LOT FRONTAGE ON CORRIDOR COLLECTOR STREET: 150 FT

MINIMUM LOT FRONTAGE FOR LOTS ABUTTING INTERNAL PRIVATE STREET: 100 FT

MINIMUM BUILDING SETBACKS:

From the centerline of South 101 st East Avenue	80 FT
From the north boundary of Development Area "B"	59.50 FT
From the south boundary of Development Area "B" (25' from the r/w limits of proposed S. 104 th E. Ave.)	45 FT
From the east boundary of Development Area "B" (25' from the r/w limits of proposed E. 68 th St. S.)	45 FT

MINIMUM LANDSCAPED AREA: 10% of net lot area

SCREENING:

All trash, mechanical and equipment areas shall be screened from public view by a wall or solid fence having a minimum height of six feet.

LIGHTING:

All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height if within 150 feet of any existing or planned residential area and all such lights shall be set back at least 25 feet from such residential areas abutting the PUD. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

OFF-STREET PARKING:

Per City of Tulsa zoning code requirements.

Development Area C:

GROSS LAND AREA: 4.055 AC 176,631.42 SF

PERMITTED USES:

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking Areas; 11, Offices, Studios and Support Services; 12, Eating Establishments other than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; and Hotel and Motel uses, only, as permitted within Use Unit 19, Hotel, Motel and Recreation Facilities.

MAXIMUM BUILDING FLOOR AREA: 108,862 SF

MAXIMUM LAND COVERAGE OF BUILDINGS: 30%

MAXIMUM BUILDING HEIGHT: 70 FT

Architectural elements may exceed the maximum building height with detail site plan approval.

MINIMUM LOT FRONTAGE ON CORRIDOR COLLECTOR STREET: 150 FT

MINIMUM LOT FRONTAGE FOR LOTS ABUTTING INTERNAL
PRIVATE STREET: 100 FT

MINIMUM BUILDING SETBACKS:

From the centerline of South 101st East Avenue 80 FT

From the north boundary of Development Area "C"
(25' from r/w limits of proposed E. 68th St. S.) 45 FT

From the south boundary of Development Area "C" 15 FT

From the R/W limits of proposed E. 68th St. S. & S. 104th E. Ave. 25 FT

MINIMUM LANDSCAPED AREA: 10% of net lot area

SCREENING:

All trash, mechanical and equipment areas shall be screened from public view by a wall or solid fence having a minimum height of six feet.

LIGHTING:

All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height if within 150 feet of any existing or planned residential area and all such lights shall be set back at least 25 feet from such residential areas abutting the PUD. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

OFF-STREET PARKING:

Per City of Tulsa zoning code requirements.

Development Area D:

GROSS LAND AREA: 6.856 AC 298,651.92 SF

PERMITTED USES:

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking Areas; 11, Offices, Studios and Support Services; 12, Eating Establishments other than Drive-Ins; 13, Convenience Goods and Services; and 14, Shopping Goods and Services.

MAXIMUM BUILDING FLOOR AREA: 184,066 SF

MAXIMUM LAND COVERAGE OF BUILDINGS: 30%

MAXIMUM BUILDING HEIGHT: 35 FT
Architectural elements may exceed the maximum building height with detail site plan approval.

MINIMUM LOT FRONTAGE ON CORRIDOR COLLECTOR STREET: 150 FT

INTERNAL PRIVATE STREETS: 100 FT*

**With the exception of a minimum 40 feet of street frontage allowance on South 104th East Avenue for the southernmost lot in Development Area 'D'.*

MINIMUM BUILDING SETBACKS:

From the north boundary of Development Area "D"	44.50 FT
From the south boundary of Development Area "D"	15 FT
From the east boundary of Development Area "D"	50 FT
From the R/W limits of proposed E. 68 th St. S. & S. 104 th E. Ave.	25 FT

MINIMUM LANDSCAPED AREA: 10% of net lot area

SCREENING:

All trash, mechanical and equipment areas shall be screened from public view by a wall or solid fence having a minimum height of six feet.

LIGHTING:

All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height if within 150 feet of any existing or planned residential area and all such lights shall be set back at least 25

feet from such residential areas abutting the PUD. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

OFF-STREET PARKING:

Per City of Tulsa zoning code requirements.

ACCESS AND CIRCULATION:

The minimum pavement width of the internal streets, East 68th Street South/ South 104th East Avenue, shall be a minimum 32 feet, measured face-to-face of curb. Sidewalks are required on both sides of the street and must be located within the reserve area or sidewalk easements.

Sidewalks shall be required along the east side of South 101st East Avenue, along both sides of the proposed East 68th Street South and South 104th East Avenue (as noted above) and along the west side of the frontage roadway easement along U.S. Highway 169 (Mingo Valley Expressway).

A minimum of one pedestrian access per lot shall be provided from the sidewalk to the building entrance.

SIGNAGE:

Signs accessory to permitted principal uses shall be permitted subject to compliance with the Tulsa Zoning Code and the following standards:

- (a) Ground signs fronting South 101st East Avenue shall be limited to one per lot, with the exception for item "c" below. Ground signs fronting interior private streets or principle access and/or circulation roadways, shall also be limited to one per lot, exclusive of a business sign alongside the Mingo Valley Expressway right-of-way (west of the frontage roadway easement) as noted in item "d" below. Each sign shall not exceed two-tenths of a square foot of display surface area per lineal foot of street frontage; provided, however, that in no event shall the sign be restricted to less than 32 square feet nor be permitted to exceed 150 square feet of display surface area. No sign shall exceed 20 feet in height.
- (b) Wall signs shall be permitted not to exceed 1.0 square foot of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
- (c) One monument sign shall be permitted at the entrance to the subdivision from South 101st East Avenue (within Development

Area "C") with a maximum of 64 square feet of display surface area and six feet in height.

- (d) One business sign shall be permitted along the Mingo Valley Expressway right-of-way (west side of the frontage roadway easement) with a maximum of 500 square feet of display surface area and 40 feet in height; the business sign shall be set back a minimum of 10 feet from the expressway right-of-way; a minimum of 300 feet from the south boundary of the PUD, and a minimum of 200 feet from the north boundary of the PUD. Allowance of this business sign is in addition to ground and wall signs allowed upon individual lots within the subdivision.
 - (e) The existing outdoor advertising sign on the premises shall be removed prior to issuance of a new sign permit for the one business sign permitted along the Mingo Valley Expressway right-of-way portion of the PUD, as described in item "d" above.
- 3. The development boundaries shown on Exhibit "C" are conceptual in nature and minor modifications to such boundaries may be permitted pursuant to final platting; however, the acreage of the development areas shall not be altered by more than 15% for any of the development areas unless approved as a PUD minor amendment by the TMAPC.
 - 4. If the PUD is subdivided, uses and intensities of uses and development standards shall be established at minimum by Minor Amendment.
 - 5. All private roadways and sidewalks, including those in mutual access and/or sidewalk easements, shall be included within a reserve area or areas for which a property owner's association shall be created to ensure perpetual maintenance and upkeep of such roadways and sidewalks. The property owners' association shall be 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/PUD.
 - 6. The City shall inspect all private streets and certify that they meet City standards prior to any occupancy permit being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
 - 7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. 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 October 19, 2006:

General: No comment.

Water: A looped water main extension is required.

Fire: 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: 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: Please address stormwater drainage in the narrative. The additional drainage from all new development must be conveyed to the Stormwater Detention Facility in Reserve Area "B."

Wastewater: Sanitary sewer access must be provided to all lots within the subdivision.

Transportation: Include construction standards and maintenance responsibility for private streets. Recommend sidewalks on the N-S collector and on the interior streets.

Traffic: Recommend formation of a property owners association for the maintenance of both the existing N-S mutual access easement and the new private streets. Prefer placing the existing MAE adjacent to Lots 4-7 in an N-S Reserve.

GIS: No comment.

County Engineer: No comment.

MSHP: Recommend the construction of sidewalks per the Subdivision Regulations along 105th, 65th, & 101st.

LRTP: East 71st Street South, between Mingo Road and US-169, existing 6 lanes. Mingo Road, between 61st Street South and 71st Street South, existing four lanes. US-169, between 61st Street South and 71st Street South, planned eight lanes. Sidewalks should be constructed if non-existing or maintained if existing.

TMP: Mingo Valley Trail planned in vicinity. Trail is planned for construction on ODOT ROW between 61st and 71st. But recommend coordination with ODOT as US 169 is planned for expansion. Development should consider the planned expansion will include the Mingo Valley Trail, and should design accordingly.

Transit: Currently, Tulsa Transit operates an existing route on E. 71st St. S., between Mingo Rd. and US-169. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

STAFF RECOMMENDATION FOR Z-5970-SP-5:

Z-6277-SP-3/Z-6484-SP-1/Z-6718-SP-1 October 2006: All concurred in approval of a proposed Corridor Site Plan on a 13.1± acre tract for commercial development on property located on the northwest corner of South 105th Avenue and East 66th Street, per staff recommendation as amended by the applicant.

PUD-599-C September 2001: All concurred in approval of a Major Amendment to a PUD to permit automobile body repair center and coffee shop on Lot 1 of PUD-599-A on a 1.52+ acre tract located north of subject property, subject to modifications and conditions as recommended by the TMAPC.

Z-6725 December 1999: All concurred in approval of a request to rezone a 34.78± acre tract from CO to AG for church and accessory uses on property located on the southeast corner of East 66th Street and South Mingo Road.

Z-6718 October 1999: A request to rezone a 1.18-acre tract located on the northeast corner of East 66th Street South and South 101st East Avenue, apart of the subject tract, from RS-3 to CO was approved by TMAPC and the City Council.

PUD-599-A August 1999: All concurred in approval of a major amendment located north of the subject property to allow a three-story, 49,600 square foot office building and a 61-room, three-story hotel.

Z-6673-SP-1/AC-47 April 1999: All concurred in approval of a Corridor Site Plan on 4.56+ acre tract for a 75,000 square foot recreational vehicle storage and self-storage facility located and north to the subject property; also approving an Alternative Compliance to landscape requirements.

BOA-18357 March 23, 1990: The Board of Adjustment approved a Variance of the land area coverage by building from 30% to 41% in a CO district on property north to the subject property.

Z-6722-SP-2 March 1999: On a proposed Corridor Site Plan to re-approve an existing outdoor advertising sign (Z-6722-SP-1 originally approved sign April 17, 1990 for a period of 5 years) on a 2.2+ acre tract, staff recommended denial but TMAPC recommended approval due to it's placement in a freeway corridor, and the City Council approved it per TMAPC recommendation.

Z-6673 February 1999: All concurred in approval of a request to rezone a 4.5-acre tract located on the southeast corner of E. 63rd Place S. and S. 103rd East Avenue from RS-3 to CO.

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

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

BOA-17848 October 1997: The Board of Adjustment approved a request for a special exception to allow church and accessory uses and a special exception to allow a school in an RS-3 zoned district, located north of subject property.

Z-6078-SP-4 September 1997: All concurred in approval of a Corridor Site Plan to permit a mobile home on property located north of northwest corner of East 66th Street and South 101st Avenue East.

Z-6078-SP-3 February 1997: All concurred in approval of a Corridor Site Plan to permit a mobile home on property located on northwest corner of East 66th Street and South 101st Avenue East.

Z-6484 April 1995: All concurred in approval of a request to rezone a 6.7-acre tract located south of the southeast corner of East 65th Place South and South 103rd East Avenue from RS-3 to CO.

Z-6078-SP-2 March 1995: All concurred in approval of a Corridor Site Plan to permit a mobile home on property located north of northwest corner of East 66th Street and South 101st Avenue East.

Z-6345/PUD-489 May 1992: All concurred in approval of a request to rezone a 5.4-acre tract located west of the northwest corner of East 71st Street South and South Mingo Valley Expressway from CO to CS/PUD for a shopping center development.

Z-6345/PUD-481 March 1992: All concurred in approval of a request to rezone a 35-acre tract located north of E. 71st Street and west of the Mingo Valley Expressway and south of subject property, from CS and CO to CS/PUD.

Z-6277 January 1990: All concurred in approval of a request to rezone a two-acre tract located on the northwest corner of East 66th Street South and South Mingo Valley Expressway, from RS-3 to CO.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 37.248+ acre in size and is located northeast of the northeast corner East 71st Street and South Mingo Road. The property contains Mathis Brothers Furniture Store but is mostly vacant, and zoned CO/PUD.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
101 st East Avenue	Collector	60'	two

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

SURROUNDING AREA: The subject tract is abutted on the east by U.S. Highway 169 South, zoned AG; on the north by vacant land, zoned CO; on the south by mixed retail, zoned CO/PUD; and on the west by Asbury Methodist Church, zoned AG.

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 being low and medium-intensity

corridor. According to the Zoning Matrix, the requested development **may be found** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

PUD-595 and the related corridor site plan, Z-5970-SP-3, were approved September 24, 1998 with a land area of 19 acres, maximum floor area of 500,000 square feet and maximum building height of 40 feet. Subsequently, PUD-595-A/Z-5970-SP-4 was approved February 11, 1999 and amended the original PUD by doubling the size of the PUD to 38.19 acres, increasing permitted floor area to 1,000,000 square feet and allowing a maximum building height of 120 feet. The property was then platted as Home Center, with one lot and one block, and a large warehouse and showroom for Mathis Brothers was constructed on the north half of Lot One.

Through PUD-595-B/Z-5970-SP-5, the applicant proposes to subdivide the property to create a total of nine lots within four development areas. Primary access to the proposed lots is to be from private streets and mutual access easements per Exhibit "E". An increase in land coverage from 30 percent to 40 percent is proposed for Development Area A, where the existing Mathis Brothers showroom and warehouse are located. This increase is intended to accommodate construction of new warehouse and showroom first floor space and an additional 12,800 square feet of second floor showroom space. The proposed second floor showroom will then extend and connect to a proposed 15,200 square foot second floor showroom that will be constructed within the existing warehouse per Exhibit "B". Per the zoning code, maximum land coverage of 30 percent is permitted. In a related action, BOA approved a variance to increase land coverage to 37 percent (for the entire PUD) per BOA-20357 on October 24, 2006 and in its action limited floor area for the furniture store (proposed Development Area 'A') to 60% and building height to two stories or 40 feet. Subsequently, the applicant went back to the Board of Adjustment on November 28, 2006 (BOA-20396) to request that the height restriction be changed from 40 feet to 50 feet to accommodate existing and proposed development of the Mathis Brother's site. BOA approved the request. No increase to overall floor area for the PUD is proposed per this amendment.

The applicant is also requesting that required parking for Mathis Brothers (Lot 1) be reduced from 608 spaces to 548 spaces per Section 1305 of the Tulsa Zoning Code which permits a 10 percent reduction in required parking stalls for shared parking facilities for commercial mixed-use developments with 100,000 square feet or more of total gross floor area.

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 PUD-595-B/Z-5970-SP-5 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 stands of the PUD and Corridor Chapters of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-595-B/Z-5970-SP-5 subject to the following conditions:

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

2. Amended Development Standards:

DEVELOPMENT AREA A:

GROSS LAND AREA:	17.933 AC	781,172.20 SF
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PERMITTED USES:

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking Areas; 11, Offices, Studios and Support Services; 12, Eating Establishments other than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 23, Warehousing and Wholesaling facilities for the storage, repair, service and distribution of furniture, furnishings, equipment, products and supplies, displayed and sold within the Mathis Brothers facility provided no exterior display or storage shall be permitted, and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA:	468,703 SF
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MAXIMUM LAND COVERAGE OF BUILDINGS:	37%
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MAXIMUM BUILDING HEIGHT:

Use Unit 11 Uses:	120 FT
Other Uses:	50 FT

Architectural elements may exceed the maximum building height with detail site plan approval.

MINIMUM LOT FRONTAGE ON CORRIDOR COLLECTOR STREET: 150 FT

MINIMUM LOT FRONTAGE FOR LOTS ABUTTING INTERNAL PRIVATE STREET:	100 FT
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MINIMUM BUILDING SETBACKS:

From the centerline of South 101 st East Avenue	110 FT
From the north boundary of Development Area "A"	40 FT
From the south boundary of Development Area "A"	28 FT

From the Mingo Valley Expressway Right-of-Way

65 FT

MINIMUM LANDSCAPED AREA:

10% of net lot area

SCREENING:

All trash, mechanical and equipment areas shall be screened from public view by a wall or solid fence having a minimum height of six feet.

LIGHTING:

All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height if within 150 feet of any existing or planned residential area and all such lights shall be set back at least 25 feet from such residential areas abutting the PUD. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

OFF-STREET PARKING:

A minimum of 548 on-site parking stalls shall be required for the Mathis Brothers Furniture Store facility, as permitted per Section 1305 of the Zoning Code which allows a 10 percent reduction in required parking stalls for shared parking facilities for commercial mixed-use developments with 100,000 square feet or more of total gross floor area.

DEVELOPMENT AREA B:

GROSS LAND AREA:

8.404 AC

366,070.83 SF

PERMITTED USES:

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking Areas; 11, Offices, Studios and Support Services; 12, Eating Establishments other than Drive-Ins; 13, Convenience Goods and Services; and 14, Shopping Goods and Services; and Hotel-Motel uses, only, as provided in Use Unit 19., Hotel, Motel and Recreation Facilities.

MAXIMUM BUILDING FLOOR AREA:

225,618 SF

MAXIMUM LAND COVERAGE OF BUILDINGS:

30%

MAXIMUM BUILDING HEIGHT:

70 FT

Architectural elements may exceed the maximum building height with detail site plan approval.

MINIMUM LOT FRONTAGE ON CORRIDOR COLLECTOR STREET: 150 FT

MINIMUM LOT FRONTAGE FOR LOTS ABUTTING INTERNAL
PRIVATE STREET: 100 FT

MINIMUM BUILDING SETBACKS:

From the centerline of South 101 st East Avenue	80 FT
From the north boundary of Development Area "B"	59.50 FT
From the south boundary of Development Area "B"	45 FT
<i>(25' from the r/w limits of proposed S. 104th E. Ave.)</i>	
From the east boundary of Development Area "B"	45 FT
<i>(25' from the r/w limits of proposed E. 68th St. S.)</i>	

MINIMUM LANDSCAPED AREA: 10% of net lot area

SCREENING:

All trash, mechanical and equipment areas shall be screened from public view by a wall or solid fence having a minimum height of six feet.

LIGHTING:

All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height if within 150 feet of any existing or planned residential area and all such lights shall be set back at least 25 feet from such residential areas abutting the PUD. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

OFF-STREET PARKING:

Per City of Tulsa zoning code requirements.

DEVELOPMENT AREA C:

GROSS LAND AREA: 4.055 AC 176,631.42 SF

PERMITTED USES:

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking Areas; 11, Offices, Studios and Support Services; 12, Eating Establishments other than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; and Hotel and Motel uses, only, as permitted within Use Unit 19, Hotel, Motel and Recreation Facilities.

MAXIMUM BUILDING FLOOR AREA: 108,862 SF

MAXIMUM LAND COVERAGE OF BUILDINGS: 30%

MAXIMUM BUILDING HEIGHT: 70 FT
Architectural elements may exceed the maximum building height with detail site plan approval.

MINIMUM LOT FRONTAGE ON CORRIDOR COLLECTOR STREET: 150 FT

MINIMUM LOT FRONTAGE FOR LOTS ABUTTING INTERNAL PRIVATE STREET: 100 FT

MINIMUM BUILDING SETBACKS:
From the centerline of South 101st East Avenue 80 FT
From the north boundary of Development Area "C" 45 FT
(25' from r/w limits of proposed E. 68th St. S.)
From the south boundary of Development Area "C" 15 FT
From the R/W limits of proposed E. 68th St. S. & S. 104th E. Ave. 25 FT

MINIMUM LANDSCAPED AREA: 10% of net lot area

SCREENING:
All trash, mechanical and equipment areas shall be screened from public view by a wall or solid fence having a minimum height of six feet.

LIGHTING:
All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height if within 150 feet of any existing or planned residential area and all such lights shall be set back at least 25 feet from such residential areas abutting the PUD. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

OFF-STREET PARKING:
Per City of Tulsa zoning code requirements.

DEVELOPMENT AREA D:

GROSS LAND AREA: 6.856 AC 298,651.92 SF

PERMITTED USES:
Uses permitted as a matter of right in Use Unit 10, Off-Street Parking Areas; 11, Offices, Studios and Support Services; 12, Eating Establishments other than Drive-Ins; 13, Convenience Goods and Services; and 14, Shopping Goods and Services.

MAXIMUM BUILDING FLOOR AREA: 184,066 SF

MAXIMUM LAND COVERAGE OF BUILDINGS: 30%

MAXIMUM BUILDING HEIGHT: 35 FT

Architectural elements may exceed the maximum building height with detail site plan approval.

MINIMUM LOT FRONTAGE ON CORRIDOR COLLECTOR STREET: 150 FT

INTERNAL PRIVATE STREETS: 100 FT*

**With the exception of a minimum 40 feet of street frontage allowance on South 104th East Avenue for the southernmost lot in Development Area 'D'.*

MINIMUM BUILDING SETBACKS:

From the north boundary of Development Area "D" 44.50 FT

From the south boundary of Development Area "D" 15 FT

From the east boundary of Development Area "D" 50 FT

From the R/W limits of proposed E. 68th St. S. & S. 104th E. Ave. 25 FT

MINIMUM LANDSCAPED AREA: 10% of net lot area

SCREENING:

All trash, mechanical and equipment areas shall be screened from public view by a wall or solid fence having a minimum height of six feet.

LIGHTING:

All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height if within 150 feet of any existing or planned residential area and all such lights shall be set back at least 25 feet from such residential areas abutting the PUD. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

OFF-STREET PARKING:

Per City of Tulsa zoning code requirements.

ACCESS AND CIRCULATION:

The minimum pavement width of the internal streets, East 68th Street South/ South 104th East Avenue, shall be a minimum 32 feet, measured face-to-face of curb. Sidewalks are required on both sides of the street and must be located within the reserve area or sidewalk easements.

Sidewalks shall be required along the east side of South 101st East Avenue, along both sides of the proposed East 68th Street South and

South 104th East Avenue (as noted above) and along the west side of the frontage roadway easement along U.S. Highway 169 (Mingo Valley Expressway).

A minimum of one pedestrian access per lot shall be provided from the sidewalk to the building entrance.

SIGNAGE:

Signs accessory to permitted principal uses shall be permitted subject to compliance with the Tulsa Zoning Code and the following standards:

- (f) Ground signs fronting South 101st East Avenue shall be limited to one per lot, with the exception for item "c" below. Ground signs fronting interior private streets or principle access and/or circulation roadways, shall also be limited to one per lot, exclusive of a business sign alongside the Mingo valley Expressway right-of-way (west of the frontage roadway easement) as noted in item "d" below. Each sign shall not exceed two-tenths of a square foot of display surface area per lineal foot of street frontage; provided, however, that in no event shall the sign be restricted to less than 32 square feet nor be permitted to exceed 150 square feet of display surface area. No sign shall exceed 20 feet in height.
- (g) Wall signs shall be permitted not to exceed 1.0 square foot of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
- (h) One monument sign shall be permitted at the entrance to the subdivision from South 101st East Avenue (within Development Area "C") with a maximum of 64 square feet of display surface area and six feet in height.
- (i) One business sign shall be permitted along the Mingo Valley Expressway right-of-way (west side of the frontage roadway easement) with a maximum of 500 square feet of display surface area and 40 feet in height; the business sign shall be set back a minimum of 10 feet from the expressway right-of-way; a minimum of 300 feet from the south boundary of the PUD/ Corridor Site Plan, and a minimum of 200 feet from the north boundary of the PUD/ Corridor Site Plan. Allowance of this business sign is in addition to ground and wall signs allowed upon individual lots within the subdivision.
- (j) The existing outdoor advertising sign on the premises shall be removed prior to issuance of a new sign permit for the one

business sign permitted along the Mingo Valley Expressway right-of-way portion of the PUD/ Corridor Site Plan, as described in item "d" above.

3. The development boundaries shown on Exhibit "C" are conceptual in nature and minor modifications to such boundaries may be permitted pursuant to final platting; however, the acreage of the development areas shall not be altered by more than 15% for any of the development areas unless approved as a Minor Amendment to the Corridor Site Plan by the TMAPC.
4. If the PUD/ Corridor Site Plan is subdivided, uses and intensities of uses and development standards shall be established at minimum by Minor Amendment.
5. All private roadways and sidewalks, including those in mutual access and/or sidewalk easements, shall be included within a reserve area or areas for which a property owner's association shall be created to ensure perpetual maintenance and upkeep of such roadways and sidewalks. The property owners' association shall be 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/PUD.
6. The City shall inspect all private streets and certify that they meet City standards prior to any occupancy permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
7. No zoning clearance permit shall be issued for a lot within the PUD/ Corridor Site Plan 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/ Corridor Site Plan development standards.
8. 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.

9. No sign permits shall be issued for erection of a sign on a lot within the PUD/ 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 PUD/ Corridor Site Plan development standards.
10. 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.
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 PUD/ Corridor Site Plan conditions of approval and making the City beneficiary to said covenants that relate to PUD/ 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. Approval of the PUD/ 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.

TAC Comments from October 19, 2006:

General: No comment.

Water: A looped water main extension is required.

Fire: 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: 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: Please address stormwater drainage in the narrative. The additional drainage from all new development must be conveyed to the stormwater detention facility in Reserve Area "B."

Wastewater: Sanitary sewer access must be provided to all lots within the subdivision.

Transportation: Include construction standards and maintenance responsibility for private streets. Recommend sidewalks on the N-S collector and on the interior streets.

Traffic: Recommend formation of a property owners association for the maintenance of both the existing N-S mutual access easement and the new

private streets. Prefer placing the existing MAE adjacent to Lots 4-7 in a N-S Reserve.

GIS: No comment.

County Engineer: No comment.

MSHP: Recommend the construction of sidewalks per the Subdivision Regulations along 105th, 65th, & 101st.

LRTP: East 71st Street South, between Mingo Road. and US-169, existing six lanes. Mingo Road, between 61st Street South and 71st Street South, existing four lanes. US-169, between 61st Street South and 71st Street South, planned eight lanes. Sidewalks should be constructed if non-existing or maintained if existing.

TMP: Mingo Valley Trail planned in vicinity. Trail is planned for construction on ODOT ROW between 61st and 71st. But recommend coordination with ODOT as US 169 is planned for expansion. Development should consider the planned expansion will include the Mingo Valley Trail, and should design accordingly.

Transit: Currently, Tulsa Transit operates an existing route on East 71st Street South, between Mingo Road and US-169. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

TMAPC COMMENTS:

Mr. Carnes asked staff what the logic is on reducing 60 parking spaces. In response, Ms. Matthews stated that this falls within the ten percent that is allowed within a PUD.

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, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to recommend **APPROVAL** of the major amendment for PUD-595-B per staff recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the corridor site plan for Z-5970-SP-5 per staff recommendation.

Legal Description for PUD-595-B/Z-5970-SP-5:

Lots 1, Block 1, Home Center, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **FROM CO/PUD (Corridor District/Planned Unit Development [PUD-595]) TO CO/PUD (Corridor District /Planned Unit Development [PUD-595-B])**.

ZONING PUBLIC HEARING

Application No.: Z-7044

IM to RM-2

Applicant: Roy D. Johnsen

(PD-2) (CD-3)

Location: West of southwest corner East Apache and North Lewis

STAFF RECOMMENDATION:

BOA 20316 July 25, 2006: The Board of Adjustment approved a Special Exception to permit a Use Unit 5 for a church in an IM, OL, and RS-3 Districts, with conditions for sidewalks on Lewis and maintain existing sidewalks on Apache Street; for a new plat; per conceptual plan, located on the southwest corner of South Lewis Avenue and East Apache Street and located on subject property.

BOA-17712 May 13, 1997: The Board of Adjustment denied a Special Exception to permit open air sales, located on the southwest corner of South Lewis Avenue and East Apache Street and located on subject property.

BOA-17528 October 8, 1996: The Board of Adjustment approved a Special Exception to permit a Use Unit 2 for an outdoor produce stand in an IM district and a Variance of the 150 day time limit to 6 months per year from July 1 through December 31 for 5 years beginning with 1996 per plan permitted, located on the southwest corner of South Lewis Avenue and East Apache Street and located on subject property.

BOA-15795 August 13, 1991: The Board of Adjustment approved a Special Exception to permit a Use Unit 14 in an IM district subject to no outside storage of merchandise or materials; finding that numerous sales operations have been conducted at this location, located on the southwest corner of South Lewis Avenue and East Apache Street and located on subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3.1 acres in size and is located west of the southwest corner of North Lewis Avenue and Apache Street. The property appears to be used for abandoned vehicles, other junk and wooden pallets storage and is zoned IM. Sidewalks are on and near the subject property.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Apache Street	Secondary arterial	100'	4

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

SURROUNDING AREA: The subject tract is abutted on the east by a vacant office/commercial use, zoned IM; on the north by a Tulsa Public Schools facility (Bunche Early Childhood Development Center), zoned RS-3, and a vacant lot, zoned CS; on the south by vacant land and the expressway, zoned IM; and on the west by an office/commercial use, zoned OL. Farther to the southwest of the site is a single-family residential development, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 2 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being High Intensity-Industrial land use within Special District 2-Industrial. According to the Zoning Matrix, the requested RM-2 zoning **may be found** in accord with the Comprehensive Plan by virtue of its being within a Special District.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and apparent need for elderly housing in the area, staff can support the requested RM-2 zoning. The prospective developer has assured staff that his firm has discussed with City Area Agency on Aging staff the possibility of a nutrition site on the premises, as the proposed facility will have a full-service kitchen and dining room. The residents are to be well-elderly, and parking spaces will be provided for their vehicles. The facility will include full-time on-site management. However (and not as a condition of approval, but in anticipation of needs of some potential residents), staff recommends the developer or representative coordinate with Tulsa Transit and various other service providers regarding existing or potential transportation routes and schedules in this location. (Several such agencies are located one mile south on Pine Street, including the Hutcherson YMCA, which has a seniors program; the Donald W. Reynolds Senior Center; Morton Comprehensive Health Services; and a number of churches). INCOG Transportation Division staff notes that two excellent Tulsa Transit bus routes currently serve the area: one along Apache and the other on Lewis, which extends across the Arkansas River into Jenks. Para-transit system services, if needed, are on a demand-response basis.

Staff recommends **APPROVAL** of RM-2 for Z-7044.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that there will be 48 units in a three-story structure with elevators for independent senior living, which must be 62+ years of age and ambulatory. Mr. Johnsen commented that this type of housing is needed for the older people in the community. This particular company has developments in several states and they keep their properties and maintain them.

TMAPC COMMENTS:

Mr. Harmon stated that the applicant is in agreement with staff recommendation and this is an exciting project. To find an investor to come in and take an old industrial site and redevelop it for multifamily is exciting.

Mr. Ard asked if there would be a land use restriction involved since this is age restricted. How is this done with the Fair Housing Guidelines to mandate only age-restricted? In response, Mr. Johnsen stated that the financing entity, Oklahoma Housing Finance Authority, will put that restriction on it.

INTERESTED PARTIES:

Terry McGee, 1928 East 26th Street North, 74106, stated that the applicant answered all of his questions previously to the meeting.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to recommend **APPROVAL** of the RM-2 zoning for Z-7044 per staff recommendation.

Legal Description for Z-7044:

A tract of land being a part of the northeast quarter of the northeast quarter of section 30, T-20-N, R-14-E of the Indian base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government survey thereof, said tract of land being described as follows: Commencing at the northeast corner of said NE/4 NE/4 of Section 30; thence S 88°09'19" W along the northerly line of said NE/4 NE/4 for 245.00' to the Point of Beginning of said tract of land; thence S 01°05'28" E for 329.85'; thence S 88°08'50" W for 414.77'; thence N 01°01'57" W for 329.01' to a point on said northerly line; thence N 88°09'19" E along said northerly line for 414.81' to the POB of said tract of land, the City of Tulsa, Tulsa County, State of Oklahoma, **From IM (Industrial Moderate District) To RM-2(Residential Multi-Family Medium Density District).**

* * * * *

Application No.: PUD-538-A-1

MINOR AMENDMENT

Applicant: Charles E. Norman

(PD-26) (CD-8)

Location: 10051 South Yale

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-538-A for the purpose of allowing a satellite location for YMCA, a community center as provided in Use

Unit 5, Community Services and similar uses, in the existing retail center. Development standards currently limit uses to those permitted as a matter of right in Use Units 10, 11, 12, 13 and 14 of the City of Tulsa Zoning Code, except the retail use customarily known as a convenience grocery

The proposed tenant space contains approximately 9,900 square feet and was formerly occupied by Med-X Drug Store. The applicant contends that the proposed use will not result in any increase of incompatibility with the present and future use of adjacent properties and that the existing building will not be altered on the exterior in any way other than for business wall signs and removal of the drive-through pharmacy window on the east side of the building.

The shopping center currently is served by 204 parking spaces, with the former Med-X space requiring 44 spaces. The parking requirement for community centers is 1/500 square feet, or 20 spaces. Therefore, as a community center use, parking should be adequate.

Therefore, staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-538-A-1 as proposed.

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, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the minor amendment for PUD-538-A-1 per staff recommendation.

Application No.: PUD-312-A-8

MINOR AMENDMENT

Applicant: Sack & Associates, Inc.

(PD-18) (CD-6)

Location: Southwest corner of East 48th Street and South Garnett Road

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-312-A for the purpose of allocating floor area between two lots created by platting of the property.

Current Allocation of Floor Area:

Maximum Building Floor Area for Development Area F: 320,000 SF

Uses Permitted in Use Units 12, 13, 14, and 17:	108,000 SF
Uses Permitted in Use Units 11 and 19:	212,000 SF

Proposed Allocation of Floor Area:

Maximum Building Floor Area for Development Area F:	320,000 SF
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Lot 1 (per Exhibit "A")

Uses Permitted in Use Units 12, 13, 14, and 17:	58,000 SF
Uses Permitted in Use Units 11 and 19:	112,000 SF

Lot 2 (per Exhibit "A")

Uses Permitted in Use Units 12, 13, 14 and 17:	50,000 SF
Uses Permitted in Use Units 11 and 19:	100,000 SF

No other changes to development standards are proposed. Because the proposed lots have frontage on South Garnett Road and East 48th Street South, sidewalks will be required.

Staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-312-A-8 subject to provision of sidewalks along South Garnett Road and East 48th Street South.

TMAPC COMMENTS:

Mr. Ard asked staff if the concerns of the flood zone have not been identified and a couple of other issues have to be ironed out before the permits are issued. In response, Ms. Matthews answered affirmatively.

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, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the minor amendment for PUD-312-A-8, subject to provision of sidewalks along South Garnett Road and East 48th Street South per staff recommendation.

* * * * *

Application No.: PUD-387-3

MINOR AMENDMENT

Applicant: R.L. Reynolds

(PD-18) (CD-2)

Location: 6655 South Lewis Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-387 for the purpose of amending the screening requirements for the southerly 280 feet of the easterly boundary to allow a four-foot powder coated chain link fence with vegetative screening as depicted in Exhibit "A-1". Development standards currently require a six-foot privacy fence be installed along the east boundary.

Per the applicant, the chain link fence is requested in place of a solid, opaque fence because of security problems. Landscaping is proposed in conjunction with the chain link fence to provide some visual separation without obscuring potential security risks. The site is abutted on the east by a vacant lot zoned RS-1 with established residential development immediately to the east and south of that lot.

The proposed landscaping provides sufficient screening, but a wrought iron fence would better fit the adjoining residential neighborhood yet still provide the desired security and visibility. Therefore, staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-387-3 per Exhibit "A-1", subject to replacing wrought iron fencing for the proposed chain link.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Suite 200, 74114, stated that he is in agreement with staff recommendation, except over the fencing. The issue is primarily that his client prefers the chain link because it is less visible. There is a lot immediately to the east of this project, which his client owns, that is 150 feet wide and doesn't have a house on it. The nearest house is 150 feet away from the subject project. The south half of the lot is heavily wooded and there is ample screening with evergreen type trees, which will run the full length of the east boundary down to the cooling equipment is located. Mr. Reynolds submitted photographs (Exhibit A-1) of the subject property. The proposed fencing will be invisible and doesn't abut anyone. The difference between a wrought iron fence and the chain link fence is the cost and chain link is easier to maintain. His client has had problems and needs to secure the subject property.

TMAPC COMMENTS:

Mr. Ard asked Mr. Reynolds if he would be adding any landscaping. In response, Mr. Reynolds stated that all of the landscaping that is shown on the exhibit will be added. Mr. Reynolds further stated that this application is for the eastern

boundary fencing and screening. He is not required to have a fence on the southern boundary.

Ms. Cantrell asked why a chain link fence would serve the purpose better than a wrought iron fence. In response, Mr. Reynolds stated that chain link is easier to maintain. His client has concerns with vandalism and he is trying to put a stop to it. Ms. Cantrell stated that she thought a wrought iron fence would be stronger. In response, Mr. Reynolds stated that wrought iron is stronger, but it is not so strong that someone can't destroy it and the cost to repair it would be greater. The chain link fence will not be visible to anyone because it will be powder coated and against the bushes.

Mr. Carnes agreed with Mr. Reynolds regarding the chain link fence. Wrought iron fences can be torn down very quickly and to repair it would be costly. The applicant owns the property on the other side and it will have landscaping with the fence so he would be in favor of this proposal.

Ms. Bayles stated that she would support Mr. Carnes on this. She is familiar with this area and it has been compromised for a number of years. Anything that a property owner can do for both self protection and beautification in this area would be greatly appreciated.

Mr. Shivel stated that he doesn't see how a four-foot fence would keep intruders out of the subject area. In response, Mr. Reynolds stated that it is not so much designed to protect from intruding, but his client does have to have some type of fence there. The bushes and chain link will prevent people from hiding, which was a problem with the original screening fence. This proposal is intended to have some type of transparency and visibility for security. The fence is designed to meet code and screen the building.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the minor amendment for PUD-387-3 per staff recommendation with the modification to allow a four-foot powder coated chain link fence with vegetative screening along the easterly boundary as proposed by the applicant in Exhibit A.

* * * * *

Application No.: PUD-727-1

MINOR AMENDMENT

Applicant: Sisemore Weisz & Associates

(PD-2) (CD-1)

Location: West side of North Cincinnati Avenue between East Latimer Place and East Oklahoma Street North

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-727 to allow the existing bus pad located on the west side of North Cincinnati between North Latimer and North Marshall in place of the one required per development standards adjacent to the private park in Development Area A. Per INCOG Transportation staff the existing bus pad meets the requirements and intent of the policy applied to PUD-727. Therefore, construction of the new pad would be unnecessary.

Therefore, staff finds the proposed amendment to minor in nature and recommends **APPROVAL** of PUD-727-1 as proposed.

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 **HARMON**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the minor amendment for PUD-727-1 per staff recommendation.

Application No.: PUD-360-A-12

MINOR AMENDMENT

Applicant: Collins Property Investments, LLC

(PD-18) (CD-8)

Location: 8922 South Memorial Drive

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-360-A to modify the building height limitation from 35 feet to 42 feet to accommodate remodeling of the building's façade. The building is to be redeveloped for retail uses. The nearest residential boundary is approximately 385 feet to the north, with that property being used for detention; and approximately 450 feet to the west. The

proposed seven-foot increase in height should have no adverse impact on this nearby residential. Therefore, staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-360-A-12 as proposed.

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 **HARMON**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the minor amendment for PUD-360-A-12 per staff recommendation.

* * * * *

Application No.: PUD-379-4

MINOR AMENDMENT

Applicant: Charles E. Norman

(PD-18) (CD-7)

Location: 6808 South Memorial Drive

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-379 for the purpose of allowing architectural features to exceed the 30-foot height restriction with detail site plan approval. Per current development standards, the maximum building height measured to the top of the parapet of any building within the west 125 feet of Lot 1 is restricted to 22 feet. The maximum building height of any building within Lot 1 which is more than 125 feet from the west boundary of the lot is 30 feet. The proposed architectural features, ranging in height from 34 feet for buildings along the west boundary to 58 feet for the new bell towers, will be more than 125 feet from the west boundary.

Although abutting property to the west is zoned RS-3/PUD-187 and is developed as residential duplex, the 25-foot landscape strip with mature trees along the west boundary, the 85-foot building setback and 125-foot setback for heights over 22 feet required by PUD-379 development standards provide sufficient separation and buffering for the proposed increase in height of architectural features. Therefore, staff recommends **APPROVAL** of PUD-379-4, adding the provision that architectural elements including towers, finials, needles and free-standing bell towers may exceed the maximum building height of any building within Lot 1, Block 1 which is more than 125 feet from the west boundary with detail site plan approval by TMAPC.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that he is in agreement with the staff recommendation. The subject property has been in troubled times since it was first constructed in the mid 1980s. Part of the problem is the distance from South Memorial Avenue and the Mervyn's store that is vacant. His clients are from Oklahoma City and they see a chance to change the shopping center and turn it around. Mr. Norman described the façade and changes that will be made to the shopping center.

TMAPC COMMENTS:

Mr. Harmon stated that he is glad to see this proposal and it has been troubled for a long period of time. If a new façade will make it work he will support it.

Ms. Bayles stated that having an opportunity to see this shopping district revitalized is a unique and creative way to draw attention to its shops for shoppers and visitors to be drawn to. It is really important that reinvestments and revitalization be continued in these types of areas.

Mr. Wofford asked if the Mervyn's store is owned by a separate entity. In response, Mr. Norman answered affirmatively. Mr. Norman indicated that his client is attempting to negotiate for the purchase of the store. It is presently not included in today's application.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **BAYLES**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the minor amendment for PUD-379-4, adding the provision that architectural elements including towers, finials, needles and free-standing bell towers may exceed the maximum building height of any building within Lot 1, Block 1 which is more than 125 feet from the west boundary with detail site plan approval by TMAPC, per staff recommendation.

Application No.: PUD-128-H

MAJOR AMENDMENT

Applicant: Zone Systems, Inc.

(PD-18) (CD-2)

Location: Northeast corner South Wheeling Avenue and East 78th Street

STAFF RECOMMENDATION:

PUD-128-B-2 May 17, 2000: The TMAPC approved the Minor Amendment to PUD-128-B to include the Board of Adjustment action, BOA-18625, into the PUD on subject property and abutting north of subject property.

BOA-18625 March 28, 2000: The Board of Adjustment approved a Special Exception to permit a Use Unit 5 for a private high school education and athletic buildings, facilities, and fields in an OM, OL, RM-1 districts; a Variance of the off-street parking requirements to permit the minimum of 700 spaces; a Variance of the required access from an arterial street to be located on the east side of South Wheeling and north of East 78th Street per plan on subject property and abutting north of subject property.

BOA-14394 March 5, 1987: The Board of Adjustment approved a Special Exception to permit a Use Unit 5 to allow a church and related uses in an RM-1 district per plan and subject to conditions put on by the Board located on a tract abutting the subject property directly to the east.

Z-5804/PUD-128-B March 1983: All concurred in approval of a request to rezone a 24.6± acre tract from RS-3 to RM-1 and a proposed Major Amendment to PUD-128 for multifamily dwellings, on property located east of South Wheeling Avenue and north of East 81st Street South and part of subject property.

PUD-128 August 1972: All concurred in approval of a proposed PUD allowing a total of 4,441 residential units on a 278± acre tract located between Lewis Avenue and the Arkansas River and between 71st Street and 81st Street.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 8± acres in size and is located on the northeast corner of South Wheeling Avenue and East 78th Street. The property appears to be used as a recreational playing field, and is zoned RM-1/PUD-128-B.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Wheeling Avenue	Residential	50'	two

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

SURROUNDING AREA: The subject tract is abutted on the east by some vacant and Victory Christian Church/School, zoned OL/OM; on the north by a practice field for Victory Christian School, zoned RM-1; on the south by apartments, zoned RM-1/PUD-128-B; and on the west apartments, zoned RS-3.

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 being in Special District 6 Office and Commercial Area and development sensitive.

STAFF RECOMMENDATION:

Verizon Wireless is requesting an amendment to PUD-128-B for the purpose of adding a cell tower use, Use Unit #4, Public Protection and Utility Facilities. The PUD currently permits multi-family uses and, per Board of Adjustment action and a corresponding minor amendment, also allows a football and soccer stadium, baseball and softball fields and customary accessory uses associated with Victory Christian School (located to the east of the sports complex). The 120-foot tower is proposed adjacent to the baseball field in the center of the sport complex and will be set back more than 110% of the height of the tower (132 feet) from any residential district or use. However, the proposed tower location is also within the FEMA 100-year flood plain. The applicant must obtain proper clearance from FEMA (CLOMR) prior to release of a building permit.

Staff finds PUD-128-H 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 PUD Chapter and Corridor Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-128-H 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:**

PERMITTED USES:

In addition to those uses permitted per PUD-128-H, Antenna and Supporting Structure as provided within Use Unit 4, Public Protection and Utility Facilities.

MAXIMUM HEIGHT: 120 FT

SETBACKS:

From west boundary of Lot 1, Block 15:	132 FT
From south boundary of Lot 1, Block 15:	132 FT

USE CONDITIONS:

As provided per Section 1204.C, Public Protection and Utility Facilities/Use Conditions, and other applicable sections of the Zoning Code.

3. 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.
4. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all structures, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. No building permit shall be issued without appropriate clearance (CLOMR) from FEMA for construction in the designated 100-year flood plain.
6. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
7. Except as above modified, the development standards of PUD 128-B as amended, shall remain applicable.

TAC Comments from 11/16/06:

General: No comment.

Water: No comment.

Fire: No comment.

Stormwater: C1 and A1 both show construction in the FEMA Floodplain. This is not acceptable unless there is an approved Conditional Letter of Map Revision (CLOMR), prior to construction, and approved Elevation Certificates, prior to any building construction.

Wastewater: No comment.

Transportation: No comment.

Traffic: No comment.

GIS: No comment.

County Engineer: No comment.

TMAPC COMMENTS:

Ms. Cantrell asked how close this proposal is to the school. In response, Ms. Matthews stated that the proposal meets the setback requirements.

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, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to recommend **APPROVAL** of the major amendment for PUD-128-H per staff recommendation.

Legal Description for PUD-128-H:

Lot 1, Block 1, Kensington, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **FROM RM-1/PUD (Residential Multi-family Low Density District /Planned Unit Development [PUD-128-B]) TO RM-1/PUD (Residential Multi-family Low Density District /Planned Unit Development [PUD-128-H])**.

* * * * *

OTHER BUSINESS:

Application No.: PUD-714-A

DETAIL SITE PLAN

Applicant: Sack & Associates, Inc.

(PD-26) (CD-2)

Location: East 104th Place and South Delaware Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for entry gates into the subdivision. The proposed use is in conformance with Development Standards of PUD-714.

The proposed gated entries and related perimeter walls are located outside of the public right-of-way as required by development standards. Sidewalks are proposed as required along South Delaware Avenue, and Traffic Engineering and the Fire Marshall have approved the plans for the gated entries.

Therefore, staff recommends **APPROVAL** of PUD-714 detail site plan as proposed.

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

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 **HARMON**, TMAPC voted **9-0-0** (Ard, Bayles, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the detail site plan for PUD-714-A per staff recommendation.

Application No.: AC-082

**ALTERNATIVE COMPLIANCE
LANDSCAPE PLAN**

Applicant: Barry E. Belt

(PD-18c) (CD-7)

Location: 12215 East 61st Street South

STAFF RECOMMENDATION:

The applicant is requesting TMAPC approval of an alternative compliance landscape plan for Hope Lumber & Supply Company's parking lot expansion. The applicant proposes to align the new parking lot with the existing one, which encroaches into the East 61st Street right-of-way. Subsequently, the proposed expansion would not meet streetyard requirements per the Landscape Chapter of the zoning code. To compensate, the applicant proposes to locate the landscaping (otherwise required for the streetyard) along the north side of the new parking lot, adjacent to the existing lumber yard fencing. The zoning code requires that seven trees be planted in the streetyard; 19 trees are proposed next to the fence. Per the applicant, the proposed planting would provide better screening and softening of the lumber yard. The landscape plan otherwise complies with landscape requirements relative to parking lots.

Staff finds that the proposed landscape plan, although not meeting the technical requirements of the Landscape Chapter of the zoning code, is equivalent to or better than the requirements of that chapter and recommends **APPROVAL** of AC-082 as proposed subject to a license agreement from the City of Tulsa for encroachment of the parking lot into the East 61st Street right-of-way.

TMAPC COMMENTS:

Mr. Harmon asked if the applicant is doing a new parking lot because the old parking lot encroaches into the right-of-way. In response, Ms. Matthews stated that she is not sure why they are building new a parking lot, except that they do need a new parking lot. Screening from the north is more effective than encroaching into the right-of-way and some day having it be removed for improvements.

Applicant's Comments:

Dan Alaback, Alaback Design Associates, 2249 East 49th, 74105, stated that his company are the landscape architects who have made this submittal. He explained that the parking lot is being expanded to the west and matching up the parking lot so that the parking may go from east/west. There are overhead lines and as a result he has moved all of the landscaping back to actually screen more to the lumberyard 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, Cantrell, Carnes, Collins, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the alternative compliance landscape plan for AC-082 as proposed subject to a license agreement from the City of Tulsa for encroachment of the parking lot into the East 61st Street right-of-way per staff recommendation.

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Mr. Collins out at 2:54 p.m.

Commissioners' Comments:

Mr. Ard congratulated Ms. Matthews on her service and stated that the Planning Commission is thankful to have her.

Mr. Ard reminded the Planning Commission that there will be an educational worksession prior to the next scheduled meeting, December 20, 2006.

Mr. Wofford stated that he has known Dane almost thirty years, when she was in the first grade. Mr. Wofford congratulated Ms. Matthews.

Mr. Wofford stated that a policy should be formulated for when a timely continuance can be asked for. There were a number of citizen's present today who were inconvenienced, granted that the delay may work in their favor, but there should be some sort of policy for continuances and that they are not automatic for the convenience of the applicant without some review.

Mr. Ard agreed with Mr. Wofford.

Ms. Matthews cited the history of continuances and the changes that have been made per the Planning Commission. Ms. Matthews stated that if the Planning Commission chooses to change their policy regarding continuances, then they will have to give applicants warning in advance.

Mr. Harmon stated that during the eight years that he has been on the Planning Commission, the Planning Commission has allowed the applicant, almost without question, a continuance. If there is any reason to believe that better information will be given two weeks from now, then there is available today, even though it inconveniences some of the people who come down to participate, it is a much better decision for everyone. If the Planning Commission tries to hear something on incomplete information, then invariably it would be wrong.

Ms. Matthews read the Planning Commission Section G.4 of the Policies and Procedures regarding continuances. Ms. Matthews stated regarding today's case, she believes that the Planning Commission did consider all of these things. Perhaps this is something the Planning Commission may want to articulate more.

Mr. Ard stated that normally if the continuance were requested and shown on the website ahead of time, then it is different from this case, where there were a large number of people show up and have no idea it would be continued. He believes that there should be some procedure.

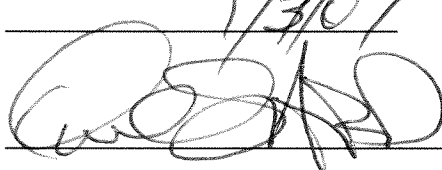
Mr. Wofford stated that he is concerned because today the Planning Commission had no choice since the applicant was not present and was assumed that the continuance would be granted (perhaps based on the policy that it would be approved). Mr. Wofford indicated that he doesn't like the presumption that a case will be continued. He believes that it would have been in everyone's best interest if the applicant had been present today.

Ms. Bayles requested that this issue be on a worksession after the first of the year. The Planning Commission's practice needs to be consistent and standardized. Everyone should have an expectation of what the process will be.

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There being no further business, the Chair declared the meeting adjourned at 2:57 p.m.

Date Approved:

1/3/07

Chairman

ATTEST: Mickelle Cantrell
Secretary

