

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2474

Wednesday, March 21, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, March 16, 2007 at 2:12 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

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

### REPORTS:

#### Chairman's Report:

Mr. Ard thanked Ms. Bayles for organizing a worksession with the City Council, TPC, BOA and staff members for an APA web cast.

#### Director's Report:

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

Mr. Alberty reported that the Mayor has sent to appointees to replace the two vacancies and Stephanie Cantees was reappointed Tuesday, March 20, 2007.

**Ms. Bayles in at 1:35 p.m.**

Mr. Alberty reminded the Planning Commission that there will be a training session next Wednesday at 11:00 a.m. and it will be a luncheon meeting. There will be a worksession immediately following the regular meeting for the East Tulsa Plan and the Sequoyah Neighborhood Plan.

Mr. Alberty reported on the TMAPC receipts for February 2007. He indicated that the receipts are slightly down.

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**Minutes:**

**Approval of the minutes of February 28, 2007 Meeting No. 2472**

On **MOTION** of **HARMON**, the TMAPC voted 10-0-0 (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minutes of the meeting of February 28, 2007, Meeting No. 2472.

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Mr. Ard announced that there is one item requesting a continuance.

**Application No.: Z-7035**

**RS-3 TO CS**

**Applicant:** Richard Gardner

(PD-18C) (CD-6)

**Location:** 9707-9709 East 62<sup>nd</sup> Street, 6139 South Mingo

**STAFF RECOMMENDATION:**

The applicant has purchased some additional property from the City of Tulsa and will be closing on it soon. The applicant has requested a continuance to April 4, 2007.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** Z-7035 to April 4, 2007.

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## CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

### **TMAPC COMMENTS:**

Mr. Ard stated that he would recommend that Riverview Park Estates, final plat, be removed from the consent agenda since there is one interested party signed to speak on this.

Riverview Park Estates has been removed from the consent agenda.

### **West Skyline Estates – (9123)/Final Plat** (County)

Northwest corner of Skyline Drive and 81<sup>st</sup> West Avenue

### **STAFF RECOMMENDATION:**

This plat consists of 18 lots in three blocks on 18.65 acres.

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

### **Lots 2, 3, Block 1, River Creek Village – (8320)/Change of Access** (PD-18B) (CD-2)

South of 91<sup>st</sup> Street and East of South Delaware

### **STAFF RECOMMENDATION:**

This application is made to allow a change of access along East 101<sup>st</sup> Street. The property is zoned CS and PUD-306-D.

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

### **L-19992 – Jeff Schwickerath (9229)/Lot-Split** (County)

5525 West 51<sup>st</sup> Street

### **L-19993 – Jeff Schwickerath (9229)/Lot-Split** (County)

North of northeast corner West 51<sup>st</sup> Street and 57<sup>th</sup> West Avenue

### **L-20057 – Sartin Boat & RV Storage (9310)/Lot-Split** (PD-5) (CD-4)

5757 East 15<sup>th</sup> Street

### **L-20060 – White Surveying (9326)/Lot-Split** (PD-18) (CD-5)

7632 East 46<sup>th</sup> Place

**L-20062** – Peter Parker (7436)/**Lot-Split** (County)

18968 East Highway 64

**L-20068** – QuikTrip (9407)/**Lot-Split** (PD-5) (CD-5)

10338 East 11<sup>th</sup> Street

**L-20070** – Sack & Associates (8329)/**Lot-Split** (PD-26) (CD-2)

3220 East 101<sup>st</sup> Street

**L-20071** – Rick Ellison (8334)/**Lot-Split** (PD-26) (CD-8)

5001 East 118<sup>th</sup> Place

**L-20072** – William Buffington (0433)/**Lot-Split** (PD-16) (CD-6)

1351 North 145<sup>th</sup> East Avenue

**TMAPC COMMENTS:**

The Planning Commission considered the consent agenda.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the consent agenda Items 7.b. through 7.i. per staff recommendation.

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

**Riverview Park Estates** – (8329)/**Final Plat** (PD-26) (CD-8)

South of the southeast corner of East 101<sup>st</sup> Street South and Delaware Avenue

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated that this is a request for a final subdivision plat approval. This plat (Phase One) consists of 62 lots in three blocks on 15 acres.

Mr. Fernandez stated that staff had recommended approval because all the release letters had been received. However, Monday morning an interested party submitted a book and page document that questioned the right-of-way dedication along South Delaware. Due to spring break, several key people are out of the office and haven't been able to research the book and page document. Staff recommends a continuance at this time. Mrs. Fernandez read an email from John Mueller, Public Works, which agrees that there is a discrepancy. The

applicant would like a continuance to March 28, next week. Staff thought a continuance to April 4<sup>th</sup> would allow staff time to research this issue with all parties. If this item is continued to next week the staff recommendation will simply be the heading.

**INTERESTED PARTIES:**

**Joram Rauchwerger**, P.O. Box 740083, 74147, submitted and read a letter (Exhibit A-1) stating his concerns with right-of-way dedications.

**Applicant's Comments:**

**Ted Sack**, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that this was brought to his attention this week and he is very much aware of the document that Mr. Rauchwerger has submitted. Mr. Sack indicated that he has some emails where various people within the City of Tulsa have looked at this particular document. He has a title survey that was done on the subject property that is being platted. Mr. Sack believes that a lot of people are taking this document and/or confusing ownership lines versus easement lines, versus center line of easement, versus center line of pavement, etc. People are mixing and matching all of these items as though they are all one in the same, which they are not.

Mr. Sack stated that he is willing to continue this one week to give him an opportunity to present all of these facts and information that he has to various people in the City so that they understand and are comfortable with releasing the plat. He would also meet with the owner and if he had contacted him earlier he would have been more than happy to sit down with them. A survey of the property has been conducted and he is very much aware of the document in question.

**TMAPC COMMENTS:**

Mr. Ard urged Mr. Sack to speak with Mr. Rauchwerger and explain his position. In response, Mr. Sack answered affirmatively.

Mr. Ard stated that staff has requested two weeks to fully review this issue. In response, Mr. Sack stated that one week is more than adequate for him to answer any of the questions that exist. Mr. Sack indicated that he has been trying to get this plat released for some time and it is important to the property owners to have it released due to contracts on the property.

**TMAPC Action; 10 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** the final plat for Riverview Park Estates to April 4, 2007.

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## **PUBLIC HEARING**

**Application No.:** PUD-691-A

**MAJOR AMENDMENT**

**Applicant:** Breisch & Associates, Inc.

(PD-18) (CD-2)

**Location:** South of southeast corner Riverside Parkway and East 71<sup>st</sup> Street South

### **STAFF RECOMMENDATION:**

**PUD-388-C March 2006:** All concurred in approval of a Major Amendment to PUD on a .96+ acre tract of land to increase maximum floor area for building expansion for retail/restaurant use on property located on the northwest corner of East 71<sup>st</sup> Street South and South Trenton Avenue.

**Z-6908/PUD-691 October 2003:** All concurred in approval of a request to rezone a 1.81+ acre tract from RS-2 to OL and a Planned Unit Development for an office development on property located south of the southeast corner of 71<sup>st</sup> Street and South Riverside and the subject property.

**Z-6389/PUD-388-B February 1993:** A major amendment was filed to PUD-388-A to permit a mini-storage facility within Development Areas C and D. Approval was granted for the major amendment as well as the rezoning of the southern portion of the development area from OM to CS in order to increase the permitted floor area.

**PUD-388-A May 1991:** All concurred in approval of a major amendment to the PUD to allow for restaurant use within the southern end of the PUD, with retail and commercial development standards remaining on the northern half.

**PUD-545-A May 1998:** All concurred in approval for the abandonment of PUD-545 located south and east of the southeast corner of Riverside Drive and 71<sup>st</sup> Street South.

**PUD-261-D October 1997:** Approval was granted for a major amendment to allow a church and church uses on property located north and east of the northeast corner of East 71<sup>st</sup> Street and South Riverside Drive.

**PUD-128-E September 1987:** All concurred in approval for a Major Amendment to PUD-128-D to reallocate floor area, revise development areas, and redistribute uses; uses including office and retail, office, multifamily with accessory commercial and open space. On a 96± acre tract located on the southwest corner of East 71<sup>st</sup> Street and Riverside Parkway.

**PUD-357-A December 1984:** All concurred in approval for a major amendment to PUD-357 to increase commercial density located southwest of the subject property and located east of the southeast corner of 71<sup>st</sup> and Quincy.

**PUD-357 May 1984:** The TMAPC and City Commission approved a proposal for a commercial/office complex on 8.5 acres located south and east of the southeast corner of East 71<sup>st</sup> Street and South Quincy Avenue. This PUD combines and thereby voids the earlier PUD-279 and PUD-305.

**PUD-261-A December 1983:** All concurred in approval for the development of 18 acres located on the northeast corner of East 71<sup>st</sup> Street and South Riverside drive for office and a retail Wal-Mart store.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.81 acres in size and is located south of southeast corner Riverside Parkway and East 71<sup>st</sup> Street South. The property appears to be vacant, partially wooded and is zoned OL/PUD-691.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
Riverside Parkway	Parkway	150 feet	Six lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant land and commercial uses zoned CS/RM-1/PUD 375-A; on the north by an office use (formerly Food Lion) zoned PK and CS; on the west by Riverside Parkway and Tulsa Parks zoned RM-2/PUD 128-D/E; and on the south by vacant land zoned RS-2.

**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-Intensity/ Special District 5. According to the Zoning Matrix, the requested use **may be found** in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

PUD-691 was approved by TMAPC and City Council in 2003 with two development areas, each allowing signage and uses as permitted by right in OL districts. The purpose of the proposed amendment to PUD-691 is to add a drive-thru bank as a permitted use (*allowed by special exception in OL districts*), combine Development Areas A and B into one development area and clarify and

amend signage standards to allow one wall sign and one ground sign facing and along the Riverside Parkway frontage.

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-691-A as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-691-A 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:

**Net Land Area:** 1.81 Acres 79,051 SF

**Permitted Uses:**

Drive-thru bank and those uses as permitted by right within an OL district.

**Maximum Building Floor Area:** 26,670 SF

**Maximum Building Height:** Two-story, not to exceed 35 FT

**Minimum Building Setbacks:**

From easterly right-of-way of Riverside Parkway	50 FT
From the centerline of Quincy Avenue	75 FT
From the north boundary of the PUD	10 FT
From the south boundary of the PUD	
One-story portion of buildings	20 FT
Two-story portions of buildings as required in an OM District.	

**Minimum Parking Requirements:**

As provided within the applicable use unit of the Tulsa Zoning Code.

**Screening:**

A screening wall or fence shall be installed along the south boundary of the PUD if the lot to the south continues to have a residential use.

**Minimum Landscaped Area:**

A minimum of 15% of the net land area shall be established and maintained as landscaped area. Landscaped areas, including streetyard



and in parking, shall comply with the Landscape Chapter of the Zoning Code.

**Vehicular Access:**

Two access points shall be permitted, one to Riverside Parkway and one to South Quincy Avenue. A driveway between South Quincy Avenue and Riverside Parkway shall be constructed completely through for fire access and shall be north of any buildings. The access to South Quincy Avenue shall be limited to a location within the north 75 feet of the PUD. Mutual access shall be provided to the tract to the south and shall be directed to Riverside Parkway. Access to the north, which would also be directed to Riverside Parkway, is encouraged. Access to and from Riverside Parkway shall be right turn only. All access must be approved by Public Works and the Fire Marshall.

**Pedestrian Access:**

Sidewalks shall be provided along Riverside Parkway and South Quincy Avenue. A protected pedestrian pathway shall be provided from the Riverside Parkway sidewalk through the parking lot to the building. The pathway may be paved, striped or otherwise designated to ensure unobstructed pedestrian passage.

**Signage:**

A maximum of two signs shall be permitted within the PUD, one ground and one wall sign. Such signage shall be limited to the Riverside Parkway frontage and the westernmost wall of the building (wall facing Riverside Parkway). The signs shall not exceed an aggregate display surface area of 66.29 square feet. However, signage as described by Section 225 of the zoning code shall be permitted.

**Lighting:**

No light standard or building-mounted light shall exceed 20 feet in height. All lights standards shall be hooded and directed downward. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in nearby residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been or will be installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
11. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

**TAC Comments from 3/1/07:**

**General:** Predevelopment meeting was held 4-10-06.

**Water:** Water services may be obtained from an existing 8-inch water line along the west side of Quincy Ave.

**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:** The developer will be allowed to pay fees-in-lieu of providing on-site detention. Stormwater runoff will not be allowed to drain onto Riverside Parkway.

**Wastewater:** Sanitary Sewer is available for service for a one lot, one block development.

**Transportation:** Subdivision Regulations require sidewalks, which are not shown on the site plan.

**Traffic:** The proposed access onto Riverside shall be Right-in/Right-out Only. Recommend the stubbed access as shown to the south (or within the front third). Extend the accompanying Mutual Access Easement to the north Property Line. Without obtaining the "Proposed" Access Easement on the adjacent property to the north the lack of left turn access could affect the appropriateness of a bank drive-in as a use under the PUD.

**GIS:** No comments.

**Street Addressing:** No comments.

**County Engineer:** No comments.

**MSHP:** Sidewalks should be constructed along Riverside Dr. and along Quincy per Subdivision Regulations, along with a pedestrian pathway plan to building from sidewalks.

**LRTP:** 71<sup>st</sup> St. S., between S. Lewis Ave and Riverside Drive, existing 6 lanes. Sidewalks should be constructed if non-existing or maintained if existing.

**TMP:** No Comment.

**Transit:** Currently, Tulsa Transit operates an existing route on 71<sup>st</sup> St. S. 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.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the major amendment for PUD-691-A per staff recommendation.

**Legal Description for PUD-691-A:**

Lot 1, Block 2, River Grove Subdivision, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 733; less and except a tract beginning at the southwest corner of said Lot 1; thence north 164.70'; thence east 147.78'; thence southeast 166.25'; thence west 171.99' to the point of beginning from OL/PUD (Office Low Intensity District/Planned Unit Development PUD-691) to OL/PUD (Office Low Intensity District/Planned Unit Development PUD-691-A).

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**Application No.: Z-7052/PUD-738**

**AG TO RS-3/RM-0/CS/PUD**

**Applicant:** Charles E. Norman

**(PD-8) (CD-2)**

**Location:** Southwest corner West 71<sup>st</sup> Street and South Elwood Avenue

**STAFF RECOMMENDATION FOR Z-7052:**

**Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006:** All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio on property located east of U.S. Highway 75 between West 71<sup>st</sup> and West 81<sup>st</sup> Streets and west of subject property.

**Z-7008 March 2006:** All concurred in approval of a request to rezone a 43.6+ acre tract from AG/RS-3 to CO on property located East side of U. S. Highway 75

South between West 71<sup>st</sup> Street South and West 81<sup>st</sup> Street South for regional shopping center known as Tulsa Hills.

**Z-6967 February 2005:** Approval was granted on a request to rezone the sixty-two acre tract located on the northeast corner of West 81<sup>st</sup> Street South and U. S. Highway 75 South, from AG to CO.

**Z-6966 February 2005:** Approval was granted on a request to rezone a seventy-two acre tract located on the southeast corner of West 71<sup>st</sup> Street South and U. S. Highway 75 South from AG to CO. An accompanying recommendation was to amend the District Plan map to reflect the CO rezoning, which has been done.

**Z-6871 November 2002:** All concurred in approval of a request to rezone a 141-acre tract located on the northwest corner of West 81<sup>st</sup> Street and South Elwood Avenue and south of subject property, from AG to RS-3 for residential development.

**Z-6858/PUD-660 July 2002:** All concurred in approval of a request to rezone a 2.2+ acre tract from AG to CS/PUD and a Planned Unit Development for commercial uses on property located east of the southeast corner of South Elwood Avenue and West 71<sup>st</sup> Street.

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

**PUD-636/Z-5457-SP/Z-4825-SP October 2000:** Approval was granted, subject to conditions of the PUD, for a Planned Unit Development on a 108-acre tract located on the northwest corner of West 81<sup>st</sup> Street South and South Highway 75 and west of the subject tract. The proposed uses include single-family and townhouse dwellings and commercial uses.

**Z-6251 August 1989:** All concurred in approval of a request to rezone three parcels containing one acre each and located south of the southwest corner of West 71<sup>st</sup> Street South and South Jackson Avenue, from RS-3 to AG.

**PUD-384-A April 1987:** The applicant requested a major amendment to PUD-384 to abandon previous uses that had originally been allowed and requested approval for Use Units 11, 14, 15 and 17. All concurred in approval of the request subject to conditions for the following uses, a mini-storage facility, a retail lawn and garden business with office and showroom. Use Unit 17 permitted the mini-storage facility only and all outdoor display for retail lawn and garden business would be only for seasonal merchandise. The property is located east of the southeast corner of South Elwood Avenue and West 71<sup>st</sup> Street.

**Z-6017/PUD-384 May 1985:** A request to develop a ten-acre tract located east of the southeast corner of South Elwood Avenue and West 71<sup>st</sup> Street for commercial use was approved with conditions for CS zoning on the north 550'. The requested IL zoning was denied.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 39.19 acres in size and is located southwest corner West 71<sup>st</sup> Street and South Elwood Avenue. The property appears to be vacant, semi-wooded and is zoned AG.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 71 <sup>st</sup> Street	Primary arterial	120'	Four
South Elwood Avenue	Secondary arterial	100'	Two

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

**SURROUNDING AREA:** The subject tract is abutted on the east by large-lot single-family residential and vacant land, zoned AG and by small commercial uses, zoned CS ; on the north by vacant land, zoned AG; on the south by large-lot single-family residential uses, zoned AG; and on the west by large-lot single-family residential uses zoned RS-3. The Richard L. Jones Riverside Airport lies to the southeast of the subject site, and its operations may impact land uses on the subject property. Management at the Tulsa Airport Authority has been made aware of the proposal and any comments they submit will be transmitted to the TMAPC.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-No Specific land use (10 acres) at the corner, Medium Intensity-Linear Development Area/Commercial along West 71<sup>st</sup> Street to the west and Low Intensity-No Specific land use to the south. To the north across West 71<sup>st</sup> Street is another ten-acre Medium Intensity node. According to the Zoning Matrix, the requested RS-3 rezoning **is** in accord with all three Plan Map designations; the RM-O and CS zoning **are** in accord with the Zoning Matrix for the Medium Intensity-No Specific land use; the RM-O and CS **may be found** in accord with the Zoning Matrix for the Medium Intensity-Linear Development Area; and the RM-O **may be found** to be in accord with the Zoning Matrix for the Low Intensity-No Specific land use. However, since this development is to be accompanied by a PUD (PUD-738), the underlying zoning pattern and required floor area ratio will determine the standards for the entire parcel.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and surrounding existing and planned land uses, staff can support the requested rezoning for Z-7052, so long as the TMAPC deems the accompanying PUD-738 or some variation of it to be acceptable. Staff so recommends **APPROVAL** of RS-3, RM-0 and CS for Z-7052.

**STAFF RECOMMENDATION FOR PUD-738:**

**Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006:** All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center know as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio. On property located east of US Highway 75 between West 71<sup>st</sup> and West 81<sup>st</sup> Streets and west of subject property.

**Z-7008 March 2006:** All concurred in approval of a request to rezone a 43.6+ acre tract from AG/RS-3 to CO on property located East side of U. S. Highway 75 South between West 71<sup>st</sup> Street South and West 81<sup>st</sup> Street South for regional shopping center known as Tulsa Hills.

**Z-6966 February 2005:** Approval was granted on a request to rezone a seventy-two acre tract located on the southeast corner of West 71<sup>st</sup> Street South and U. S. Highway 75 South from AG to CO. An accompanying recommendation was to amend the District Plan map to reflect the CO rezoning, which will be done when the annual plan updates are processed.

**Z-6967 February 2005:** Approval was granted on a request to rezone the sixty-two acre tract located on the northeast corner of West 81<sup>st</sup> Street South and U. S. Highway 75 South, from AG to CO.

**Z-6871 November 2002:** All concurred in approval of a request to rezone a 141-acre tract located on the northwest corner of West 81<sup>st</sup> Street and South Elwood Avenue and south of subject property, from AG to RS-3 for residential development.

**Z-6858/PUD-660 July 2002:** All concurred in approval of a request to rezone a 2.2+ acre tract from AG to CS/PUD and a Planned Unit Development for commercial uses on property located east of the southeast corner of South Elwood Avenue and West 71<sup>st</sup> Street.

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

**PUD-636/Z-5457-SP/Z-4825-SP October 2000:** Approval was granted, subject to conditions of the PUD, for a Planned Unit Development on a 108-acre tract located on the northwest corner of West 81<sup>st</sup> Street South and South Highway 75 and west of the subject tract. The proposed uses include single-family and townhouse dwellings and commercial uses.

**Z-6251 August 1989:** All concurred in approval of a request to rezone three parcels containing one acre each and located south of the southwest corner of West 71<sup>st</sup> Street South and South Jackson Avenue, from RS-3 to AG.

**PUD-384-A April 1987:** The applicant requested a major amendment to PUD-384 to abandon previous uses that had originally been allowed and requested approval for Use Units 11, 14, 15 and 17. All concurred in approval of the request subject to conditions for the following uses, a mini-storage facility, a retail lawn and garden business with office and showroom. Use Unit 17 permitted the mini-storage facility only and all outdoor display for retail lawn and garden business would be only for seasonal merchandise. The property is located east of the southeast corner of South Elwood Avenue and West 71<sup>st</sup> Street.

**Z-6017/PUD-384 May 1985:** A request to develop a ten-acre tract located east of the southeast corner of South Elwood Avenue and West 71<sup>st</sup> Street for commercial use was approved with conditions for CS zoning on the north 550'. The requested IL zoning was denied.

#### **AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 39.19 acres in size and is located southwest corner West 71<sup>st</sup> Street and South Elwood Avenue. The property appears to be vacant, semi-wooded and is zoned AG.

#### **STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
West 71 <sup>st</sup> Street	Primary arterial	120'	four
South Elwood Avenue	Secondary arterial	100'	two

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

**SURROUNDING AREA:** The subject tract is abutted on the east by large-lot single-family residential and vacant land, zoned AG and by small commercial uses, zoned CS ; on the north by vacant land, zoned AG; on the south by large-lot single-family residential uses, zoned AG; and on the west by large-lot single-family residential uses zoned RS-3. The Richard L. Jones Riverside Airport lies to the southeast of the subject site, and its operations may impact land uses on the subject property. Management at the Tulsa Airport Authority has been made



aware of the proposal and any comments they submit will be transmitted to the TMAPC.

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

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-No Specific land use (10 acres) at the corner, Medium Intensity-Linear Development Area/Commercial along West 71<sup>st</sup> Street to the west and Low Intensity-No Specific land use to the south. To the north across West 71<sup>st</sup> Street is another ten-acre Medium Intensity node. According to the Zoning Matrix, the requested RS-3 rezoning **is** in accord with all three Plan Map designations; the RM-O and CS zoning **are** in accord with the Zoning Matrix for the Medium Intensity-No Specific land use; the RM-O and CS **may be found** in accord with the Zoning Matrix for the Medium Intensity-Linear Development Area; and the RM-O **may be found** to be in accord with the Zoning Matrix for the Low Intensity-No Specific land use.

#### **STAFF RECOMMENDATION:**

PUD-738 is proposed as a mixed use development comprising 39.19 acres at the southwest corner of West 71<sup>st</sup> Street South, a primary arterial, and South Elwood Avenue, a secondary arterial. An accompanying application for rezoning from the existing AG to CS, RM-0 and RS-3 is being considered per Z-7052. The District 8 Comprehensive Plan classifies the intersection of West 71<sup>st</sup> Street South and South Elwood Avenue eligible for ten acres of medium intensity zoning with frontage along West 71<sup>st</sup> Street to the west of the node being within Linear Development Area 1.

The subject tract slopes gently from the intersection of West 71<sup>st</sup> Street South and South Elwood Avenue to the southwest. Hager Creek is located along the western boundary of the property and areas proposed for development within the corresponding floodplain may require an amendment to the City of Tulsa Regulatory Floodplain map. A major overhead power line traverses the property from the southwest to the northeastern border of the site and similar electrical transmission lines are located on the eastern boundary of the property along with a petroleum products pipeline. The property is also located within Zone #6, Runway Protection Zone, for R. L. Jones Jr. Riverside Airport (avagation notice will be required) and is subject to an FAA Airspace Study.

PUD-738 development concepts divides the property into Development Areas A and B with commercial and hotel uses proposed for Development Area A and offices and multifamily residences proposed for Development Area B. The forty-acre area immediately south of PUD-738 is presently in multiple ownerships, but future development for single-family residences is anticipated per the Comprehensive Plan.

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-738 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-738 subject to TMAPC approval of requested zoning per Z-7052 and the following conditions:

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

#### **Development Area A**

##### **LAND AREA:**

Net Area:	18.07 AC	786,999 SF
Gross:	20.55 AC	895,202 SF

##### **PERMITTED USES:**

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 19, Hotel and Motel uses only; and uses customarily accessory to permitted principal uses.

**MAXIMUM BUILDING FLOOR AREA:** 263,000 SF

##### **MAXIMUM BUILDING HEIGHT:**

Hotels and Offices	75 FT*
Other Permitted Uses	35 FT**

*\*Proposed height subject to FAA finding of no impact to airport operations through review of Airspace Study.*

*\*\*Architectural elements may exceed maximum building height with Detail Site Plan approval.*

##### **OFF-STREET PARKING:**

As required by the applicable Use Unit of the Tulsa Zoning Code.

#### MINIMUM BUILDING SETBACKS:

From right-of-way of West 71 <sup>st</sup> Street South	50 FT
From the west boundary	50 FT#
From centerline of South Elwood Avenue	100 FT
From the south boundary	10 FT
Internal lot side yards to be established by Detail Site Plan.	

*#or greater subject to overland drainage easement associated with the City of Tulsa Regulatory Floodplain.*

#### LANDSCAPING AND SCREENING:

A minimum of ten percent (10%) of the net land area of a lot shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code. This shall include those landscaped areas required for meeting street yard and parking area requirements per the Landscape Chapter of the Tulsa Zoning Code. A minimum six-foot high screening fence shall be required adjacent to the south 900 feet of the west boundary of Development Area A, east of the floodplain.

#### LIGHTING:

Exterior light standards for Development Area A shall not exceed 25 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

#### TRASH, MECHANICAL AND EQUIPMENT AREAS:

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

#### SIGNS:

- (a) One ground sign shall be permitted for each lot on the West 71<sup>st</sup> Street South frontage with a maximum of 150 square feet of display surface area and 20 feet in height.
- (b) One center/ tenant identification sign shall be permitted at the principal entrance from West 71<sup>st</sup> Street South with a maximum of 200 square feet of display surface area and 25 feet in height.

- (c) One hotel identification sign shall be permitted at the westernmost entrance from West 71<sup>st</sup> Street South with a maximum of 100 square feet of display surface area and fifteen (15) feet in height.
- (d) Ground signs must maintain a minimum separation of 100 feet as required per Section 1103.B.2.4 of the Tulsa Zoning Code.
- (e) Wall signs shall be permitted not to exceed 1.5 square feet 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.

#### VEHICULAR ACCESS AND CIRCULATION:

All vehicular access to West 71<sup>st</sup> Street South and South Elwood Avenue shall be subject to the approval of Traffic Engineering. Traffic signals on West 71<sup>st</sup> Street South as indicated on Exhibit "C" shall not be permitted unless a Traffic Impact Study reviewed by Traffic Engineering finds Federal Signal Warrants are met. No signals are anticipated as being necessary.

An internal street providing access to each internal lot (any lot not having frontage on a public street) within Development Area A and access to each lot within Development Area B shall be required.

#### PEDESTRIAN ACCESS AND CIRCULATION:

Sidewalks shall be provided along both sides of the internal street and along West 71<sup>st</sup> Street South and South Elwood Avenue. In addition, designated pedestrian access (i.e., paving or striping) shall be provided from arterial and private street sidewalks to each building with frontage on that arterial or private street.

#### TRANSIT:

A bus pull-out lane shall be provided on West 71<sup>st</sup> Street South in accord with the recommendations of Tulsa Transit and Transportation Planning staff.

#### AVIGATION NOTICE:

There shall be placed on the face of the plat or plats of any portion of PUD-738 an Avigation Notice which shall state the following:

*Notice is hereby given that owners and users of aircraft of all types operate on a frequent basis in the airspace above and in the vicinity of this plat of land. Said aircraft, when operated in a lawful manner, are allowed free and unobstructed passage in the airspace on, upon, over, across, adjacent to, above and in the vicinity of this plat of land. The lawful operation of aircraft is known to generate noise, vibration, and other*

*effects as may be inherent in the operation of or flight or passage in and through said airspace which result directly or indirectly from the operations of aircraft or the airport, now and in the future, including by not limited to, ground and flight operations of aircraft at, over, on or in the vicinity of the airport, and regardless of whether arriving, departing, maneuvering, or en route, and it must be further recognized that all such operations may increase in the future.*

*Notice is also given that rules and regulations defined in Federal Aviation Regulations (FARs), including but not limited to FAR Part 77, may limit the height of buildings, structures, poles, trees or other objects whether natural or otherwise, located or to be located on property within this plat of land and may require, prior to construction, the submission of an application as may be required by the Federal Aviation Administration to ensure that the safe operation of aircraft is not impacted by said object.*

#### **Development Area B:**

##### **LAND AREA:**

Net Area:	17.94 AC	781,554 SF
Gross:	18.64 AC	812,089 SF

##### **PERMITTED USES:**

Uses permitted as a matter of right in Use Units 5, Community Services and Similar Uses, Children's Nursery and Church only; 7a, Townhouse Dwellings; 8, Multi-family Dwellings and Similar Uses; 10, Off-Street Parking; 11, Offices and Studios; and uses customarily accessory to permitted principal uses.

MAXIMUM NUMBER OF DWELLING UNITS:	264
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##### **MAXIMUM BUILDING FLOOR AREA:**

Offices	12,000 SF
Churches and Children's Nursery	3,305 SF

##### **MAXIMUM BUILDING HEIGHT:**

Multi-family Dwellings	48 FT <sup>^</sup>
Offices	35 FT <sup>^^</sup>
Churches and Children's Nursery	35 FT <sup>^^</sup>

<sup>^</sup>Proposed height subject to FAA finding of no impact to airport operations through review of Airspace Study.

*^^Architectural elements may exceed maximum building height with Detail Site Plan approval.*

**MINIMUM BUILDING SETBACKS:**

From the north boundary	10 FT
From the west boundary	50 FT+
From the east boundary/ centerline of South Elwood Avenue	100 FT
From the south boundary	
For buildings exceeding 35 feet in height	125 FT
For buildings 35 feet or less in height	75 FT

*+or greater subject to overland drainage easement associated with the City of Tulsa Regulatory Floodplain.*

**MINIMUM SETBACK OF MULTI-FAMILY BUILDINGS FROM OVERHEAD TRANSMISSION LINES AND POWER POLES:**

75 FT

**MINIMUM PARKING AREA AND ACCESS DRIVE SETBACK:**

From the south boundary of Area B	25 FT
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**LIVABILITY SPACE:**

A minimum of 600 square feet of livability space shall be provided for each multi-family dwelling unit.

**LANDSCAPE AND SCREENING REQUIREMENTS:**

A minimum of fifteen percent (15%) of the net land area of a lot for offices shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code. This shall include those landscaped areas required for meeting street yard and parking area requirements per the Landscape Chapter of the Tulsa Zoning Code.

A minimum six-foot high screening fence shall be required adjacent to the west boundary of Development Area, east of the floodplain. A minimum six foot high masonry screening wall and 25 foot landscaped buffer shall be required along the south boundary of Development Area B. This requirement may be modified by TMAPC detail site plan approval with regard to the southwest corner of Development Area B for accommodation of the floodplain.

**SIGNS:**

- (a) One ground sign shall be permitted for each lot developed for office use with a maximum display surface area each of 32 square feet and 12 feet in height.
- (b) One ground sign shall be permitted at the principal entrance from South Elwood Avenue to a multi-family development

with a maximum of 32 square feet of display surface area and 12 feet in height.

**LIGHTING:**

Exterior light standards for Development Area B shall not exceed 15 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

**TRASH, MECHANICAL AND EQUIPMENT AREAS:**

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

**VEHICULAR ACCESS AND CIRCULATION:**

All vehicular access to South Elwood Avenue shall be subject to the approval of Traffic Engineering. An internal street providing access to each internal lot (any lot not having frontage on a public street) within Development Area A and access to each internal lot within Development Area B shall be required.

**AVIGATION NOTICE:**

There shall be placed on the face of the plat or plats of any portion of PUD 738 an Avigation Notice which shall state the following:

*Notice is hereby given that owners and users of aircraft of all types operate on a frequent basis in the airspace above and in the vicinity of this plat of land. Said aircraft, when operated in a lawful manner, are allowed free and unobstructed passage in the airspace on, upon, over, across, adjacent to, above and in the vicinity of this plat of land. The lawful operation of aircraft is known to generate noise, vibration, and other effects as may be inherent in the operation of or flight or passage in and through said airspace which result directly or indirectly from the operations of aircraft or the airport, now and in the future, including by not limited to, ground and flight operations of aircraft at, over, on or in the vicinity of the airport, and regardless of whether arriving, departing, maneuvering, or en route, and it must be further recognized that all such operations may increase in the future.*

*Notice is also given that rules and regulations defined in Federal Aviation Regulations (FARs), including but not limited to FAR Part 77, may limit the height of buildings, structures, poles, trees or other objects whether natural or otherwise, located or to be located on property within this plat of land and may require, prior to construction, the submission of an application as may be required by the Federal Aviation Administration to ensure that the safe operation of aircraft is not impacted by said object.*

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. A property owners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
9. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical



grade of private streets shall be ten percent.

10. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
11. No building permit shall be issued until the requirements of Section 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. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
14. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
15. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

**Comments from 3-1-07 TAC:**

**General:** Predevelopment meeting was held 2-19-07.

**Water:** A looped water main extension will be required using two feeds.

**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:**

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

Cul-de-sacs shall have a turn-around radius of not less than thirty-eight (38) feet of paving, utilizing a rolled curb section wherever possible, and a radius of fifty (50') of right-of-way at the property line. Cul-de-sacs greater than two hundred and fifty (250) feet in length shall have a turn-around radius of not less than forty (40') feet of paving and a radius of fifty-two (52') feet of right-of-way at the property line. Alternative turn-arounds may be utilized with the approval of the Fire Marshall or his designee. Examples of these include utilization of acceptable hammerheads or "Y"s or utilizations of approved residential sprinkler systems (National Fire Prevention Association - NFPA). To meet the needs of specific situations, this requirement may be changed by the Planning Commission, upon comment by the Technical Advisory Committee, when topography or other limiting factors make such changes necessary for securing the best overall design. A modification of these Regulations is not required. In the southwest corner of the project there are two parking lots that shall be provided with a means to turn a fire truck around.

**Stormwater:** The floodplain must be placed in a reserve/overland drainage easement. Any modifications to the floodplain that reduce storage volume will require compensatory storage easements. A City of Tulsa Regulatory Floodplain map amendment may be required.

**Wastewater:** Sanitary Sewer must be extended to provide service to all lots within the proposed subdivision. Provide adequate depth and diameter of pipe to allow service to the area west of the PUD area. If you connect to the existing main line along the North side of E 71<sup>st</sup> St, then Excess Capacity Fees will be assessed for the area draining to the North.

**Transportation:** Right-of-way dedication will be required on Elwood (a Secondary Arterial) and for a 30' radius or 28' leg triangle at the intersection. Right-of-way on 71<sup>st</sup> St. S. is 70 ft for full length of frontage, a portion of which exceeds minimum Major Street and Highway Plan requirements, but all of which the City desires to remain for future 71<sup>st</sup> St. improvements. Public or private street access to a hotel site from the arterial(s) would be supported. Sidewalks are shown, but wheelchair ramp at the major intersection is not shown and will be required.

**Traffic:** Relocate the driveway connection for the apartments to the center access aisle at least 100ft west and eliminate parking within the 100ft approach. The westernmost access on 71<sup>st</sup> St. and the center access on Elwood are recommended for widening to provide 2 out/1 in-bound lanes for increased capacity in addition to those shown widened on Exhibit "A". Provide a Mutual Access Easement from the Hotel Lot to 71<sup>st</sup> St. or a panhandle ownership. Please delete the symbols shown on Exhibit "C" implying a "Traffic Signal" at two of the 71<sup>st</sup> St. access points unless a Traffic Impact Study reviewed by this office finds Federal Signal Warrants are met. No signals are anticipated.

**GIS:** No comments.

**Street Addressing:** No comments.

**County Engineer:** No comments.

**MSHP:** East 71<sup>st</sup> Street South, Existing two lanes, Primary Arterial. Elwood, secondary arterial. Sidewalks should be constructed as shown in the site plan along 71<sup>st</sup> and along Elwood, per subdivision regulations. The internal pedestrian circulation plan should be executed as well.

**LRTP:** East 71<sup>st</sup> Street South, between South Elwood Avenue and South Union Avenue, planned six lanes. South Elwood Avenue, between East 71<sup>st</sup> Street South and East 81<sup>st</sup> Street South, existing two lanes. Sidewalks should be constructed if non-existing or maintained if existing.

**TMP:** No Comment.

**Transit:** Currently, Tulsa Transit operates an existing route on 71<sup>st</sup> St. S. According to MTTA future plans, this location will continue to be served by transit routes. 71<sup>st</sup> will likely see increased traffic with construction of Tulsa Hill Shopping center, and with the addition on Multi-family units in Development Area "B" and commercial facilities in Development area "A", transit use is likely to increase. Therefore, a transit cut-in along 71<sup>st</sup> is needed.

**Tulsa Airport Authority:** Subject tract located with Zone #6, Traffic Pattern Zone. Low density residential development permitted subject to inclusion of Avigation Notice on any residential plat. Proposed building heights subject to Federal Aviation Administration finding no impact to airport operations through review of an Airspace Study.

Ms. Matthews stated that Mr. Norman has indicated that he and his client would like to make some changes in the PUD.

**Applicant's Comments:**

**Charles Norman**, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that he has several areas of concerns and would like to present those concerns today so that the Planning Commission could be thinking about them when he returns with this application next week. Mr. Norman cited various concerns: 1) building setback from overhead power lines; 2) limiting area for church and nursery; 3) bus cutout; 4) Area B residential parking area and setbacks, etc.

After a lengthy discussion the Planning Commission determined that this application should be continued.

**TMAPC COMMENTS:**

County Commissioner Miller stated that she represented the subject district for about seven years directly and indirectly. It is wonderful that this area that needs to be developed is being done. County Commissioner Miller thanked Mr. Ting for his vision for development on the subject property.

Ms. Bayles requested a traffic count and possible traffic count projections for the subject area from Tulsa Transit. Ms. Bayles stated that the letter from Tulsa Transit was written to Chairman Ard and he could request the information from them.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** Z-7052/PUD-738 to March 28, 2007.

\*\*\*\*\*

County Commissioner Miller out at 2:17 p.m.

**Application No.: PUD-681-6**

**MINOR AMENDMENT**

**Applicant:** Harry Jacobs

(PD-26) (CD-8)

**Location:** 11466 South Louisville Place

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-681 for the purpose of reducing the perimeter setback from 25 feet to 18 feet for construction of a residence. The subject property is located on a corner lot and otherwise meets all other setback requirements.

TMAPC reviewed a similar application in November of 2004 (PUD-681-3) to reduce the perimeter setback for the entire PUD from 25 feet to 17.5 feet "when the perimeter is used as a side yard, with the 25-foot setback remaining when the perimeter abuts the rear yard." Because the proposed reduction in setback involves the rear yard and would be inconsistent with previous recommendations, staff cannot support the requested amendment. Therefore, staff recommends **DENIAL** of PUD-681-6 as proposed.

**Applicant's Comments:**

**Harry Jacobs**, 11401 South Harvard, 74136, read a letter of support from Robert R. David, Iron Horse Development. Mr. Jacobs read past minutes where minor amendments have been approved for setbacks in various PUDs within the Tulsa area.

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

**TMAPC COMMENTS:**

Mr. Harmon asked if the neighborhood received notice of the minor amendment. In response, Ms. Matthews stated that the abutting residents receive notice of minor amendments. Mr. Harmon asked if staff has received any phone calls or letters of objections. In response, Ms. Matthews stated that staff has not received anything other than Mr. David's letter of support.

Mr. Harmon stated that he realizes that PUD conditions are for a reason, but there are no interested parties objecting to this request. Mr. Harmon moved to approve the minor amendment.

Mr. Midget concurred with Mr. Harmon and seconded the motion.

Mr. Alberty clarified that the staff recommendation was based on previous TMAPC approvals. The reason for the staff recommendation is to be consistent. If the Planning Commission wants to change its mind, then that is within their purview. Situations that Mr. Jacobs quoted from minutes were different because they were outside of this PUD. Had this not been a previous determination by the TMAPC, then staff would probably have recommended approval.

Mr. Midget stated that he believes that staff did the right thing to bring this to the Planning Commission and allow them to evaluate it.

Mr. Ard stated that he knows that the Planning Commission has been presented with new PUDs and then the first development comes with a change request. That is bothersome to him, but he would agree with Mr. Harmon in this event.

Mr. Wofford stated that he believes that these should be reviewed on a case-by-case basis. Without commenting on the merits of this particular application, he believes he is the one who brought up an objection to some of these requests in the past. Nothing has changed on this lot. When the applicant purchased the lot it had these dimensions and the only thing that has changed is that the applicant wants to put a larger house than will fit. He doesn't understand why that becomes the Planning Commission's problem or something that they should address when it is a pre-existing condition. Perhaps it should be approved in this case, but in general he believes these should be reviewed carefully and there shouldn't be an assumption on the part of builders that the Planning Commission will approve the changes. These lots were established at this size for some reason and it was purchased in this form for some reason. The architect knew the dimensions of the lot, but yet designed a house that didn't fit. At some point there has to be a situation where people purchase land and it has restrictions and lives up to those restrictions.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted **6-3-0** (Ard, Bayles, Cantees, Harmon, Midget, , Shivel "aye"; Cantrell, Carnes, Wofford "nays"; none "abstaining"; Miller "absent") to **APPROVAL** the minor amendment for PUD-681-6 reducing the perimeter setback from 25 feet to 18 feet for construction of a residence per Planning Commission.

\* \* \* \* \*

## **OTHER BUSINESS:**

**Application No.:** PUD-128-H

**Scrivener's Error**

**Applicant:** Zone Systems, Inc.

(PD-18) (CD-2)

**Location:** Northeast corner South Wheeling Avenue and East 78<sup>th</sup> 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 78<sup>th</sup> 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 81<sup>st</sup> 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 71<sup>st</sup> Street and 81<sup>st</sup> 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 78<sup>th</sup> Street. The property appears to be used as a recreational playing field, and is zoned RM-1/PUD-128-B.

### **STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
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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.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVAL** of the correction of the Legal Description for PUD-128-H, Lot 1, **Block 15**, Kensington, Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

**Corrected Legal Description for PUD-128-H**

Lot 1, **Block 15**, 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])**.

\* \* \* \* \*

**Commissioners' Comments:**

Mr. Ard stated that the Web cast that was provided last week for the City Council, TPC, BOA, TMAPC, staff and interested parties costs \$150.00, which Ms. Bayles paid for. Mr. Ard moved that this expense be reimbursed to Ms. Bayles.

**TMAPC Action; 9 members present:**

On **MOTION** of **ARD**, TMAPC voted **8-0-1** (Ard, Cantees, Cantrell, Carnes, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; Bayles "abstaining"; Miller "absent") to **APPROVE** Ms. Bayles is reimbursed the \$150.00 fee for the Web cast held at the City Council meeting room for the City Council, TPC, BOA, TMAPC and staff on Wednesday, March 14, 2007.

Mr. Harmon stated that now the Planning Commission has to determine where the money comes from.

\* \* \* \* \*

Ms. Bayles submitted PAS memos.

In response to Mr. Ard, Ms. Bayles stated that she did pay extra for the Web cast to obtain a CD for in-house training. Ms. Bayles stated that the CD will not be ready for six weeks. Mr. Ard asked if there would be more web casts held and is this something the Planning Commission should keep up with. In response, Ms.

Bayles stated that this was discussed last year and the Planning Commission didn't get their act together to determine whether or not to participate in this.

Mr. Shivel informed the Planning Commissioners that they could take online courses through MIT for planning at no cost. Mr. Shivel indicated that he would forward the link to the Planning Commissioners and staff.

Ms. Cantees stated that she has been attending the City Council meetings on Tuesday mornings and on Thursday evenings. There seems to be a real appreciation for Mr. Ard starting this liaison and open dialogue.

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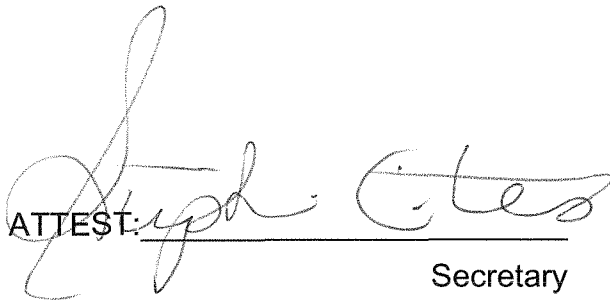
There being no further business, the Chair declared the meeting adjourned at 2:33 p.m.

Date Approved:

April 4-07



Chairman

ATTEST: 

Secretary