

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2484**

Wednesday, June 27, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ard	Miller	Fernandez	Boulden, Legal
Cantees	Shivel	Huntsinger	
Cantrell		Matthews	
Carnes		Tomlinson	
Harmon			
Marshall			
McArtor			
Midget			

The notice and amended agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, June 26, 2007 at 10:45 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 1:35 p.m.

**REPORTS:**

**Worksession Report:**

Mr. Ard reported that there will be a worksession immediately following today's meeting to discuss tents in the CBD district and discussion on the Planning Commission's policies and procedures.

**Comprehensive Plan Report:**

Ms. Cantrell stated that July 2, 2007 is the target date to send out the request for proposal. It will probably be another month to two months before deciding on an actual consultant for the update.

**Director's Report:**

Ms. Matthews reported on the City Council and BOCC agendas.

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

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**1. Minutes:**

**Approval of the minutes of June 6, 2007 Meeting No. 2482**

On **MOTION** of **CARNES**, the TMAPC voted 6-0-1 (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor "aye"; no "nays"; Cantees "abstaining"; Midget, Miller, Shivel "absent") to **APPROVE** the minutes of the meeting of June 6, 2007, Meeting No. 2482.

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**2. 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.

- a. **Copper Oaks Office Park** – (8327)/Final Plat (PD-26) (CD-8)  
 South and west of Southwest corner of East 101<sup>st</sup>  
 Street South and Sheridan Road

**STAFF RECOMMENDATION:**

This plat consists of eight lots in two blocks on 2.53 acres.

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

- b. **Lots 1 through 4, Helmerich Estates** – (8913)/Partial (PD-6) (CD-9)  
 Plat Vacation of Helmerich Estates  
 North of East 31<sup>st</sup> Street, East of South Peoria Avenue

The Planning Commission considered the consent agenda.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor "aye"; no "nays"; none "abstaining"; Midget, Miller, Shivel "absent") to **APPROVE** the consent agenda Items 2.a. and 2.b. per staff recommendation.

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**PUBLIC HEARING**

**Application No.: Z-7059/PUD-740**

**RS-1 TO RS-3/PUD**

**Applicant:** Sisemore Weisz & Associates

(PD-18B) (CD-8)

**Location:** Southwest corner of South Canton Avenue and East 93<sup>rd</sup> Street

**STAFF RECOMMENDATION:**

Ms. Matthews stated that the applicant has requested a continuance to July 18, 2007 in order to possibly reconfigure some of the lots.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor "aye"; no "nays"; none "abstaining"; Midget, Miller, Shivel "absent") to **CONTINUE** Z-7059/PUD-740 to July 18, 2007 at 1:30 p.m.

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**Mr. Midget in at 1:40 p.m.**

**Application No.: PUD-730-A**

**MAJOR AMENDMENT**

**Applicant:** John W. Moody

(PD-4) (CD-4)

**Location:** 3617 East 21<sup>st</sup> Street, 1938 & 1942 South Louisville

**STAFF RECOMMENDATION:**

**PUD-730 July 2006:** All concurred in approval of a proposed Planned Unit Development on a .781± acre tract of land for office use with modifications for an eight foot screening fence on the west and north sides per the neighbors request, on property located on the northwest corner of South Louisville Avenue and East 21<sup>st</sup> Street and the subject property.

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

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

**AREA DESCRIPTION:**

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

**STREETS:**

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

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

**SURROUNDING AREA:** The subject tract is abutted on the east by Expo Square/Tulsa County Fairgrounds and zoned AG in Tulsa County; on the north by single-family residences zoned RS-3; on the west by single-family residences zoned RS-3; and on the south by East 21<sup>st</sup> Street South and a single-family residence zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

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

**STAFF RECOMMENDATION:**

PUD-730-A comprises 0.781 acres located on three lots on the northwest corner of East 21<sup>st</sup> Street South and South Louisville Avenue. Two lots have underlying OL, Office Light, zoning and the northernmost lot is zoned RS-3. Per PUD-730, general office uses in a one and one-half story residential-style building with an interior courtyard were approved. No upper-story windows were permitted to face the adjacent residential to the west or north. Access to the site is from South Louisville Avenue, only. An eight-foot high screening wall or fence is required along the west and north boundaries. Landscaping of the north and west boundaries is to be in accordance with the original concept plan. Parking requirements for an Adult Day Care Center are less than General Office requirements (1/500 vs. 1/300). Therefore, there is sufficient area to accommodate parking.

The purpose of PUD-730-A is to amend the permitted uses by adding an Adult Day Care Center as a permitted use per Use Unit 5 of the Zoning Code. No

other changes to PUD-730 are proposed. Use Unit 5, Community Services and Similar Uses, is permitted by special exception within OL districts. Within a PUD, this use may be added by major amendment.

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-730-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-730-A subject to the following conditions:

1. The applicant's Outline Development Plan (same as PUD-730 with addition of use) and Text be made a condition of approval, unless modified herein.
2. Development Standards:

<b>Land Area (Gross):</b>	34,007.6 S.F.	0.781 AC
<b>Land Area (Net):</b>	21,118.1 S.F.	0.485 AC

**Permitted Uses:**

General office uses as permitted by right in OL, Office Light, zoning district, excluding medical offices, banks, funeral home, studio or school for teaching ballet, dance, drama, fine arts, music, language, business or modeling; *and further providing than an Adult Day Care Center as set forth in Use Unit 5 of the Zoning Code shall be a permitted use.*

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

**Minimum Building Setbacks:**

From the centerline of E. 21 <sup>st</sup> St. S.	95 feet
From the centerline of S. Louisville Ave.	55 feet
From the west boundary	8 feet
From the north boundary	8 feet

**Access:**

Permitted from South Louisville Avenue, only.

**Minimum Off-Street Parking:**

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

**Sidewalks:**

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

**Minimum Internal Landscaped Open Space and Streetyards:**

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

**Other Landscaping and Screening.**

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

**Signs:**

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

**Lighting:**

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

**Outdoor Trash Receptacles:**

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

**Other Bulk and Area Requirements:**

As established within an OL district.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and

approved as being in compliance with the approved PUD development standards.

4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to occupancy or at the soonest appropriate planting time. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

**TAC Comments from June 7, 2007:**

**General:** Comments made in the PUD-730 TAC review remain applicable.

**Water:** No comments.

**Fire:** No Comments. Owner/Developer should get with Building Official about this Use Group change.

**Stormwater:** No comments.

**Wastewater:** Sanitary Sewer Service is available to the property.

**Transportation:** 21<sup>st</sup> is a secondary arterial; right-of-way dedication needed to meet requirements for 50 ft width and 30 ft intersection radius.

**Traffic:** No comments.

**GIS:** No comments.

**Street Addressing:** No comments.

**County Engineer:** No comments.

### **TMAPC COMMENTS:**

Ms. Cantrell asked if there is a definition for adult daycare and if Crossroads didn't utilize the site, what could be allowed. In response, Ms. Matthews stated that the Zoning Code doesn't have a definition and she would guess that the applicant chose family daycare home or may have used a hybrid of family daycare home and adult senior living.

Ms. Tomlinson stated that adult daycare is a listed use within Use Unit 5, but it appears that there is no definition for adult daycare in the Zoning Code.

Ms. Cantrell expressed concerns that a drug rehabilitation use or something in that nature could move in if Crossroads decided to not utilize the facility. In response, Ms. Tomlinson stated that drug rehabilitation would be a different use.

Ms. Tomlinson stated that this would not be in an addition of Use Unit 5 in general with all the list that would be found, but the specific use as provided in Use Unit 5.

Ms. Cantees asked if there would be any overnight stays within the facility. In response, Ms. Tomlinson stated that the applicant would have to answer that question. However, the type of use being requested is daycare and by name that would indicate daytime use only.

### **Applicant's Comments:**

**James Wineinger**, Executive Director of Crossroads, 1888 East 15<sup>th</sup> Street, 74104, stated that Mr. Moody has been delayed for today's meeting. He indicated that he would be happy to answer any questions until Mr. Moody arrives.

Mr. Ard asked if there would be any overnight stays at Crossroads. In response, Mr. Wineinger stated that there would not be any overnight stays. He indicated that he met with the neighborhood association on two different occasions and that was one of the specific things that were covered. Mr. Moody has a document that he is going to submit today with the conditions that Crossroads and the neighbors have agreed upon.



Mr. Ard asked Mr. Wineinger what type of services would be provided at the subject facility. In response, Mr. Wineinger stated that they provide community support services and case management services for people with mental illness, which includes an intake and screening process. Hours of operation are Monday through Friday, 8:30 a.m. to 5:30 p.m. There is an occasional weekend gathering, but that is only about a four-hour block during the day, which is usually Saturday.

**John W. Moody**, 1800 South Baltimore, Suite 900, 74119, apologized for being late due to a Court appearance previously. He reiterated that he has met twice with the residents in the subject area. There was an agreement with certain conditions (Exhibit A-1). Mr. Moody summarized the agreements and conditions that the residents are in agreement with.

Mr. Moody expressed his gratitude to the members of the neighborhood for their participation.

**TMAPC COMMENTS:**

Mr. Midget stated that he is impressed with the agreements that have been made between the applicant and the residents. Mr. Midget asked if there will still be a cutout for cars as the original plan shows. In response, Mr. Moody stated that because there will be less parking and the building will be smaller, the cutout will be subject to change, but he expects it to be better than the original proposal.

Ms. Cantrell commended Mr. Moody for working out an agreement with the residents. She wanted to clarify that the residents understand that the PUD would not automatically revert to the original uses allowed if Crossroads moves out of the facility. It would require that Crossroads amend the PUD to remove the use. In response, Mr. Moody stated that this was discussed with the residents and they understand it.

Mr. Boulden stated that the applicant wouldn't be abandoning the amendment, but it would have to be amended to remove the daycare use. In response, Mr. Moody stated that he would agree that an amendment would have to be filed to remove the use.

Ms. Tomlinson suggested having language that would require the use to meet the criteria, and if it doesn't, it cannot be allowed within the PUD.

Ms. Tomlinson explained that she had not had the opportunity to study these new conditions prior to the meeting. Ms. Tomlinson summarized which conditions from Exhibit A-1 could be enforced by Code and which would require residents reporting to Neighborhood Inspection, which could possibly be problematic to enforce.

Ms. Cantrell stated that the request is to add a use and she asked if there should be a condition that provided it meets all of these other standards. In response, Mr. Boulden agreed.

Mr. Boulden informed the Planning Commission that they can include all of the conditions that Mr. Moody has submitted, but whether they are enforceable is another question.

Ms. Tomlinson stated that the issue regarding the conditions is an issue of practicality. Most of the conditions being submitted by the applicant can be enforced.

Ms. Matthews informed the Planning Commission that the letter submitted by Mr. Moody dated June 27, 2007 (Exhibit A-1) will be on file and made a part of the record for PUD-730-A. If anyone is looking through the file for conditions, they will see that this letter is part of the conditions.

Mr. Ard commented that he appreciates the fact that Mr. Moody was proactive in meeting with the residents. However, he believes that it puts the Planning Commission in a position in which they are faced with decision-making changes on the day the PUD is being heard in a public hearing. He requested that in the future, applicants try to bring changes to the Planning Commission before the day of the public hearing.

After a lengthy discussion the Planning Commission determined that the special conditions in Exhibit A-1 would be included with the staff recommendation for PUD-730-A.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget "aye"; no "nays"; none "abstaining"; Miller, Shivel "absent") to recommend **APPROVAL** of the major amendment for PUD-730-A per staff recommendation, subject to additional conditions submitted by the applicant dated June 27, 2007 (Exhibit A-1).

**Legal Description for PUD-730-A:**

LOT 11, 12 and 13, BLOCK 2, WILSON VIEW ADDITION RESUB BLOCK 2, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, **From RS-3/OL/PUD (Residential Single-family District/Office Low Intensity District/Planned Unit Development [PUD-730]) From RS-3/OL/PUD (Residential Single-family District/Office Low Intensity District/Planned Unit Development [PUD-730-A]).**

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There being no further business, the Chair declared the meeting adjourned at 2:10 p.m.

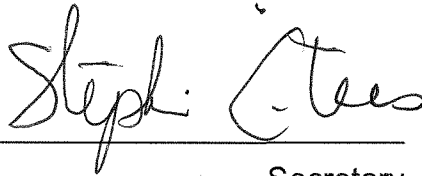
Date Approved:

7/18/07



Chairman

ATTEST:



Secretary

