

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2518

Wednesday, June 25, 2008, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Carnes	Alberty	Boulden, Legal
Cantrell	Perry	Fernandez	
Marshall	Wright	Huntsinger	
McArtor		Matthews	
Midget		Parker	
Shivel		Sansone	
Sparks			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, June 20, 2008 at 10:17 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 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Ard reported that there have been some changes for worksessions. There will be a worksession on July 16 immediately following the TMAPC meeting to discuss changes in procedure and ideas for changes in Planning Commission policy. He requested all members to take some time and submit ideas for changes that would be appropriate.

Director's Report:

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

Mr. Alberty reported that he will be initiating an application on behalf of TMAPC to correct a mistake that was made in 1980 on a piece of property in North Tulsa, which it is actually in the county. The error was discovered when the property was being platted for the new Anheuser-Busch Distribution plant that is to be

built. When the maps were adopted in 1980 by resolution by the County, the zoning was taken out to the centerline and the County didn't have the authority to rezone the city limits, which was in the 70-foot fence line.

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.

1. **L-20208** – Herman Reavis (9229)/Lot-Split (County)
South of West 43rd Street and east of South 61st West Avenue, 4355
S. 61st West Avenue
2. **L-20218** – Charles Hanson (0431)/Lot-Split (PD 5) (CD 6)
Southeast corner of I-244 and North Mingo Road, 65 North Mingo
Road
3. **L-20230** – Harden Associates (8326)/Lot-Split (PD 26) (CD 8)
South of East 106th Street and east of South Sheridan Road, 6516
East 106th Street
4. **Pine Street Park** – (0431) Final Plat (PD 16) (CD 6)
South of East Pine Street, and east of Mingo Road

STAFF RECOMMENDATION:

This plat consists of 39 lots in three blocks on 44.3 acres.

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

5. **Life Park** – (9234) Final Plat (PD 8) (CD 2)
West of the northwest corner of West 61st Street
and South Union

STAFF RECOMMENDATION:

This plat consists of two lots in one block on 17.9 acres.

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

6. **PUD-541-9/PUD-541-A-2 – Lou Reynolds**

(PD-6) (CD-9)

East of the northeast corner of 44th Place and South Peoria Avenue (Minor Amendment to change the design limitations placed on Lot 2, Block 2 allow windows on the second floor of easterly- and southern-facing building walls.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to change the design limitations placed on Lot 2, Block 2 – 4300 Brooktowne/Development Area E of PUD-541 to allow windows on the second floor of easterly and southern facing building walls. Specifically, the applicant is requesting one window on the east facing wall, and six windows on the southern facing wall.

The original approval of PUD-541 did not include Lot 4, Block 6 – Wilder Addition. Staff's interpretation of the inclusion of this requirement was to eliminate privacy issues that may result from the single-family lot (Lot 4, Block 6 – Wilder Addition), being immediately adjacent to a lot which permits 2-story office structures (Lot 2, Block 2 – 4300 Brooktowne).

To fill the need for additional required parking for PUD-541, major amendment PUD-541-A was approved by the TMAPC along with Lot Combination, LC-75 allowing the parking use on a residential lot, and effectively making Lot 4, Block 6 – Wilder Addition part of PUD-541. Subsequently, there are no longer any residentially used lots immediately adjacent to Lot 2, Block 2 – 4300 Brooktowne.

Site visit indicates that the proposed single window on the second floor facing east should be screened from view of the residential dwellings to the east and across South Quaker Avenue, by three medium sized maple trees. The Six south facing windows will be immediately facing a single floor, single family dwelling. Site visit indicates that the 8-foot solid masonry wall along 44th Place south should help to obscure at least a portion of the second story window from view of this residence. Additionally, the windows will be approximately 150' from this residence.

Given the distance from the nearest single family-dwelling and the screening provided by trees along the east boundary, staff recommends **APPROVAL** of minor amendment PUD-541-9/PUD-541-A-2 with the condition that the windows are dressed with either blinds or drapes in the upper ½ of the windows, or that the glass in the upper ½ of the windows be opaque in nature.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

7. **PUD-575-A – Sack & Associates, Mark Capron** (PD-18) (CD-7)
East side of 76th Street at Mingo Road (Detail Site Plan for a 13,889 SF assisted living facility and associated accessory structure.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 13,889 square foot assisted living facility and associated accessory structure. The proposed use, Use Unit 8, is a permitted use within PUD-575-A.

The submitted site plan meets all applicable building floor area, building height and setback limitations. Primary access to the site is provided from Mingo Road per approval of BOA case 18387. Parking is provided per the Zoning Code and PUD development standards. All sight lighting will be directed down and away from adjoining properties per application of the Kennebunkport Formula. A trash enclosure is provided per PUD requirements along the north boundary of the tract. A sidewalk waiver was approved by the TMAPC as part of the platting process, as a result of the presence of the 100-year regulatory floodplain. Internal pedestrian circulation, while not required, is provided with internal sidewalks along the north parking lot. There is no construction permitted or proposed in the regulatory floodplain. The turn-around located along the north border of the site will require the approval of City of Tulsa Traffic Engineering and Fire Marshal prior to the release of building permits.

Staff recommends **APPROVAL** of the detail site plan for PUD-575-A - Clarehouse, with the condition that the proposed turnarounds be approved by the City of Tulsa Traffic Engineering and Fire Marshal.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Perry, Wright "absent") to **APPROVE** the consent agenda Items 1 through 7 per staff recommendation.

PUBLIC HEARING

9. **PUD-759 – Tanner Consulting, LLC** **CS/RS-3 to CS/RS-3/PUD**

Northwest corner of East 121st Street South and South Sheridan Road (PUD proposes 24 single-family lots on the northern 2/3 of the site, with 21,000 SF of commercial floor area on the southern 1/3 of the site.) (PD-26) (CD-8)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 19643 dated September 24, 1999, established zoning for the subject property.

PROPOSED ZONING: RS-3/CS/PUD **PROPOSED USE:** Single-family and commercial

RELEVANT ZONING HISTORY:

PUD-677-A May 2006: All concurred in approval of a proposed Major amendment to a Planned Unit Development on a 9.6± acre tract of land to add nine acres of property to the original PUD, on property located west of northwest corner of South Sheridan Road and East 121st Street South and abutting the subject property to the west.

Z-6978/PUD-713 April 2005: All concurred to approve a request to rezone a 15± acre tract from AG to RS-1/ PUD for residential development, located on East 116th St., directly south of South Hudson Avenue and northwest of the subject property.

PUD-677 February 2003: All concurred in approval of a Planned Unit Development on a 13± acre tract for single family development located west of northwest corner of South Sheridan Road and East 121st Street South.

Z-6663/PUD-596 December 1999: All concurred to approve a request to rezone a 14.3± acre tract from AG to RS-2/PUD for residential development, located South and West of the Southwest corner of E 116th St. and S Hudson Ave and located northwest of subject property.

Z-6702 September 1999: All concurred in approval for a request to rezone a 10± acre tract from AG to CS/RS-3 for commercial and residential development, located on the northwest corner of East 121st and South Sheridan Road and the subject property. It was approved for CS on the South 467' x 467' corner and the balance RS-3.

BOA-18309 February 1999: The Board of Adjustment approved a minor Special Exception of the required front yard from 35' to 30' for all lots for a subdivision in an RS-1 district on property located west of the subject property.

Z-6457 September 1994: All concurred in approval of a request to rezone a 13-acre tract located west of the northwest corner of E. 121st Street S. and S. Sheridan Road from AG to RS-1.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 10+ acres in size and is located northwest corner of East 121st Street South and South Sheridan Road. The property appears to be wooded and is zoned RS-3/CS.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Sheridan Road	Secondary arterial	100'	2
East 121 st Street South	Primary arterial	120'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by City limits of Bixby, zoned AG/RS-2/PUD-52; on the north by residential, zoned RS-1; on the south by vacant land, zoned AG; and on the west by residential development, zoned RS-1/PUD-677-A.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being medium to low intensity. According to the Zoning Matrix, the existing CS and RS-3 zoning is in accord with the Plan. No portion of the site is within Special District 1 of District 26, although the site is bordered by Special District 1 on the north and a portion of the west.

STAFF RECOMMENDATION:

PUD-759 is a ten-acre (435,622 SF) vacant and partially wooded site, located on the northwest corner of Sheridan Road and 121st Street South. The subject tract is currently zoned RS-3 and CS. The subject property has 217,533 SF (4.99 acres) of residential zoning as well as, 218,089 SF (5 acres) of commercial zoning available.

PUD-759 proposes 24 single-family lots on the northern 2/3 of the site, with approximately 21,000 SF of commercial floor area on the southern 1/3 of the site (see Exhibit A). The existing underlying zoning would permit 27 single-family lots, as well as 135,837 square feet of commercial floor area with no TMAPC

action required. The PUD overlay will allow the permissible number of lots and commercial floor area to be spread across the entire development area in a manner which will meet subdivision regulations while providing the appropriate buffers and access between residential and commercial development.

Residential lots within the development will be accessed by private streets from a gated entry off South Sheridan Road and two access points from the commercial Development Area B. Emergency access will be provided through the commercial development to the south. An existing secondary emergency access has been provided along the west boundary via mutual access easement providing access to the 30' drive parallel to the development area and the adjacent Crestwood at the River II.

Residential stub streets are proposed to the west and north. The northern most stub street within Development Area A as depicted on attached Exhibit A will not be permitted. Alternatively, this stub should end south of the northern limits of Development Area A and an access point provided that is approved by the City of Tulsa Fire Marshall. This will be addressed during the platting process and will be reviewed and approved by the City of Tulsa Fire Marshal prior to final approval of the plat. Prior to design and construction, a geotechnical report will be performed to recommend paving sections and sub-grade design. Also, a detailed hydrology analysis and report will be prepared and submitted to the City of Tulsa Engineering and Stormwater Sections for review and approval during the platting process.

The property owner to the north will not allow an eleven-foot utility easement on his property for the 659.3-foot northern boundary in common with his property. Therefore a 17.5-foot utility easement running the entire length of the northern boundary within the limits of this development will be required or relocated during the platting process.

Sidewalks are proposed along all internal private streets. Because of the extensive stormwater drainage system recently installed along the Sheridan Road and 121st Street frontage (see Exhibit A-1) and proposed road widening, the applicant is requesting a sidewalk waiver and fee in lieu of sidewalks for the South Sheridan and 121st Street frontages.

The residential lots will be separated from the adjoining neighborhood commercial center by a minimum eight-foot wide landscaped strip and eight-foot screening wall or fence. The commercial center will also include landscaped area along the west boundary, which will provide screening and buffering from the adjacent residential neighborhood, Crestwood at the River II.

City of Tulsa water and sewer are available to the site, with a twelve-inch water line located on the south side of East 121st Street South. An eighteen-inch sewer line runs along the north side of East 121st Street South and twelve-inch sewer

line extends across South Sheridan Road to the southeast corner of the site. These lines flow into a 48-inch sewer line that runs south along the west side of Sheridan Road to Lift Station #45. Other utilities, including natural gas, electric, telephone and cable television area available in the area and will be utilized with the proper extensions.

With the proper buffers provided along the western and northern boundaries in the form of screening, mutual access, and setbacks with landscaping, staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-759 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 the concept plan and development standards for PUD-759 subject to the following conditions and as modified by the TMAPC (items with ~~strikethrough~~ have been deleted, underlined items have been added):

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

Land Area:

Gross:	435,622 SF	10.000 AC
Net:	362,000 SF	8.310 AC

Development Area A - Residential

Land Area:

Gross:	263,560 SF	6.051 AC
Net:	242,550 SF	5.568 AC

Permitted Uses:

Those uses permitted as a matter of right in RS-3 district and those uses considered customarily accessory to single-family uses.

Permitted Uses, Reserve Areas:

Open space/park area, landscaped features, secured entrances and recreational facilities and uses customarily accessory to permitted uses.

Maximum Number of Lots: 24

Minimum Lot Width: 59 FT
Minimum Lot Size: 6,800 SF
Minimum Livability Space Required: 96,000 SF

Minimum Livability Space Required on Each Lot 3,506 SF
Minimum Livability Space Provided in Common Areas* 11,860 SF

**Per section 1104-C of the Zoning Code, may be contained within one or more common open areas.*

Maximum Building Height: 35 FT

Off Street Parking:

Minimum two (2) enclosed off-street parking spaces per dwelling unit.

Minimum Yards:

Front:

From the property line of abutting street 15 FT
Garages 20 FT

Side*:

Side yards 5 FT
Side yard abutting internal private street 15 FT
Garages accessing internal private street 20 FT
Side yard abutting Development Area B 5 FT

** The side setback along the non-arterial street ROW for Lot 15 **only**, as depicted on applicant's concept plan will be permitted to be 5', so long as the access to the lot is limited to the west boundary of the lot.*

Rear:

Adjacent to South Sheridan Road 30 FT
From north development boundary 20 FT
From west development boundary 15 FT
Internal Lots 15 FT

Private Streets:

Minimum street right-of-way width of 30 feet with minimum 26' of paving*

**Shall be constructed to meet the standards of The City of Tulsa for minor residential public streets.*

Signs:

One ground sign at the entrance along South Sheridan Road not to exceed eight feet in total height or 32 SF of display area, or, Two (2) entry wall signs on opposite sides of the entrance with a display surface area of 32 square feet each.

Utility Easements (U/E):

Per submitted concept plan Exhibit A, with the exception that a 17.5 U/E will be required along the northern boundary. The proposed "eleven-foot U/E by separate instrument" along the northern boundary of Development Area A will not be permitted.

Development Area B - Commercial

Land Area:

Gross:	172,062 SF	3.950 AC
Net:	119,450 SF	2.742 AC

Permitted Uses:

Those uses permitted by right in the CS zoning district and those uses considered customarily incidental to those permitted principal uses.

Maximum Permitted Floor Area: 35,000 SF

Maximum Permitted Building Height: One story not to exceed 35 FT**

*** Maximum permitted height includes all building mounted equipment and screening parapets. Architectural features and elements may exceed permitted building height with detail site plan approval.*

Minimum Building Setbacks:

From Centerline of South Sheridan Road	100 FT
From Centerline of East 121 st Street South	100 FT
From North Boundary of Development Area B	35 FT
From West Boundary of Development Area B	70 FT

Landscaping and Screening:

An eight-foot masonry or concrete panel wall or fence shall be erected along the west and north boundary (exclusive of pedestrian and emergency access points) of Development area B. A 25-foot landscape buffer will provided along the west boundary and an ~~eight~~ five-foot landscape buffer along the northern boundary of Area B, along the inside of the screening wall.

Signs:

1. One ground sign shall be permitted along the South Sheridan Road frontage and one ground sign permitted along the East 121st Street South frontage, each not to exceed 25 feet in height and 160 square feet of display surface area.
2. Wall signs shall be permitted not to exceed two (2) square feet of display surface area per lineal foot of building wall to which attached.

Pedestrian Circulation:

A pedestrian circulation plan shall be required that includes the following:

1. Pedestrian walkways through parking lots at approximate 200-foot intervals along 121st Street and at each vehicular access point from Development Area A;
2. Walkways shall be a minimum of three feet in width, separated from vehicular travel lanes to provide safe access to building entrances and/or internal sidewalks. The three-foot width shall not include any vehicle overhangs. Wheel stops shall be installed in parking spaces adjacent to all pedestrian walkways.
3. Pedestrian walkways clearly distinguished from traffic circulation, particularly where vehicular and pedestrian routes intersect.
4. Sidewalks or walkways which cross vehicular aisles or driveways distinguished as follows: by a continuous raised crossing, by using contrasting paving material and/ or by using high contrast striping.

Lighting:

Light standards, whether pole or building mounted, shall not exceed 25 feet in height. No light standard will be permitted in the western 25 feet of the development Area. The light fixtures shall be arranged so as to shield and direct the light away from surrounding residential areas. 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 surrounding residential areas. 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.

ALL DEVELOPMENT AREAS

3. No building permit for a lot within the residential Development Area A shall be issued until a subdivision plat has been approved by the City of Tulsa Planning commission as being in compliance with the planned unit

development concept and development standards. The Plat will serve as the detail site plan for Development Area A only, and must be filed to record with the Tulsa Country Clerk prior to the release of building permits

4. No building permit shall be issued for the commercial Development Area B until a detail site plan for the development area, 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.
5. A detail landscape plan for Development Area B 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.
6. No sign permits shall be issued for erection within the PUD until a detail sign plan for that has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
8. All trash, mechanical and equipment areas in Development Area B, including building and/or roof mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
9. 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 the development have been installed in accordance with the approved plans prior to issuance of an occupancy permit or approval of the final plat.
10. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas within Development Area A, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
11. 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. 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.

12. 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.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. Entry gates, guardhouses, screening walls and crash gates must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the entry gates, guardhouses, screening walls and crash gates.
15. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review and/or the subdivision platting process.
16. In Development Area B, 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 anywhere in the PUD.

TAC Comments:

General: Recommend approval.

Water: The extension of a water main line to serve each lot will be required.

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

Exceptions:

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 the distance requirement shall be 600 feet.

Stormwater: No comments.

Wastewater: Sanitary Sewer Service, per City of Tulsa Standards, must be provided to all proposed lots within the development. Size all lines with capacity to serve the entire basin.

Transportation: Sidewalks required on both sides of all private streets and along Sheridan. Confirm Right-of-Way along Sheridan. Minimum 50' required.

Traffic: No objection to 36ft paving within 40 ft Reserve with small non-continuous islands. Recommend Limits of No Access restrictions on various lots adjacent to the islands due to limited paving width adjacent to the islands.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

TMAPC COMMENTS:

Ms. Cantrell asked about the northernmost stub street located within Development Area A not being permitted. In response, Mr. Sansone stated that staff met with the developer and the street will be eliminated and turned into a private access drive short of the northern boundary. This has been done in a couple of other PUDs with approval of the private access drive via the detail site plan review and Fire Marshal. A private access drive for basically one lot is something that staff has found acceptable before. The street was initially proposed in this way because the developer of the subject site believed that the adjacent property would be developed residentially in the future and provide a through street into the future development, but subsequently found that it may not be the case at this time; therefore, the sub-street is being eliminated short of the utility easement line.

Applicant's Comments:

Ricky Jones, Tanner Consulting, LLC, 5323 South Lewis Avenue, 74105, stated that he is in agreement with the staff recommendation except for one item. In the original staff recommendation staff had recommended that the stub street not go through and have a hammerhead in place to meet the Fire Marshal's requirements. He has met with the Fire Marshal and they are not going to use this and do not want a hammerhead for a turnaround or any type of cul-de-sac. The property owner to the north doesn't have any desire to ever develop his property and he doesn't want a stub street. The proposal is to pull the street back and narrow it.

Mr. Jones stated that in Development Area B under landscaping and screening staff has recommended an eight-foot landscaping buffer be in place along the northern boundary of Area B along the inside of the screening wall. He requested that it be a five-foot buffer. Mr. Jones cited the Zoning Code requirements regarding buffers within a PUD. He indicated that he has proposed an eight-foot masonry fence in lieu of the required six-foot wood privacy fence and then he would ask that requirement from staff be reduced to what the Code states, which is a five-foot buffer. Mr. Jones commented that he can see staff's concern, especially in a case where the developer doesn't own the abutting development, but since his client owns the commercial and residential to the north he believes that the minimum requirement of five feet is sufficient. He indicated that he has increased the fence height and the type of fencing required.

Mr. Jones stated that he has requested a waiver of the sidewalk requirement due to the steep terrain and storm sewers that are in place. The City hasn't widened 121st or Sheridan to their fullest extents and he wouldn't want to build the sidewalks and then have to tear them out. He commented that there is no place

to put the sidewalks. He is in agreement with staff to pay the fee-in-lieu of for the sidewalks and this is the perfect place for something like this to occur.

TMAPC COMMENTS:

Mr. Sparks asked staff why they are requiring an eight-foot buffer. In response, Mr. Sansone stated that the standard that staff has been using with commercial abutting against residential has been since the approval of Tulsa Hills, which was approved with an eight-foot buffer along the lot line in common with single-family. Staff believes that from a consistency standpoint it is important to continue to have as much landscaping as possible. The Zoning Code does not say "five feet," it states "a minimum of five feet". Staff feels that eight feet is appropriate and it is for the Planning Commission to decide if the additional three feet make a difference. The screening wall at eight feet is the staff's standard recommendation even though the Zoning Code only requires six feet in height. Tulsa Hills has set the standard for an eight-foot buffer and for consistency sake the Planning Commission should continue to contemplate eight-foot being proposed, but are free to bump it down and staff is somewhat neutral on the point.

Ms. Cantrell stated that this is a new development and she doesn't have a problem with a five-foot buffer. If there were already existing homes, then she would want the eight-foot buffer. When people have an expectation, then more has to be done to protect them, but she would be happy to lower the buffer to five feet provided that the eight-foot masonry wall is required.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-1** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; Walker "abstaining"; Carnes, Perry, Wright "absent") to recommend **APPROVAL** of PUD-759 per staff recommendation, subject to there being a five-foot landscape buffer along the northern boundary of Area B, provided that an eight-foot masonry wall is installed as modified by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-759:

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4 SE/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAME BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SE/4, SE/4, SE/4; THENCE NORTH 89° 58' 12" WEST, ALONG THE SOUTHERLY LINE THEREOF, AND THE SOUTHERLY LINE OF A DEED OF

DEDICATION PARCEL DESCRIBED IN DOCUMENT NO. 2004130817 OF THE DEED RECORDS OF SAID TULSA COUNTY, PASSING AT 340.92 FEET THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID PARCEL, IN ALL A DISTANCE OF 658.75 FEET TO THE SOUTHWEST CORNER OF SAID SE/4, SE/4, SE/4; THENCE NORTH 00° 12' 58" EAST, ALONG THE WESTERLY LINE OF SAID SE/4, SE/4, SE/4, A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTHERLY ULTIMATE RIGHT-OF-WAY LINE OF EAST 121ST STREET SOUTH, AS DEPICTED ON THE TULSA METROPOLITAN AREA PLANNING COMMISSION MAJOR STREET AND HIGHWAY PLAN, SAME BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 12' 58" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 600.95 FEET TO THE NORTHWEST CORNER OF SAID SE/4, SE/4, SE/4; THENCE SOUTH 89° 58' 53" EAST, ALONG THE NORTHERLY LINE THEREOF, A DISTANCE OF 609.30 FEET TO A POINT ON THE WESTERLY ULTIMATE RIGHT-OF-WAY LINE OF SOUTH SHERIDAN ROAD AS DEPICTED ON SAID TULSA METROPOLITAN AREA PLANNING COMMISSION MAJOR STREET AND HIGHWAY PLAN, FROM SAID POINT THE NORTHEAST CORNER OF SAID SE/4, SE/4, SE/4 BEARS SOUTH 89° 58' 53" EAST A DISTANCE OF 50.00 FEET; THENCE SOUTHERLY, ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) CALLS: SOUTH 00° 15' 50" WEST, PARALLEL WITH THE EASTERLY LINE OF SAID SE/4, SE/4, SE/4, A DISTANCE OF 272.73 FEET; NORTH 89° 44' 10" WEST A DISTANCE OF 8.00 FEET; SOUTH 00° 15' 50" WEST, PARALLEL WITH THE EASTERLY LINE OF SAID SE/4, SE/4, SE/4, A DISTANCE OF 168.16 FEET TO A POINT ON THE WESTERLY LINE OF THE AFOREMENTIONED DEED OF DEDICATION PARCEL; THENCE SOUTHERLY, WESTERLY AND SOUTHWESTERLY ALONG SAID WESTERLY LINE THE FOLLOWING FOUR (4) CALLS: SOUTH 05° 03' 08" WEST A DISTANCE OF 143.75 FEET; SOUTH 46° 17' 24" WEST A DISTANCE OF 17.37 FEET; NORTH 89° 58' 12" WEST A DISTANCE OF 28.57 FEET SOUTH 80° 06' 40" WEST A DISTANCE OF 29.01 FEET TO A POINT ON THE AFOREMENTIONED NORTHERLY ULTIMATE RIGHT-OF-WAY LINE; THENCE NORTH 89° 58' 12" WEST, ALONG SAID RIGHT-OF-WAY LINE AND PARALLEL WITH THE SOUTHERLY LINE OF SAID SE/4, SE/4, SE/4, A DISTANCE OF 519.17 FEET TO THE POINT OF BEGINNING. **From RS-3/CS (Residential Single-family District/Commercial Shopping Center District) To RS-3/CS/PUD (Residential Single-family District/Commercial Shopping Center District /Planned Unit Development [PUD-759]).**

10. **PUD-559-B/Z-5888-SP-5 – John Moody** (PD-18) (CD-8)

North and east of the northeast corner of East 91st Street and South 101st East Avenue (Major Amendment to allow a second outdoor advertising sign within the southern half of Development Area A.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 19538 dated May 17, 1999, established zoning for the subject property.

PROPOSED ZONING: CO/PUD

PROPOSED USE: Use Unit 21, to add a second outdoor advertising sign

RELEVANT ZONING HISTORY:

Z-6503-SP-2 October 19, 2007: Staff approved a proposed sign application in a Corridor Site Plan on a tract of land to replacing a previously approved outdoor sign, on property located east of the southeast corner of East 91st Street South and South Mingo Road, abutting west of the Mingo Valley Expressway and located south of subject property across East 91st Street South.

Z-6503-SP-2 May 2007: All concurred in approval of a proposed Corridor Site Plan on an 8.67± acre tract of land for new commercial and office development, on property located east of the southeast corner of East 91st Street South and South Mingo Road, abutting west of the Mingo Valley Expressway and located south of subject property across East 91st Street South.

Z-7003/PUD-721 January 2006: All concurred in approval of a request for rezoning and a proposed Planned Unit Development on a 40± acre tract of land from AG to RS-3/OL/CS/PUD for mixed use development with four development areas on property located northeast corner of East 91st Street South and South Mingo Road.

Z-5888-SP-4/PUD-586-A January 2002: All concurred in approval of a proposed Corridor Site Plan and Major Amendment to a PUD on a 23.4± acre tract of land to allow Use Unit 21 for two outdoor advertising signs in Development Area A, along the Mingo Valley Expressway with 1,300 feet distance between signs on property located on the northeast corner of East 91st Street South and Mingo Valley Expressway.

Z-6910-SP-2 April 2006: All concurred in approval of a proposed Corridor Site Plan on a 4.45± acre tract of land for commercial and medical office use and to establish the aggregate floor area of 27,380 square feet for office development on property located east of southeast corner of East 91st Street South and South Mingo Road.

Z-6910-SP-1 December 2003: All concurred in approval of a proposed Corridor Site Plan for a four-story medical office building on property located east of southeast corner of East 91st Street South and South Mingo Road.

Z-6910 November 2003: All concurred in approval of a request for rezoning from AG to CO on property located east of southeast corner of East 91st Street South and South Mingo Road.

BOA-19101 June 12, 2001: The Board of Adjustment approved a Special Exception to construct an 80 foot monopole cellular transmission tower on property zoned AG, per plan submitted on property located east of southeast corner of East 91st Street South and South Mingo Road.

BOA-18760 June 13, 2000: The Board of Adjustment approved a Variance of allowable height for existing outdoor advertising sign from 60' to 125', subject to meeting the spacing requirement between outdoor advertising signs finding the hardship to be the elevation of the Broken Arrow South Loop interchange on property located east of the southeast corner of East 91st Street South and South Mingo Road, abutting west of the Mingo Valley Expressway and located south of subject property across East 91st Street South.

BOA-18480 August 1999: The Board of Adjustment denied a request for a variance of the required 1,200' spacing between outdoor advertising signs to 940' to relocate an existing outdoor advertising sign, finding that there is no hardship to support the variance, on property located east of the southeast corner of East 91st Street South and South Mingo Road, abutting west of the Mingo Valley Expressway and located south of subject property across East 91st Street South.

Z-6503-SP-1a June 16, 1999: All concurred in approval of a proposed minor amendment to a Corridor Site Plan to remove an existing outdoor advertising sign, (located in the Mingo Valley Expressway Right-of-way) and erect a new sign that is within 940' of another outdoor advertising sign to the south, subject to applicant applying and receiving approval for a variance from the Board of Adjustment or applicant finding another location that will meet the spacing requirement, on property located east of the southeast corner of East 91st Street South and South Mingo Road, abutting west of the Mingo Valley Expressway and located south of subject property across East 91st Street South.

Z-6503-SP-1 March 1996: All concurred in approval of a proposed Corridor Site Plan on a 10.6± acre tract of land for an outdoor advertising sign subject to the requirements of Section 1221.F of the Tulsa Zoning Code, on property located south of southwest corner of East 91st Street South and South Highway 169.

Z-6503 October 1995: All concurred in approval of a request for rezoning a 10.6± acre tract of land from AG to CO on property located east of southeast corner of East 91st Street South and South Mingo Road and the subject property.

PUD-559-A/Z-5888-SP-3 May 1999: All concurred in approval of a proposed Major Amendment to Planned Unit Development and a Corridor Site Plan on a 58.4± acre tract of land for outdoor advertising sign on property located on the northwest corner of East 91st Street and South Mingo Valley Expressway and a part of the subject property.

PUD-559-A May 1999: Approval was granted for a major amendment to allow two outdoor advertising signs on property located east of the northeast corner of East 91st Street and South 101st East Avenue and within Development Area A of the original PUD-559 that was approved for South Crest Hospital facilities.

PUD-586 June 1998: All concurred in approval of a request for a proposed Planned Unit Development and Detail Corridor Site Plan on a 29± acre tract for a mixed-use development. The development proposed a medical complex, related offices, residential facilities and retail shopping area, located on the northwest corner of East 91st Street South and South Garnett Road.

PUD-559 November 1997: All concurred in approval of a proposed Planned Unit Development on a 60.9± acre tract of land for multi-use development including apartments, offices, colleges and universities was approved on property located on the northwest corner of East 91st Street and South Mingo Valley Expressway and a part of subject property.

Z-6523 March 1996: All concurred in approval of a request for rezoning a .87± acre tract of land from AG to CO on property located east of southeast corner of East 91st Street South and South Mingo Road and south of the subject property.

Z-6503-SP-1 March 1996: All concurred in approval of a proposed Corridor Site Plan on a 10.6± acre tract of land for an outdoor advertising sign subject to the requirements of Section 1221.F of the Tulsa Zoning Code, on property located south of southwest corner of East 91st Street South and South Highway 169.

Z-6503 October 1995: All concurred in approval of a request for rezoning a 10.6± acre tract of land from AG to CO on property located east of southeast corner of East 91st Street South and South Mingo Road.

Z-6194 July 1988: All concurred in approval of a request for rezoning a 4± acre tract located east of the southeast corner of East 91st Street and South Mingo Road from CS to CO.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5.03+ acres in size and is located north and east of the northeast corner of East 91st Street and South 101st East Avenue. The property is vacant and is zoned CO/PUD.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
91 st Street South	Secondary Arterial	100'	5
South 101 st East Avenue	Commercial Collector	80'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by Highways 169 and 64 zoned RS-3; on the north by Tulsa Community College-Southeast campus, zoned AG; on the south by St. Francis Medical facility, zoned CO; and on the west by SouthCrest Hospital, zoned CO.

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 Corridor/Development Sensitive (in conjunction with a floodplain) and Low Intensity-No Specific land use. This means that development to Corridor standards is encouraged; however, if not developed at that higher intensity, then development should be at the Low Intensity-No Specific land use designation. According to the Zoning Matrix the requested zoning is the same as is currently in place. The issue in question is an additional outdoor advertising sign. The Plan does not address this level of detail.

STAFF RECOMMENDATION:

PUD-559-B is an undeveloped 14.86 acre (637,864 SF) tract located east of SouthCrest Hospital and west of the southbound inter-dispersal loop of US Highway 169 and the Creek Turnpike. The major amendment request is to allow a second outdoor advertising sign within the southern ½ of Development Area A of PUD-559-A.

As approved PUD-559 and PUD-559-A are permit two outdoor advertising signs. One permitted outdoor advertising sign location is within the east 100' of Development Area B and one outdoor advertising sign within the limits of Development Area A (see Exhibit A). There is one existing outdoor advertising sign in the northern ½ of Development Area A along the US 169 right-of-way (ROW) as depicted on attached Exhibits A and B. It appears that this sign is greater than 1,200 feet from any other outdoor advertising sign.

The proposed new outdoor advertising sign location is also depicted on Exhibits A and B, and appears to be located greater than 1,200 feet south of the existing outdoor advertising sign within Development Area A.

The new location is less than 1,200 feet from an approved Corridor Site Plan (Corridor Site Plan Z-6503-SP-2, located south of the subject property) which has been approved for outdoor advertising signs as a permitted use, and has historically had an outdoor advertising sign on site per Z-6503-SP-1.

Since this proposed location is within 1,200 feet of an existing approved outdoor advertising sign location, staff recommends **DENIAL** of PUD-559-B.

TMAPC COMMENTS:

Ms. Cantrell asked staff if the Planning Commission could uphold the PUD standards regardless of the spacing. The Planning Commission doesn't have to allow an additional sign simply because it meets the spacing. In response, Mr. Sansone agreed.

Ms. Cantrell asked why the PUD limited it to two outdoor advertising signs when it was previously approved. In response, Mr. Sansone stated that there were only two signs requested because of the existing third sign. Mr. Sansone cited the history with the third sign and its location due to road construction. Today the third sign has been removed and now the applicant wants to add an additional sign on the subject property under the assumption that the sign is gone and there is nothing to space against. Staff believes that because there is a detail site plan for an approved signage on the adjacent property and believes it reserves that spot.

Mr. Shivel inaudible.

In response to Mr. Shivel, Mr. Boulden stated that as long as the site plan is on file and effective or the plat is effective, then he would be inclined to say that the space is reserved for the adjacent property. He further stated that he would be inclined to say that the adjacent property has the right to have a sign where there is none right now, but has been approved in a site plan and platted as such.

In response to Mr. Sparks, Mr. Sansone stated that the sign could go up today and be 1,200 feet from any other existing sign, but staff's contention is that there doesn't necessarily have to be an existing sign there if the corridor plan is approved and possibly there is a detail site plan on file. If the sign went up in the southern portion of the subject development area they would probably meet the 1,200 feet spacing requirement from any other existing sign. Mr. Sansone further stated that what is before the Planning Commission is the question, "Does the sign have to be existing or not?"

Mr. Alberty stated that if the subject were zoned commercial or industrial, that would permit a sign and then the applicant would have to be here today. He could verify the spacing and location providing that he would be the first in. However, due to the fact that both properties are within a corridor it requires a detail site plan before anything can be approved. There were two signs approved on the subject property and he is asking for a third. The property to the south was approved for one sign and it has not been verified and staff doesn't know if the sign permit could be changed to qualify for ODOT.

In response to the Planning Commission, Mr. Boulden stated that he doesn't know ODOT's processes for applicants if they are denied their application for a sign. He doesn't know if they have a reapplication process. Mr. Sansone stated that the letter from Mr. Michael Joyce indicates that the application for the redevelopment is currently pending before ODOT. There seems to be some issue whether they have reapplied for the sign to the south or not. Mr. Moody's letter with the ODOT rejection is dated 8/31/07 and Mr. Joyce's letter is dated 6/17/08. The only person who could answer whether that sign has been reapplied for with ODOT would be Mr. Joyce.

Mr. Marshall stated that the other property owner has the sign issue tied up. His property is platted with the signage.

Mr. Boulden asked Mr. Sansone when this sign was approved for DFI Crossroads and when was it platted. In response, Mr. Sansone stated that he doesn't know the answer to that, but he believes that it was platted sometime in the 1980s.

Applicant's Comments:

John W. Moody, 5610 East 76th Street, 74136, representing Stokely Outdoor Advertising and SouthCrest Hospital, LLC (owner of the subject property), cited the history of the sign that was previously located on the south side of 91st Street. That sign was owned by Stokely Outdoor Advertising. Mr. Moody indicated that he sought and obtained a Board of Adjustment variance for Stokely Outdoor Advertising for the height of the sign to be permitted at 125 feet. That variance runs with the permit and runs with the owner of the sign and not the property. Variances for sign heights of outdoor advertising signs, as opposed to a variance for height, for example the building or a business sign, do not run with the land for the simple reason that outdoor advertising signs can only be licensed or constructed by an outdoor advertising sign company that is licensed by the State of Oklahoma. One of the problems with DFI's application was that it was by the owner and not a licensed bonded outdoor advertising company. Stokely had a lease in 1997 and was renewed in 1999 and at that time it was with YMCA, but the property was sold and the lease was terminated because the signage impeded their development and they demanded that it be removed as well as the permit and everything else be rescinded. Mr. Moody indicated that he had letters and emails that he submitted to staff regarding this issue. In September of 2007,

he wrote the Board of Adjustment and the City of Tulsa Sign Inspector stating and showing them that the sign had been removed and the sign permit was rescinded and revoked by ODOT. The variance that was granted to Stokely Outdoor Advertising Sign to permit a sign and its structure of 125 feet had been rescinded and revoked and that he revoked and rescinded and cancelled the variance since the sign no longer existed. He requested to be notified if any proceedings, actions or applications are filed on that property attempting to claim the variance for the sign owned by Mr. Stokely and the permit that had been granted.

Mr. Boulden stated that Mr. Moody is talking about a variance and he is curious if he is talking about a variance from the State requirements. In response, Mr. Moody stated that he is talking about a variance of the heights specifically for an outdoor advertising sign that had been previously granted by the BOA to Stokely Outdoor Advertising and not to the owner of the property. Mr. Boulden asked Mr. Moody if he is stating that the variance runs with the individual and not with the land. In response, Mr. Moody stated that he is stating that this variance for an outdoor advertising sign permit and height does not run with the land, it can and only runs with the permit and ownership of an Outdoor Advertising Sign. This is totally different from any other variances for a business sign, side yards, a building or something that actually does run with the land. Mr. Moody stated that the new sign company would have to go and get their own variance for their own sign. Mr. Moody cited the history regarding Mr. Stokely's sign and the signage in question for Whistler. He believes the history is important because he didn't learn about the detail sign plan being approved until a week ago Monday when he met with Mr. Alberty and reviewed the file. He indicated that he has prepared and will be filing an appeal for the detail sign plan since he did not receive notice about and couldn't file within the ten days but he will be filing ten days after being notified.

Mr. Ard stated that it appears that there are some legal questions and perhaps this should be continued to give Legal a chance to review this case. Mr. Joyce has requested a continuance as well.

Mr. Boulden stated that he has never heard of a variance that ran with the individual and didn't run with the land. He further stated that he would need this explained to him better by Mr. Moody.

Mr. Moody stated that it relates to outdoor advertising signs specifically and in that event the City's ordinance states that only the contractor can apply, etc. There was a variance for the structure that was in the specific lease in this case and was owned by the sign company. Regardless of how Legal comes down on this from their legal opinion with respect to the variance on this case, that sign and structure and all rights relating to that specific sign were acknowledged by the landowner to be owned by Stokely and it is in his opinion that they could not piggy-back the variance on it.

Mr. Boulden stated that he is not satisfied that there is authority for the variance running with the individual and not with the land. That is the only kind of variance that he knows and it is granted by the Board of Adjustment. Mr. Boulden further stated that there is a legal issue and he currently is in disagreement with his argument without legal authority for that.

Mr. Marshall agreed that this should be continued.

Ms. Cantrell stated that the applicant is giving the Planning Commission a lot of information and they need the information ahead of time to review it. In response, Mr. Moody stated that he submitted it all to staff prior to the meeting. Ms. Cantrell stated that there are only two letters in the agenda packet and Mr. Moody indicated that there were more letters.

Mr. Moody stated that there are two things he would like to get settled before continuing this application. First he agrees that staff is right that the Planning Commission can take into consideration all the things you need to consider when approving a sign or this type of corridor site plan. If in fact there was a sign and no question about the validity of the action that is taken, then that would be a basis for that, but in this particular instance all he wants to know is, from staff, if the circumstances were that there was never a sign there and no permit there and no question that it met the 1,200 spacing requirement, are there any other issues that staff would be concerned about with respect to this?

Mr. Ard stated that the PUD was approved for two signs that are already in existence and regardless of the sign to the south, the PUD would have to be modified to allow a third sign.

Interested Parties Comments:

Michael Joyce, 1717 South Boulden Avenue, Suite 200, 74119, representing DFI-Crossroads Village, LLC, requested that this application be continued until ODOT's decision is completed and he believes that the 7/16/08 meeting would be premature. He requested a continuance for three to four months.

After lengthy discussion it was determined to continue this application to July 16, 2008.

TMAPC Action; 8 members present:

On **MOTION** of **SPARKS**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Perry, Wright "absent") to **CONTINUE** the major amendment for PUD-599-B/Z-5888-SP-2 to July 16, 2008.

11. ***L-20220** – Anna Patterson (9136)/Lot-Split For Waiver (County)
West of South 81st Avenue and North of West 61st Street, 5846 South
81st West Avenue

STAFF RECOMMENDATION:

This lot-split meets the bulk and area requirements. There's a request for a waiver for more than three side lot lines. The Technical Advisory Committee (TAC) reviewed this lot-split at its June 19, 2008 meeting with a five-foot right-of-way dedication. Staff recommends **APPROVAL** of this lot-split.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Sparks, Walker, "aye"; no "nay"; none "abstaining"; Carnes, Perry, Wright "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-20220 per staff recommendation.

Mr. Midget out at 2:46 p.m.

12. ***L-20222** – Wallace Engineering (9303)/Lot-Split For (PD 5) (CD 4)
Waiver
North of East 7th Street and East of the Saint Louis Santa Fe Railway,
5505 East 7th Street

STAFF RECOMMENDATION:

This lot-split meets the bulk and area requirements. There's a request for a waiver for more than three side lot lines. The Technical Advisory Committee reviewed this lot-split at its June 19, 2008 meeting and recommended approval with a sidewalk requirement. Staff recommends **APPROVAL** for this lot-split.

Ms. Parker stated that an interested party was unable to stay for the meeting but submitted a letter (Exhibit A-1) and requested that she read his letter opposing the lot-split.

Interested Parties Comments:

Clint Foy, 5504 East 5th Place, 74112, stated that he owns the property that backs up to the subject property. He explains that he owns the property that is already split and his intention is to vacate the lot-split because it will look ugly.

He explained that after he split it the City required that he have a watershed permit, which he has not done. Mr. Foy explained how the subject property and surrounding properties drain the stormwater. He further stated that stormwater floods Mr. Moffitt's house. Mr. Foy reiterated that he is going to vacate his lot-split. Mr. Foy stated that he opposes the lot-split.

TMAPC COMMENTS:

Mr. Ard reminded the interested parties that Stormwater Management would oversee any type of drainage issues with these lots. The Planning Commission doesn't deal with stormwater flooding and deal with land use issues only.

John Moffitt, 5520 East 5th Place, 74112, reiterated the stormwater issues and opposed the lot-split. He commented that he doesn't believe the City of Tulsa has taken care of his water issues very well.

Aaron Smith, 5515 East 7th Street, 74112, reiterated the stormwater issues and opposed the lot-split. This lot-split would put two houses behind each other and would change the look of the neighborhood.

Kendall Burleson, 560 South Hudson Avenue, 74112, stated that the water is a huge issue. She expressed her concerned that smaller lots would change the look of the neighborhood that was built with large lots. Ms. Burleson stated that she is opposed to the lot-split.

All of the interested parties expressed concerns with stormwater and the possibility of the subject property becoming rental property.

Applicant's Comments:

Jim Beach, Wallace Engineering, 200 East Brady Street, 74112, stated that the subject property and all of the property east of the railroad tracks are zoned RS-3, which allows lots 6,900 SF and 60 feet wide. The lot-split would exceed the minimum requirements for RS-3 for both lots. The owner of the subject property and the developer are well aware that during the building permit process the stormwater issues will be addressed. This will have to be complied with or the owner will not get a permit.

There was a concern about this becoming rental property and the owner has no intention of building houses and renting them. He intends to build two single-family houses, one on each lot, and selling those properties. What becomes of them in the future no one has control over, as one wouldn't on any lot that is developed. Regardless of whether they are rental or owned, they are still single-family residences and it is a permitted use in RS-3 districts. He understands the large lots and feeling of country in the subject area and the lot-split is being modeled from the precedent set immediately to the north. This will keep the same pattern up against the railroad and he believes this is a good solution to what the owner wanted to accomplish.

TMAPC COMMENTS:

Ms. Cantrell asked when the other flag lot was approved. In response, Mr. Foy stated that it was approved in 2002, which he is going to vacate the lot-split.

Ms. Cantrell stated that except that it has already been approved to the north, she would recommend denying this because it is odd to put a house behind another house. It is important to keep in mind that west of the subject property is on the National Register for Historic Neighborhoods. It is important to keep the houses and the lots in the way it was originally developed. Unfortunately, she believes to have already approved a lot-split immediately adjacent to the subject property and then deny this one would be wrong.

Mr. Marshall stated that this meets all of the requirements and he doesn't see how he could turn it down.

Mr. McArtor stated that the first lot-split immediately adjacent may have been a mistake and it sounds like Ms. Cantrell believes that the Planning Commission in 2002 did make a mistake. In response, Ms. Cantrell answered affirmatively. Mr. McArtor stated that if the Planning Commission in 2002 made a mistake, then the Planning Commission today shouldn't be bound by bad precedent. Ms. Cantrell stated that when one is making property right decisions it must be consistent. She believes to take an established neighborhood and create odd lots that weren't characteristic as it was originally plotted, than it goes against the neighborhood and looks odd.

Mr. Sparks stated that it sounds like the Planning Commission would be compounding the problem if this application was approved.

Mr. Alberty stated that the very reason this was made a requirement in the Subdivision Regulations is for what the Planning Commission is being faced with today to set a house behind a house. The question is, "Would this be appropriate and consistent with the neighborhood development?" This property is large enough to put four 6,900 SF homes on it, but the way it is configured requires a waiver.

Mr. Sparks stated that he believes to approve this waiver would be making a bad situation worse.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Ard, Cantrell, Marshall, McArtor, Shivel, Sparks, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Midget, Perry, Wright "absent") to **DENY** the waiver of Subdivision Regulations and of the lot-split for L-20222 per staff recommendation.

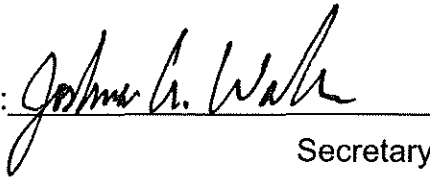
There being no further business, the Chair declared the meeting adjourned at 3:06 p.m.

Date Approved:



Chairman

ATTEST:



Secretary