

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2534

Wednesday, December 17, 2008, 1:30 p.m.

City Council Chambers

One Technology Center – 175 E. 2nd Street, 2nd Floor

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, December 11, 2008 at 4:00 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.

REPORTS:

Chairman's Report:

Mr. Ard reported that the Nominating Committee for the slate of officers met over lunch about a month ago (Midget, McArtor, Ard) and have nominated the following for officers: Cantrell, Chair; Shivel, 1st Vice Chair; Marshall, 2nd Vice Chair; and Walker, Secretary. Nominations from the floor are allowed during the elections to be held on the first meeting in January.

Worksession Report:

Mr. Ard announced that there will be a worksession immediately following the TMAPC public hearing.

Comprehensive Plan Report:

Ms. Cantrell reported on the December 9, 2007 small area workshops that were held. She indicated that there will be six additional workshops in January 2009.

Director's Report:

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

Minutes:

Approval of the minutes of November 19, 2008 Meeting No. 2532

On **MOTION** of **CARNES**, the TMAPC voted 10-0-0 (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Smaligo "absent") to **APPROVE** the minutes of the meeting of November 19, 2008, Meeting No. 2532.

Minutes:

Approval of the minutes of December 3, 2008 Meeting No. 2533

On **MOTION** of **CARNES**, the TMAPC voted 7-0-3 (Cantrell, Carnes, McArtor, Midget, Sparks, Walker, Wright "aye"; no "nays"; Ard, Marshall, Shivel "abstaining"; Smaligo "absent") to **APPROVE** the minutes of the meeting of December 3, 2008, Meeting No. 2533.

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

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.

2. **LS-20217** – Dennis Seawright (2318)/Lot-Split (County)
East of North Utica Avenue and North of 161st Street North, 16201 North Utica
3. **LS-20262** – Andy Allen (9330)/Lot-Split (PD 6) (CD 9)
South of East 41st Street and East of South Wheeling Avenue, 4180 Oak Road

4. **LS-20270** – Helen Cobb (9136)/Lot-Split (County)
East of South 89th Avenue and South of West 51st Street, 5484 South 89th West Avenue
5. **LS-20271** – W.P. Smith (9217)/Lot-Split (PD-9) (County)
North of West 21st Street South and West of South 33rd West Avenue, 5109 West 21st Street South
6. **LS-20272** – Tulsa Community College (9417)/Lot-Split (PD 17) (CD 6)
Southeast corner of East 22nd Street and South Garnett Road, 2221 South Garnett Road
7. **LS-20273** – Paul Woodum (1315)/Lot-Split (County)
West of North Yale and South of East 106th Street North, 10428 North Yale Avenue
8. **LS-20274** – WM Holloway (9214)/Lot-Split (PD 9) (CD 2)
Southwest corner of West 23rd Street South and South Jackson Avenue, 704 West 23rd Street South
9. **LC-136** – Matthew Vianes (9402)/Lot Combination (PD 17) (CD 6)
South of East 4th Street and East of South 161st Avenue
10. **LC-139** – John Folks (3813)/Lot Combination (PD 26) (CD 8)
North of East 116th Street and East of South Delaware Avenue, 11527 South New Haven
11. **PUD-431-C – Tanner Consulting, LLC** (PD-26) (CD-8)
Southwest, of the southwest corner of 101st Street South and Sheridan Road, Lot 6, Block 1, Copper Oaks Office Park (Detail Site Plan and Landscape Plan for a 5,400 SF two-story office building.) (Related to Item 12.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site and landscape plan for a 5,400 square foot (SF), two-story office building. The proposed use, Use Unit 11 – Offices, Studios, and Support Services is a permitted use in PUD-431-C.

The submitted site plan meets all permitted building floor area, landscaped open space, building height and setback limitations. Parking has been provided per the Zoning Code, and a six-foot screening fence will be constructed along the southern boundary line per PUD development standards. Landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. All sight lighting will be limited to 20 feet in height and

will be directed down and away from adjoining properties. Compliance with lighting standards shall be verified by application of the Kennebunkport Formula or other accepted standard showing compliance with section 1303-C where applicable.

Staff recommends **APPROVAL** of the detail site plan for Lot 6, Block 1 – Copper Oaks Office Park.

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

12. **PUD 431-C – Tanner Consulting, LLC** (PD-26) (CD-8)

Southwest, of the southwest corner of 101st Street South and Sheridan Road, Lot 5, Block 1, Copper Oaks Office Park (Detail Site Plan and Landscape Plan for a 5,969 SF two-story office building.) (Related to Item 11.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site and landscape plan for a 5,969 square foot (SF), two-story office building. The proposed use, Use Unit 11 – Offices, Studios, and Support Services is a permitted use in PUD-431-C

The submitted site plan meets all permitted building floor area, landscaped open space, building height and setback limitations. Parking has been provided per the Zoning Code, and a six-foot screening fence will be constructed along the southern boundary line per PUD development standards. Landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. All sight lighting will be limited to 20 feet in height and will be directed down and away from adjoining properties. Compliance with lighting standards shall be verified by application of the Kennebunkport Formula or other accepted standard showing compliance with section 1303-C where applicable.

Staff recommends **APPROVAL** of the detail site plan for Lot 5, Block 1 – Copper Oaks Office Park.

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

15. **AC-085 – Alaback Design Associates**

(PD-4) (CD-4)

Southwest corner of East 3rd Street and Lewis Avenue (Alternative Compliance Landscape Plan to allow three existing trees within the City right-of-way to remain and be counted toward tree requirements and reduce from six to five trees along Lewis Avenue.)

STAFF RECOMMENDATION:

The applicant is requesting TMAPC approval of an alternative compliance landscape plan for a Med-X Drug Store to be located on the southwest corner of 3rd Street and Lewis Avenue. Specifically, the request is to allow three existing trees located along the Lewis Avenue property line within a City of Tulsa right-of-way (ROW) to remain and counted toward tree requirements and to allow five trees along Lewis Avenue instead of six trees.

Rather than remove the three trees that were planted by the Tulsa Development Authority (“the TDA trees”) during the Lewis Avenue improvement project along the project boundary, the applicant is proposing to heavily landscape the Lewis frontage with bushes and shrubs and plant two more trees at the southeast corner of the site. This would bring the total number of trees along the Lewis right-of-way boundary to five including the TDA trees. The excessive landscaping is being offered in place of bunching the required trees for the lot together with the TDA trees, providing the TDA trees with sufficient room for healthy growth.

Section 1003-D of the Zoning Code states that alternative compliance landscape plans may be approved once the TMAPC determines that, although not meeting the technical requirements of the landscape chapter of the Zoning Code, the plan is equivalent to or better than the requirements of Chapter 10.

Fifteen percent of the street yard is required to be landscaped according to Chapter 10 of the Zoning Code. The applicant is offering to landscape 24.5% of the Lewis Avenue frontage (see Exhibit A). Staff finds that the excessive shrubs and bushes being offered along the Lewis Avenue frontage combined with the five trees proposed including the TDA trees can be viewed as “equivalent or better than the requirements of Chapter 10”.

Therefore, staff recommends **APPROVAL** of the alternative compliance plan AC-085, allowing three trees located in the right-of-way to be counted toward meeting onsite tree requirements and allowing five trees in the street yard instead of six, in exchange for excessive shrub and bush plantings per the attached Exhibit A. Staff recommends as a continuing condition of the Certificate of Occupancy the property owner would be responsible maintaining and when applicable, replacing the three (3) trees located in the right-of-way along Lewis Avenue within the property limits.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Smaligo "absent") to **APPROVE** the consent agenda Items 2 through 12 and Item 15 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

13. PUD-684-1 – Wallace Engineering (PD-18) (CD-2)

Southeast corner of East 81st Street South and Riverside Drive (Minor Amendment for the purpose of constructing a temporary parking lot.)
(Related to Item 14.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment for the purpose of constructing a temporary parking lot. The property is owned by the Muscogee/Creek Nation and would be used for temporary parking while the Creek Nation Casino on Riverside Drive undergoes major renovations. The requested use, Use Unit 10 – Off-street Parking is a permitted use within PUD-684.

Specifically, the request is to ~~allow the temporary parking lot for~~ delay 2.4% of the landscaping for a period of two years; allow a reduction in the required landscaped open space requirement from 10% to 7.6%; to reduce the required setback for parking lots from an abutting R District from 50' to 0'; and to allow a 120' portion of the 5' required landscape strip along the eastern boundary to be 0'.

Staff can support the request since the proposal is temporary in nature. The 2.4% reduction of the landscaped open space requirement is viewed by staff as minor in nature. The ten-acre site will have a perimeter landscaped strip while permitting a 120' section of the 938-foot long eastern boundary along the Fred Creek Drainage Channel to have no landscaping strip. All tree requirements will be met. A six-foot (6') high ornamental steel fence will be constructed along the north and west perimeter of the site as well. Pedestrian walkways across 81st Street and Riverside Drive will be required.

The reduction of the 50' setback requirement from an abutting R District is also viewed as minor in nature; not changing the character or intent of the PUD

chapter of the Code. While the parking lot may not technically set back 50-feet from the RM-1 district to the east, it will be set back from the R District a distance of 203 feet, which is the width of the Fred Creek Drainage Channel/Reserve A of Riverbend Addition/PUD-684. The nearest residential structure will be approximately 500-feet away.

Since the request is temporary in nature staff recommends **APPROVAL** of minor amendment PUD-684-1 delaying 2.4% of the landscaping and sidewalks for a period of two (2) years, with the following conditions and as amended by the TMAPC (items with strikethrough have been deleted, underlines items added in):

- Should use of the temporary parking lot become necessary beyond two (2) years from the date of this approval, the applicant will appear again before the TMAPC for approval of a minor amendment extending the use (requiring re-notification of the surrounding property owners of the proposal).
- Should the parking lot become necessary on a permanent basis sidewalks would be required along 81st Street and Riverside Drive and all screening and landscape requirements of Chapter 10 ~~would~~ will be met.

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

TMAPC COMMENTS:

Ms. Cantrell stated that she doesn't need staff to give a full presentation, but she does have a few questions. She commented that this is the first time she has ever seen a timeframe on a recommendation. She asked staff if this proposal came back as a permanent use would staff have any concerns with it at that point. In response, Mr. Sansone stated that the it is stated in the case report that if the proposal does become a permanent or is needed on a permanent basis it would have to meet all of the requirements for a regular surface parking lot, landscaping and screening, etc., per the Zoning Code. Staff's concern for the temporary use would be the safety for pedestrians crossing the street and the applicant is required to make some high visibility crosswalks. The applicant has indicated to staff that they would be amenable to meeting the requirements of the Zoning Code should this need become permanent. Mr. Sansone explained that the lot is owned by the Creek Nation and he is not sure that the City has any jurisdiction on the proposed lot.

Mr. Boulden stated that the application shouldn't be before the Planning Commission if there is no jurisdiction over them. However, Mr. Boulden believes that the City does have jurisdiction. The distinction that is made is that the casino is on Indian land, but the proposed parking lot is not. The City doesn't have jurisdiction on Indian land, which is land that is in trust or reservation land. Ownership by a tribe does not make it Indian land. He believes that the City does have jurisdiction on the subject properties and it would be appropriate to take the zoning action.

Ms. Cantrell stated that she would prefer that it would be stated that the Planning Commission is delaying the landscape requirement for two years. She doesn't know that under the PUD the Planning Commission has the right to waive the ten percent requirement.

Mr. Boulden stated that the ten percent requirement was probably put in the PUD because there is a moving scale about how much landscaping is a requirement under Section 1104, Zoning Code. Mr. Boulden read Section 1104 of the Tulsa Zoning Code.

Mr. Sansone stated that he approached this proposal as similar to a five-foot reduction of a setback or a relaxation of a height requirement of five feet. This was 2.4% and he thought the sliding scale would work and keep it 7.6%. If, at the end of two years, should the lot be necessary, then the applicant will have to bring this back up to the ten percent. Mr. Sansone stated that he would alter the case report to read whatever the Planning Commission recommends.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation and modifications of the Planning Commission.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Smaligo "absent") to **APPROVE** the minor amendment for PUD-684-1 per staff recommendation as amended by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

14. PUD-684 – Wallace Engineering (PD-18) (CD-2)

Southeast corner of East 81st Street South and Riverside Drive (Detail Site Plan for the purpose of constructing a temporary parking lot.)
(Related to Item 13.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for the purpose of constructing a temporary parking lot. The requested use, Use Unit 10 – Off-street Parking is a permitted use within PUD-684. The property is owned by the Muscogee/Creek Nation and would be used for temporary parking while the Creek Nation Casino on Riverside Drive undergoes major renovations. The

request being made is for a period of two (2) years. Related to this detail site plan is minor amendment application PUD-684-1 also on the December 17, 2008 agenda of the TMAPC.

The submitted site plan meets all requirements of minor amendment PUD-684-1 as well as, other off-street parking area requirements of Chapter 13 of the Zoning Code. A six-foot (6') ornamental steel fence will be placed on the north and west perimeter of the site. Landscaping will be provided along the perimeter of the site per the Zoning Code. Tree requirements of Chapter 10 will be met and verified by detail landscape plan review. Site lighting will be provided and will not exceed a total height of 25' per PUD development standards. All site lighting will be directed down and away from the perimeter of the site, verification of which shall be through application of the Kennebunkport Formula or other accepted practice showing compliance with Section 1303-C of the Zoning Code where applicable.

Since the request is temporary in nature (for a period of two years) staff can recommend **APPROVAL** of the detail site plan for Part of Lot 1, Block 1 – Riverbend Addition as described herein. Approval of this detail site plan is contingent upon approval of minor amendment PUD-684-1, as well as the following conditions:

- Pedestrian cross-walks should be provided across 81st Street South and Riverside Drive that are clearly identifiable by oncoming traffic by using signs, contrasting paving material and/or by using high contrast striping. The use of the existing medians as pedestrian islands is greatly encouraged.
- The detail site plan and proposed access points receive approval from the City of Tulsa Traffic Engineer prior to release of the TMAPC approved site plan.
- Should the parking lot become needed on a permanent basis sidewalks would be required along 81st Street and Riverside Drive and all screening and landscape requirements of Chapter 10 would be met.

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

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Smaligo "absent") to **APPROVE** the detail site plan for PUD-684 per staff recommendation.

PUBLIC HEARING

17. **51 Yale – (9328)** Preliminary Plat (PD 18B) (CD 7)

Southwest of the intersection of East Skelly Drive and South Yale Avenue (continued from 11/19/08 and 12/3/08)

STAFF RECOMMENDATION:

This plat consists of eight lots, one block, on 17 acres.

The following issues were discussed November 6, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 766 (CH/CS) (pending City Council action). All PUD standards must be followed and shown in the covenants.
2. **Streets:** Call out and clearly indicate limits of no access and access points along Yale Avenue and Interstate Highway 44 service road. Sixty feet of right-of-way required on Yale. Dedicate ten feet of right-of-way. At lot corners intersecting Yale or Skelly provide 30-foot curve. Provide curve data. Provide note on face of plat that sidewalks will be constructed in accordance with City of Tulsa Design Standards. Provide plat # for 50-foot right-of-way dimensions along Yale and 51st. Show right-of-way dimension line for I-44 service road. Call out Reserve A as Mutual Access Easement. Add language for right-of-way dedicated to City of Tulsa. Include standard sidewalk language. Call out and clearly indicate limits of no access and access points along Yale Avenue and Interstate Highway 44 service road.
3. **Sewer:** Provide easement widths for all easements, both existing and proposed, on the face of the plat. Additional easement required along the south line of Lot 8 especially in the area of the sanitary sewer main. Maintain adequate separation between the sanitary sewer main and the proposed underground electrical (UGE). The pre-development required the engineer to submit flow data for the proposed development to determine if the existing system has capacity to handle the proposed project. This information must be provided to engineering wastewater design, and approved by them, before work can begin on the proposed development.
4. **Water:** Move the proposed waterline to the eastside out from under the roadway. Place the fire hydrant on the eastside of water main line.

5. **Storm Drainage:** Only existing on-site and adjacent easements, lot lines, and platted property line for the platted area, should be shown on the face of plat. Remove the word "general" from the title to A. Use City of Tulsa standard language for C. Begin the title for F with the word "Overland". Contours must be included on this plan, or it cannot be reviewed.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed.
7. **Other: Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by and 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. 2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

GIS: Tie the plat from a section corner using bearings and distances from a labeled point of commencement (POC) to a labeled point of beginning (POB). Add a written scale, i.e. 1"=50'. Proportions of the plat do not equal the graphical scale on the face of the plat. Add the name and address of the owners to the face of the plat. On the location map, label and show existing expressways and locations of all subdivisions within the mile section. Fix the inconsistencies between the metes and bounds legal description and what is shown on the face of the plat.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]

15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, stated that he would like to recommend a couple of small modifications. The plat as initially filed preceded the hearing by the Planning Commission on the PUD. As part of the preliminary plat filing requirements the applicant is required to prepare a deed of dedication and covenants for the plat and covenants that implement and the PUD. There were a few modifications during the public hearing for the PUD. He would like the record to reflect that the deed of dedication that is in front of the Planning Commission today may be modified to conform to the requirements of the Planning Commission set forth in the PUD.

Mr. Johnsen stated that one of the changes was in regard to the streets (whether they would be rebuilt and what standards would apply) and staff's recommendation was to provide City specifications or other as might be approved by Public Works. The deed of dedication will have to be amended to conform to that condition of the PUD.

Mr. Johnsen stated that the second issue was with regard to sidewalks. There was discussion that there should be sidewalks on both sides of the streets, but there was a proviso that this condition might be addressed at the time of detail site plan approval. It is important to him that his client be able to show some alternatives and he will have to change the covenants to conform to the condition that the Planning Commission imposes, which would be subject to legal review.

Mr. Johnsen stated that the last issue was the waterline. At the TAC meeting there was a requirement that the waterline be located to the east of the north/south thoroughfare. Mr. Johnsen indicated that since that time his engineer has met with the City and they have come to an agreement to possibly locate the waterline on the street, subject to a number of conditions. He would like to make it clear that the language could say "...as may be modified with Public Works approval."

Mrs. Fernandez stated that staff has no problem with the conditions for the waterline or streets per Development Services approval.

TMAPC COMMENTS:

Ms. Cantrell stated that she understood that staff was not in favor of waiving sidewalks on one side and she recalls that it was subject to a detail site plan that had a better pedestrian circulation and not a variation of fewer sidewalks. In response, Ms. Fernandez stated that she understood the same as Ms. Cantrell.

Mr. Johnsen stated that he would conform to the language of the minutes and he is not trying to change it. The minutes, as they read, provide that there may be modifications during the detail site plan. Mr. Johnsen further stated that under the Subdivision Regulations it is applicable to residential streets and arterials. Neither one of those is applicable to this development, but the Planning Commission has the authority to impose conditions and they did. Mr. Johnsen quoted the Planning Commission as stating that they would prefer sidewalks on both sides and there could be some modification during detail site plan review.

Mrs. Fernandez stated that Ms. Huntsinger provided the minutes and it states "...recommending approval of PUD-766 per staff recommendation as modified, subject to pedestrian circulation being reviewed for approval at detail site plan. (Language with a strike-through has been deleted and language with an underline has been added.)", which refers to information in the minutes. She

further stated that staff would prefer to see sidewalks on both sides of the streets and the PUD governs how the plat implements these standards.

Mr. Ard asked Mrs. Fernandez if within the bounds of the preliminary plat approval does the language that Mr. Johnsen is suggesting comply with what Ms. Cantrell understands. In response, Mrs. Fernandez stated that she believes so because one of the first statements usually made when explaining conditions recommended by TAC is that these covenants include the PUD standards. Mr. Ard asked if the Planning Commission would have the ability to review the pedestrian circulation during detail site plan. In response, Mrs. Fernandez answered affirmatively.

Ms. Cantrell stated that she wanted to make sure that if Mr. Johnsen's language is in the approval today for the preliminary plat that it doesn't mean that the Planning Commission is stating that this is final.

In response to Mr. Ard, Mr. Johnsen stated that the possibility exists that there may be some alternative in part on this development and if that occurs, then the Planning Commission can make that modification during the site plan review. Mr. Ard clarified that what he understood was that the Planning Commission was going to reconsider this issue at detail site plan approval.

Ms. Cantrell stated that she wanted to make it clear that this is not going to say that the Planning Commission is not going to require sidewalks on both sides. In response, Mr. Johnsen stated that he understands.

In response to Mr. Ard, Mrs. Fernandez stated that Mr. Steele is present and he indicated that they have had discussions and the approval will have to be with the Development Services Department, in regards to the streets and waterline issues.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **9-0-1** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; Sparks "abstaining"; Smaligo "absent") to **APPROVE** the preliminary plat for 51 Yale per staff recommendation, knowing that the deed of dedication, which is in front of the Planning Commission today, may be modified to conform to the requirements of the Planning Commission set forth in the PUD, subject to the waterline location being approved by Public Works; and subject to the streets specifications being approved by Public Works as modified by Mr. Johnsen.

18. **Fleming Addition II** – (3204) Minor Subdivision Plat (PD 16) (CD 6)
*South of East Pine Street and west of North 129th East Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 2.49 acres.

The following issues were discussed December 4, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is pending IL zoning.
2. **Streets:** Standard sidewalk language required. Sidewalks. Sidewalks are required along streets designated by and in accordance with subdivision regulations. Required sidewalks shall be constructed in conformance with City of Tulsa engineering design standards. The owner/developer shall construct required sidewalks within reserve lots having access onto minor streets. Where sidewalks are not constructed by the owner/developer, the builder of each lot shall construct the required sidewalk.
3. **Sewer:** Add a 17.5-foot perimeter utility easement (U/E) along the west and south boundary line, adjacent to the unplatted property. Add an eleven-foot perimeter U/E along the east boundary line of the proposed plat. Show the existing perimeter easement along the west boundary of Fleming Addition. In Section IC-2, omit the words "in excess of 3 feet". In Section I C-3, add sanitary sewers to the first sentence along with the water and storm sewers. The conceptual plan did not show the required sanitary sewer mainline extension to serve the platted area. This requirement was included in the TAC notes from the November 6, 2008 meeting. We can not approve a plat for a development that does not have access to a sanitary sewer main for service. The "temporary" off-site easement is not acceptable for construction of a mainline extension.
4. **Water:** No comment.
5. **Storm Drainage:** Above the Subdivision title should be the words "Minor Subdivision Plat". Please remove the contours from the face of the plat. Section I .C.1 & 2 are incorrect. Here is the correct language: 2. Within the utility easement, restrictive waterline and drainage easement areas depicted on the accompanying plat, the alteration of grade from the contours existing upon the completion of installation of a public water main, sanitary sewer main, or storm sewer or any construction activity that would interfere with public water mains, sanitary sewer mains, and storm sewers shall be prohibited. 3. The City of Tulsa, Oklahoma, or its successors, shall be responsible for the ordinary maintenance of public water mains, sanitary

sewer mains, and storm sewers but the owner shall pay for damage or relocation of such facilities caused or necessitated by acts of the owner, his agents or contractors. No drainage systems or their easements were shown on this plan, and, therefore, they cannot be reviewed.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.

7. **Other: Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and 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. 2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

GIS: Label the point of commencement (POC) and the point of beginning (POB). Remove the contour lines for the final plat. Update the CA expiration date. Add the WWTC-2 Addition name and boundary to the location map. Fix the inconsistencies between the metes and bounds legal description and what is shown on the face of the plat.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)

16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Smaligo "absent") to **APPROVE** the minor subdivision plat for Fleming Addition II per staff recommendation.

19. **Fleming Addition II –** (3204) Authorization for (PD 16) (CD 6)
Accelerated Release of Building Permit

*South of East Pine Street and west of North 129th East Avenue

STAFF RECOMMENDATION:

The property is pending IL zoning. Full permits are requested. A minor subdivision plat is pending for the property on the same TMAPC agenda.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: See attached explanation.

The following information was provided by the Technical Advisory Committee in its meeting July 5, 2007.

ZONING:

TMAPC Staff: A full permit is requested. The accelerated release of the permit needs to be tied to approval of the Minor Subdivision plat.

STREETS:

Public Works, Transportation: No comment.

Public Works, Traffic: No comment.

SEWER:

Public Works, Waste Water: The property does not have access to sanitary sewer service. If this request is approved, the building permit will not allow either water, or sanitary sewer connections, until the required sanitary sewer mainline extension has been constructed and accepted by the City of Tulsa.

WATER:

Public Works, Water: No comment.

STORM DRAIN:

Public Works, Storm Water: No comment.

FIRE:

Public Works, Fire: No objection with the understanding that working fire hydrants and all weather roads will be in place prior to construction with combustible materials or them being delivered to the site.

UTILITIES:

Franchise Utilities: No comment.

The accelerated building permits were originally designed to accommodate large campus-style type of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permits with the conditions as commented by the Technical Advisory Committee.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-1** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Wright "aye"; no "nays"; Walker "abstaining"; Smaligo "absent") to **APPROVE** the authorization for accelerated release of building permit for Fleming Addition II per staff recommendation.

20. **Nickel Creek** – (8211) Authorization for Accelerated Release of Building Permit (PD 8) (CD 2)
Northwest corner of West 81st Street and U.S. Highway 75

STAFF RECOMMENDATION:

The property is zoned PUD-636-3. Full permits are requested. A preliminary plat has been approved for the site on September 17, 2008.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: See attached explanation.

The following information was provided by the Technical Advisory Committee in its meeting December 4, 2008.

ZONING:

TMAPC Staff: Full permits are requested. Foundation permits are acceptable to the applicant per the request of the Development Services staff.

STREETS:

Public Works, Transportation: No comments.

Public Works, Traffic: No comments.

SEWER:

Public Works, Waste Water: The property does not have access to sanitary sewer service. If this request is approved, the building permit will not allow either water or sanitary sewer connections until the required sanitary sewer mainline extension has been constructed and accepted by the City of Tulsa.

WATER:

Public Works, Water: A water main line extension will be required.

STORM DRAIN:

Public Works, Storm Water: No objection with the understanding that working fire hydrants and all weather roads will be in place prior to construction with combustible materials or them being delivered to the site.

FIRE:

Public Works, Fire: No comments.

UTILITIES:

Franchise Utilities: No comments.

The accelerated building permits were originally designed to accommodate large campus-style type of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permits for foundation permits only as there are still infrastructure issues that have not yet been adequately addressed to recommend release of full building permits. Water and sanitary designs have been submitted for review but streets and stormwater have not been submitted.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-2** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks "aye"; no "nays"; Walker, Wright "abstaining"; Smaligo "absent") to **APPROVE** the authorization for accelerated release of building permit for Nickel Creek per staff recommendation.

* * * * *

21. **Z-7122/PUD-768 – Roy D. Johnsen**

AG to CS/OL/PUD

East of northeast corner Highway 75 South and West 71st Street South (PUD for mixed use commercial development, including retail, hotel, restaurant and office uses.) (PD-8) (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11827 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: OL/CS/PUD

PROPOSED USE: Hotel/retail/office

RELEVANT ZONING HISTORY:

Z-7120 December 2008: A request for rezoning a 5.4± acre tract of land from AG to CS for CS Uses and Outdoor advertising sign on property located south of the southwest corner of West 71st Street South and Highway 75 South.

Z-7119 December 2008: A request for rezoning a 2.3± acre tract of land from AG to CS for CS Uses and Outdoor advertising sign was withdrawn; on property located on the northwest corner of West 71st Street South and Highway 75 South.

Z-6001-SP-2/PUD-648-A June 2007: All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with six development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner of West 71st Street South and Highway 75 South.

Z-7052/PUD-738 May 2007: All concurred in approval of a request to rezone a 39.19± acre tract from AG to RS-3/RM-0/CS and a Planned Unit Development for a mixed use development on property located at the southwest corner of West 71st Street South and South Elwood Avenue.

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 US Highway 75 between West 71st and West 81st Streets.

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 71st Street South and West 81st 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 71st 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 62+ acre tract from AG to CO, located on the northeast corner of West 81st Street South and U. S. Highway 75 South.

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

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 71st Street and U. S. Highway 75 South. The original CO zoning for this parcel had been approved in 1984 from AG to CO.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 6.39± acres in size and is located east of the northeast corner of Highway 75 South and West 71st Street South. The property appears to be vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 71 st Street South	Primary arterial	120'	6

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land, zoned AG; on the north by vacant land, zoned AG; on the south by 71st Street South and then the Tulsa Hills Regional Shopping Center, zoned CO; and on the west by the Olympia Medical Park, a mixed medical park/hotel and related use development, zoned CO/PUD-648/PUD-648-A. Tulsa Hills and other related low to high intensity uses are developing in this area.

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 (a) within the Turkey Mountain Special District; (b) within a Linear Development Area (for the southern portion); and (c) Residential (for the northern portion). According to the Zoning Matrix, the requested OL and CS zoning **may be found** in accord with the Plan by virtue of location within a Special District. Plan policies regarding the Linear Development Area recommend use of the PUD in order to address traffic circulation, signage and compatibility of development. Plan policies regarding the Special District also encourage use of the PUD to ensure compatibility with and sensitivity to the surrounding area. It should be noted that these provisions were developed prior to the extension of public utilities into the area.

STAFF RECOMMENDATION FOR ZONING:

This proposed rezoning is accompanied by a PUD application, as recommended by the District 8 Plan. Much development has begun in this area with the advent of water and sewer here. The proposal appears to be compatible with the types of development that is underway. Therefore, if the TMAPC deems the accompanying PUD or some variation of it appropriate, staff recommends **APPROVAL** of OL and CS zoning for Z-7122.

STAFF RECOMMENDATION FOR PUD:

PUD-768 is 6.39 gross acres (278,480 square feet) located east of the northeast corner of the intersection of U.S. Highway 75 and West 71st Street South in the City of Tulsa. The property is currently zoned AG. Concurrently rezone application Z-7122 has been filed to rezone the property to CS/OL/PUD. It is proposed that the south 330 feet of the tract be rezoned CS and that the balance be rezoned to OL. Approval of the PUD would be dependant on the approval of the aforementioned rezone application. The entire property would be platted as a 2 block, three lot subdivision.

The site is bordered on the west by the Olympia Medical Park – a corridor district (CO) and PUD which permits medical/hospital uses, hotel/motel, office, and restaurant uses; on the east and north by undeveloped land zoned AG, and on the south by W. 71st Street and then the Tulsa Hills Regional Shopping Center (see applicant's Exhibit B).

The frontage of the subject tract, extending north from the centerline of 71st Street an approximate distance of 330 feet is designated by the Comprehensive Plan as a Linear Development Area, within which medium intensity zoning including CS - Commercial Shopping may be permitted. The balance of the tract is designated by the Comprehensive Plan as low intensity, no specific land use, within which low intensity zoning including OL (Office Low Intensity), may be permitted. The requested CS and OL zoning may be permitted since the tract is also located of within a Comprehensive Plan Special District.

The subject tract would have direct access to West 71st Street from an interior collector street to a signalized intersection at W. 71st Street and an entrance to Tulsa Hills. The site is also served by a four way interchange of Highway 75 and West 71st Street.

The concept plan for PUD-768 is a mixed use commercial development, including retail, hotel, restaurant, and office uses (see applicant's Exhibit A-1). The proposed .4 floor to area ratio (FAR) for the overall development is within the limits of the OL district. If approved the underlying CS and OL zoning would permit 128,000+ so of floor area, an average FAR of .46 (see applicant's Exhibit A). The applicant is proposing 82,355 square feet of floor area. Staff considers the submitted concept plan in accord with the existing and expected development trends of the surrounding area.

The planned unit development is submitted to achieve development flexibility pertaining to the location of permitted uses, allocation of permitted floor area, building height, and setbacks. The planned unit development is intended to establish a conceptual site plan with designation of development areas, allocation of uses and intensity of uses, bulk and area requirements and other conditions to allow for cohesive development of the area. The PUD concept plan would be followed by detailed site plans at each phase of development submitted to and approved by the TMAPC.

Given existing development trends in the area staff finds the uses and intensities of the development proposed to be in harmony with the spirit and intent of the Code. Staff finds that PUD-768: (1) may be found consistent with the District 8 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-768 subject to the following conditions and as amended by the TMAPC (items with strikethrough have been deleted, underlined items added in):

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

Lot 1, Block 1

Net Land Area:

1.81 acres (78,843 SF)

Permitted Uses:

Uses permitted by right within Use Unit 10 - Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.30 FAR): 23,653 SF

Minimum Building Setbacks:

From the 71 st St. ROW	25 FT
From collector street	25 FT
From west boundary	11 FT
From other boundaries	10 FT

Maximum Building Height: 40 FT

Off-street Parking: As required by the applicable use unit.

Minimum Landscaped Area: 10% of net lot area

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. Compliance with section 1303-C of the Code shall be verified by application of the Kennebunkport Formula or by submission of a photometric plan certifying compliance where applicable. No light standard shall exceed 30 feet in total height. Consideration must be given to topography.

Signs:

Signs shall be limited to:

(a) Wall or canopy signs not exceeding two square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.

(b) One monument sign not exceeding eight feet in height and 64 square feet of display surface area.

- (c) One project identification sign, which may include designation of tenants located within other lots, and shall be located along the 71st St. frontage and shall not exceed 25 feet in height and 250 square feet of display surface area. The project identification sign, may alternatively, be located within Lot 1, Block 2.

Lot 2, Block 1

Net Land Area: 1.60 acres (69,696 SF)

Permitted Uses:

Uses permitted by right within Use Unit 10 - Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14. -Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.78 FAR): 54,362 SF

Minimum Building Setbacks:

From collector street ROW	25 FT
From west boundary	11 FT
From north boundary	17.5 15 FT
From other boundaries	10 FT

Maximum Building Height:

80 FT, provided that, within 50 FT of the north boundary line, building height shall not exceed 35 FT.

Off-street Parking: As required by the applicable use unit.

Minimum Landscaped Area: 10% of net lot area.

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. Compliance with section 1303-C of the Code shall be verified by application of the Kennebunkport Formula or by submission of a photometric plan certifying compliance where applicable. No light standard shall exceed 30 feet, provided that within 50 ft. of the north

boundary line no light standard shall exceed 15 feet in total height. Consideration must be given to topography.

Signs:

Signs shall be limited to:

- (a) wall or canopy signs not exceeding two square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) one monument sign not exceeding 8 feet in height and 64 square feet of display surface area.
- (c) tenant identification may be included within the project identification sign as permitted at the perimeter entry from 71st Street.

Lot 1, Block 2

Net Land Area: .83 acres (36,154 SF)

Permitted Uses:

Uses permitted by right within: Use Unit 10 - Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 18 - Drive-In Restaurant; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.12 FAR) 4,338 SF

Minimum Building Setbacks:

From 71 st St.	ROW 25 FT
From collector street	25 FT
From east boundary	17.5 FT
From other boundaries	10 FT

Maximum Building Height: 40 FT

Off-street Parking: As required by the applicable use unit.

Minimum Landscaped Area: 10% of net lot area

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area. Compliance with section 1303-C of the Code shall be verified by application of the Kennebunkport Formula or by submission of a photometric plan certifying compliance where applicable. No light standard shall exceed 30 feet, provided that within 50 ft. of the east boundary line, no light standard shall exceed 15 feet in height. Consideration must be given to topography.

Signs:

Signs shall be limited to:

- (a) Wall or canopy signs not exceeding two square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One monument sign not exceeding 8 feet in height and 64 square feet of display surface area.
- (c) One project identification sign, which may include designation of tenants located within other lots, and shall be located along the 71st St. frontage and shall not exceed 25 feet in height and 250 square feet of display surface area. The project identification sign, may alternatively, be located within Lot 1, Block 1.

Reserve Area A (depicted on conceptual site plan, Exhibit A-1, as "C/A&D/E")

Net Land Area:

.46 acres/20,037 SF

Permitted Uses:

The area depicted on the Conceptual Site Plan as C/A & D/E will be platted as Reserve Area A and shall be limited to use for open space, recreation, landscaping, and storm water detention.

General Provisions

Landscaping and Screening

Landscaping shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code. For the purposes of determining the street yard as defined by the Landscape Chapter, the minimum setback from 71st Street shall be deemed to be 50 feet. In addition to the requirements of the Landscape Chapter, a minimum landscape perimeter of not less than 10 feet shall be maintained along the 71st Street frontage. The required perimeter landscaping shall include plant materials designed to achieve an attractive street view. A solid screening fence not less than 6 feet in height and a landscaped area of not less than 5 feet shall be maintained along the north boundary of Lot 2, Block 1.

Access and Pedestrian Circulation

Access is to be derived from 71st Street and the connecting interior public street which shall have 60 feet of right of way width and 30 feet of paving width.

Sidewalks will be provided, if not currently existing, along 71st Street and along both sides of the interior public street. Additional internal pedestrian circulation will be subject to detail site plan review at each phase of development.

Parcelization

After initial platting setting forth the allocation of floor area, division of lots may occur by approved lot split application and subject to the further approval of a minor amendment by the TMAPC reflecting such lot split and floor area re-allocation and confirmation of the existence of any necessary cross parking and mutual access easements.

Transfer of Allocated Floor Area

Allocated floor area may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area is to be allocated provided however the allocation shall not exceed 10 % of the initial allocation to the lot to which the transfer of floor area is to be made. Any such transfer shall be the subject of a minor amendment application.

Site Plan Review

Development may be phased. No building permit shall issue until a detailed site plan (including landscaping) of the proposed improvements has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the development concept and the development standards. No certificate of occupancy shall issue for a building until the landscaping of the applicable building

site has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by the Tulsa Metropolitan Area Planning Commission.

Platting Requirement

Development may be phased. No building permit shall be issued until the development phase for which a permit is sought has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Council of the City of Tulsa, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved corridor district conceptual site plan and the City of Tulsa shall be a beneficiary thereof.

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, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed by a specific date 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. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
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. All roadways shall have a minimum right-of-way of 60' and be a

minimum of 30' 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 public street. The maximum vertical grade of streets shall be ten percent.

9. All mechanical, electrical, HVAC and other equipment areas (not including those owned by public utilities), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by a person standing at ground level at the periphery of the property.
10. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Receptacle screening shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. Trucks or truck trailers may not 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.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. 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:

General: The fifth paragraph of section I, Development Concept, is unclear and should be rewritten.

Water: The extension of a water main line will be required.

Fire: No comments.

Stormwater: Use of Reserve Area 'A', "Stormwater Detention Easement", is limited by the Plat Covenants.

Wastewater: Sanitary Sewer access must be provided for all lots within the proposed development.

Transportation: L1 and L5 should be 39.59' in length. Cul-de-sac must have a minimum radius of 40'. Cul-de-sac cannot be removed until the street is extended at the later date. General Provisions and Development Standards Page 7 Section IV. B. Mention cul-de-sac at end of the interior street.

INCOG Transportation:

- MSHP: 71st St. S., between S. Elwood Ave and US-75, is designated primary arterial.

- LRTP: 71st St. S., between S. Elwood Ave and US-75, planned 6 lanes. Sidewalks should be constructed if non-existing or maintained if existing.
- TMP: No comments.
- Transit: Currently, Tulsa Transit operates services on this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development.

Traffic: Modification to the proposed center median island may be necessary to accomplish proper geometric alignment of the lane movements through the intersection. Public works, traffic operations needs to review the developer's proposed traffic signal modification plan to offer proper review of the street return.

GIS: No comments.

Street Addressing: The street name should be Maybelle instead of Riverview West.

County Engineer: No comment.

TMAPC COMMENTS:

Ms. Cantrell expressed concerns with the most intense use being located in the back and directly next to what the Comprehensive Plan states will be more residential development. She asked if it would be more conducive to move the more intense use. In response, Mr. Sansone stated that the applicant proposed the hotel be in the rear and not staff. He personally believes that general business office uses and drive-through restaurants are more intense than hotel uses. The development area of the lot would have more building coverage with the hotel and he doesn't necessarily believe that this is a bad placement. The property immediately north of the subject property is yet to be developed and while it is designated by the Comprehensive Plan in some aspect as being residential, it is also within the special district and would be subject to the same scrutiny as the subject property if there were an application for a PUD on it. There are worse uses to put up against residential than hotel uses. If the Planning Commission doesn't feel comfortable with the proposal then that can be discussed with the applicant. Staff can't necessarily say that one can't develop one property based on what may happen in the future on surrounding properties. Ms. Cantrell stated that it wasn't just the use, but that it is also 80 feet in height and may preclude someone from building residential.

Ms. Matthews stated that when the Turkey Mountain Special District Study was done, there was no sewer and water. Since that study has been done, there is now water available in the subject area. She believes that the low intensity residential was in there to protect the land that was there at the time, but once water tanks were put in, the area has opened up and this is a good time to re-look at the plan and what it calls for. In response, Ms. Cantrell stated that she is concerned that the Planning Commission is approving development without

examining what that plan should be and she doesn't want to eliminate any opportunity for residential.

Mr. Carnes stated that the proposal is close to I-75 and 71st Street and no one will be putting single-family residence at that commercial corner. If there is residential in the subject area it would be apartments, more than likely.

Mr. Sansone explained a photometric plan for lighting.

Mr. Boulden asked if the building heights refer to the existing ground levels and should the ground ever be raised in the future. Is it clear that all these heights, including light standards, are based on existing ground level as applied for? In response, Mr. Sansone stated that he believes the statement "...consideration must be given to topography" covers it. Staff is making its best effort to make sure that topography is taken into consideration. In response, Mr. Boulden stated that if all of these heights are going to be based on what we know the site is now, then there should be standard language that these are based on existing ground levels unless some earth changes are expected at the time of approval. In response to Mr. Boulden, Mr. Ard stated that historically this always been the assumption. Mr. Boulden stated that it has probably been the assumption. Mr. Ard stated that he understood from the language that the height of the building would be from whatever the grade is during site plan review/approval. Mr. Sansone stated that the issue that is being raised isn't necessarily the height from grade when the detail site plan comes in, because if the developer or the contractor working on the site decides to haul in a small village worth of dirt, then it will change the grade and staff and the Planning Commission wouldn't necessarily see that. Policy-wise, he would think that this will have to be addressed and a solution found that will give the Planning Commission some confidence that when the detail site plan comes in, the grade situation has been addressed. Mr. Sansone stated that he is not sure how to achieve this goal at this time, but suggested some language could be drawn up to achieve this goal.

Mr. Carnes stated that this would be opening a can of worms that the Planning Commission doesn't want to open. The Corps of Engineers has established that the finished floor is the height. The Planning Commission doesn't want to get into this and shouldn't try to be engineers.

Mr. Midget stated that he agrees with Mr. Carnes and he doesn't know what would be accomplished by regulating the grade level. The Planning Commission shouldn't want to get into this part of regulating development, because it is unknown at the front end. This would get really complicated and if he were a developer, he would be concerned that the Planning Commission would try to regulate the grade this early in the game.

Mr. Ard agreed with Mr. Midget's and Mr. Carnes's comments. Mr. Ard commented that this issue would be best handled internally by staff.

Mr. Sansone stated that he didn't mean to suggest that the Planning Commission try to regulate the grade.

Ms. Wright suggested that someone do a line-site analysis and cap the height of the building from the sign-simple-right-angle formula, and then consequently if they have to reduce the number of floors it would be within keeping. Perhaps the tendency to subvert existing rules by bringing in a small village full of dirt would be avoided.

Ms. Cantrell stated that since the Planning Commission is simply making a recommendation, then perhaps it should be made clear that in the recommendation to the City Council that this was based on the current topography. She believes that the City Council will be making the decision about how to address this issue of grade. The Planning Commission has no way of knowing at the front end of how this will be due to topography and the decisions are based on what is seen at the field that day.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, cited the existing development and physical facts of the subject property. The subject property and surrounding properties are all zoned AG and has never been identified for residential use. It was contemplated that it is a holding zone at this point and there is some residential to the north with some nice homes in the subject area. These homes are rural-type homes with septic systems. The nearest RS-3 boundary is 600 feet-plus from the north boundary of the subject property. There are good physical facts of separation from any existing residential. If this is approved in early phases, as it is now, subsequent development will be mindful of this (what is potentially there).

Mr. Johnsen stated that topographically there is significant drainage that provides a natural buffer for what development might occur to the north for residential. He indicated that the property immediately to the north of the subject property is not objecting to the proposal and is the seller of the subject property. There is no near neighborhood situation that is sometimes present. He stated that this proposal is consistent with the Comprehensive Plan and the office zoning was to recognize that AG zoning was no longer applicable to the back part of the subject property.

Mr. Johnsen stated that his client started he assumed that there would be on the north boundary of the subject property a 17.5-foot utility easement. In this instance, there has been some work with Public Works and he will be permitted to have an 11-foot easement on the subject property and 11-foot easement north of that. He would like to change the setback from 17.5 feet to 15 feet, in Lot 2, Block 1.

Mr. Johnsen stated that he believes that the Planning Commission does have a situation that may require some extensive study regarding grade. If the Planning Commission looked at how development has occurred over time, it is rare that there has ever been a site where the grade isn't changed. Single-family requires the pad to be built up for the house and there will always be grade changes in development. It would be difficult for anyone to set the heights or to say that the pad was built up one foot and now the 35-foot building height is out of compliance. This is a difficult matter to regulate and he is not sure how to do this.

TMAPC COMMENTS:

Mr. Ard asked Mr. Johnsen about the cul-de-sac that is on the conceptual plan and if he plans to put that cul-de-sac in. In response, Mr. Johnsen stated that it would be temporary and the City will require it for the ability to turn around. The cul-de-sac is on the seller's property. Mr. Ard asked Mr. Johnsen if the seller anticipates developing the adjacent property as commercial. In response, Mr. Johnsen stated that he would think that it would be logical.

Mr. Carnes moved to approve the OL/CS zoning for Z-7122 and Mr. McArtor seconded the motion.

Ms. Cantrell stated that she will be supporting this, but she knows that there is a lot of development coming into the subject area. She expressed concerns that the development is not proceeding in any certain plan and the current plan is so dated that it can't be used. She requested that City Council look at the area for an update for the plan.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-1-1** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Walker "aye"; Wright "nay"; Sparks "abstaining"; Smaligo "absent") to recommend **APPROVAL** of OL and CS zoning for Z-7122 per staff recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **8-1-1** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Walker "aye"; Wright "nay"; Sparks "abstaining"; Smaligo "absent") to recommend **APPROVAL** of PUD-768 per staff recommendation as amended by the applicant. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7122/PUD-768:

A TRACT OF LAND IN THE SE/4 OF SECTION 2, T18N-R12E, I.M., TULSA COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SE/4 OF SECTION 2, T18N-R12E; THENCE N1°14'59"W ALONG THE WEST LINE OF SAID SE/4 A DISTANCE OF 659.59 FEET; THENCE N89°09'00"E A DISTANCE OF 331.82 FEET; THENCE S1°15'40"E A DISTANCE OF 354.70 FEET; THENCE N89°09'17"E AND PARALLEL WITH THE SOUTH LINE OF SAID SE/4 A DISTANCE OF 195.70 FEET; THENCE S1°11'00"E A DISTANCE OF 304.92 FEET TO A POINT ON THE SOUTH LINE OF SAID SE/4; THENCE S89°09'17"W ALONG THE SOUTH LINE OF SAID SE/4 A DISTANCE OF 527.24 FEET TO THE SOUTHWEST CORNER OF SAID SE/4 AND THE POINT OF BEGINNING. **From AG (Agriculture District) To OL/CS (Office Low Intensity District/Commercial Shopping Center District/Planned Unit Development [PUD-768]).**

Ms. Cantrell stated that she would like to request that City Council consider the possibility of doing a study for the subject area to create a new plan.

Mr. Ard asked staff what would be the proper protocol for this request. In response, Mr. Alberty stated that the subject area is part of the updated Comprehensive Plan and there will be a new plan when the update is completed. He asked if the Planning Commission wants something expedited. Typically the request would come from Council, who would ask the Planning Commission to do the study. Mr. Alberty stated that he is not sure what the Planning Commission is asking for.

After discussion the Planning Commission determined that this issue should be addressed during a training session and possibly become a work program for 2009.

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OTHER BUSINESS:

22. Refund Request for Plat Waiver – David Qualls

Applicant is requesting a refund of fees.

STAFF RECOMMENDATION:

Ms. Matthews stated that she believes that staff is recommending a refund of \$250.00.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Smaligo "absent") to **APPROVE** the refund request for plat waiver of \$250.00, per staff recommendation.

* * * * *

23. Refund Request for AC-084 – Tanner Consulting, LLC

Applicant is requesting a refund of fees.

STAFF RECOMMENDATION:

Mr. Alberty stated that staff is recommending a denial of this request. He explained that the work had been done on this application before it was withdrawn.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Smaligo "absent") to **DENY** the refund request for AC-084 per staff recommendation.

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Commissioners' Comments

Ms. Cantrell stated that she doesn't personally understand enough information about the 81st and Mingo issue and there was a lot said about the TMAPC and it has been very critical. She would like to have a worksession on this issue to try to understand what did happen so everyone is on the same page. Ms. Cantrell requested this be set for the January worksession.

Mr. Sansone stated that he doesn't believe that anyone currently on the TMAPC, except for Mr. Midget, was serving during the approval of the PUD for 81st and Mingo.

Ms. Wright stated that her comments are concerning page 20.7 on Nickel Creek regarding Mike Case and his good standing in the community. She is concerned, given the fact that Tulsa has now been blighted by several upstanding citizens

who have not had such great financial dealings, that we might refrain from such publication.

Mr. Alberty stated that this was submitted by the applicant and not submitted by the staff. Applicant's submits language to support their request and staff is certainly not going to edit it.

Ms. Wright stated that she understands Mr. Alberty's comments, but there is nothing to fact-check the submittal and so it is basically their representation of themselves. There is nothing to substantiate it from a third, non-biased neutral party. She wondered if it is a good idea for this to be in the packets. She suggested that perhaps there could be a disclosure statement because there was nothing stating that this was submitted by the applicant recommending themselves versus something that can be verified and it appears that the Planning Commission should base this off of their financial statements without anything to verify it.

Mr. Alberty stated that it probably should have been signed by someone, but he can represent to the Planning Commission that this was submitted by the applicant. He further stated that he doesn't believe staff wants to get into editing what the applicant submits. This is left up to the individual to determine if this would influence them one way or another.

Ms. Wright asked if the Planning Commission could possibly have a statement releasing TMAPC and that this was submitted by the applicant and TMAPC had no knowledge of this. Ms. Wright asked Mr. Boulden if there is any reason for concern here.

In response, Mr. Boulden stated that he is not concerned by any type of liability or public perception.

* * * * *

There being no further business, the Chair declared the meeting adjourned at 2:49 p.m.

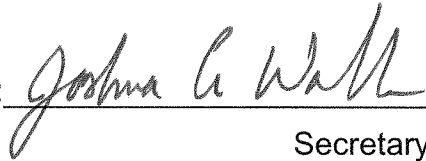
Date Approved:

1-21-09

A handwritten signature in cursive script, appearing to read "Michelle Carter", written over a horizontal line.

Chairman

ATTEST:

A handwritten signature in cursive script, appearing to read "Joshua A. Wall", written over a horizontal line.

Secretary