

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2553

Wednesday, July 1, 2009, 1:30 p.m.

City Council Chambers

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

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Leighty	Alberty	Boulden, Legal
Carnes	Midget	Feddis	Steele, Sr. Eng.
Dix	Shivel	Fernandez	
Keith	Wright	Huntsinger	
Marshall		Matthews	
McArtor		Sansone	
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 25, 2009 at 12:46 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, 2nd Vice Chair Marshall called the meeting to order at 1:39 p.m.

REPORTS:

Ms. Cantrell in at 1:41 p.m.

Director's Report:

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

CONSENT AGENDA

2. **LC-179** – DeShazo Tang & Associates (0432)/Lot-Combination (PD 16) (CD 6)
Northeast corner of North Garnett Road and Independence Street

3. **Metropolitan Baptist Church –** (0222) Final Plat (PD 11) (CD 11)
South of West Apache and west of North Osage Expressway

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 12.9 acres.

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

4. **PUD-223 – Zachary Carpenter** (PD-11) (CD-1)
East of the northeast corner of West Edison Street and North Guthrie Avenue (Detail Site Plan for construction of a single-family dwelling.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for construction of a single-family dwelling on the 1.79 acre tract which comprises the entirety of Development Area B of PUD-223. The proposed use is a permitted use in PUD-223.

The submitted site plan meets all applicable lot area, building height and setback limitations. Access to the site is provided from West Fairview Street and limited vehicular access from Osage Avenue. Parking has been provided per the applicable Use Unit of the Zoning Code.

Future subdivision of Development Area B will require a minor amendment and re-platting of the property as required by PUD-223.

Staff recommends **APPROVAL** of the detail site plan for the 1.79-acre parcel located east of the northeast corner of West Edison Street and North Guthrie Avenue and described as Development Area B of PUD-223, part of Lots 1 and 2, Block 4 – South Osage Hills Addition.

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

5. **Z-7133** – (9306) Plat Waiver

(PD 4) (CD 4)

East of South Wheeling and north of East 11th Street

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning from OL/IM to CH.

Staff provides the following information from TAC at their June 18, 2009 meeting:

ZONING:

TMAPC Staff: The property has previously been platted. A lot combination will be required.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

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

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		
10. Is this a Major Amendment to a P.U.D.?		X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		
11. Are mutual access easements needed to assure adequate access to the site?		X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Keith, Marshall, McArtor, Walker "aye"; no "nays"; none "abstaining"; Leighty, Midget, Shivel, Wright "absent") to **APPROVE** the consent agenda Items 2 through 5 per staff recommendation.

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Minutes:

Approval of the minutes of June 17, 2009 Meeting No. 2551

On **MOTION** of **CARNES**, the TMAPC voted 6-0-1 (Cantrell, Carnes, Dix, Keith, Marshall, Walker "aye"; no "nays"; McArtor "abstaining"; Leighty, Midget, Shivel, Wright "absent") to **APPROVE** the minutes of the meeting of June 17, 2009, Meeting No. 2551.

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Ms. Cantrell read the opening statement and rules of conduct for the TMAPC meeting.

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PUBLIC HEARING

- 6. **CZ-401 – Doyle E. Lee, Jr.** **RE to OL**
 Southwest corner of West 40th Street and 129th West Avenue (County)

STAFF RECOMMENDATION:

ZONING RESOLUTION NUMBER: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

RELEVANT ZONING HISTORY:

CZ-312 October 2002: All concurred in approval of a request by the same applicant for rezoning a .96± acre tract of land from RE to CS for mini storage on property located north of northwest corner of West 41st Street and South 129th West Avenue.

CBOA-1750 July 2000: The County Board of Adjustment approved a request for a special exception to allow Use Unit 16, mini storage facility, on property abutting the subject tract on the south and located on the northwest corner of West 41st Street and South 129th West Avenue.

CZ-255 September 1999: All concurred in approval of a request to rezone a 2.5-acre tract located west of the northwest corner of West 41st Street and South 137th West Avenue from AG to CS to allow the existing single-family home on the south end of the tract and permit a mini storage facility on the northern portion.

CZ-249 February 1999: A request to rezone a 1.7-acre tract located on the northwest corner of West 41st Street and South 129th West Avenue from RE to CS for commercial use was approved. The tract is abutted on the north by the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.6± acres in size and is located southwest corner of West 40th Street and South 129th West Avenue. The property appears to be in residential use and is zoned RE.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 40 th Street	N/A	N/A	2
South 129 th West Avenue	Secondary arterial	100'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant and wooded land, zoned AG; on the north by large-lot single-family residential uses, zoned RE; on the south by a mini storage facility, zoned CS; and on the west by large-lot single-family residential uses, zoned RE.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This property does not lie within any of the adopted District Plans. It does not fit the Metropolitan Area Development Guidelines' definition of a medium intensity node. Referral has been made to the City of Sand Springs. If approved, this rezoned area will lie adjacent to two residentially-zoned areas and one agriculturally zoned area.

STAFF RECOMMENDATION:

This applicant requested and received CS zoning in 2002 on property due south of the subject site for construction of a mini storage facility, which was later built. At that time, concern was expressed by residents of the single-family residential subdivision to the northeast regarding possible expansion of this property. The requested rezoning to OL for mini storage, which will require a Board of Adjustment approval if approved by the Board of County Commissioners for OL, appears to be a stripping out of South 129th West Avenue for mini storage use in this area.

Based on existing uses, zoning and the Metropolitan Area Development Guidelines, staff cannot support the requested OL zoning and therefore recommends **DENIAL** of OL zoning for CZ-401.

TMAPC COMMENTS:

Mr. Marshall ask if this application had come up once before. In response, Mr. Alberty stated that the most recent application on the subject property was inadvertently left off of the case report. In August of 2008, the applicant requested CS zoning for the subject property.

Ms. Cantrell asked if the subject property is specifically included in the Sand Springs Comprehensive Plan. In response, Ms. Matthews stated that they do include the subject area within the Comprehensive Plan. Ms. Matthews further stated that she did speak with the Sand Springs Planning Director and their comment was that their Comprehensive Plan is so outdated that she didn't feel comfortable with giving a recommendation based on the plan.

In response to Ms. Cantrell, Ms. Matthews stated that she would guess that the portion that is not included in the commercial node is the portion at the corner that doesn't fit within the Metropolitan Development Guidelines for the entire metropolitan area for the City of Tulsa.

Mr. McArtor asked staff what a medium intensity node consists of. In response, Ms. Matthews stated that it would be a node that is at the corner of two arterials, either primary or secondary and the acreage that is allocated at each of the four corners would depend on whether they are primary or secondary. She explained that 129th is an arterial, but West 40th Street is not and it doesn't meet the definition. The medium intensity would encompass most commercial multifamily/office type uses. Mr. McArtor asked if the property to the south meets the medium intensity node. In response, Ms. Matthews stated that it would meet the criteria for a medium intensity node.

Commissioner Keith asked if staff visited the subject property prior to the meeting today. In response, Ms. Matthews answered affirmatively.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th Street, Suite 501, 74103, representing Doyle E. Lee, Jr. et al, stated that his client is requesting OL zoning for the subject property. Mr. Johnsen cited the history of the ownership for the subject property. He explained how the north portion of the Lee family property was sold, which is the subject property, in 1980 and the Lee family retained the southern portion, which is the existing mini storage and residential home for Mr. Lee. Recently the Lee family repurchased the subject property, which is five acres. If the Planning Commission considers the tract as a whole (both north and south tracts), it is located at the intersection of 41st (primary arterial) and 129th (secondary arterial). The Development Guidelines, which were adopted in the 1970's, was a guide to

establish the various district plans. It was within this document that the concept of medium intensity node was set forth. The standard node is five acres (467' x 467') with usually a multifamily buffer. He explained that 41st is a primary and 129th is a secondary and the node is ten acres (660' x 660') with a buffer of multifamily or some other classification around it. He believes that when one looks at the property as a whole it does meet the Development Guidelines. The subject property is less than ten acres and is located, if one looks at it as a whole, at the corner of two arterial streets. He believes that this might have influenced the Sand Springs Planner. Historically the Planning Commission has followed the guidance of representatives, including the Planning Commission or staff, from the other communities when it is within their fenceline.

Mr. Johnsen cited the zoning history of the subject property and the southern tract adjacent to the subject property, which Mr. Lee owns. The Lee family has done a very good job of developing the southern portion and maintaining it properly. Joe Lee lives on the existing mini storage property. In August 2008 there was an application for the subject property requesting CS zoning, which was denied by the Planning Commission. Mr. Johnsen explained that he advised his client to reapply for OL zoning because it has always been considered to be an appropriate transition from commercial to residential. This would also require that his applicant go before the County Board of Adjustment and seek a special exception for the mini storage use. His client would have to present a site plan and the County Board of Adjustment has the authority to impose some conditions (setbacks, heights, screening fences, lights, etc.). The earlier application for CS on the subject property raised concerns with the Planning Commission because there were no controls for straight zoning. With the OL zoning and the need for a special exception from the County Board of Adjustment, it makes this request a different situation.

Mr. Johnsen stated that he encouraged his client to discuss this proposal with his neighbors and explain to them what his intentions would be. Mr. Lee did contact his neighbors and collected 26 letters of support (Exhibit A-2). Mr. Johnsen read the letter and stated that there will be no access to 40th Street and no additional access to 129th, but will use the existing access point to the mini storage facility for the entirety of the property after development. Mr. Johnsen pointed out the location of the neighbors who were in favor, opposed and undecided in relationship with the subject property.

Mr. Johnsen submitted photographs of the surrounding properties (Exhibit A-3) and indicated that there seems to be a trucking operation being run from one of the residential homes to the north of the subject property. Mr. Johnsen submitted photographs of the existing mini storage (Exhibit A-3) and demonstrated the lighting on the mini storage buildings and the home that Mr. Lee lives in on the southern tract. He indicated that in the expansion area there would be no outdoor storage.

TMAPC COMMENTS:

Mr. Dix asked Mr. Johnsen if he stated that there would be no access onto 40th Street and no outside storage in the subject area. In response, Mr. Johnsen answered affirmatively. Mr. Dix asked if there would be any access changes to any of the streets. In response, Mr. Johnsen answered negatively.

In response to Commissioner Keith, Mr. Johnsen indicated that the landscaping would be on the northern boundary and the back of the buildings will serve as a screening fence adjacent to the residential property and no doors will be visible from the west. There will be a small amount of landscaping along 129th.

Ms. Cantrell stated that she would like to make sure that the Planning Commissioners understand that OL is the only use being considered today. Another Board will determine if mini storage use is appropriate. In response, Mr. Johnsen agreed with Ms. Cantrell's statement, but reminded her that the Planning Commission usually wants to know the intended use and his client wanted to be up front about the proposed use.

Mr. McArtor read letter of opposition (Exhibit A-1) from Mr. and Mrs. Miser. He asked Mr. Johnsen if the Misers had seen the proposed landscaping. In response, Mr. Johnsen stated that he believes that they did see the plans. Mr. McArtor asked Mr. Johnsen if he thought the proposed landscaping satisfies the Misers' concerns. In response, Mr. Johnsen stated that he doesn't know.

Mr. Boulden asked if the petitions or letters of support are from owners or renters. In response, Mr. Lee stated that they are property owners. Mr. Boulden asked Mr. Johnsen if he verified whether or not the residential property that appears to be running a business from their home has been approved for that activity. In response, Mr. Johnsen stated that he didn't see any zoning that would allow it, but he didn't check to see if they had been granted a special exception.

Mr. Marshall asked what type of fence would be erected. In response, Mr. Johnsen stated that he doesn't know and the Board of Adjustment would determine what type of fence.

Mr. Johnsen indicated what trees would probably remain on the subject property. He reminded the Planning Commission that the plans before them are conceptual.

Interested Parties Comments:

Sue Poplin, 12916 West 40th Street, Sand Springs, 74063, stated that the existing mini storage is well-maintained and she is in support of the subject proposal.

Stella L. Bowen, 12916 West 40th Street, Sand Springs, 74063, stated that she has nothing to add except that she is in support of the proposal.

Cordie Burris, 12921 West 40th Street, Sand Springs, 74063, submitted letters of opposition (Exhibit A-1) and stated that she can see the subject property from her fence line. She explained that the property that Mr. Johnsen referred to as being a trucking business is not fair. She explained that the homeowners are in trucking, but their trucks are not there all of the time. They are usually only there on the weekends or a long weekend.

Ms. Burris stated that where the dense trees are located is where water has always been there.

Ms. Burris expressed concerns with what uses would be allowed with the OL zoning and the use changing in the future if someone else purchased the property.

Ms. Burris stated that the first application on the subject property for CS zoning was in August of 2008 and at that time the Planning Commission didn't recommend any changes. Most everyone in the subject area has two to five acres of land and has invested in their homes. She believes that the proposal will adversely affect her property. She explained that 40th Street and 129th are both dead-end streets and narrow roads.

Ms. Burris submitted photographs of the existing mini storage and surrounding properties (Exhibit A-3). In August of 2008 the owner was informed by the Planning Commission that he was out of compliance with razor wire and chain link fencing. Today the razor wire and chain link fencing are still in place. She expressed concerns that with the expansion he would continue the same practice and not be in compliance. Ms. Burris requested that the subject property remain zoned residential.

TMAPC COMMENTS:

Ms. Cantrell stated that she wanted to make clear that the Planning Commission will only be deciding today whether the subject property should be OL or not. It will not be up to the Planning Commission to say whether it is appropriate for mini storage use. Ms. Cantrell explained that OL zoning doesn't allow bars or adult entertainment.

Interested Parties Comments:

J.C. Kender, President of the Sand Springs Chamber of Commerce, stated that he is familiar with the subject area and adding onto the existing business is a good thing, especially in today's environment. He has never seen a mini storage kept as well as the subject mini storage. Mr. Kender agreed that the access should remain as it currently exists. He concluded that from a Chamber of Commerce standpoint, he would support the expansion of the business.

TMAPC COMMENTS:

Ms. Cantrell asked if outdoor storage would be allowed in the OL portion. In response, Mr. Johnsen stated that outdoor storage is permitted in the CS portion, but it would not be allowed in the OL portion.

Applicant's Rebuttal:

Mr. Johnsen stated that he felt that Ms. Burris did an excellent job and was very fair with her remarks. Mr. Johnsen stated that he has no other comments.

TMAPC COMMENTS:

Ms. Cantrell asked staff if the Sand Springs Planner supported or opposed the application in August 2008 for CS zoning on the proposed property. In response, Ms. Burris stated that the Sand Springs Planner didn't support the CS zoning in August 2008.

Mr. Carnes reiterated that the application before the Planning Commission today is for OL zoning only. When there is a node with CS and then OL, he doesn't see how the Planning Commission can deny it. Mr. Carnes moved to recommend approval of the OL zoning for CZ-401.

Ms. Cantrell stated that it is important that the Planning Commission is not looking at this to determine if the subject property is appropriate for mini storage, but to only determine whether the OL zoning is appropriate. She believes it is appropriate because OL is a good buffer between CS and a neighborhood. This is a good transition, even if it isn't used as a mini storage, it would be a good transition from the mini storage. She can't think of any reason why OL would not be appropriate. Ms. Cantrell concluded that she is not necessarily saying that mini storage belongs there.

Mr. McArtor stated that he agrees with Ms. Cantrell and he is encouraged by the letter from Sand Springs, and possibly the reason they are in favor this time is because it is for OL and not CS.

TMAPC Action; 7 members present:

On **MOTION of CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Keith, Marshall, McArtor, Walker "aye"; no "nays"; none "abstaining"; Leighty, Midget, Shivel, Wright "absent") to recommend **APPROVAL** of the OL zoning for CZ-401.

Legal Description for CZ-401:

N 213' E/2 SE/4 SE/4 Section 21, T-19-N, R-11-E, Tulsa County, State of Oklahoma.

* * * * *

7. **PUD-386-B – Sanctuary**

(PD-18c) (CD-8)

North of northeast corner South Memorial Avenue and East 91st Street South (Major Amendment to add Place of Worship only, from Use Unit 5 – Community Services and Similar Uses to Development Area B within the existing structure.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 18601 dated December 19, 1995, established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-20248-A October 28, 2008: The Board of Adjustment approved an amendment to a previously approved site plan for a private school in an AG district; and a Variance of the parking requirement for a school specifically per plan submitted today, dated September 4, 2008, with all parking and driving surfaces to be concrete or asphalt, on property located at 8621 South Memorial Drive and abutting north of subject property.

PUD-360-E October 2008: All concurred in approval of a proposed Major Amendment to PUD-360 on a 20± acre tract of land to add a dog grooming and boarding facility (Use Unit 15) on property located on the northwest corner of East 91st Street and South Sheridan Road.

BOA-20248 April 25, 2006: The Board of Adjustment approved a Special Exception to allow a private school and church use in an AG district, per plan submitted this day, on property located at 8621 South Memorial Drive and abutting north of subject property.

PUD-360-C April 2005: All concurred in approval of a proposed Major Amendment to PUD-360 to allow a woman's health facility on property located northwest of the northwest corner of East 91st Street and South Sheridan.

PUD-704/Z-5620-SP-12 May 2004: All concurred in approval of a proposed Planned Unit Development on a 12.08± acre tract of land for an automobile dealership on property and with modifications located south of the southeast corner of East 91st Street and South Memorial Drive.

PUD-360-B February 2003: All concurred in approval of a request for a major amendment to permit an hourly daycare center on property located northwest of the northwest corner of East 91st Street and South Sheridan Road.

PUD-405-H June 2000: All concurred in approval of a request for a major amendment to PUD-405 to add 16,000 square feet of allowable floor area to the existing automobile dealership on Lot 5 to expand the business on the adjoining

Lot 6. The property is located on the northeast corner of East 92nd Street and South 78th East Avenue.

BOA-18242 November 10, 1998: The Board of Adjustment approved a Special Exception to amend a previously approved site plan, per plan submitted, on property located at 8835 South Memorial and the subject property.

BOA-18077 June 9, 1998: The Board of Adjustment approved a Special Exception to permit a TV transmission tower of a three legged, lattice designed in an RM-1/PUD zoned district per plan submitted today, on property located at 8835 South Memorial and the subject property.

Z-6516 January 1996: All concurred in approval of a request for rezoning a 4.17+ acre tract of land from CS to OL for mini storage on property located north of northwest corner of East 91st Street South and South Memorial Drive.

Z-6508/PUD-386-A November 1995: A request to rezone a 13.9 acre tract from RM-1/AG/PUD-386 to CS/PUD-386-A for commercial uses, located north of the northeast corner of East 91st Street and South Memorial and the subject property. All concurred in approval of a request to rezone the south 130' of the west 410' to CS and denial of the balance and approval of PUD-386-A with modifications made by staff.

Z-6475/PUD-529 January 1995: A request to rezone a 4+ acre tract from AG to CS and a proposed Planned Unit Development was made for a mini storage facility. Staff recommended denial of CS zoning and approval of OL with accompanied PUD. TMAPC and City Council concurred in approval of CS zoning and the PUD on property located north of northwest corner of East 91st Street South and South Memorial Drive.

PUD-360-A September 1989: A request for a major amendment to PUD-360 was approved to establish stricter setbacks and landscape requirements within the development standards to be more compatible with the surrounding residential development. This major amendment also reallocated floor area within the PUD. Approval was granted for the amendment on property located on the northwest corner of East 91st Street and South Sheridan Road.

PUD-448 May 1989: All concurred in approval of a proposed Planned Unit Development on a 32.6+ acre tract for mixed use development on property located on northeast corner of East 91st Street South and South Memorial Drive

PUD-360 August 1984: All concurred in a proposed Planned Unit Development on a 20-acre tract, zoned CS/RM-0 for a mixed-use development on property located on the northwest corner of East 91st Street and South Sheridan Road.

PUD-298 January 1983: All concurred in approval of a proposed Planned Unit Development on a 120± acre tract of land for a mixed residential development on property located between East 81st Street and East 91st Street off of South Memorial Drive.

PUD-215 August 1982: All concurred in approval of a request for rezoning a 357.79± acre tract of land for residential and commercial development, subject to conditions on property located between 81st and 91st Streets, west of Memorial Drive.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 7.482± acres in size and is located north of northeast corner South Memorial Avenue and East 91st Street South. The property is partially developed and is zoned RM-1/CS/PUD.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Memorial Drive	Primary Arterial	120'	4

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

SURROUNDING AREA: The subject tract is abutted on the east by unplatted land, zoned AG as well as Shadow Ridge, zoned RS-3/PUD; on the north by Higher Dimensions, zoned AG; on the south by Square 91, zoned CS/RM-1/PUD; and on the west by Memorial Drive and then Memorial Eagle Ridge Mini storage, zoned OL/PUD as well as, Chimney Hills Estates Block 18 – 31, zoned RS-3/PUD.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18c Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being low-intensity, no specific land use. According to the Zoning Matrix, the existing zoning **has been found** in accord with the Plan. There are no zoning changes proposed with this application.

STAFF RECOMMENDATION:

PUD-386 is a 13.9 acre site located north of the northeast corner of 91st Street South and South Memorial Drive. The specific parcel under application is the 7.3 acre parcel located in the center of PUD-386-A, identified as Development Area B on the attached development area map (See Exhibit A).

The subject tract is bordered on the west by a reserve area for PUD-386, and then an undeveloped reserve area for the residential PUD-298 (Shadow Ridge). It is also bordered on the east by an undeveloped portion of the Cavalry Bible

Church property, zoned AG. The tract is bordered on the north by AG zoned property (Higher Dimensions) and on the South by CS and RM zoned property (Square Ninety-One). The west boundary of the tract is bordered by the commercial development area for PUD-386 which sits along Memorial Drive. Much of the eastern portion of PUD-386-A, identified as Development Area C, is located in a regulatory floodplain and is reserved strictly for open space, recreation and storm-water management and may not be developed.

PUD-386 was approved in January of 1985 as a single-development area PUD permitting 190,000 square feet of office use. In October of 1995, the TMAPC and Tulsa City Council approved major amendment PUD-386-A which permitted commercial uses along Memorial Drive, and split the PUD into the three development areas that exist today.

Major amendment PUD-386-B is a “use amendment” and proposes to add Place of Worship only, from Use Unit 5 – Community Services and Similar Uses to Development Area B within the existing structure. The amendment would allow a church to temporarily locate there while they look for property to construct their own facilities. The major amendment to add the use is required by section 1107, H-15 of the Zoning Code.

There is no construction proposed at this time nor is there a request to modify any of the existing development standards from PUD-386-A. There will be some slight modifications to the parking lot to accommodate an increase in parking required by adding the additional use which will require detail site and landscape plan updates. Any other work at this time will be on the interior of the building.

Staff has reviewed the proposal and can support this application. Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-386-B to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code. Therefore, staff recommends **APPROVAL** of PUD-386-B subject to the following conditions:

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

Land Area (net): 13.942 acres

* The Development Standards herein set forth are intended to implement the additional use permitted by this amendment in Development Area B only and to

reflect that all development standards as set forth by PUD-386 and PUD-386-A remain applicable.

DEVELOPMENT AREA A

(The eastern boundary for this development area is 505' from the west line of Section 13, T-18, R-13-E as approved by the TMAPC on 10/25/95)

Land Area (net): 3.212 acres

Permitted Uses:

Use Units 11, 12, 13 and 14 and customary accessory uses.

Maximum Building Floor Area:

Use Unit 12 Uses: 8,000 SF
All other uses: 31,000 SF

Maximum Building Height: 30 FT

Minimum Building Setbacks:

From the Memorial Drive ROW: 70 FT
From the north boundary of development area: 0 FT
From the east boundary of development area: 20 FT
From the south boundary: 20 FT

Minimum Landscaped Open Space: 10% of net lot area

** Parking for uses in Development Area A shall not be provided for in Development Area B*

DEVELOPMENT AREA B

Land Area (net): 7.482 acres

Permitted Uses:

Place of Worship only within Use Unit 5, Use Unit 11* and customary accessory uses.

Maximum Building Floor Area:

Existing: 20,000 SF
New Construction: 50,000 SF

Maximum Building Height: 4 Stories

Minimum Building Setbacks:

From the west line of section 13:	525 FT
From the north boundary of the PUD:	115 FT
From the south boundary:	50 FT
From the Development Area C boundary:	0 FT

Minimum Landscaped Open Space

Excluding drainage way:	12% of lot
Including drainage way:	30% of development area

** Parking for uses in Development Area A shall not be provided for in Development Area B*

DEVELOPMENT AREA C

Land Area (net): 3.248 acres

Permitted Uses: Open space, recreation and stormwater management

3. Signs:

Signs accessory to the principal uses within the development shall be permitted, but shall comply with the restrictions of the planned unit development ordinance and the following additional restrictions:

Ground Signs

Ground signs shall be limited to three signs along S. Memorial Drive, two of which may be pole signs not exceeding 25' in height nor exceeding a display surface area of 125 SF.

The Third sign shall be limited to a monument sign not exceeding 8' in height or 96 SF in display area for the uses of the office development in Development Area B.

Wall or Canopy signs

The aggregate display surface area of wall or canopy signs shall be limited to 1 SF per lineal foot of building wall to which the sign or signs are affixed. A wall or canopy sign shall not exceed the height of the building.

Development Area B signs

Ground and wall signs within Development Area B are not permitted.

4. No zoning clearance permit shall be issued for a lot within the PUD 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 each development area 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.
6. 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.\
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. All parking lot lighting shall be directed down and away from adjacent residential areas. Lighting standards shall not exceed a maximum height of 25-feet.
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 a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
10. No building permit shall be issued until the requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

TAC Comments:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: No comments.

Wastewater: Sanitary sewer is available. Do **not** allow signs to encroach into the utility easement.

Transportation: No comments.

GIS: No comments.

Street Addressing: No comments.

TMAPC COMMENTS:

Ms. Cantrell questioned the cross-parking notes in the staff recommendation. In response, Mr. Sansone stated that there are no cross-parking arrangements that were deemed necessary at the approval of the PUD-386 A. Ms. Cantrell stated that she would think that of all of the places to allow some sharing between A and B, it would be appropriate here since it is a church. Usually shared parking is allowed in PUDs. Mr. Sansone stated that he would have to go back and read the original approval of the major amendment, which allowed the commercial uses. In Development Area B there is currently enough parking available for the additional use.

In response to Mr. Marshall, Mr. Steele stated that there is no change in the detention for the development. Mr. Marshall stated that the pond looks bad and it is not clear. Mr. Steele stated that the City's concern is for flood control and storm flood water. If the pond becomes a nuisance or health hazard, then City Inspections can look into that concern.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Keith, Marshall, McArtor, Walker "aye"; no "nays"; none "abstaining"; Leighty, Midget, Shivel, Wright "absent") to recommend **APPROVAL** of the major amendment for PUD-386-B per staff recommendation.

Legal Description for PUD-386-B:

Lot 1, Block 1, Carman Ministries Inc. Headquarters, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

OTHER BUSINESS:

Commissioner Comments:

Ms. Cantrell apologized for running late today.

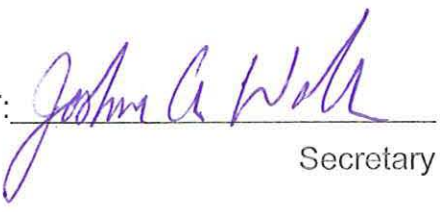
Mr. Dix announced that today is his 42nd Wedding Anniversary.

* * * * *

There being no further business, the Chair declared the meeting adjourned at 2:38 p.m.

Date Approved: 7-15-09


Chairman

ATTEST: 
Secretary