

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2356

Wednesday, September 17, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Ledford	Dunlap	Romig, Legal
Carnes		Fernandez	
Collins		Huntsinger	
Coutant		Matthews	
Harmon		Stump	
Hill			
Horner			
Jackson			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, September 17, 2003 at 9:40 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Jackson called the meeting to order at 1:35 p.m.

Minutes:

Approval of the minutes of August 20, 2003, Meeting No. 2353

On **MOTION** of **HARMON** the TMAPC voted 8-0-1 (Bayles, Carnes, Collins, Coutant, Harmon, Horner, Jackson, Westervelt "aye"; no "nays"; Hill "abstain"; Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of August 20, 2003, Meeting No. 2353.

REPORTS:

Chairman's Report:

Mr. Jackson reported that there are several housekeeping issues. Item No. 3, L-19579 requires a Board of Adjustment action and should be continued to October 22, 2003.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **CONTINUE** L-19579 to October 22, 2003 at 1:30 p.m.

Mr. Jackson reported that Items 16 and 17 (CZ-328 and CZ-329) should be continued in order to obtain more information from the Oklahoma Department of Transportation.

Application No.: CZ-328

AG to CS

Applicant: David C. Charney

(PD-15) (County)

Location: Northeast corner of East 106th Street and Highway 75 North

Related Item:

Application No.: CZ-329

AG to CS

Applicant: Don A West

(PD-15) (County)

Location: Northeast corner of East 96th Street and Highway 75 North

INTERESTED PARTIES:

Sandra Farney, 9611 North Yale, Sperry, Oklahoma 74073, she expressed concerns regarding another continuance. She explained that the items have been continued previously and would like to have it heard today. She commented that it would not be appropriate to continue these zoning cases again and requested that they be heard today.

TMAPC COMMENTS:

Mr. Westervelt explained to Ms. Farney that the Planning Commission cannot make a decision if they do not have the data necessary to review the proposal. He recommended that if there is a problem attending on the continued date that the interested parties should write their concerns in a letter or memo and address it to the Planning Commission. He assured the interested parties that their written concerns are part of the record and have as much impact as attending in person.

Ms. Farney asked who was obtaining the information from the Oklahoma Department of Transportation. In response, Mr. Westervelt stated that staff has

requested the information, but have not received the data at this date. Ms. Farney asked if the staff is the one requesting the continuance. In response, Mr. Westervelt stated that the Planning Commission does not have enough information to proceed.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **CONTINUE** CZ-328 and CZ-329 to November 19, 2003 at 1:30 p.m.

Director's Report:

Mr. Stump reported that the zoning text amendments concerning allowing carports by special exception going to the City Council for first reading tomorrow night. There are several other items on the agenda as well. Mr. Stump indicated that he would be attending the City Council meeting.

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19579 – City of Tulsa (9429)

(PD 17) (CD 6)

Southwest corner of East 41st Street and 129th East Avenue

STAFF RECOMMENDATION:

The applicant has applied to split a 260' x 350' parcel off a 57+ acre tract. Both tracts meet all the Subdivision Regulations requirements; however, the required right-of-way has not been given. The Major Street and Highway Plan (MSHP) reflects both East 41st Street and 129th East Avenue as secondary arterials. The applicant is asking for a waiver of the Subdivision Regulations requiring that the right-of-way be dedicated to the City of Tulsa.

The Technical Advisory Committee (TAC) specifically requested that right-of-way be dedicated along East 41st Street, and recommended denial of the waiver. The TMAPC legal council stated that the property is unplatted and that the right-of-way would be dedicated at the time of development. Also, given the large area the subject property covers, he considers this lot-split to qualify for reduced dedication of right-of-way considering Section 6.5.1.(c)(3) of the Subdivision

Regulations. Where land to be split contains, within its boundaries, areas designated for street right-of-way on the Tulsa City-County Major Street and Highway Plan, the split shall not be approved where street rights-of-way fail to conform to said plan except, upon a finding that: development made possible by the split itself will not measurably increase the burden of traffic on an adjacent street to such an extent that it would adversely affect the health, safety, and welfare of the public.

Therefore, staff recommends **APPROVAL** of the lot-split if the TMAPC finds the lot-split falls within the conditions suggested by TMAPC legal council.

TMAPC COMMENTS:

Mr. Stump stated that Legal stated that they cannot see an appropriate connection between the proposed development and the amount of right-of-way required to be dedicated.

Mr. Romig stated that the requirements come from a US Supreme Court case and there are two conditions that have to be met for any type of exaction of this type of right-of-way: 1) there has to be a legitimate public purpose (in this case it would be public safety), and 2) there has to be some sort of relationship between the exaction of the required right-of-way and the impact of the project. In this particular case the project would be a fire station. Would the impact be of such that it would make the dedication of right-of-way across Tract 2, which is unplatted, reasonable. If the exaction was required, then it would constitute a "taking" and subject the City to some liability.

Mr. Stump stated that staff's recommendation is to go with Legal's advice and approve the waiver of dedication.

Applicant's Comments:

Ray Mildrum, Public Works Development, 111 South Greenwood, stated that he is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON** TMAPC voted 7-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split per staff recommendation.

* * * * *

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19556 – Cox & Associates, Inc. (9426) (PD 17) (CD 6)

17626 East 48th Street

L-19557 – Cox & Associates, Inc. (9426) (PD 17) (CD 6)

17612 East 48th Street

L-19558 – Cox & Associates, Inc. (9426) (PD 17) (CD 6)

17508 East 48th Street

L-19571 – Carlene Kaun (2318) (PD 13) (County)

16235 North Peoria

L-19578 – Charlene Rhein Carter (9132) (PD 23) (County)

5707 South 161st West Avenue

L-19580 – White Surveying (9212) (PD 1) (CD 4)

1209 South Frankfort Avenue

L-19582 – R. L. Reynolds (9430) (PD 18) (CD 5)

Northwest corner East 48th Street and South Garnett Road

L-19583 – Sharon Kercheval (9026) (PD 23) (County)

4526 South 208th West Avenue

L-19584 – Tara Custom Homes (7224) (PD 21) (County)

15710 South Peoria

L-19585 – Beth Ann Langston (2417) (PD 14) (County)

11448 East 163rd Street North

L-19586 – Ken Richison (2405) (PD 14) (County)

18177 North 113th East Avenue

L-19588 – White Surveying (0201) (PD 24) (County)

6230 North Frankfort Avenue

L-19590 – Jeffrey Robbins (7308) (PD 21) (County)

2525 East 134th Street

STAFF RECOMMENDATION:

Mr. Stump stated that these are all in order and staff recommends **APPROVAL**.

TMAPC Action; 9-0-0 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

FINAL PLAT:

Tulsa Retirement Residence RS-2, RS-4 (783) (PD 18) (CD 2)

South of the southeast corner of East 71st Street and Riverside Parkway

STAFF RECOMMENDATION:

This plat consists of one lot, in one block on 4.9 acres.

Mrs. Fernandez stated that all of the release letters have been received at this time and staff recommends **APPROVAL** of the final plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

On **MOTION** of **HARMON** to **APPROVE** the final plat for Tulsa Retirement Residence per staff recommendation. Ms. Hill seconded.

TMAPC COMMENTS:

Mr. Westervelt asked staff if there were some discussion about obtaining a mutual access with regard to the property to the north. In response, Mr. Stump stated that usually there is mutual access, but unfortunately by the Subdivision Regulations, the final plat is to agree with the preliminary plat and the preliminary plat did not require the mutual access. In response, Mr. Westervelt stated that if the Planning Commission does not request the mutual access, then it would set up to lower under-utilized property. He requested that Mr. Harmon withdraw his motion and Ms. Hill to withdraw her second.

Mr. Harmon withdrew his motion and Ms. Hill withdrew her second.

Mr. Midget in at 1:50 p.m.

Applicant's Comments:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, Oklahoma 74105, stated that the preliminary plat has been approved and this is the first time he has heard anything about a mutual access being required. He commented that he is not sure it would be physically possible to obtain mutual access to the north. He is not sure that his client would be in agreement with that concept. He commented to have this request to come up during the final plat is late in the process.

Mr. Westervelt stated that he just noticed the mutual access issue and he apologizes for any inconvenience, but it is something he feels very strongly about.

Mr. Jones stated that he would not like to slow up the plat because they are on a tight timeframe and this could cause a two to three week delay.

Mr. Westervelt requested that Mr. Jones find a way to set up a standard double-stack parking lot and then stub it off to the north, then deal with the next piece of property when it comes online.

Mr. Jones stated that Mr. Westervelt's suggestion would not be in agreement with the PUD detail site plan. Mr. Jones asked if he would have to amend the PUD detail site plan.

Mr. Stump stated that for a nominal fee Mr. Jones can revise the detail site plan. It was approved per plan and it did not have a stub to the north. If the applicant could find a location acceptable to them and reasonable to provide access to the north, then it would have to go back before the Board of Adjustment for approved prior to the filing of the final plat.

Mr. Jones stated that at the only mention of access at the Technical Advisory Committee (TAC) was by the Fire Department and they requested an emergency access back to the east.

Mr. Westervelt agreed that at TAC this issue did not come up, but he is now bringing it to his attention.

Mr. Jones asked if the mutual access was a recommendation or a requirement. Mr. Westervelt stated that there are a lot of people present today for the agenda and this is something that has been discussed many times. He explained that if there is any application that he sees with something that was missed previously, then he is going to bring it to the applicant or anyone's attention. In response, Mr. Jones stated that he is willing to go back and look at this issue, but he can't guarantee that his client would agree with the mutual access. He indicated that he has a conference call with his client at 4:00 p.m. and could discuss it then.

Mr. Stump suggested continuing this item for one week. In response, Mr. Jones stated that he does not want to continue this for one week. He explained that he is under a tight timeframe.

Mr. Westervelt suggested moving this item to the end of the agenda, which would allow Mr. Jones an opportunity to discuss this with his client. In response, Mr. Jones requested that the final plat be approved as submitted and as was approved by the preliminary plat and approved by the TAC.

There were no interested parties wishing to speak.

MOTION of WESTERVELT to DENY of the final plat for Tulsa Retirement Residence. Mr. Carnes seconded.

TMAPC Action; 10 members present:

On **MOTION of WESTERVELT** TMAPC voted 4-5-1 (Carnes, Harmon, Horner, Westervelt "aye"; Bayles, Collins, Coutant, Hill, Jackson "nays"; Midget "abstaining"; Ledford "absent") to **DENY** the final plat for Tulsa Retirement Residence.

Motion Failed.

TMAPC COMMENTS:

Mr. Jackson stated that this is a tough issue. He asked Mr. Jones what the problem would be to have a stub-out to the north. In response, Mr. Jones stated that there may not be a problem, but he can't commit today that his client would agree with this issue. Mr. Jones reiterated that requiring the stub-out would cause his client a delay and would have to go before the BOA once again. Mr. Jones requested that the Planning Commission vote on approval and he promises that he would work with his client regarding the stub-out.

Mr. Romig suggested that this item be moved to the end of the agenda.

TMAPC Action; 10 members present:

On **MOTION of BAYLES** TMAPC voted 10-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** moving the final plat for Tulsa Retirement Residence to the end of today's agenda.

* * * * *

Mr. Westervelt out at 2:00 p.m.

PRELIMINARY PLAT:

Adesa Tulsa Parking and Storage Facility – PUD
679 (9403)

(PD 17) (CD 6)

Southwest corner of East Admiral Place and South
161st East Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block on 31.175 acres.

The following issues were discussed September 4, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 679. PUD requirements must be adhered to and incorporated into the plat.
2. **Streets:** Concern was expressed about the possibility of a land locked tract to the northwest.
3. **Sewer:** Sanitary sewer is available to the proposed Lot 1, Block 1, plat; however, a portion of LaBarge Addition will be divorced from sewer service. If a lot-split has been recorded, then no extension of a sewer line is necessary. If not, then a main extension is required to provide service to the southern portion of LaBarge Addition.
4. **Water:** A twelve-inch existing main line may conflict with the channel. A fire hydrant may need to be installed.
5. **Storm Drainage:** The southernmost area, where the proposed Stormwater Detention Facility is located, was not in the PUD the last time it was reviewed. The floodplain, plus an additional 20 feet above the 100-year Water Surface Elevation (WSE) at that location must be placed in an Overland Drainage Easement or a Reserve. The Cooley Creek, City of Tulsa, Regulatory Floodplain must be located by surveying and plotting the 100-year WSE on the plat. The existing separate instrument detention easement must be vacated prior to the final approval of the plat. The proposed stormwater detention facility and easements cannot be located in the floodplain or in any other easements. In the covenants, Section 1.D should be titled "Water Mains, Sanitary Sewers and Storm Sewers." Standard Overland Drainage Easement language must be added to the Covenants. On the conceptual plan, the storm sewers located in public easements must be public storm sewers. The City of Tulsa does not place trickle channels in its roadway ditches. They use concrete ditch liner, when required. Trickle channels are required in the Stormwater Detention Facility, between the inflow pipes and the outlet structure. The plat should be on one

sheet.

6. **Utilities:** ONG, PSO, Cox, Telephone: All okay.
7. **Other:** The fire department may need an additional fire hydrant.

Staff recommends **APPROVAL** of the preliminary plat subject to 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.
2. All PUD conditions must be met. The plat must incorporate the PUD standards into the covenants.

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.

Applicant's Comments:

Darin Akerman, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that he would like some clarification regarding the sewer issue. He further stated that his client has ownership up to 161st Street and there is roughly 15 acres and Public Works mentioned that the sanitary sewer was not available on that tract. There has been no need at this point to plat the 15 acres and there are no plans to incorporate it either. He indicated that his client intends to tie the 15 acres with the other property they own, which would be well above the five-acre requirement. If these could be legally tied together by deed, then there would be sufficient frontage and the City of Tulsa sewer line would be in the subject area. The sanitary sewer would then be available in order to serve the property and satisfy Public Works. He explained that he provided this information to staff and Public Works today.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **BAYLES** TMAPC voted 9-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Midget "aye"; no "nays"; none "abstaining"; Ledford, Westervelt "absent") to **APPROVE** the preliminary plat for Adesa Tulsa Parking and Storage Facility, subject to special conditions and standard conditions as recommended by staff.

Mr. Westervelt in at 2:04 p.m.

Roskam Ranch Estates – AG (0174)

(PD 19) (County)

185th East Avenue and 127th Street South (**A continuance to October 1, 2003 is requested.**)

STAFF RECOMMENDATION:

Staff recommends a continuance of this plat until the October 1, 2003 TMAPC meeting.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **CONTINUE** the preliminary plat for Roskam Ranch Estates to October 1, 2003 at 1:30 p.m.

* * * * *

MINOR SUBDIVISION PLATS:

Owasso Fence – IL, IL pending (1432)

(PD 24) (County)

6817 North 115th East Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.7 acres.

The following issues were discussed September 5, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL (pending a County Resolution).
2. **Streets:** We suggest that access points be reduced from four to three and that the width be changed to 40 feet. (The first sentence/comment was determined to be unnecessary as the discussion on the plat went on.) A 25-foot radius on the corner is required. There is a minor mistake in the legal descriptions. Show all widths and dedications of all streets.
3. **Sewer:** Out of City service area. Septic systems are proposed.

4. **Water:** Owasso will supply water.
5. **Storm Drainage:** No comment.
6. **Utilities:** Release letters have been received except for VVEC (electric) and at the last minute it was discovered that PSO did not serve the property. The release letter has been received from VVEC.
7. **Other:** The County Engineer is satisfied with the plat and has released it. City of Owasso comments are attached.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. A waiver to the 25-foot radius requirement is requested.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his 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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER** TMAPC voted 10-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the minor subdivision plat for Owasso Fence per staff recommendation.

Mr. Westervelt announced his abstention from the following item:

QuikTrip Commercial Center II – PUD 682 (9402) (PD 17) (CD 6)
 Southeast corner of East Admiral and 161st Street

STAFF RECOMMENDATION:

This plat consists of three lots, one block on 5.49 acres.

The following issues were discussed September 4, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 682. The screening requirement is per City Council. Mutual access easements are needed. There has been only one release letter received so the plat should be considered a preliminary plat and not a minor subdivision plat as originally proposed.
2. **Streets:** Show mutual access easement across Lot 3. Include maintenance of access easement in the covenants. Show CA # and renewal date of land surveyor. Provide width of South 164th East Avenue. Provide dedication references for all streets adjacent to platted area. Provide the basis of bearing. A mutual access easement may be needed for Lot 2. Reference East Admiral Place in Limits of no Access paragraph of covenants. Is 17.5-foot utility easement needed by other utilities on side plat borders? The maintenance of the screening fence should be in the covenants.
3. **Sewer:** Sanitary sewer is available.
4. **Water:** No comment.
5. **Storm Drainage:** The platted (plat # 5204) overland drainage easement has been altered. Was that easement or the plat vacated? Show book and page numbers. The ODE has not been labeled on Lot 3, nor has its width been shown there. The Consultant has not met with the City of Tulsa staff to present or discuss this plat. Sections 1.3 and 1.4 of the Covenants should be combined.
6. **Utilities: ONG:** Use ONG's standard language in the covenants. Additional utility easements may be necessary.
7. **Other:** There were too many questions to be answered and revisions to be made to allow this plat to proceed as a minor subdivision plat. Release letters had not been received.

Staff recommends **APPROVAL** of the preliminary plat subject to 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.

2. All PUD conditions must be adhered to and the covenants must include the PUD requirements.

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.

Mrs. Fernandez stated that not all of the release letters have been received and therefore, this is now a preliminary plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON** TMAPC voted 9-0-1 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Midget, "aye"; no "nays"; Westervelt "abstain"; Ledford "absent") to **APPROVE** the preliminary plat per staff recommendation.

REINSTATEMENT OF PRELIMINARY PLAT:

Industrial Center – PUD 661 (2693)

(PD 18) (CD 5)

North of East 42nd Place South, West of South Memorial Drive East

STAFF RECOMMENDATION:

This plat consists of eight lots in one block on 4.1 acres. The preliminary plat was approved August 28, 2002.

Staff can recommend a reinstatement of the Industrial Center plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES** TMAPC voted 10-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the reinstatement of preliminary plat for Industrial Center per staff recommendation.

PLAT WAIVER:

BOA-19482,19333 – (2502)

(PD 2) (CD 3)

704 East Queen Street

STAFF RECOMMENDATION:

The platting requirement was triggered by BOA 19482 which granted a Special Exception for parking for a library in an RS-3 district.

Staff provides the following information from TAC at their September 4, 2003 meeting:

ZONING:

TMAPC staff: The plat waiver is for property on a platted site for the Tulsa Public Library.

STREETS:

All three streets require standard right-of-way of 25 feet and 25-foot corner radii. Sidewalks are needed.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

Okay.

FIRE:

N/A

UTILITIES:

N/A

Staff can recommend **APPROVAL** of the plat waiver requested because of the previous Board of Adjustment actions for the library, and existing plat. However, there is an additional need for right-of-way dedication and this should be made a condition of the plat waiver. The Traffic Engineer and transportation representative of the City have requested the right-of-way after much discussion at the TAC meeting.

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 R/W?	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

Applicant's Comments:

John Walker, Tulsa City/County Library, City of Tulsa, stated that he is requesting a plat waiver in order to allow the library to expand the parking lot without the stipulation of the right-of-way as requested by the Traffic Engineer. The library has undergone a significant remodeling and expansion in the past year. The operating size of the building has been expanded from 13,000 SF to 18,000 SF. Monthly foot traffic count at the facility is up 37% and there is significant usage of public access to the computers. The Tulsa Development Authority provided the library with a long-term low-cost lease of the property adjoining the existing parking lots on the immediate north to allow for the expanded parking. If the right-of-way is required, as stipulated by staff and Traffic Engineer, then the expanded parking lot makes little sense.

Jerry Ledford, Jr., Tulsa Engineering and Planning, 8209 East 63rd Place, Tulsa, Oklahoma 74133, the request is for the area between Hartford and Queen. Currently, Hartford through to Pine is a 30-foot right-of-way and when the library went through expansion on the two existing parking lots to the south and to the library itself, there was never any request for additional right-of-way on Hartford. The existing parking lots are built from the centerline of the street (25 feet) and if the right-of-way was granted, the new expansion would be in the right-of-way. This is TDA land and they would have to actually dedicate the right-of-way. If the right-of-way dedication were required on Hartford and Queen it would nullify making it feasible to build the additional parking lot. Mr. Ledford concluded that it would not be a detriment to the City if the right-of-way were not dedicated and the subject property has already been through several BOA actions for the improvements.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Jackson asked staff what their comments are regarding the right-of-way. In response, Mr. Stump stated that the Subdivision Regulations require at least a dedication of 25 feet from the centerline and it is currently 15 feet. There are other areas where parking is in the right-of-way. Perhaps this is a unique situation where the Planning Commission would be inclined to waive the 30-foot requirement. If the applicant is required to meet the right-of-way, then it would require another trip to the BOA because they wouldn't meet the five-foot strip of landscaping.

Mr. Midget stated that he is familiar with the area and he doesn't see where it would be a detriment to allow the library to build the expanded parking lot. He

would agree that perhaps the Planning Commission would want to waive this requirement at this time.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT** TMAPC voted 10-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the plat waiver for BOA-19482, 19333 and waive the requirement of additional right-of-way dedication.

* * * * *

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6893

CS to CH

Applicant: Rick Robinson

(PD-17) (CD-6)

Location: 13131 East 11th Street

STAFF RECOMMENDATION:

Ms. Matthews reminded the Planning Commission that this item has been continued on three occasions. The first continuance was in order to allow the applicant to prepare a PUD; however, staff has not heard from the applicant and there have been no changes since the original application.

PUD-668 November 2002: Approval was granted for a PUD, subject to specific conditions, for a ready-mix concrete plant located east of the subject tract on the north side of East 11th Street South. This request was to bring the facility into compliance with the Zoning Code for the City of Tulsa and establish safe guards for surrounding properties.

PUD-433-B June 2002: A request for a Major Amendment was submitted for PUD-433 in order to modify development areas, expand Use Unit 17 (Automotive and Allied Uses), add Use Unit 15 (Other Trades and Services) and Use Unit 16 (Mini-storage) as well as modify height, signage and building floor area for a five-acre tract located on the northwest corner of East 11th Street and South 131st East Avenue and west of the subject tract. After lengthy deliberations with applicant, owner, Planning staff, and City Councilors, the amendment was approved subject to modifications and conditions.

PUD-433-A December 1999: An application for a Major Amendment on the tract located on the northwest corner of East 11th Street and South 131st East Avenue, requesting several modifications to the development standards, development areas and expansion of automotive uses, as well as adding new uses. The application was recommended for approval by TMAPC. City Council remanded

the application back to staff and the applicant for amendments and re-advertising.

PUD-433 April 1989: A request for a PUD on the five-acre tract located on the northwest corner of East 11th Street and South 131st East Avenue. The proposed PUD was to more clearly define the development areas of the property and to allow commercial uses on the north end of the property. Staff and TMAPC recommended approval of the request subject to conditions. City Council concurred in approval of the PUD subject to TMAPC recommendations and subject to the applicant complying with City Ordinances for inoperative and unlicensed vehicles on the tract, and subject to amending the lighting standards of the PUD.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is gently sloping, non-wooded, vacant and zoned CS.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 11 th Street South	Secondary arterial street	100'	2 lanes
South 131 st East Avenue	Local street	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north by a duplex subdivision, zoned RM-1; on the south by an auto service facility and a mixed commercial development, zoned CS; on the east by a fraternal lodge and an office (both possibly vacant), zoned CS; and on the west by an auto storage, auto repair, garage door sales facilities and other similar uses, zoned CS and PUD-433-B.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity-Linear Development Area. Plan policies (Section 3.7) encourage the use of PUDs, assembly of small parcels to form orderly development areas, avoidance of fragmented and incremental approaches to development and preservation of the integrity of the Major Street and Highway Plan.

According to the Zoning Matrix the requested CH is **not** in accord with the Plan.

STAFF RECOMMENDATION:

The Linear Development areas designation was created, in part, to assure that developments and redevelopments within such areas would be compatible with existing adjacent lower intensity zoning. In the past, CH zoning has been a problem adjacent to lower intensity zoning, absent a PUD to impose appropriate conditions on the uses.

It appears the applicant can already accomplish his aims with CS zoning (which is already in place) and therefore, based on the Comprehensive Plan, adjacent uses (particularly the duplex development to the north) and trends in the area, staff recommends **DENIAL** of CH zoning for Z-6893.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of HILL TMAPC voted 10-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to recommend **DENIAL** of CH zoning for Z-6893.

Application No.: Z-6872

AG to OL/RS-3

Applicant: Robert Nichols

(PD-18) (CD-8)

Location: South of southeast corner of East 76th Street and South Sheridan Road

STAFF RECOMMENDATION:

BOA-14332 January 1987: An appeal from the decision of a zoning official that the beauty shop was in violation was upheld after applicant provided information that confirmed the beauty shop had been in operation since 1944. The Board determined the use to be a nonconforming use and not in violation.

BOA-14307 November 1986: The Board of Adjustment approved a special exception to allow a church and school in an AG-zoned district and on property abutting the subject tract to the southwest.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is sloping, partially wooded, contains a beauty shop and a residential single-family dwelling that both front South

Sheridan and a single-family dwelling located approximately in the center of the entire tract. The property is zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Sheridan Road	Secondary arterial street	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north, east, and southeast by residential dwellings zoned RS-3; to the south by a church, zoned AG; to the southwest by a children's nursery, zoned AG; and to the west by single-family homes, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use and Development Sensitive. According to the Zoning Matrix, the proposed RS-3 zoning **is** in accord with the Plan and the proposed OL zoning **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

Based on the accompanying PUD-688 or some variation of it as the TMAPC deems appropriate, staff can support the requested rezoning and therefore recommends **APPROVAL** of OL zoning on the west 1.59 acres to a depth of 300' from the centerline of Sheridan Road and RS-3 on the remaining 6.99 acres for Z-6872

RELATED ITEM:

Application No.: PUD-688

AG TO RS-3/OL/PUD

Applicant: Robert Nichols

(PD-18) (CD-8)

Location: South of southeast corner of East 76th Street and South Sheridan Road

STAFF RECOMMENDATION:

The PUD proposes office uses, beauty and barber shop and single-family residential attached or detached uses on approximately 8.58 acres located south of the southeast corner of East 76th Street and South Sheridan Road.

The subject tract is zoned AG. An application has been filed to rezone the tract to OL and RS-3 (Z-6872). The tract is currently developed with a beauty salon on the frontage and two single-family residences. The beauty salon has operated as a non-conforming use for 39 years. The owner's single-family residence is located approximately in the center of the property. The other residence is located on the frontage south of the beauty salon and is a rental property. The tract is abutted on the north by residential uses zoned AG and RS-3; on the east by residential use zoned RS-3; and on the south by a children's nursery and a church zoned AG and single-family dwellings zoned RS-3. There are single-family dwellings to the west of the tract, across South Sheridan Road, zoned RS-3.

Previously, a PUD application was filed (PUD-674) which was denied by the Plan Commission. The applicant appealed to the City Council but withdrew the PUD prior to the City Council meeting. An accompanying zoning case (Z-6872) was removed from the City Council agenda to be reset sometime in the future. PUD-674 proposed two development areas. Development Area A would have allowed those uses permitted by right in an OL district, and beauty and barber shops (not to exceed 3,800 SF). The total maximum building floor area proposed for Development Area A was 38,000 SF and the maximum building height was two stories. Development Area B would have allowed those uses permitted by right in an OL district, with a maximum building floor area of 27,000 SF and a maximum building height of one-story.

PUD-688 proposes the same two development areas, but Development Area A would now allow a maximum building floor area of 20,750 SF (the same uses are proposed) and a maximum building height of one story. Development Area B as now proposed, would allow single-family residential uses (attached or detached) with the maximum number of dwelling units being 20.

The City Council, at their July 24, 2003 meeting, voted to refer the rezoning request back to TMAPC for further review. The applicant is now requesting that the west 1.59 acres of the subject tract be rezoned to OL and the remaining 6.99 acres be rezoned to RS-3.

As amended by the applicant and modified by staff, staff can now support the request.

If Z-6872 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-688 as modified by staff, to be: (1) consistent with the

Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-688 subject to the following conditions:

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

DEVELOPMENT AREA A

Land Area:

Gross	218,511 SF	5.02 Acres
Net	207,461 SF	4.76 Acres

Permitted Uses:

Those uses permitted by right in the OL district; beauty and barber shops (not to exceed 3,800 SF); and prohibiting bail bonds offices and funeral homes.

Maximum Building Floor Area: 20,750 SF

Maximum Building Height: One-story

Minimum Off-Street Parking:

As required by the applicable use unit of the Tulsa Zoning Code.

Minimum Building Setbacks:

From centerline of Sheridan	100 FT
From north and south boundaries of the PUD	20 FT
From east boundary of the PUD	30 FT

Minimum Landscaped Area: 30% of net lot area.

Signs:

One ground sign shall be permitted not to exceed four feet in height and 32 square feet of display surface area to be located at the entry to South Sheridan Road.

Architectural Design Standards:

All buildings shall be of a residential character with a minimum five to twelve pitched roofs and an exterior finish with a minimum of 50% brick, stone or masonry finish.

Screening:

The location of needed screening fences shall be determined by TMAPC at the time the detail site plan is reviewed.

DEVELOPMENT AREA B

Land Area: 155,258 SF 3.56 Acres

Permitted Uses:

Single-family residential as included within Use Unit 6 and townhouse dwellings as included within Use Unit 7a.

Maximum Number of Dwellings Units: 20

Maximum Building Height:

Two-story not to exceed 35 feet.

Minimum Livability Space per Dwelling Unit: 4,000 SF

Minimum Off-Street Parking:

Two per dwelling unit.

Minimum Required Yards:

From the perimeter of the Development Area 20 FT

Front yards from private street right-of-way 20 FT

Rear Yards 20 FT

Side Yards

Abutting private street right-of-way 15 FT

Interior

Single-family 5 FT

Townhouse 0 FT

3. No zoning clearance permit shall be issued for a lot within Development Area A until a detail site plan for the lot, which includes all buildings, parking screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot within Development Area A shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
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. Lighting used to illuminate Development Area A shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed 12 feet in height.

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. Within Development Area B a homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
11. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.
12. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
13. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
15. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, traffic engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
16. 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.
17. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

18. There shall be no development in the regulatory floodplain.
19. All access and turnarounds shall be approved by the Fire Department and Public Works. Pedestrian access shall be reviewed during detail site plan review.

Notes from July 17, 2003 TAC Meeting:

PUD-688 – South of the southeast corner of East 76th Street and South Sheridan.

General Comment – Recommend write-up on utilities and utility plan exhibit.

Water – Looped water main required 20 feet right-of-way easement required.

Stormwater – Detention required. Need reserve for both floodplains.

Wastewater – Mainline extension required to serve all proposed lots.

Transportation – Proposed zoning does not appear to match proposed use; specify the cul-de-sac radius of 48 feet to be pavement radius and right-of-way radius to 60 feet. Dead end at least pl will need to be cul-de-sac. Also north dead ends may require cul-de-sac.

Traffic – No comment.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Don Wyatt, 7605 South Sheridan, Tulsa, Oklahoma 74133, stated that 2.68 acres to the north is his property and he does not want the zoning changed on it. He requested that it would remain AG zoned. Mr. Wyatt submitted a chronological order of events for the subject property (Exhibit B-1). He cited the history of the zoning and events of the subject property.

TMAPC COMMENTS:

Mr. Midget asked Mr. Wyatt if his only concern is that his property is not rezoned. In response, Mr. Wyatt stated that he does not want his property rezoned and would like it to remain AG. Mr. Midget informed Mr. Wyatt that his property is outside of the dashed line and is not under this application.

INTERESTED PARTIES:

Patrick Borgsmiller, 6505 East 78th Street, Tulsa, Oklahoma 74133, requested that this application be denied. He suggested that the subject property would be better utilized developed as a gated community.

Chris Cardoni, 6830 East 76th Street, Tulsa, Oklahoma 74133, stated that he lives directly north of the subject property. He explained that he reviewed this property and learned that a previous rezoning request had been denied and it was part of his decision in purchasing his home. An office park should not be in the middle of a residential complex.

Joe Bacon, 7721 South 69th East Avenue, Tulsa, Oklahoma 74133, stated that the homes are 20 years old and well established. To allow office and commercial on the subject property would be inappropriate and incompatible. He requested that the AG zoning remain on the subject property in order to protect the existing character of the neighborhood. He suggested that RE zoning would be the best zoning if the applicant insists on rezoning.

Mr. Bacon cited the various uses that would be allowed with the requested zoning and explained how they would be incompatible with the subject area. He requested the Planning Commission to deny this request. Mr. Bacon cited the following concerns: increased traffic, lost revenue, increased insurance premiums, increased public expenditures, and security problems.

Mr. Bacon stated that the aerial being used is old and doesn't reflect what is actually on the land today. In response, Mr. Dunlap informed Mr. Bacon that the aerial being displayed is this year's aerial for the subject area.

TMAPC COMMENTS:

Ms. Bayles asked Mr. Bacon what the impact of the church and day nursery has on the neighborhood located to the south of the proposal. In response, Mr. Bacon stated that there is very little traffic increase from the day nursery and the church because their traffic occurs during peak hours.

INTERESTED PARTIES:

Patricia Stuart, 6820 East 76th Street, Tulsa, Oklahoma 74133, stated that the back of her home would look over into the subject property. She indicated that many of the homes in the subject area have been remodeled and improved. She cited the numerous remodeling jobs in her subject neighborhood and stated that people have pride in their neighborhoods. The proposal would be inappropriate next to residential.

Drake Cook, 6720 East 76th Street, Tulsa, Oklahoma 74133, stated that he is opposed to the proposal. The proposal would complete strip zoning of this site south to 81st Street on the east side of Sheridan. This would be detrimental to the community and strip zoning is always detrimental. He expressed concerns with Little Joe Creek and the possibility of additional water flow and more erosion than has presently happened. He indicated that water has collected within four feet of his floor and he is concerned about the contribution of overland flow of water from this project to that creek. This is a very deep piece of property with only one inlet and one outlet. If there were fires in the office complex or the west portion of the residential area the people living east of this would not be able to get out. He understands that the original owners of the subject property were offered, by the City and the Planning Commission, an opportunity to work out an outlet to the east and Mr. Rothrock declined to do so.

Mr. Cook listed several violations on the subject property and requested that some attention be paid to these violations prior to approval of anything on the subject property.

Evelyn Looper, 7732 South 69th East Place, Tulsa, Oklahoma 74133, stated that she opposes this application and requests that it remain residential.

John McMahan, 6509 East 78th Street, Sheridan Valley Subdivision, Tulsa, Oklahoma 74133, stated that an identical issue was before the Planning Commission previously on the subject property and it was denied the OL zoning and approved for RS-3 zoning. There is no significant change in the subject area. If this was approved it would be equivalent to a football field of commercial use from Sheridan. He commented that a gated community would be the best use for the subject property. He stated that this application would be spot zoning and it should be denied. Mr. McMahan cited past minutes from the TMAPC regarding the subject property.

Applicant's Rebuttal:

Mr. Nichols, representing Violet Rothrock, stated that in 1999 the City of Tulsa widened Sheridan Road and took all of the front parking lot of the legal nonconforming use (beauty shop) and made it in violation of the Zoning Code. This application is to allow the beauty shop use to continue on the subject property and the only way to do so is through a light office application. The light office application with a PUD is the only zoning he is requesting and a PUD is not spot zoning. He stated that this would be consistent with the daycare center and the church. There would be no existing residential home that would have anything but residential property adjacent to them after this application is put in place. There is a natural boundary, which is the creek and that would separate the office uses from the residential properties. He requested the Planning Commission to approve the staff recommendation.

TMAPC COMMENTS:

Mr. Jackson asked staff to cite what would be acceptable in OL zoning. Mr. Jackson further stated that the Planning Commission does not address stormwater management; however, the City of Tulsa does have a stormwater management department that would address this issue during the platting process.

Mr. Jackson pointed out that this would not be commercial zoning, but rather it would be light office use.

Mr. Stump stated that the PUD proposes uses allowed by right in the OL district, as well as, beauty and barber shop, but restrict even further certain things that are allowed by right in the OL district and prohibits uses such as bail bonds office, or funeral home. Mr. Stump cited the uses that are allowed by right under the OL district.

Mr. Carnes stated that he agrees with Mr. McMahan that this would be spot zoning and he would be voting against this proposal.

Mr. Harmon concurred with Mr. Carnes and stated that he opposes this proposal because it does not fit in the middle of a residential neighborhood.

Mr. Midget stated that the church is already deep into the neighborhood and what is being proposed doesn't seem to be too out of character with what is existing and the PUD (particularly the office) is recommending that the offices be structured with a pitched roof and residential character and to the east there would be residential lots. It would not be injurious to the neighborhood. He commented that he is in favor of the subject proposal.

Ms. Bayles stated that she is not seeing anything different in this re-submittal then she did with the previous submission. She cited the TAC comments regarding that the proposed zoning does not appear to match the surrounding uses. She indicated that she would be voting to deny this application.

Mr. Westervelt asked Mr. Dunlap to explain the history of these two applications. In response, Mr. Dunlap explained that the PUD and zoning case were heard by the Planning Commission and the zoning went forward to the City Council and the PUD was appealed by the applicant because the recommendation from the Planning Commission was for RS-3 on the entire tract. Before the Council meeting the applicant withdrew the PUD and requested that the zoning case be removed from the agenda to be put on at a later date. In the meantime the applicant submitted a new PUD and requested that the zoning case be put back on the City Council agenda and requested the zoning application be sent back to the TMAPC to be heard at the same time with the new PUD.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-1-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; Midget "nays"; none "abstaining"; Ledford "absent") to recommend **APPROVAL** of the RS-3 zoning and recommend **DENIAL** of the OL zoning for Z-6872, noting the discussion on stub streets has no financial impact on the subject property and noting that that the taking of the Sheridan Road right-of-way is not sufficient to cause the Planning Commission to look at this differently.

Legal Description for Z-6872:

A tract of land lying in the NW/4, SW/4 of Section 11, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof; more particularly described as Beginning at a point on the West Section line 35' South of the Northwest corner of said tract; thence due East a distance of 568'; thence S 37°34'10" a distance of 164.01'; thence due East a distance of 65'; thence due South a distance of 65'; thence due East a distance of 367.76';

thence due North a distance of 200'; thence due East a distance of 189.24'; thence due South a distance of 396.00'; thence due West a distance of 1,020'; thence due North a distance of 58.00'; thence N 48°11'53" a distance of 137.20'; thence due West a distance of 190.00'; thence due North a distance of 221.00' to the Point of Beginning, containing 8.53 acres, more or less, and located south of the southeast corner of East 76th Street South and South Sheridan Road, Tulsa, Oklahoma, **From AG (Agriculture District) To RS-3 (Residential Single-family High Density District).**

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-1-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; Midget "nays"; none "abstaining"; Ledford "absent") to recommend **DENIAL** of PUD-688.

Commissioner Collins out at 3:00 p.m.

Recess called at 3:06 p.m.:

Call to order at 3:10 p.m.

TMAPC COMMENTS:

Mr. Jackson stated that staff will give a brief explanation of the project and the applicant will have 20 minutes for his zoning application and interested parties will have three minutes to speak. If the interested parties are represented by anyone they may donate their three minutes to the representative. After all of the interested parties have spoken the applicant will be given a ten minute rebuttal. Mr. Jackson requested that the interested parties not repeat prior comments.

Application No.: Z-6906

RM-2 TO CS

Applicant: Roy D. Johnsen

(PD-6) (CD-9)

Location: Southeast corner of East 41st Street and South Harvard

STAFF RECOMMENDATION:

PUD-592-C May 2003: All concurred in approval of a major amendment to PUD-592 to allow the removal of existing structures in Development Area C for construction of a bank with drive-in facilities and amendment of permitted uses within Development Area B to allow shared parking for uses in Area B and for uses in an existing building on a parcel adjacent to Area B.

PUD-642 February 2001: Approval was granted for a Planned Unit Development for an office development on property located south of the

southeast corner of East 41st Street South and South Harvard and 250' south of the subject tract.

BOA-18865 September 2000: The Board of Adjustment approved a special exception to permit Christmas tree sales in a CS, RM, RS and OL zoned district, on the subject tract, for a period of three years and variances of the required setback from the centerline of East 41st Street for temporary buildings and from an R-zoned district.

Z-6532 May 1996: All concurred in approval of a request to rezone the lot located on the southwest corner of East 45th Street and South Harvard from RS-1 to OL.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is gently sloping, non-wooded, contains a single-family dwelling and seasonal Christmas tree sales and is zoned RM-2.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 41 st Street South	Secondary arterial street	100'	4 lanes
South Harvard Avenue	Secondary arterial street	100'	4 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The site is abutted immediately on the north by a vacant lot used annually for Christmas tree sales and on the north across East 41st Street by a convenience store, zoned CS and a funeral home, zoned PUD-592-B; to the south by office uses, zoned OL; to the west by a dry cleaners, zoned CS; to the east by what appear to be single-family residences, zoned RM-2 and to the northwest by a subdivision marker and single-family residences, zoned RS-1.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Medium Intensity-Residential land use. According to the Zoning Matrix, the requested CS zoning is **not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the existing adjacent uses and trends in the area, staff can support the requested rezoning and therefore recommends **APPROVAL** of CS zoning for Z-6906, provided that the TMAPC recommends approval of the accompanying PUD, or some variation thereof.

If the TMAPC is inclined to recommend approval of this rezoning, they should direct staff to prepare appropriate Plan Map amendments.

RELATED ITEM:

Application No.: PUD-690 **CS/OL/RM-2/RS-1 TO CS/OL/RS-1/PUD**

Applicant: Roy D. Johnsen (PD-6) (CD-9)

Location: Southeast corner of East 41st Street and South Harvard

STAFF RECOMMENDATION:

The PUD proposes a grocery store as included within Use Unit 13, a gasoline service station as included within Use Unit 14, those uses included within Use Unit 11. Offices, studios and support services, and retail establishments as included within Use Unit 14. The subject tract contains 5.67 net acres and has 550 feet of frontage on South Harvard Avenue and 450 feet of frontage on East 41st Street. The Major Street and Highway Plan designates Harvard and 41st as secondary arterial streets and they are presently improved as four lane thoroughfares with turning lanes at the intersection.

The subject tract is zoned CS, OL, RM-2 and RS-1. Concurrently, an application (Z-6906) has been filed to rezone the RM-2 portion of the tract to CS. The subject tract is abutted on the east by residential uses zoned RS-1 and on the south by office uses zoned OL/PUD-642. To the north of the tract, across East 41st Street is a convenience grocery, zoned CS and a funeral home zoned OL/PUD-592-B. Abutting the funeral home site on the east is a tract that has been approved for a banking facility zoned OL/PUD-592-B. To the west of the tract, across South Harvard Avenue are commercial and office uses zoned CS and OL.

If Z-6906 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-690 as modified by staff, to be: (1) consistent with the Comprehensive Plan, if amended as recommended by staff; (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-690 subject to the following conditions:

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

DEVELOPMENT AREA A

Net Land Area: 4.94 5.13 Acres 215,224 223,463 SF

Permitted Uses:

Grocery store as included within Use Unit 13, those uses as included within Use Unit 11. Office Studio and Support Services; and retail trade establishments as included within Use Unit 14.

Maximum Building Floor Area: 41,000 SF

Maximum Building Height:

One story, not to exceed 32 FT.

Minimum Building Setbacks:

From centerline of East 41 st Street	120 FT
From centerline of South Harvard Avenue	
Building Wall	200 FT
Drive-In Canopy	170 FT
From east boundary of the Development Area	60 FT
From south boundary of the Development Area	45 FT

Minimum Parking Ratio:

As provided within the applicable use unit.

Minimum Landscaped Area:

10% of net lot area.

Building Design Limitations:

The submitted building elevations (Exhibit F-1) are conceptual and minor variation in building orientation and footprint may occur pursuant to finalization of the detail site plan. The buildings shall be constructed

in substantial accordance with the concepts depicted within the submitted building elevations which shall include the requirement that the exterior surfacing of all exterior building walls shall be masonry.

Signs:

Wall or canopy signs not exceeding 1.5 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 and no wall signs shall be affixed to the east or south building walls or canopies.

One ground sign shall be permitted at the northernmost access point to Harvard Avenue, not exceeding 25 feet in height and 195 square feet of display surface area.

DEVELOPMENT AREA B

Net Land Area: .74 .54 acres 32,141 23,523 SF

Permitted Uses:

Off-street parking as included within Use Unit 10 and a gasoline service station as included within Use Unit 14.

Maximum Building Floor Area: 300 SF

Maximum Building Height:

One story, not to exceed 28 FT

Minimum Building Setbacks:

From the centerline of South Harvard Avenue

Building Wall 108 FT

Canopied Area 100 FT

From the centerline of East 41st Street

Building Wall 175 FT

Canopied Area 100 FT

Minimum Parking Ratio:

As provided within the applicable Use Unit.

Minimum Number of Gas Islands:

4

Minimum Landscaped Area:

10% of net lot area.

Signs:

Wall signs shall be permitted on the canopy, not exceeding 1.5 feet of display surface area per lineal foot of canopy to which affixed, provided however, the aggregate length of canopy signs shall not exceed 75% of the length of the canopy to which affixed.

3. Landscaping and screening within the PUD shall meet or exceed the requirements of the Landscaping and PUD Chapters of the Tulsa Zoning Code. The landscaped area shall not be less than 10% of the net lot area. A six-foot high or higher screening wall or fence shall be constructed and maintained along the south boundary of the PUD. A six-foot high or higher masonry screening wall shall be constructed and maintained along the east boundary of the PUD at the existing grade. A landscaped area not less than 30 feet in width along the east boundary except a taper shall be permitted at the north end which shall be a minimum of twelve feet in width at the taper to accommodate the access point (north 60 feet of east boundary), not less than 19 feet along the south boundary and not less than 20 feet along the north and west boundaries of the PUD shall be provided and shall be landscaped in substantial accordance with the landscaping concepts depicted within Exhibit E-1 and Exhibit E-2. The landscaping within the entire PUD shall be a minimum of 18% of the net area. The loading dock shall be screened by a masonry wall with a minimum height that extends to one-foot above the top of loading door and with sufficient length to screen an entire tractor/trailer truck in the loading bay.
4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking screening fence 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 lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with

the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

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. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
8. All trash, mechanical and equipment areas, 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.
9. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed 25 feet in height. No lighting attached to a canopy shall extend below the ceiling of the canopy.
10. 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.
11. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. 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.

14. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks, truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

NOTE: Comments from August 7, 2003 TAC Meeting:

PUD-690, SE Corner of E. 41st St. and S. Harvard

Water – Water available. No comment.

Stormwater – In Drainage Section 6, add the sentence, “Requires storm sewer extension to public system along East Harvard right-of-way”. Detention is required.

Wastewater – Sewer available. No comment.

Transportation – No comment.

Traffic – No site plan provided. Recommend 58-foot right-of-way on Harvard for future right-turn bay. PFPI required.

Applicant’s Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing Bill Manley family and Wal-Mart, stated that the proposal is for a Wal-Mart Neighborhood Market, which is a grocery store under 40,000 SF and in addition at the immediate corner of the intersection a fueling station. There are gas pumps only and it would not service vehicles. The application is to rezone the RM-2 to a CS district and earlier the neighborhood stated that multifamily was not a desirable land use. The zoning is necessary to have the underlying zoning to permit the proposed floor area of the combined grocery and fueling station. If the zoning is approved as recommended by staff there would be under 2.5 acres of underlying zoning, which is a gross measurement to centerline. The Development Guidelines and The Comprehensive Plan principles designate the arterial street intersections for commercial nodes, medium-intensity. The minimum designation in the situation is five acres and it would permit 108,000 SF of floor area and in a PUD there is the opportunity to move the floor area around within the boundaries of the PUD, which is what is occurring here.

Mr. Johnsen stated that the subject property is currently where the Christmas Trees are sold and have been sold there since 1955. Mr. Johnsen submitted a packet of exhibits (Exhibit C-3), which included an aerial of the subject property when the Christmas Tree Sales were underway. He cited the surrounding businesses and development in the subject area.

Mr. Johnsen stated that there are two homes within the subject property, which are rental homes and they would be removed. Mr. Johnsen submitted photographs of the subject property and surrounding properties (Exhibit C-3). The northwest corner is Ranch Acres and during the early platting process there was a corner taken out and it was landscaped, screened and an advertisement

sign located on the corner. The Manly family owns all of the property that is under application for the PUD, as well as other properties abutting the subject property. Mr. Johnsen cited other properties surrounding the subject property that were not objecting to the proposal. He commented that there is not a residential property abutting the property under application that is in opposition.

Mr. Johnsen stated that the proposed grocery is a one-story structure, masonry construction and all roof top equipment is screened from public view. The loading dock would be located in the southwest corner of the building, the wall on the east does not have any windows or doors and would not have any activity. There is a good distance from the objecting single-family residences. Staff has required that the loading dock have a masonry wall one-foot above the height of the loading door, which is a very affective sound reducing item if it is necessary and a very affective screen. A screening fence is not required on the south side because it is office, but after meeting with the property owners to the south Wal-Mart has agreed to construct a screening fence along the south boundary.

Mr. Johnsen indicated that part of this was learned from neighborhood discussion, though there was never a meaningful meeting after the second one. The landscaping is 30 feet in minimum in width, except there is a taper at the north end and it will be a twelve-foot width at the taper to accommodate the access point (north 60 feet of the east boundary). The staff recommended that a masonry wall be constructed along the east boundary of the subject property and he is not going to resist that recommendation. To the north is non-residential use (convenience grocery, funeral home and a future bank facility); to the east there is a masonry wall, which would be blank, and a 30-foot landscaped area. The screening wall will be very affective due to the elevations of the building. This project has been designed with more than 18% of landscaping net and the normal requirement is ten percent. This is a 24-hour operation and it is intended to be a convenience to a neighborhood, but it does not intend to draw customers and patrons from long distances. One of the objectives is to meet its customer's needs and there are people who work late and it is convenient for them to shop late. Mr. Johnsen submitted a revised landscape concept (Exhibit C-6). The revised landscape concept shows the additional trees that would be planted and it also shows an increase in size at planting time. The objective of the Landscape Architect was to have a greater amount of landscaping then would be normally seen.

Mr. Johnsen explained that the proposal was divided into two development areas in order to have standards for each area. The fueling station will be Development Area B and has been reduced by 2/10 of acre to .54 and there will be four pump islands (eight gas pumps).

Mr. Johnsen indicated that there were two neighborhood meetings. He stated that he arranged the 1st meeting, which was well attended and a lengthy meeting; however, the neighbors wanted a meeting with a representative from Wal-Mart

and a Traffic Engineer. This meeting was well attended and lasted approximately two hours. When the meeting was finished it appeared that the neighbors did not feel there were any reason to have any further meetings and there has been no contact except for a phone call from one interested party. He reported that the was disappointed that there has not been any dialogue trying to reach some sort of concurrence on this project. There was an interested party at the last meeting stating that he is against this proposal and he doesn't want to meet.

Mr. Johnsen stated that this is a good use and it benefits the neighborhood in many ways. Wal-Mart is very good at what they do and there are economic benefits created when an old lot that is under utilized is put to good productive use. This is a form of infill and the City of Tulsa is encouraging infill if it can be done in a productive manner.

Mr. Johnsen stated that he hired Mr. Jon Eshelman to perform a traffic study. The original traffic study was done for internal purposes for Wal-Mart. There is history in the City of Tulsa that arterial street intersections, under the Development Guidelines, states that 108,000 SF of medium intensity would be within an acceptable limits and will give due regard to infrastructure that was planned. This was one of our planning standards in the early 1970's and has been followed consistently since then.

Mr. Johnsen summarized the internal traffic report that reported there was sufficient infrastructure in streets, access points, turning lanes, and signalization and can be used without reducing the level of service presently existing (which are B and C levels and in the urban setting theses area considered acceptable). The existing streets are designed to handle high volumes of traffic and there are standards for acceptable levels, which is met. It was pointed out by the neighbors that the traffic counts were taken when school was not in session and an inquiry was made about whether the proposed bank was taken into consideration in the traffic analysis. He stated that he requested Mr. Eshelman to revise his traffic report to include the school traffic and proposed bank facility. He indicated that Mr. Eshelman will also address the concerns of traffic cutting through the neighborhoods.

Mr. Jackson informed the interested parties and the applicant that since this is a PUD application then the applicant actually has 30 minutes rather than 20 minutes. He apologized for not announcing this earlier, but it had been brought to his attention by the secretary. He stated that Mr. Eshelman would be considered an interested party and be allowed three minutes.

Jon Eshelman, Traffic Engineering Consultants, 6931 South 66th Avenue, Tulsa, Oklahoma 74133, summarized the addendum of the original traffic count. He stated that he recounted the traffic Monday, September 15th, and found that the volumes are now nine percent less the daily volumes then they were in June.

The peak hour counts are lower, the 24-hour counts are lower and contrary to what is expected the volume counts are not higher because of school but are actually lower. There is a mid-afternoon peak when Edison School is let out and it is as big as the heaviest hour between 4:00 p.m. and 6:00 p.m. There are two p.m. peaks at this location and they are equivalent to one another. The level of service would be improved from the counts taken on September 15th. The added bank traffic was calculated by the size of the bank and used the normal trip generation factors, which is usually much higher than what actually takes place. With the school and proposed bank added to the original analysis it was calculated that at 41st and Harvard a level of service B in the a.m. peak hours and still a level of service C in the p.m. peak hour. The average delay per vehicle did increase slightly as expected, but B and C levels for a major intersection during peak hours is an extremely good level of service. A level service of D is considered acceptable and many of the southeast and South Tulsa intersections are D and below during p.m. peak hours. Student pedestrians were monitored Monday and Tuesday of this week and there was one elementary student walking west from Patrick Henry and it appeared to be 4th or 5th grade. There were 25 to 30 Edison students walking east and crossed at the light and followed the signals. He commented that residents driving their own streets throughout the subdivisions would not be considered cut-through traffic. It is of his opinion that there would be few customers of the proposed store that would live south of I-44.

Mr. Eshelman stated that watching the morning peak, the evening peak and the Edison peak there were not serious congestion problems nor operational problems observed. The capacity is available to accept the proposed level of development and the traffic that would be generated by that, without degrading the level of service from the existing B and C. The average delay will increase somewhat, but the level of service B and C would be in place.

TMAPC COMMENTS:

Mr. Midget asked Mr. Eshelman if the current zoning would allow more traffic if it were developed according to its zoning. In response, Mr. Eshelman stated that he couldn't answer that without having some information in front of him.

Mr. Horner asked Mr. Eshelman why the counts are down now that school is in session. In response, Mr. Eshelman stated that he can't tell for sure why the counts are down. Mr. Eshelman explained that the City conducted a traffic count in March and it reflected the identical count for September. If June is observed the count was higher than March and September. He speculated that the traffic count is down because the kids are in school and not running around in cars.

Mr. Harmon asked what type of screening fence would be installed on the south side. In response, Mr. Johnsen stated that business on the south boundary requested a screening fence; however, staff did not require a screening fence because it is office. He explained that his client agreed to installing a wood

screening fence. Mr. Johnsen explained that there would be a masonry wall along the loading dock.

Mr. Harmon asked Mr. Johnsen what prompted him to reduce the islands to four. In response, Mr. Johnsen stated that it was a business decision of Murphy Oil, which is a sub-lessee of Wal-Mart. Mr. Johnsen indicated that there were a lot of objections to the fueling station and thought it would be appropriate to reduce the islands from six to four.

Ms. Hill asked what type of masonry wall would be installed. In response, Mr. Johnsen stated that it would have some sort of finish on it and would be submitted during detail site plan review.

Mr. Westervelt asked Mr. Johnsen about his light standards. In response, Mr. Johnsen stated that the light standards would be a shielded fixture and the illuminating element can not be seen. Mr. Johnsen further stated that staff lowered the height of the light fixtures and his client would accept that or reasonable standards.

Mr. Johnsen submitted the executive summary and supplements on the traffic reports that Mr. Eshelman conducted (Exhibit C-2).

INTERESTED PARTIES OPPOSING Z-6906/PUD-690:

Dorothy Burgess, 4247 South Columbia Place, Tulsa, Oklahoma 74105 (west side of Edison High School); **Carol Pettit**, 4920 South Columbia, Tulsa, Oklahoma 74105; **David Glade**, 4633 South Columbia Avenue, Tulsa, Oklahoma 74105, **Kay Claxton**, 4122 South Jamestown Avenue, Tulsa, Oklahoma 74135, submitted a petition opposing Z-6906/PUD-690 (Exhibit C-5), **Jeff Gillespie**, 4318 South Jamestown, Tulsa, Oklahoma 74135; **Steve Sembritzky**, 4525 South Jamestown, Tulsa, Oklahoma 74135, submitted photographs (Exhibit C-1); **Steven A. Novick**, 3843 South Florence Place, Tulsa, Oklahoma 74135 (submitted petitions C-5) (four interested parties donated their three minute time limit to Mr. Novick); **Clint Fuhrman**, 4135 South New Haven Place, Tulsa, Oklahoma 74135; **Laura Summers**, 3731 East 43rd Street, Tulsa, Oklahoma 74135; **Patricia Cooley**, 4342 South Louisville, Tulsa, Oklahoma 74135; **John Stephenson**, 4608 South Knoxville, Tulsa, Oklahoma 74135; **Helen Sweeny**, 4323 South Columbia, Tulsa, Oklahoma 74135; **Penny Tipton**, 3709 East 43rd Place, Tulsa, Oklahoma 74135.

COMMENTS OF INTERESTED PARTIES OPPOSING Z-6906/PUD-690:

Concerned about an increase in traffic; cut-through traffic; parking lot lights of the proposal would be viewed from her home; OL would be a better use for the subject property; the proposal would not bring additional jobs or economics, but rather it would simply be redistribution of the grocery sales that happen at the stores in the area; commercial zoning would devalue their residential property; safety issues for children walking to the local schools; the neighborhood would

be at risk of destabilizing; crime would increase by children shoplifting and more crime around construction areas; more risk for robberies; flooding problems would increase; there would be gasoline fumes in the air; children will be at risk crossing the parking lots to get to school; the City Government should protect the integrity of neighborhoods; proposal is not consistent with the Comprehensive Plan; residents cannot feel safe in their neighborhood if the plan is changed; based on the demographics of the year 2000 the residential properties paid seven million two-hundred thousand dollars to the County tax fund every year; do not allow a PUD to residential property for a commercial purpose; residents will not be able to enjoy their backyards if this proposal is allowed because they would be looking at a concrete wall and light standards; noise from parking lots; office use would be better suited for the subject area; Wal-Mart is not needed in the area, there are already stores and gas stations in the subject area; the traffic report was conducted by someone hired by Wal-Mart; applicant's submitted photographs (Exhibit C-1) of existing Murphy Oil fueling stations and their signage; concerns expressed regarding noise pollution; large trucks delivery products to the market; Wal-Mart's landscaping on existing developments is insufficient; Wal-Mart does the minimum required to solve a problem; Wal-Mart has low prices and will bring customers from miles away to purchase groceries and buy their low priced gas, which will add to traffic issues; there are better locations in the City of Tulsa for this proposal; the proposal is not in accord with the Comprehensive Plan for District 6; approval of this application would be "bootstrapping"; the proposal is larger than Driller Stadium (comparing land mass); the applicant is requesting additional commercial space to be designated through this rezoning request; the Comprehensive Plan states that single-family neighborhoods would be protected from undue traffic noise and incompatible land uses; this is an incompatible land use; approximately 1,000 people are against this proposal; Ranch Acres is one of the premiere mid-town neighborhoods in this city and it is a beautiful place to live, which is being considered for the National Registry of Historic Places; the proposal would drive traffic through Ranch Acres neighborhood; peace and quiet, neighborhood safety and neighborhood tranquility, beauty and ambiance are more valuable than money; the trend that staff refers to is merely a self-fulfilling prophecy of the INCOG staff, TMAPC and City Council and it is on the trend because these boards made it so; proposal is located between two schools, Patrick Henry Elementary to the east and Edison Middle School to the west and Wal-Mart/Murphy Oil sells cigarettes that the students will see; this proposal will have negative economic impact to the City of Tulsa because there are eight grocery stores within a two-mile area and one or two will probably go out of business and then there would be no net gain in jobs or taxes; Wal-Mart doesn't hire local people to manage their stores; the proposal would only bring 75 minimum wage jobs to the subject area; by allowing this proposal it would take manufacturing jobs and away and send them overseas; Wal-Mart has a history of abandoning projects and then there would be an empty commercial building with a PUD that would allow another commercial business in; neighbors are not going to purchase anything from Wal-Mart because they do not want them in the neighborhood; gas station operations

and the 24-hour grocery business is offensive; if Wal-Mart really wanted to be a good neighbor they could delete the fueling station and curtail their hours of operation; integrity of neighborhoods should be retained; compared 41st and Harvard to 51st and Harvard, 41st & Yale, etc. if this proposal was approved; although the corner is already zoned for CS, a convenience store would not cover six acres of land; the landscaping should be increased, including the creation of berms, and increase the height of the east wall from six feet to nine feet; will cause a domino effect, precedent was set when the church property was rezoned to allow a funeral home and subsequently the lots to the east have been denuded of all their trees for a bank facility and now a rezoning request for a Wal-Mart; concerned with light and noise pollution; concerned about school children walking through the grocery and fueling station parking lots to get to school; the subject area was pro Vision 2025, but a Wal-Mart is not the answer to improve the tax base in the 41st and Harvard area; Wal-Mart would only be leasing the property and Mr. Manley would retain the property, he would be the only one gaining from the proposal at the expense of the neighbors; fear that panhandlers and predators would be hanging around the area and be a danger to the school children; the trend is light office, not commercial; the funeral home and bank are considered light office and not commercial; the cleaners and small convenience store are compatible with the subject area, but a five-acre plot is not fit in the neighborhood as commercial; this would be an economic wash and not creating new money; the Manley family owns property outside of the proposed property between Harvard and Jamestown, 41st and the existing building and Ms. Tipton fears that Mr. Manley's goal is to rezone all of the property to commercial; if this is zoned commercial then it would open up the last house before the house on the corner of Jamestown to being light office, this would be stealing residential property to make it commercial and then steal more residential property to reinstate a light office boundary in order to remain consistent with the Comprehensive Plan and with the transitioning as stated in the City Zoning Code.

TMAPC COMMENTS:

Mr. Midget asked Ms. Pettit if she would be comfortable with a QuikTrip on the corner and have apartments directly behind it. In response, Ms. Pettit stated that she would find that less objectionable because it wouldn't be encroaching into the areas that are zoned RS-1. Ms. Pettit further stated that she has never found a convenient store to be very convenient.

INTERESTED PARTIES SUPPORTING Z-6906/PUD-690:

Tom Hulett, 3342 East 41st Street, Tulsa, Oklahoma 74135, stated that he lives in the home on 41st Street and he also owns the home at 4114 South Jamestown, second house south of 41st Street on the west side. He explained that he purchased the house on 41st Street to avoid rezoning of the property to create a buffer of the commercial uses on 41st and Harvard. He stated that he and his wife attended the two meetings held by Mr. Johnsen and the neighborhood residents. He commented that during the two meetings he heard the neighbors' concerns and decided to investigate the issues on his own

regarding the traffic problems and students walking across the subject property. Mr. Hulett read and submitted his study of traffic and pedestrians (Exhibit C-1). He commented that during the neighborhood meetings the residents stated that hundreds of children would be walking to and from school. He observed a total of 36 students walking in the subject area and 20 students crossed only Harvard, seven crossed both Harvard and 41st Street, and nine crossed neither 41st Street nor Harvard. No students arrived at the intersection from the direction of Patrick Henry Elementary, which ties in with what the traffic report. On various occasions he also observed students passing his home at 3342 East 41st Street and it would be by the 41st Street exit for the proposed Wal-Mart. Only 12 to 22 students pass by at this location and all were east bound, except for one student. Several residents expressed concerns about increased traffic turning south onto Jamestown Avenue. He counted cars and students on Jamestown Avenue during 2:45 p.m. and 4:00 p.m. and the total count of students was ten and they went southbound. Southbound cars were counted four to eight cars per minute during this same time. Many of the cars had children as passengers and were either coming from Patrick Henry or Edison. Regarding light, noise and air pollution, he visited the Wal-Mart on Peoria and did not see any evidence of increased pollution and does not feel it will be a problem at the proposed Wal-Mart. He commented that many of the interested parties that spoke today about noise and light pollution live half a mile or more away from the proposed location and doubts it will be a problem for those who spoke.

Mr. Hulett stated that in view of the concerns for the increase in traffic and safety of school children, then the neighborhoods and the associations should strongly promote the new traffic calming program "Keep Kids Alive Guide 25", use speed humps and create a neighborhood watch program. There is criminal activity already in the neighborhood and that is without a Wal-Mart being present. There is no convincing evidence of increased criminal activity at locations such as Wal-Mart. Due to the nature of human beings, these problems may occur anywhere at anytime. Wal-Mart has a state of the art security system both inside and outside their stores, which was designed to deter and control any possible criminal activity.

Mr. Hulett concluded that the proposed Wal-Mart would make productive use of an unproductive piece of land and he will not miss the bare piece of land that is totally unproductive except during the Christmas season. The proposal would create more jobs for Tulsans and more property and sales taxes for Tulsa. He requested that the rezoning and PUD be approved.

John McCoy, 4770 South Harvard, Tulsa, Oklahoma 74135, stated that he owns the Subway at 47th and Harvard and he has seen more accidents than he would like. To consider this project without considering adding a fifth turning lane is preposterous. He stated that he requested his City Councilman to consider a turn-lane on Harvard for two years and was informed that there are no funds, no studies and there is nothing being considered on Harvard. He commented that

he supports Wal-Mart and owns a Subway by the Wal-Mart on Peoria and he doesn't believe it will be a hassle because they are good neighbors. He respects the neighborhood concept and doesn't believe it will be as busy as the neighbors are predicting. The streets are a problem without the Wal-Mart and will continue being a problem. He requested that a center turn lane (fifth lane) be installed in front of every retail shop in town. Left turns back up traffic and cause accidents.

REBUTTAL:

Mr. Johnsen stated that this section was initially platted in the 1940's, which started at 41st, east of Harvard and continues on south. These are extremely deep lots (330 feet east and west). Most of the area that developed was on septic systems at the time. The first corner (zoned CS and RM-2) was actually from a lawsuit in 1965 where the court determined the best use would be commercial. The owner of RM-2 started to build on apartments (based on the court decision) and the neighborhood filed a lawsuit and succeeded on the basis that there were private restrictions that prohibited multifamily, which have now expired. There was a period of time when all of the subject property was restricted. There were individual ownerships and Mr. Manley started the Christmas Tree sales in 1955 and over time has assembled property. Now his client is in a position for a true infill case. All of the studies have indicated that the goal is to put all ground to good use and the subject property has never been very productively used. In the early 1970's during the comprehensive planning the Development Guidelines were implemented and there was a study of what would be an appropriate amount of zoning at an intersection and five-acres was a standard node and with a PUD and have up to 108,000 SF of retail, which would be roughly ten acres. This is what the study indicated as appropriate planning and when it is stated that this does not meet there the plan, there is one technical point that it doesn't meet the plan, but if the concept of the plan is looked at, which is what the staff is doing, and tie it in with infill, assembling these properties and remembering that there is no adjoining residential property that is objecting and recognizing that we now have a commercial PUD that we didn't have in the early '70's when that designation was first made, when look at the guidelines state are appropriate intensity, then this application makes good sense and that is why the staff is recommending it.

Mr. Johnsen stated that the conclusion is that the infrastructure that is present is adequate and would handle the increase in traffic that would occur from this development. Mr. Midget asked the question about existing use and existing zoning. If a PUD was developed with the existing zoning there could be 20,000 SF of commercial and 72,500 SF of office without changing the underlying zoning. In that 20,000 SF there could be a convenience grocery store with a floor area between 2,500 SF to 3,000 SF. There could be a convenience store at the corner, a sit down restaurant, a fast food restaurant with a drive-through window, two restaurants and a bar all within the 20,000 SF, plus 72,000 SF of office. This is not a perfect comparison, but it needs to be recognized that the change being made today to permit the retail may be superior to what would

happen if it developed with just existing zoning. It would also permit approximately 152 multifamily dwelling units if a PUD was filed without any zoning change.

Mr. Johnsen stated that the Wal-Mart Neighborhood Market at 43rd and Peoria was not a PUD and the property was already zoned. If the Landscaping Chapter is met it would be approximately five to six percent of landscaping. The new Wal-Mart Neighborhood Market replaced a bar, two automotive repair shops, a laundry mat and other retail shops. Wal-Mart has received a substantial amount of compliments from the neighborhood because of the improvement of what it had been.

Mr. Johnsen explained that the key is a PUD and how it fits the situation and the proposal fits the situation very well. There are standards that can be imposed and can be enforced, which this Planning Commission makes sure that they are enforced. The PUD proposes landscaping at 18 percent, masonry construction, east wall being made of masonry construction, masonry construction at the loading dock, the screening fence on the south boundary, landscaping along the south boundary, landscaping along the major street frontages of Harvard and 41st Street.

Mr. Johnsen stated that he did not handle the initial zoning when the church was converted into the funeral home. The east part of the tract was left with existing construction and a provision for minor amendment to permit office use. He indicated that he was involved with the eastern portion when the bank was proposed and he wrote to everyone within 300 feet and met with the neighbors. He stated that Mr. Buford had done a very good job on the funeral home and the neighbors were very supportive of the change that had been made and were supportive of the change being proposed. The bank building is set to standards and he agrees that the bank property looks bare, but it is under construction and when it is completed it will implement the concept of an attractive office.

Mr. Johnsen pointed out the property that is owned by Mr. Manley and property that is not owned by Mr. Manley. He pointed out Mrs. Claxton's property, which is separated by a fence and then a 100-foot strip of Mr. Hulett's property before reaching the Wal-Mart Neighborhood boundary, which would be a masonry wall. He commented that he finds it hard to believe that Mrs. Claxton would not be properly buffered, as well as everyone else on Jamestown.

Tim Baker, Wal-Mart Stores Inc., 702 West 8th Street, Bentonville, Arkansas, stated that Wal-Mart is very pleased to be in Tulsa and very excited about Tulsa. He further stated that he is looking forward to making this investment in Tulsa and others. There are three to four thousand direct employees (associates) in Tulsa. Wal-Mart is one of the largest employers in Tulsa and probably the largest tax payer in Tulsa. This project and other redevelopments, that Wal-Mart is actively pursuing, will be before the Planning Commission in the future. Wal-

Mart expects to create well in excess of 1,000 more jobs in the City of Tulsa. Tulsa is a great place to do business and there are currently four neighborhood markets and have received tremendous acceptance and feedback from customers. He acknowledged that landscaping has died at the Peoria store, but it has been replaced. The landscaping and proposal for the 41st and Harvard area will have better landscaping and architectural designed building. Every suggestion that has been brought up today, Wal-Mart has taken steps to either have 100 percent or meets in the middle or rectify. Usually after the store has opened the vast majority of the interested parties who had concerns find that their concerns were unwarranted. There have been specific changes made in light of their concerns and consideration and Wal-Mart appreciates the direct feedback. Wal-Mart's goal is to lower the cost of living for the citizens of Tulsa and creating jobs and increasing the sales tax revenue and increasing the property values.

TMAPC COMMENTS:

Mr. Midget asked Mr. Baker if he was involved with the development on Peoria. In response, Mr. Baker answered affirmatively.

Mr. Westervelt requested that Mr. Baker to explain to his associates that pictures shown earlier of Murphy Oil is in gross violation of the sign ordinances and those sorts of activities do not help the Planning Commission when dealing with expansions. He encouraged Mr. Baker to address this internally as soon as possible, because the Planning Commission will advise their staff to call Neighborhood Inspections to visit the site.

Mr. Baker agreed with Mr. Westervelt's comments, but reminded the Planning Commission that Murphy Oil is not affiliated with Wal-Mart. In response, Mr. Westervelt stated that he has seen their leases and Wal-Mart has clout and can rectify this situation. In response, Mr. Baker stated that he agrees with Mr. Westervelt that the signs do not add to the Wal-Mart operation. It is not in keeping with Wal-Mart's operation and if this body wants to say no outdoor signage on the property then that is fine.

Mr. Midget stated that the point is that the Planning Commission should not have to remind Murphy Oil that they are in violation and Wal-Mart should recognize the problem.

Mr. Baker stated that he would try to address this problem.

Mr. Carnes stated that CS zoning is not in accordance with the Comprehensive Plan and this corner has RM-2 wrapped around the CS zoning and he is opposing this proposal.

Mr. Midget stated that he is not opposed to the grocery store, but he is concerned with the intensity of the use of the gas station and it is opened 24-

hours, seven days a week. He is an advocate of infill development and he understands the increased intensity of the use and he did support the increased intensity at 71st and Harvard. There were changes made in that project where there would not be an ATM and lights. He commented that he is aware of the project at 45th and Peoria and it has contributed to his reservations.

Ms. Coutant stated that the Comprehensive Plan states that this is medium intensity-residential land use and it is zoned RM-2 and I think the Planning Commission should stay with that. The residents count on it remaining RM-2 and they count on the Comprehensive Plan. There are development guidelines and there is a trend along Harvard as being OL and if anything is done with this property and the Comprehensive Plan were to be amended it should be OL. Neighborhoods are buffered by putting OL next to them, not commercial shopping. One adjoining neighbor not complaining does not make up the entire neighborhood. PUDs are new and should be careful when being developed. Ms. Coutant concluded that she can not support this application.

Mr. Harmon stated that he understands that there is a united front against this, but in his analysis this is good planning and this quad is a commercial area. Changes do take place and he will support the request for rezoning and the PUD.

Ms. Bayles stated that she has a problem with the zoning change due to its extreme nature of the request from commercial use that is operation 25% of the year to one that is now 24-hours, seven days a week. She disagrees with the staff recommendation to approve the CS zoning. She encouraged the possibility of eliminating the gas pumps, increasing the screening and landscaping and limiting the hours of operation. She concluded that she cannot support the proposal.

Mr. Westervelt reminded the Planning Commission of the Albertson's proposal that was developed on 41st and Peoria. He stated that a public official stated that he would never utilize the Albertson's; however, he regularly sees this person while shopping at the Albertson's. He reminded the Planning Commission that the pictures of the trees at Albertson's are now ten years old and should be taken into consideration. If this application were approved, the same phenomenon would be seen at Wal-Mart and with the bank across the street. He concluded that he would like to make a motion based on the following findings: zoning patterns on the north, south, east and west boundary it is clear that on the north boundary there is 41st Street and significant non-residential use, south boundary there is all office uses, west boundary there is Harvard with commercial uses, and on the east boundary is either owned completely by the applicant or someone in support of the application. The Comprehensive Plan is an organic document and is regularly modified because things over time do change and it is recognized in the concept of the plan. The fact that there are two fully improved secondary arterial streets and a fully expanded intersection suggests that the infrastructure that has been paid for could be better utilized than it is currently.

This application is consistent with the Infill Development Task Force. These types of infill projects long-term provide more liability for neighborhoods as they transition. It is noted that Mr. Eshelman's traffic study is credible and commends his pedestrian study as well. It is important to ensure that there are some differences between the Brookside application, which was straight zoning and the PUD before the Planning Commission today. There will be a detail site plan review, which means that the residents will have the opportunity to have input on that as well. The masonry screening walls and landscaping will be reviewed closely. Mr. Westervelt commented that Mr. Glade stated that the Planning Commission had a responsibility to protect the neighborhood and whether the Planning Commission approves or denies an application they do recognize their responsibility to protect a neighborhood.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 5-4-0 (Harmon, Hill, Horner, Jackson, Westervelt "aye"; Bayles, Carnes, Coutant, Midget "nays"; none "abstaining"; Collins, Ledford "absent") to recommend **APPROVAL** of CS zoning for Z-6906 per staff recommendation

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 5-4-0 (Harmon, Hill, Horner, Jackson, Westervelt "aye"; Bayles, Carnes, Coutant, Midget "nays"; none "abstaining"; Collins, Ledford "absent") to recommend **APPROVAL** of PUD-690 per staff recommendation, with modifications made by applicant and subject to the lighting plan being finalized at detail site plan review. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

TMAPC COMMENTS:

Mr. Jackson reminded the interested parties and applicant that the Planning Commission is a recommending body only and that this recommendation would be transmitted to the City Council for a final decision.

Legal Description for Z-6906:

The South 150' of the North 350' of the West 300' and the North 200' of the East 100' of the West 300' of Section 28, T-19-N, R-13-E, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and located on the southeast corner of East 41st Street South and South Harvard Avenue, Tulsa, Oklahoma, **From RM-2 (Residential Multifamily Medium Density District) To CS (Commercial Shopping Center District).**

Legal Description for 690:

Planned Unit Development on the following described property: Tracts 1 through 4, inclusive, and the West 100' of Tracts 23, 24, 25 and 26, Block 1, Villa Grove Heights No. 1, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and located on the southeast corner of

East 41st Street South and South Harvard Avenue, Tulsa, Oklahoma, **From RM-2/RS-1/OL/CS (Residential Multifamily Medium Density/Residential Single-family Low Density District/Office Low Intensity District/Commercial Shopping Center District) To CS/OL/RS-1/PUD (Commercial Shopping Center District/Office Low Intensity District/Residential Single-family Low Density District/Planned Unit Development [PUD-690]).**

Mr. Harmon out at 5:45
Mr. Carnes out at 5:45

SUBDIVISIONS CONTINUED:

FINAL PLAT:

Tulsa Retirement Residence RS-2, RS-4 (783) (PD 18) (CD 2)

South of the southeast corner of East 71st Street and
Riverside Parkway

STAFF RECOMMENDATION:

This plat consists of one lot, in one block on 4.9 acres.

Mrs. Fernandez stated that all of the release letters have been received at this time and staff recommends **APPROVAL** of the final plat.

Applicant's Comments:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, Oklahoma 74105, stated that he did meet with his clients and it was quite a surprise to them that a request is being made by the Planning Commission for a mutual access. He explained that his client is under a tight timeframe and the changes would require several amendments to various documents and more meetings. He stated that his client is not in agreement with providing a mutual access to the north.

Mr. Jones stated that he recommended to his clients that they agree to try to work out a mutual access by separate instrument, but his clients were not able to guarantee that they would. His clients reminded him that they met all the subdivision requirements, went through preliminary plat approval, TAC meetings, meet the Subdivision Regulations. He explained that this is a retirement center and his clients do not want traffic going through where there is elderly people living and his client's respectfully declined to continue this application to obtain a mutual access. His clients did agree that they would continue to work on this, but they couldn't make any guarantees that it could be accomplished. He concluded that if a mutual access is possible, it would be done by separate instrument.

Mr. Jones stated that he understands the Planning Commission's concerns about this and if his clients had known about this prior to the twelfth hour, then possibly it could have been done. He requested the Planning Commission to respectfully approve the final plat since it does meet the Subdivision Regulations.

TMAPC COMMENTS:

Mr. Westervelt apologized to Mr. Jones and his clients about this being the twelfth hour; however, this happens rarely but when it does happen he feels it is his responsibility to bring it to someone's attention. Is there a way that this could be handled in the plat that there could be something structured that when the adjacent property came online the mutual access could occur at some time. In response, Mr. Jones stated that he believes he is authorized to state that his clients would examine that possibility. This would cause a redesign in the site plan and back to the Board of Adjustment and if the BOA denies it he is finished. It would require an amendment to the PFPI and virtually it would mean starting all over again.

Mr. Westervelt asked if the community would ever be gated or planned to be opened. In response, Mr. Jones stated that it would be opened and there is an emergency access back to the east. There area elderly residents walking about the parking lot and the extra traffic could cause a problem.

Mr. Stump stated that staff would like the mutual access across the frontage in order to have a left-hand turn, but there is no proposed development immediately north. There is a proposal on the property further north, but Mr. Jones makes a good point that this is an elderly housing project and the older you get the less able to cope with a lot of turning movements and other intersecting traffic. It would be ideal to be able to allow everyone to use the left-hand turn, but perhaps it something that would have to forego due to the elderly tenants.

Mr. Westervelt stated that noted that this is indeed a retirement community and not another type of business then perhaps this could be tabled and he would remove his objection.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Bayles, Coutant, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Ledford "absent") to **APPROVE** the final plat for Tulsa Retirement Residence per staff recommendation.

* * * * *

ZONING PUBLIC HEARING

Application No.: CZ-330

AG to RE

Applicant: Kyle Smalygo

(PD-14) (County)

Location: North and east of northeast corner of East 146th Street North and Highway 75 North

STAFF RECOMMENDATION:

CZ-302 APRIL 2002: The TMAPC and County Commission approved rezoning from AG to AG-R on a property located north of East 136th Street North and east of the North Sheridan Road alignment, south and west of the subject property.

CZ-267 JUNE 2000: Both Commissions approved rezoning from AG to RE on an eighty-acre parcel north of East 146th Street North and east of the North Sheridan Road alignment, west of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately eighty acres in size and is located north and east of the northeast corner of East 136th Street North and Highway 75 North. The property is gently sloping, partially-wooded, vacant, and zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
Highway 75 North	Freeway	Varies	4 lanes
State Highway 20 (146 th Street North)	Primary arterial	120'	2 lanes

UTILITIES: Water in this area is provided by a rural water system and waste treatment and disposal would require septic systems or other acceptable individual disposal methods.

SURROUNDING AREA: The subject property is surrounded by vacant property, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 14 area is within the jurisdiction of the Collinsville Comprehensive Plan, which designates this area as Rural Residential. Rural Residential intensity areas are non-urban or large-lot residential, rural and agricultural development. The written comments from the Collinsville Planner are included in the case file.

STAFF RECOMMENDATION:

The requested RE zoning is compatible with the objectives of the Collinsville Comprehensive Plan. Staff therefore recommends **APPROVAL** of RE zoning for CZ-330.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Coutant, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Harmon, Collins, Ledford "absent") to recommend **APPROVAL** of RE zoning for CZ-330 per staff recommendation.

Legal Description for CZ-330:

The West Half of the Southeast Quarter of Section 22, T-22-N, R-13-E of the IBM, Tulsa County, Oklahoma, more particularly described as follows: Beginning at the Southwest corner of said W/2, SE/4; thence N 0°09'52" E a distance of 2,642.19' to the Northwest corner of said W/2, SE/4; thence S 89°59'47" E a distance of 1,321.96' to the Northeast corner of said W/2, SE/4; thence S 0°09'34" W a distance of 2,643.81' to the Southeast corner of said W/2, SE/4; thence N 89°55'34" W a distance of 1,322.19' to the Point of Beginning, said tract containing 80.22 acres more or less, and located north and east of the northeast corner of East 146th Street North and Highway 75 North, Tulsa, Oklahoma, **From AG (Agriculture District) To RE (Residential Single-family, Estate District).**

Application No.: Z-6910

AG to CO

Applicant: Robert D. Sanders

(PD-18) (CD-8)

Location: South and east of Southeast corner of East 91st and South Mingo Road

STAFF RECOMMENDATION:

PUD-628/Z-6467-SP-4 March 2000: Approval was granted for a PUD/corridor site plan on a 15.8-acre tract located in the northeast corner of South Mingo Road and the Mingo Valley Expressway for a proposed assisted living, elderly and retirement facility. Office uses were approved on the southern end of the tract that had originally been approved for a golf pro shop and teaching building.

PUD-506/Z-6747 (Abandon) February 2000: All concurred in approval of a request to abandon PUD-506 and to rezone a 99.6-acre from CS, CO, RM-0 and RS-3 and PUD-506 to CO zoning. The property is located in the southwest corner of East 91st Street and South Garnett Road and east of the subject tract. A large portion of the original PUD-506 was found to be within the area proposed for the Broken Arrow Loop, leaving 99.6 acres of the original 158.2 acres within PUD-506.

PUD-586/Z-5888 April 1998: A request to rezone the 137-acre tract located on the northwest corner of East 91st Street and South Garnett Road from AG to CO and PUD to allow for a proposed medical complex, offices, retail and residential use. All concurred in approval.

PUD-559 MAY 1997 AND OCTOBER 1997: Approval was granted for rezoning from CO to CO/PUD at the northeast corner of the alignment of South 101st East Avenue and East 91st Street South; final plat approved August 2003.

Z-6538 July 1996: Approval was granted to rezone a 3.4-acre strip from AG to CO. The tract is located south of the southeast corner of East 91st Street and South Mingo Road and extending from South Mingo Road to approximately 300' west of the Mingo Valley Expressway right-of-way.

PUD-506/Z-6433 February 1994: Approval was granted to rezone 158.2-acre tract located in the southwest corner of East 91st Street and South Garnett Road from AG to CS, CO, RM-0 and RS-3 with a PUD overlay for a mixed use development.

Z-6467 January 1995: All concurred in approval of a request to rezone a twenty-acre tract located on the northeast corner of the Mingo Valley Expressway and South Mingo Road from AG to CO.

Z-6523 March 1996: Approval was granted on a request to rezone a .8-acre tract located east of the subject tract in the southwest corner of East 91st Street and Highway 169 South from AG to CO.

Z-6503 October 1995: All concurred in approval of a request to rezone a 10.6-acre tract abutting the subject property to the east from AG to CO.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is sloping, non-wooded, contains greenhouses for the commercial nursery on the adjoining lot, and is zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 91 st Street South	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north and east by vacant land, zoned CO; to the south and west by vacant land, zoned AG; and to the northwest by a commercial nursery business, zoned CO.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Corridor/Low Intensity-No Specific land use and Development Sensitive on part (in conjunction with a floodplain). Based on the Zoning Matrix, the requested CO zoning is in accord with the Plan.

STAFF RECOMMENDATION:

The trend in this area is clearly toward CO zoning and uses, and that is encouraged by the Plan. For those reasons, staff can support the requested rezoning and therefore recommends **APPROVAL** of CO zoning for Z-6910.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Coutant, Hill, Horner, Jackson, Midget, Westervelt no "aye"; "nays"; none "abstaining"; Carnes, Collins, Harmon, Ledford "absent") to recommend **APPROVAL** the CO zoning for Z-6910 per staff recommendation.

Legal Description for Z-6910:

TRACT 1: A tract of land that is a part of Lot 1 of Section 19, T-18-N, R-14-East of the IBM, Tulsa County, State of Oklahoma, said tract of land being described as follows, to wit: Starting at the Northwest Corner of Lot 1 of Section 19, T-18-N, R-14-E, thence Easterly along the Northerly line of said of Lot 1 for 1,217.86' to the Northeast Corner of Lot 1; thence Southerly along a deflection angle to the right of 89°40'24" and along the Easterly line of Lot 1 for 330.00'; thence Westerly along a deflection angle to the right of 90°19'36" and parallel to the Northerly line of Lot 1 for 8.48' to the Point of Beginning of said tract of land, said point being 991.74' Northerly of the Southerly line of Lot 1 and 1,210.53' Easterly of the Westerly line of Lot 1; thence Southerly along a deflection angle to the left of 90°22'00" for 430.75'; thence Westerly along a deflection angle to the right of

90°22'00" and parallel to the Northerly line of Lot 1 for 304.76'; thence Northerly at a right angle for 430.74'; thence Easterly at a right angle and parallel to the Northerly line of Lot 1 for 302.00' to the Point of Beginning of said tract of land; And, TRACT 2: A tract of land that is a part of Lot 1 of Section 19, T-18-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, said tract of land being described as follows, to wit: The East 302.00' of the North 330.00' of the NW/4, NW/4, LESS the North 200.00' of the West 130.00' thereof and LESS the North 60.00' of the East 172.00' of the North 330.00' of Government Lot 1 for highway, and located south and east of the southeast corner of East 91st Street South and South Mingo Road, Tulsa, Oklahoma, **From AG (Agriculture District) To CO (Corridor District).**

Application No.: Z-6911

AG to RS-3

Applicant: Neal Harton

(PD-17) (CD-1)

Location: Northeast corner of East 51st Street and North Lewis Avenue

STAFF RECOMMENDATION:

Z-6834 OCTOBER 2001: The TMAPC and City Council approved rezoning from AG to RS-3 on an 80-acre site west of South 177th East Avenue and north of South 51st Street, east of the subject property.

Z-6816 JUNE 2001: All concurred in approval of a request to rezone 11 acres located on the northeast corner of East 41st Street South and South 177th East Avenue from RM-0 and RS-3 to AG and RS-3.

Z-6500 SEPTEMBER 1995: A request to rezone a 107-acre tract located west of the northwest corner of East 51st Street South and South 193rd East Avenue and southeast of the subject property from AG to RS-4. All concurred in approving RS-4 zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is sloping, partially wooded, vacant, and zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 51 st Street South	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north by vacant land, zoned AG; to the east by vacant land, zoned AG and RS-3; to the west by a single-family development in the Broken Arrow city limits and to the south by a school, a church and a convent, also in the city limits of Broken Arrow.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as having a five-acre Medium Intensity-No Specific land use node at the intersection of East 51st Street and South 161st East Avenue and the remaining 155 acres as Low Intensity-No Specific land use. According to the Zoning Matrix, the requested RS-3 is in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and surrounding land uses and zoning, staff can support the requested rezoning and therefore recommends **APPROVAL** of RS-3 for Z-6911.

Ms. Matthews explained that the applicant decided that the applicant decided that he would like to have some RS-4 zoning on a corner portion of the subject property and filed an additional zoning application. The applicant has requested a continuance in order to hear the two cases Z-6911 and Z-6913 could be heard together. Staff recommends a continuance to October 15, 2003.

TMAPC Action; 7 members present:

On **MOTION** of **HILL**, TMAPC voted 7-0-0 (Bayles, Coutant, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Ledford "absent") to **CONTINUE** Z-6911 to October 15, 2003 at 1:30 p.m.

* * * * *

Mr. Westervelt out at 5:55 p.m.

Application No.: Z-6909

RS-3 to AG

Applicant: Demalda Newsome

(PD-25) (CD-1)

Location: East of southeast corner of East 56th Street and North Lewis Avenue

STAFF RECOMMENDATION:

There has been no recent rezoning in this area.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, contains a residential dwelling and barn, and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 56 th Street North	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north by vacant land, zoned AG; south by single-family dwellings on large lots and agricultural land and zoned AG; to the east and west by single-family homes on large lots and zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity-Residential land use. According to the Zoning Matrix, the requested AG zoning is in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, adjacent land uses and intensities, staff can support the requested rezoning and therefore recommends **APPROVAL** of AG zoning for Z-6909.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted 6-0-0 (Bayles, Coutant, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Ledford, Westervelt "absent") to recommend **APPROVAL** AG zoning for Z-6909 per staff recommendation.

Legal Description for Z-6909:

The N/2, W2, W/2, NE, NW, less the N 50' thereof, Section 8, T-20-N, R-13-E, Tulsa County State of Oklahoma, and located east of the southeast corner of East 56th Street North and North Lewis Avenue (2804 East 56th Street North), Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To AG (Agriculture District).**

Application No.: Z-6912

IM to CS

Applicant: Mather Cleveland

(PD-4) (CD-4)

Location: East of southeast corner of East 6th Street and South Xanthus

STAFF RECOMMENDATION:

Z-6855 April 2002: A request to rezone two lots located west of the northwest corner of East 4th Street and South Utica Avenue from RM-1 to CH was denied and all concurred in approval of CG in the alternative, for a barber and beauty shop.

Z-6573 January 1997: Staff recommended denial of IM zoning on a request to change the zoning from RM-1 to IM on a tract located on the southwest corner of East 4th Place and South Trenton. TMAPC and City Council approved IL zoning for a machine shop.

Z-6481 April 1995: The Parkdale and East Lynn blanket-zoned neighborhood located between East 7th Street south to East 11th Street and from South Quaker Avenue on the west to South Troost Avenue, at the neighborhood's request and the TMAPC's sponsorship, was rezoned from RM-2 to RS-4.

Z-6415 October 1993: The Hillcrest blanket-zoned neighborhood east of the subject property; at the neighborhood's request and the TMAPC's sponsorship, was rezoned from RM-2 to RS-4.

Z-6414 October 1993: The Wells blanket-zoned neighborhood north of the subject property; at the neighborhood's request and the TMAPC's sponsorship, was rezoned from RM-1 to RS-4.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, contains an office machine retail business, and is zoned IM.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 6 th Street South	Collector	60'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north by an industrial area, zoned IM and farther north lies a largely single-family residential area, zoned RS-4; on the east lies a mixed commercial/industrial area, zoned CS; on

the southeast lies a largely single-family residential area, zoned RS-4, and mixed commercial/industrial areas lie to the west and south, zoned IM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity-Residential land use. According to the Zoning Matrix, the requested CS zoning **is not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the mixed uses existing in this area, staff can support the requested CS zoning and therefore recommends **APPROVAL** of CS zoning for Z-6912.

If the TMAPC is inclined to recommend approval of this request, they should direct staff to prepare appropriate Plan Map amendments.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted 6-0-0 (Bayles, Coutant, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Ledford Westervelt "absent") to recommend **APPROVAL** the CS zoning for Z-6912 per staff recommendation.

Legal Description for Z-6912:

The East 63.33' of Lots 1 through 5, Block 3, Abdo Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located east of the southeast corner of East 6th Street South and South Xanthus Avenue, Tulsa, Oklahoma, **From IM (Industrial Moderate District) To CS (Commercial Shopping Center District).**

* * * * *

Application No.: PUD-276-4

MINOR AMENDMENT

Applicant: James Adair

(PD-6) (CD-7)

Location: 5801 East 41st Street

STAFF RECOMMENDATION:

The minor amendment proposes to increase the aggregate display surface area of wall signs permitted in Development Area B of PUD-276. The subject tract contains a ten-story office building and the underlying zoning is CS. The tract is located at 5001 East 41st Street.

A minor amendment (PUD-276-3) was approved by TMAPC on July 21, 1999, which permitted the following wall signs:

Signs: As permitted in Section 1103.B.2.a. of the Tulsa Zoning Code – wall signs shall not exceed an aggregate display surface area of two (2) square feet for each lineal foot of the building wall to which the sign or signs are attached. No new wall signs shall be permitted on the north-facing building wall.

The applicant is requesting the increase on the south elevation of the building. The south building wall is 105 feet long which would permit 210 SF of signage. The applicant is requesting that this be increased to 335 SF. The Board of Adjustment approved a variance (BOA-19643) on August 12, 2003 to permit the additional signage, per plan (attached).

Because of the height of the building (ten stories, 125 feet) and surrounding areas staff finds this request to be minor in nature. Therefore, staff recommends **APPROVAL** of the request per the submitted plans.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET** TMAPC voted 6-0-0 (Bayles, Coutant, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Collins Harmon, Ledford, Westervelt "absent") to recommend **APPROVAL** of the minor amendment for PUD-276-4 per staff recommendation.

* * * * *

Application No.: PUD-405-I-1

MINOR AMENDMENT

Applicant: Ted Sack

(PD-18) (CD-8)

Location: South and west of southwest corner of East 92nd Street and South 78th East Avenue

STAFF RECOMMENDATION:

The applicant is proposing a reduction in the minimum building setbacks and an increase in the maximum building floor area.

The subject tract has been approved for an automobile paint and body shop. The tract has approximately 146 feet of frontage on East 93rd Street. The underlying zoning is CO. The tract is abutted on the southeast by a tract that is zoned CO/PUD-405-G and has been approved for automotive uses; on the southwest by a tract zoned CO/PUD-405, that is being used for drainage purposes; and on the northeast by a tract that is zoned CO/PUD-405 and approved for a credit union. To the northeast of the tract, across South 78th East Avenue, is a tract zoned CO/PUD-405-C that has been approved for automotive uses. There are also automotive uses existing at the northeast and northwest corners of East 92nd Street and South 78th East Avenue.

The existing area and setback standards are as follows:

Maximum Building Floor Area:	15,090 SF
Minimum Building Setbacks:	
From public street right-of-way	60 FT
From westerly boundary of Development Area	25 FT
From northerly and southerly boundaries of Development Area	12 FT

The applicant is requesting the floor area be increased to 16,000 SF; the setback from the public street right-of-way be reduced to 45 feet to permit a front open canopy; and the setback from the westerly boundary be reduced to 17.5 feet.

Staff finds the request to be minor in nature, permitted by the underlying zoning and the character of the development is not substantially altered. Therefore, staff recommends **APPROVAL** of the request subject to the following conditions:

1. The requirements of PUD-405-I shall apply unless modified below.
2. Development Standards:

Maximum Building Floor Area:	16,000 SF
Minimum Building Setbacks:	
From public street right-of-way	
Building	60 FT
Canopy	45 FT
From westerly boundary of Development Area	17.5 FT

From northerly and southerly boundaries of 12 FT
Development Area

3. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
4. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed 25 feet in height.
5. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

RELATED ITEM:

Application No.: PUD-405-I

DETAIL SITE PLAN

Applicant: Ted Sack

(PD-18) (CD-8)

Location: South and west of southwest corner of East 92nd Street and South 78th East Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for an auto paint and body shop. The proposed use, Use Unit 17, Automobile and Allied Activities, is in conformance with development standards.

The detail site plan is in compliance with development standards with exception to maximum floor area permitted, setback from East 93rd Street South, setback from the west property line and landscaped street yard area (tied to setback from E. 93rd Street South). If Minor Amendment 405-I-1 is approved by TMAPC as requested by the applicant, the site plan will be in compliance with these standards as well.

The bulk trash container will be screened and a six foot screening fence will run along the entirety of the west property line and along the north and south property lines to a point in line with the front elevation of the building. A Detail Lighting Plan has not yet been submitted.

Staff recommends **APPROVAL** of PUD-405-I detail site plan on condition (1) TMAPC approves Minor Amendment 405-I-1 as requested by the applicant; and (2) an approved Detail Lighting Plan.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER** TMAPC voted 6-0-0 (Bayles, Coutant, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Collins Harmon, Ledford, Westervelt "absent") to **APPROVE** the minor amendment for PUD-405-I-1 per staff recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Bayles, Coutant, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Ledford, Westervelt "absent") to **APPROVE** the detail site plan subject to conditions (1) TMAPC approves Minor Amendment 405-I-1 as requested by the applicant; and (2) an approved Detail Lighting Plan per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-215

DETAIL SITE PLAN

Applicant: Whit Todd

(PD-18) (CD-8)

Location: 7431 East 91st Street South

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a church expansion, including a new sanctuary, chapel and administration offices. The proposed use, Use Unit 5, Community Services and Similar Uses, is in conformance with development standards.

Currently, the church comprises 26,795 square feet in three buildings. Proposed remodel and additional construction will increase the church use to 56,753

square feet. With the proposed additions, floor area ratio would be approximately 17%.

The proposed new sanctuary is to have 800 seats. Proposed parking meets minimum requirements of one space per three seats (267 spaces required; 280 spaces proposed). However, the 2nd Phase of the sanctuary is to add 200 seats. A total of 334 parking spaces would then be required. *Therefore, additional spaces and a new site plan review would be required prior to construction of "Phase 2".*

The proposed chapel/ sanctuary/ administration building is setback 117'-9" from the west property line. With exception of the steeple, which has a proposed height of 101'-3", the sanctuary will be 52' at the parapet. The new construction will be setback approximately 110' from 91st Street South right-of-way. Proposed relocation of the portable building places it 115' from the north property line, and the remodeled adult education building with the second-story addition will be 190' from the east property line.

Proposed landscaped area is in compliance with minimum requirements per the Zoning Code. Proposed lighting per the Detail Lighting Plan shows visibility of light producing elements to be contained to the site and not extending into the adjacent residential district.

Staff recommends **APPROVAL** of PUD-215 detail site plan.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET** TMAPC voted 6-0-0 (Bayles, Coutant, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Collins Harmon, Ledford, Westervelt "absent") to **APPROVE** the detail site plan for PUD-215 per staff recommendation.

Application No.: PUD-206

DETAIL SITE PLAN

Applicant: Joel Slaughter

(PD-18) (CD-8)

Location: South of southwest corner of East 91st Street and South Sheridan Road

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a Health Club/ Rehabilitation Clinic. The proposed use, Use Units 11, (Offices, Studios and Support Services) and 19, (Hotel, Motel and Recreation Facilities) are in conformance with development standards.

The proposed building complies with building height and setback requirements per approved Minor Amendment PUD-206-16. However, the site plan notes incorrectly denote the rear setback requirement for the second story as 50 feet rather than 53 feet. Parking design and number of spaces proposed comply with Zoning Code requirements. Proposed landscaped area and detail plan meet minimum Zoning Code requirements and Development Standards. Parking lot lighting per the Detail Lighting Plan complies with Zoning Code and PUD standards.

Proposed screening of the west boundary complies with PUD Standards per Minor Amendment PUD-206016, and no west-facing windows are proposed. Site Plan notes indicate that there will be no outside music and that hours of operation will be limited to 5:00 a.m. to 10:00 p.m.

Staff recommends **APPROVAL** of PUD-206 detail site plan on condition that the site plan notes are corrected to indicate a 53 foot rear setback for the second story.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER** TMAPC voted 6-0-0 (Bayles, Coutant, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Carnes, Collins Harmon, Ledford, Westervelt "absent") to **APPROVE** the detail site plan for PUD-206 per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 6:05 p.m.

Date Approved:

11.03.03

John J. Jahn

Chairman

ATTEST:

Mary E. Hill
Secretary