

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2437

Wednesday, February 15, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bernard	Ard	Alberty	Boulden, Legal
Cantees	Bayles	Chronister	
Carnes	Collins	Fernandez	
Hill	Harmon	Huntsinger	
Jackson	Horner	Matthews	
Midget			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, February 9, 2006 at 4:56 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Bernard called the meeting to order at 2:23 p.m.

Minutes:

Approval of the minutes of January 18, 2006, Meeting No. 2434

On **MOTION** of **MIDGET** the TMAPC voted 6-0-0 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** the minutes of the meeting of January 18, 2006, Meeting No. 2434.

Minutes:

Approval of the minutes of January 25, 2006, Meeting No. 2435

On **MOTION** of **MIDGET** the TMAPC voted 6-0-0 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** the minutes of the meeting of January 25, 2006, Meeting No. 2435.

Minutes:

Approval of the minutes of February 1, 2006, Meeting No. 2436

On **MOTION** of **MIDGET** the TMAPC voted 6-0-0 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** the minutes of the meeting of February 1, 2006, Meeting No. 2436.

REPORTS:

Director's Report:

Mr. Albery reported that there are no zoning items on the City Council this Thursday. Mr. Albery further reported that the wording has been finalized on the proposed Zoning Code amendments and will be noticed for public hearing on March 22, 2006.

Chairman Bernard read the opening statement and rules.

ITEMS TO BE CONTINUED:

PLAT WAIVERS:

BOA 20198-(9307) (PD-4) (CD-4)

East and west sides of Trenton Avenue between East 12th and 13th Streets

Staff has requested a continuance to April 19, 2006.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **CONTINUE** the plat waiver for BOA-20198 to April 19, 2006.

PRELIMINARY PLAT:

Warren Cat -(0417) (PD 16) (CD 5)

Northeast corner of East 36th Street North and US 169

Staff has requested a continuance to March 1, 2006.

Applicant's Comments:

Darin Akerman, Sisemore, Weisz and Associates, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that he is in agreement with the March 1, 2006 continuance.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **CONTINUE** the preliminary plat for Warren Cat to March 1, 2006.

Southpointe BMW of Tulsa - (8323)

(PD 26) (CD 8)

Northwest corner of East 98th Street South and Memorial Drive

Staff has requested a continuance to March 1, 2006.

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 **CARNES**, TMAPC voted **6-0-0** (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **CONTINUE** the preliminary plat for Southpointe BMW of Tulsa to March 1, 2006.

Application No.: PUD-579-A-6

MINOR AMENDMENT

Applicant: Bart C. James

(PD-18) (CD-8)

Location: West of the southwest corner of East 79th Street South and South 101st East Avenue

The applicant has requested a continuance to March 15, 2006.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **CONTINUE** the minor amendment for PUD-579-A-6 to March 15, 2006.

SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19932 – Matthew Belty (9029) (County)
25226 West 49th Street

STAFF RECOMMENDATION:

This lot-split is in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET** the TMAPC voted **6-0-0** (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

LOT-COMBINATIONS FOR RATIFICATION OF PRIOR APPROVAL:

LC-12 – Carlos Dumas (0225) (PD 2) (CD 1)
343 East Woodrow Place

LC-13 – Michael Jay Smith (9018) (County)
26124 West 27th Street

STAFF RECOMMENDATION:

All these lot-combinations are in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET** the TMAPC voted **6-0-0** (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **RATIFY** these lot-combinations given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

Bicycles of Tulsa – (9430)

(PD 18) (CD 5)

North of the northeast corner of East 48th Place and Mingo Road

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.07 acres.

The following issues were discussed February 2, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL. A plat waiver for this property was recently denied.
2. **Streets:** Legal description does not adequately describe the property. Sidewalks are required on arterial streets. Please identify where existing sidewalks are located and address their absence as appropriate. Provide a dimension for the west lot line. Label the tract as Lot 1, Block 1 and delete Block 40 and all Alsuma Addition lot lines.
3. **Sewer:** No comment.
4. **Water:** There is an existing water line available for a tap.
5. **Storm Drainage:** Please add a note stating that stormwater detention for this site is provided off-site at the existing, adjacent Alsuma stormwater detention facility.
6. **Utilities: ONG, Cable:** No comment.

7. **Other: Fire:** IFC 508.5.1: Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exception: For buildings equipped throughout with an approved automatic sprinkler system installed the distance requirement shall be 600 feet. Show the point of beginning on the face of the plat. Re-write the boundary description.

Staff recommends **APPROVAL** of the preliminary subdivision 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.

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; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** preliminary plat for Bicycles of Tulsa, subject to the special conditions and standard conditions per staff recommendation.

Crossing at 86th Street Phase II – (1326) (County)

East of the southeast corner of 86th Street North and Sheridan Road

STAFF RECOMMENDATION:

This plat consists of 59 lots, eight blocks, on 53.63 acres.

The following issues were discussed February 2, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RE. The plat was revised to show phased development. Make sure the dimensions on plat match legal description. Make sure reserve areas provide for proper maintenance. Future block lengths may exceed maximum length (Block 2). What kind of access to the reserve area will be provided, especially for those lots abutting the reserve? Limits of No Access are necessary. Show sidewalks. Is there a buffer for lots on major streets?
2. **Streets:** The dedication is poorly worded. Please use standard language. Show right-of-way dedications, existing and proposed, on 86th Street North. Subdivision Regulations require sidewalks on the residential streets as well as the arterial.
3. **Sewer:** Out of Tulsa service area. Septic proposed.
4. **Water:** Rural Water District # 3 Washington County will provide water.
5. **Storm Drainage:** An overland drainage easement and/or a storm sewer easement will be required to convey the drainage flowing onto the northwest corner of the site and along the west boundary to the stormwater detention area. An overland drainage easement and/or a stormwater detention easement will be required to convey the drainage from the stormwater detention facility's outlet structure to the pipe under North 68th East Avenue. In Article I: please use standard language for sections 1.4 and 1.7. Section 1.7 should be for stormwater detention. Please add the standard language for surface water drainage, overland drainage easement, and storm sewer easement. We recommend that the offsite drainage be collected, and then piped into the stormwater detention facility.
6. **Utilities: ONG, Cable:** Additional easements may be necessary.
7. **Other: Fire:** Fire service needs to be identified and released before final plat approval. Mr. John Palovik, a neighbor to the proposed development, expressed concern about fire protection and water service. GIS: Dimension the right-of-way along 86th Street. Make sure everything is dimensioned. Show the pc's and pt's at curves. Describe monumentation used on the face of the plat. Check the legal. Rewording recommended to read "on" the east line of the nw/4 instead of "along". County Engineer: Correct errors in property description on face of plat, in description on face of plat, and in covenants. Need drainage easement along west boundary of plat and between Lots 5, 6, Block 6, for drainage ditch or storm sewer. Need to show or indicate locations for access to Reserve B for maintenance. Show LNA along 86th Street. Number as appropriate. Section 1.5, remove reference to "Aspen Avenue". Reserve A mentioned in section 1.7, but is not shown on plat.

Staff recommends **APPROVAL** of the Preliminary Subdivision 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.

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.

INTERESTED PARTIES:

John Palovik, 7302 East 86th Street North, Owasso, Oklahoma 74055, expressed concerns about the water and fire safety. He indicated that he has contacted the Fire Department and they have not returned his calls.

Mrs. Fernandez stated that the plat requires the Fire Departments sign-off and she will make sure that Mr. Palovik receives that information. Mrs. Fernandez stated that she has not had any problems with the Fire Department or the City of Owasso responding to plats.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** preliminary plat for Crossing at 86th Street Phase II, subject to special conditions and standard conditions per staff recommendation.

VACATION OF PLAT:

Retail Center I and Partial Vacation of Plat of Star Center 4 (PD 2) (CD 26)
(8329)

South of 101st, East of Delaware

STAFF RECOMMENDATION:

Mrs. Fernandez presented the vacation of plat.

Mr. Boulden questioned if this item had been before the City of Tulsa and City Council.

Mr. Carnes suggested that this be continued to the next meeting in order to allow Legal to talk with Mr. Levinson regarding this issue.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nay"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **CONTINUE** the vacation of plat to February 22, 2006.

CHANGE OF ACCESS ON RECORDED PLAT:

Part of Lot 2, Block 1, of the Amended Rolling Hills Center Addition – (9401) (PD 17) (CD 6)

West of South 193rd East Avenue, South of East Admiral Place

STAFF RECOMMENDATION:

This application is made to allow a change of access along 193rd East Avenue to add a 30-foot access. The property is zoned CS.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

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 **CARNES**, TMAPC voted 6-0-0 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** the change of access for Part of Lot 2, Block 1, of the Amended Rolling Hills Center Addition per staff recommendation.

Part of Lot 1, Block 1, Raceway Addition – (2120) (PD 16) (CD 6)

West of North 129th East Avenue, North of East Apache Street

STAFF RECOMMENDATION:

This application is made to allow a change of access along North 129th East Avenue. Two additional access points are proposed. The property is zoned IM.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

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 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** the change of access for Part of Lot 1, Block 1, Raceway Addition per staff recommendation.

ZONING PUBLIC HEARING

Application No.: Z-7015/PUD-726

AG to RS-2/PUD

Applicant: Charles E. Norman

(PD-26) (CD-8)

Location: East side of South Delaware Avenue at approximately 116th Street

STAFF RECOMMENDATION Z-7015:

PUD-709 October 2004: All concurred in the approval of a planned unit development for a PUD on 9.99 acres east of Delaware Avenue and East 116th Street South for single-family residential use with RS-2 underlying zoning.

PUD-686 July 2003: Approval was granted unanimously for a 260-unit (maximum) single-family residential planned unit development on the east side of South Delaware north of East 121st Street for the Wind River development.

PUD-667 August 2002: The TMAPC unanimously approved the Water Stone PUD south of the 11000 block of South Riverside on 46 acres, with a maximum of 90 single-family lots at RS-1 density.

PUD-547 May 1996: The TMAPC approved (5-0-1) a PUD for a residential development with RE underlying zoning south and west of the southwest corner of South Yale Avenue and East 111th Street South. The development concept included five units on a cul-de-sac.

PUD-528 December 1994: An application for a commercial/residential PUD with underlying zoning of CS/RM-0 /RS-3 was approved by the TMAPC for a property at the southwest corner of South Yale Avenue and East 121st South.

PUD-527 December 1994: An application for a commercial/residential PUD with underlying zoning of CS/RM-0 on 11.62 acres at the northeast corner of South Yale Avenue and East 121st Street South was unanimously approved per staff recommendations.

PUD-526 December 1994: An application for a commercial/residential PUD with underlying zoning of CS/RM-0/RS-3 was approved by the TMAPC for a property at the northwest corner of South Yale Avenue and East 121st Street South.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 23.39+ acres in size and is located on the East side of South Delaware Avenue at approximately 116th Street. The property is vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 116 th Street	Residential	50'	2 lanes
South Delaware Avenue	Parkway	150'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north by vacant property zoned AG and property zoned RS-2 with an overlay zoning PUD-709; on the east by RS-2-zoned property currently undeveloped with an overlay zoning PUD-686; on the south by part of PUD-686 and the Arkansas River; on the west by some vacant land zoned AG and the Arkansas River.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Low Intensity-No Specific land use. The requested rezoning to RS-2 is in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing zoning and development in the area and current trends staff can support the requested rezoning and recommends **APPROVAL** of RS-2 for Z-7015.

STAFF RECOMMENDATION PUD-726:

PUD-709 October 2004: All concurred in the approval of a planned unit development for a PUD on 9.99 acres east of Delaware Avenue and East 116th Street South for single-family residential use with RS-2 underlying zoning.

PUD-686 July 2003: Approval was granted unanimously for a 260-unit (maximum) single-family residential planned unit development on the east side of South Delaware north of East 121st Street for the Wind River development.

PUD-667 August 2002: The TMAPC unanimously approved the Water Stone PUD south of the 11000 block of South Riverside on 46 acres, with a maximum of 90 single-family lots at RS-1 density.

PUD-547 May 1996: The TMAPC approved (5-0-1) a PUD for a residential development with RE underlying zoning south and west of the southwest corner of South Yale Avenue and East 111th Street South. The development concept included five units on a cul-de-sac.

PUD-528 December 1994: An application for a commercial/residential PUD with underlying zoning of CS/RM-0 /RS-3 was approved by the TMAPC for a property at the southwest corner of South Yale Avenue and East 121st South.

PUD-527 December 1994: An application for a commercial/residential PUD with underlying zoning of CS/RM-0 on 11.62 acres at the northeast corner of South Yale Avenue and East 121st Street South was unanimously approved per staff recommendations.

PUD-526 December 1994: An application for a commercial/residential PUD with underlying zoning of CS/RM-0/RS-3 was approved by the TMAPC for a property at the northwest corner of South Yale Avenue and East 121st Street South.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 23.39± acres in size and is located on the East side of South Delaware Avenue at approximately 116th Street. The property is vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 116 th Street	Residential	50'	2 lanes
South Delaware Avenue	Parkway	150'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north by vacant property zoned AG and property zoned RS-2 with an overlay zoning PUD-709, on the east by RS-2 zoned property currently undeveloped with an overlay zoning PUD-686, on the south by part of PUD-686 and the Arkansas River, on the west by some vacant land zoned AG and the Arkansas River.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Low Intensity – No Specific land use and some Development Sensitive. The requested rezoning to RS-2/PUD is in accord with the Comprehensive Plan.

Therefore, staff recommends **APPROVAL** of **PUD 726** 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: 17.512 AC 762,820 AC

PERMITTED USES:

Those uses permitted as a matter of right in Use Unit 6, Single Family Dwellings, including landscaped features and secured entrances and recreational facilities and uses customarily accessory to permitted uses.

MAXIMUM NUMBER OF LOTS: 56

MINIMUM LAND AREA PER DWELLING UNIT: 13,500 SF

MINIMUM LOT SIZE: 8,700 SF

MAXIMUM BUILDING HEIGHT: 35 FT

MINIMUM LIVABILITY SPACE PER LOT: 5,000 SF

OFF-STREET PARKING:

Two enclosed off-street parking spaces per dwelling unit and at least two additional off-street parking spaces per dwelling unit.

MINIMUM YARDS:

Front

From the centerline of private streets 40 FT*

Side

Side yards adjacent to a public or private Street without access (no garage) 15 FT

Side yards adjacent to a public or private street with access (garage) 20 FT

Internal side yards 5 FT

Rear

20 FT

Other

From the centerline of East 118th St. S. (public street) 55 FT

*Except Lots 9 and 10, Block 3 of proposed plat, Exhibit C, which may have minimum front yards of 35 feet.

PRIVATE STREETS:

Minimum width of pavement 26 FT

All base and paving materials shall be of a quality and thickness which meet the City of Tulsa standards for minor residential public streets.

SIDEWALKS:

Sidewalks shall be provided on both sides of all residential streets, whether public or private. Sidewalks adjacent to private streets shall be located within easements or reserve areas.

SIGNS:

One entry identification sign shall be permitted along the South Delaware Avenue frontage with a maximum height of four feet and

display surface area of 32 square feet, and one entry identification sign shall be permitted at the South New Haven Avenue entrance with a maximum height of four feet and a display surface area of 24 square feet.

Development Area B

LAND AREA: 5.88 ac 256,173 SF

PERMITTED USES:

Those uses permitted as a matter of right in Use Unit 6, Single Family Dwellings, including landscaped features and entrances, recreational facilities and uses customarily accessory to permitted uses.

MAXIMUM NUMBER OF LOTS: 12

MINIMUM LAND AREA PER DWELLING UNIT: 20,000 SF

MINIMUM LOT SIZE: 8,700 SF

MAXIMUM BUILDING HEIGHT: 35 FT

MINIMUM LIVABILITY SPACE PER LOT: 5,000 SF

OFF-STREET PARKING:

Two enclosed off-street parking spaces per dwelling unit and at least two additional off-street parking spaces per dwelling unit.

MINIMUM YARDS:

Front

From the centerline of East 118th St. S. 55 FT
From the centerline of South New Haven Ave. 50 FT
(Public Streets)

Side

Side yards adjacent to a public street without
Access (no garage) 15 FT
Side yards adjacent to a public or private street
with access (garage) 20 FT

Internal side yards 5 FT

Rear 20 FT

No residence shall front on East 118th Street South except Lots 15, 16, 17 and 18, Block 2 of proposed plat, Exhibit G.

PUBLIC STREETS:

The public streets within Development Area B shall conform to the requirements of the Subdivision Regulations for minor and collector residential streets.

SIDEWALKS:

Sidewalks shall be provided on both sides of all residential streets, whether public or private. Sidewalks adjacent to private streets shall be located within easements or reserve areas.

SIGNS:

One entry identification sign shall be permitted at the intersection of South Delaware Avenue and East 118th Street South with a maximum height of four feet and maximum display surface area of 32 square feet.

3. There shall be no vehicular access to the backsides of double frontage lots.
4. Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Subsection 1107.F.
5. 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.
6. 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.
7. All private roadways shall have a minimum right-of-way of 30 feet and be a minimum of 26 feet in width for two-way roads and 18 feet 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.

8. The City shall inspect all private streets and certify that they have been constructed to 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.
9. 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Tulsa Public Works and Tulsa Fire Departments prior to issuance of a building permit for the gates or guard houses.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

TAC Comments from February 2, 2006:

General – No comments.

Water – Water line extension is required.

Fire – IFC 508.5.1: Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exception: For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).

Cul-de-sacs: Cul-de-sacs shall not exceed seven hundred and fifty (750') feet in length, measured from the centerline of the intersecting streets to the center of the turn-around. Cul-de-sacs shall have a turn-around radius of not less than

thirty-eight (38) feet of paving, utilizing a rolled curb section wherever possible, and a radius of fifty (50') of right-of-way at the property line. Cul-de-sacs greater than two hundred and fifty (250) feet in length shall have a turn-around radius of not less than forty (40') feet of paving and a radius of fifty-two (52') feet of right-of-way at the property line. Cul-de-sacs greater than five hundred (500') feet in length and with abutting front yards for more than twenty (20) lots shall have a turn-around radius of not less than forty-eight (48') feet of paving and a radius of sixty (60') feet of right-of-way at the property line. For a cul-de-sac with a rolled curb section the turnaround radius may be measured to the back of the curb. Alternative turnarounds may be a one hundred and twenty (120') feet hammerhead or a sixty feet (60') "Y".

Alternative turnarounds may be utilized with the approval of the Fire Marshal or his designee. Examples of these include utilization of acceptable hammerheads or "Y" 's or utilizations of approved residential sprinkler systems (National Fire Prevention Association - NFPA). To meet the needs of specific situations, this requirement may be changed by the Planning Commission, upon comment by the Technical Advisory Committee, when topography or other limiting factors make such changes necessary for securing the best overall design. A modification of these Regulations is not required.

Stormwater – A PFPI will be required. A map amendment for changes to the City of Tulsa Regulatory Floodplain will be required. Compensatory Storage issues will be addressed in Platting and Design.

Wastewater – Sanitary sewer service must be provided for all lots in the subdivision.

Transportation – The southernmost property line distance (266.71') does not agree with the distance shown on the Wind River Plat (242.29'). The R/W along the east side of Delaware shall be a minimum of 75 ft for a Parkway per the Major Street and Highway Plan; alignment is to be coordinated with City of Tulsa Engineering Services, Transportation Design. Accuracy of acreages as stated for Development Areas "A" and "B" therefore should not be considered accurate until City has approved the R/W dedication alignment. Recommend specific sidewalk provisions be included in the PUD, in the public rights-of-way as appropriate and in reserves on the private streets.

Traffic – Recommend the design of a major capacity, gated entryway to be reviewed and approved by Traffic and Fire based on moderate entry volume.

GIS – No comments.

County Engineer – No comments.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On amended **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to recommend **APPROVAL** of the RS-2 zoning for Z-7015 per staff recommendation and recommend **APPROVAL** of PUD-726 per staff recommendation.

Legal Description for Z-7015/PUD-726:

A tract of land that is part of Government Lots 2 and 3, Section 33, T-18-N, R-13-E, of the Indian Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, said tract being more particularly described as follows: Beginning at the NW corner of said Lot 3; thence N 89°58'32" E along the Northerly line of Lot 3, for a distance of 991.29' to a point; thence S 0°03'46" W for a distance of 1319.54' to a point on the Southerly line of Lot 3; thence S 89°59'03" W and along said Southerly line, for a distance of 266.71' to a point on the present physical centerline of S. Delaware Ave; thence along said centerline for the following 7 courses; N 43°40'33" W for a distance of 138.21' to a point; thence N 38°23'40" W for a distance of 726.78' to a point; thence N 31°51'58" W for a distance of 163.92' to a point; thence N 29°48'53" W for a distance of 182.56' to a point on the Westerly line, for a distance of 1.38' to a point; thence N 28°32'39" W for a distance of 274.24' to a point of curvature; thence along a 1060.00 foot radius curve to the left, having a central angle of 6°59'43", for an arc distance of 129.42' to a point on the Northerly line of said Lot 2; thence N 89°58'32" E along said Northerly line, for a distance of 200.65' to the point of beginning, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof. **From AG (Agriculture District) To RS-2/PUD (Residential Single Family District/Planned Unit Development [PUD-726]).**

Application No.: Z-7016

RM-2 to OL

Applicant: Scott Keith & Randy Rankin

(PD-7) (CD-4)

Location: South of the southeast corner of West 15th Street and South Denver Avenue

STAFF RECOMMENDATION:

Z-6707 August 1999: A request for rezoning a 53.5+ acre tract from RM-2/RM-3/CS/CH to RS-4 all concurred in the approval of rezoning this property located between the Broken Arrow Expressway to Riverside Drive; and South Jackson

Avenue to South Elwood Avenue and located north and east of subject property for Residential-single-family development.

Z-6707-A October 1999: All concurred in approval of rezoning a 150' x 250' tract from RD/CH/PUD to RS-4/PUD located between South Jackson and Denver; and East 13th Street and Riverside and located north of subject property.

PUD-558 May 1997: All concurred in the approval of a planned unit development for a multi-family residential development on a 100' x 140' tract zoned RD/CH located north of the northwest corner of 13th Street South and Frisco Avenue and northwest of subject property.

PUD-365 October 1984: All concurred in the approval of a planned unit development for residential development on a 1.847± acre tract zoned RM-2 located on the northeast corner of West 19th and Riverside Drive and south of the subject property.

Z-5945 June 1984: A request for rezoning a 1.847 ± acre tract from RM-2 to RM-3; all concurred in the denying the rezoning to keep the density reduced. (Related to PUD-365)

PUD-330 September 1983: Approval was granted for a planned unit development on a 3.88± acre tract zoned RM-3 for a multi-family residential development located on the northwest corner of Riverside Drive and Denver Ave and south of the subject property.

BOA-20161 December 2005: The Board of Adjustment approved a Special Exception to permit an office use in an RM-2 district with conditions of their hours of operation, 8am to 6pm Mon. thru Fri. located at 1444 South Carson Avenue West.

BOA-20065 July 2005: The Board of Adjustment approved a Special Exception to allow Use Unit 11-Office, Studios & Support Services in an RM-2 zoned district and a Variance of the required number of parking spaces located at 1632 South Denver Avenue West and southwest of subject property.

BOA-19929 January 2005: The Board of Adjustment approved a Special Exception to permit off-street parking in an RM-2 district located east of subject property and located at 252 West 15th Street South.

BOA-19765 February 2004: The Board of Adjustment approved a Special Exception to allow an office (Use Unit 11) in an RM zoned district and located at 1513 South Carson Avenue and east of subject property.

BOA-18588 February 2000: The Board of Adjustment denied a Special Exception to permit off-street parking and a Variance of the required setback from centerline of Carson from 50' to 35'.

BOA-16083 July 1992: The Board of Adjustment denied a Special Exception for off-street parking in RM-2 district and a Variance of the required setback from an abutting R district.

BOA-13793 October 1985: The Board of Adjustment approved a Special Exception to allow parking in an RM-2 district and a Variance to allow off-site parking located at 252 West 15th Street South and east of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 7831± square feet in size and is located south of the southeast corner of West 15th Street and South Denver Avenue. The property is vacant, appears to have been used as a parking lot and is zoned RM-2.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Denver Avenue	Residential	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north and east by a property zoned RM-2, on the south and west by property zoned OL and consisting of office use.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 7 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Medium Intensity-No Specific land use, Area B Special Development District/activity node. Plan policies (Section 3.2) call for encouragement of development/redevelopment in this area, improvement of Denver Avenue as a gateway to downtown Tulsa, improvement of traffic flow and location of higher intensity uses at the intersections of Denver and 13th, 15th and Riverside Drive. The requested rezoning to OL is in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

This portion of South Denver Avenue was formerly all single-family residential uses. However, these large residences have gradually been converted to office and related uses. The lot in question most likely held a residence at one time. Although removal of that structure has interrupted the rhythm of that block face, the rezoning that is requested is in accord with the District 7 Plan and the

proposed parking to be located on that lot is undoubtedly needed by the adjacent office use. Therefore, staff can support the requested OL zoning and recommends **APPROVAL** of OL zoning for Z-7016.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On amended **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to recommend **APPROVAL** of the OL zoning for Z-7016 per staff recommendation.

Legal Description for Z-7016:

Lot 14, block 3, Stonebraker Heights Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma **From: RM-2 (Residential Multi Family District) To: OL (Office Low Intensity District).**

Application No.: PUD-727

Applicant: Sisemore Weisz & Assoc. (PD-2) (CD-1)

Location: West side of North Cincinnati Avenue between East Latimer Place North and East Oklahoma Street North

STAFF RECOMMENDATION:

Z-6866 August 2002: A request for rezoning a 3.2 ± acre tract from CH/RM-1/RS-4 to CS/OM all concurred in the approval of rezoning the property located at the southwest corner of North Cincinnati Ave and East Pine Street and North of the subject property.

Z-6373 October 1992: All concurred in approval of rezoning a 195 ± acre tract from RM-1 to RS-4 located between East Pine Street to Fairview Street and from the Osage Expressway (L.L. Tisdale Parkway) to North Cincinnati Avenue and located west and south and including all of subject property.

Z-6723 December 1999: A request for designating a 57.06 + acre tract from RS-3/RS-4/CS to RS-3-HP/RS-4-HP/CS-HP on a property bounded by the alley West of Denver to the alley East of North Cheyenne Avenue and the north boundary of West Fairview Street to West Marshal Street South as a Historical Preservation overly District. All concurred in the approval of this request.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 7.6268 ± acres in size and is located west side of North Cincinnati Avenue between East Latimer Place North and East Oklahoma Street North. The property is vacant and is zoned RS-4.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Cincinnati Place	Secondary Arterial	100'	4 lanes
East Oklahoma Street	Residential	50'	2 lanes
East Newton Street	Residential	50'	2 lanes
West Marshall Street	Residential	50'	2 lanes
East Latimer Place	Residential	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north by property zoned OM with office use; on the east by RS-3 and RM-1 zoned property with residential developments, on the south by RS-4 zoned property with residential use, and on the west by land zoned RS-4 and residential use.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 2 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area a Special District 1-NDP Area.

STAFF RECOMMENDATION:

Therefore, staff recommends **APPROVAL** of **PUD 727** 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 Standards Areas A – C

GROSS LAND AREA: (Areas A – C Combined) 7.6268 AC (332,225 SF)

NET LAND AREA: (Areas A-C Combined) 5.0875 AC (212,615 SF)

PERMITTED USES:

Use Unit 6, Single-Family Dwelling Units, and accessory buildings and uses.

MINIMUM LOT WIDTH: 50 FT

MINIMUM LOT AREA: 4,250 SF

MINIMUM LAND AREA PER DWELLING UNIT: 6,750 SF

MAXIMUM ALLOWABLE SINGLE-FAMILY DU's: 49

PROPOSED SINGLE-FAMILY DU's: 33

MAXIMUM BUILDING HEIGHT: 35 FT

MINIMUM LIVABILITY SPACE PER DU: 2,500 SF
(Inclusive of unpaved livability space within Reserve Areas)

MINIMUM BUILDING AND STRUCTURE SETBACKS:

From the centerline of N. Cincinnati Ave. 60 FT

From the R/W limits of E. Oklahoma St. N.,

E. Newton St. N., E. Marshall St. N.

and E. Latimer Pl. N. 10 FT

From the west boundary of PUD
(all development areas) 32 FT

MINIMUM REAR YARD SETBACKS: 0 FT

MINIMUM SIDE YARD SETBACKS: 5 feet each side yard

OFF-STREET PARKING: Per Tulsa Zoning Code

SCREENING AND DECORATIVE FENCING:

A six-foot high screening fence shall be constructed along the west boundary line of the PUD for separation of private property ownership areas. Masonry construction, similar to that used for Heritage Hills (across North Cincinnati from PUD-727), a wood/masonry combination or composite type of materials is recommended. A maximum six-foot high

decorative screening fence shall be constructed along the right-of-way limits of East Oklahoma Street North, East Newton Street North, East Marshall Street North and East Latimer Place North within the boundaries of the PUD, with tapering of said six-foot high fencing to a maximum fence height of four feet in the front yard areas of all lots within the subdivision.

PRIVATE ACCESS DRIVE:

The private street shall have a minimum pavement width of 18 feet and the base and paving materials shall be of a quality and thickness which meet the City of Tulsa standards for minor residential public streets.

TRANSIT:

A bus ~~pullout and shelter~~ pad should be provided in Development Area A adjacent to the private park, 'Reserve Area B'.

SIDEWALKS:

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

SECURITY ACCESS GATES:

A minimum of three security access gates in each development area shall be provided along the fence adjacent to North Cincinnati Avenue as depicted in Exhibits "C", "D" and "E".

3. All access shall be approved by TMAPC, the Fire Department and Public Works.
4. 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.
5. 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 house or other commonly owned structures within the PUD.
6. 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 of the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.

7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
8. 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.
9. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

TAC comments from February 2, 2006:

General – No comments.

Water – Water line extension is required.

Fire – No comments.

Stormwater – No comments.

Wastewater – No comments.

Transportation – Recommend sidewalks on Latimer in Area A, on Newton in Area B, and on Oklahoma in Area C. Recommend specific language for sidewalks in the PUD.

Traffic – Construction Standards for the Private St. shall be included in the PUD Development Standards including width and paving standards.

GIS – No comments.

County Engineer – No comments.

Applicant's Comments:

Darin Akerman, Sisemore, Weisz and Associates, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that he is not in agreement with the requirement under transit regarding the bus pullouts. He explained that he discussed this issue with MTTA and they agreed that a pad would be sufficient without the pullout and canopy.

Mr. Akerman stated that the second issue of concern is the staff's requirement for a screening fence. He indicated that his client is willing to install a six-foot wooden screening fence, but he would not want to install a masonry or masonry/wood fence.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Akerman if his client would consider using a less expensive composite material for his fencing. Mr. Akerman stated that he would have to discuss that with his client.

Mr. Carnes stated that he would be opposed to a wood fence.

Mr. Midget stated that this is a new development and it would be a shame to have a wood fence that will deteriorate. He commented that wood fences tend to require a lot of maintenance and unfortunately the maintenance is usually neglected.

Mr. Akerman indicated that this would be a gated community and they would pay dues for maintenance.

INTERESTED PARTIES:

Sam and Pat Burns, 1159 North Detroit Avenue, Tulsa, Oklahoma 74106, expressed their concerns about a wooden fence being installed. They feel that the fence would enable vandalism. Both Mr. and Mrs. Burns indicated that the Heritage Hills masonry wall is in disrepair and they are unable to get anyone to address this issue.

Connie Spencer, 1323 North Boston Place, Tulsa, Oklahoma 74106, asked if the City had any plans to purchase more property on the east side of Boston Place.

Mr. Midget indicated that he doesn't believe there are any plans.

Bobby Busby, 1627 North Boston, Tulsa, Oklahoma 74106, stated that he owns two rental homes located at 1348 and 1424 North Boston Place. He asked if his renters would be viewing a fence and if the zoning would be changing.

Mr. Jackson assured Mr. Busby that the zoning is remaining the same with a PUD overlay. Mr. Jackson explained to Mr. Busby the distance from the new development to his homes and that they would not be viewing a fence in their backyards.

Applicant's Rebuttal:

Mr. Akerman stated that this is high quality project and to use a composite material or masonry wall would be too expensive for the project. He indicated that his client would prefer to install a wooden privacy fence. Mr. Akerman reminded the Planning Commission that the screening fence is really not a requirement since it is single-family next to single-family; however, his client is willing to install the six-foot wooden screening fence.

Mr. Carnes stated that this is a good project and the applicant shouldn't trash it with a wooden fence.

TMAPC Action; 6 members present:

On amended **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to recommend **APPROVAL** of PUD-727 per staff recommendation, subject to there being no wooden screening fence and the

fencing should be wood/masonry or composite, subject to there being a bus pad and not a pullout or canopy as amended by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-727:

A TRACT OF LAND THAT IS A PART OF CLINESS CREST ADDITION, ADAMS RE-SUBDIVISION OF LOTS 5 THROUGH 19, INCLUSIVE BLOCK 1 AND LOTS 1 TO 17, INCLUSIVE BLOCK 2, IN CLINESS CREST ADDITION, AND BRAGASSA'S SUBDIVISION OF LOTS 1 AND 2, CLARENCE LLOYD SUBDIVISION, BEING A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 22 OF BLOCK 2 OF SAID CLINESS CREST ADDITION; THENCE SOUTH 00°00'02" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 2 OF SAID CLINESS CREST ADDITION, THE EASTERLY LINE OF BLOCK 2 OF SAID ADAM'S RE-SUBDIVISION, AND THE EASTERLY LINE OF BLOCK 1 OF SAID BRAGASSA'S SUBDIVISION FOR 604.73 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF BLOCK 1 OF SAID BRAGASSA'S SUBDIVISION; THENCE SOUTH 89°59'58" WEST ALONG THE SOUTHERLY LINE SAID LOT 3 FOR 137.50 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH 00°00'02" WEST ALONG THE WESTERLY LINE OF LOTS 3 AND 4 OF SAID BLOCK 1 BRAGASSA'S SUBDIVISION, THE WESTERLY LINE OF LOTS 14 THROUGH 20 OF SAID BLOCK 2 ADAMS RE-SUBDIVISION AND THE WESTERLY LINE OF LOTS 18 THROUGH 22 OF SAID BLOCK 2 CLINESS CREST ADDITION FOR 604.73 FEET TO THE NORTHWEST CORNER OF LOT 22 OF SAID BLOCK 2 CLINESS CREST ADDITION; THENCE NORTH 89°59'58" EAST ALONG THE NORTHERLY LINE OF SAID LOT 22 FOR 137.50 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. TOGETHER WITH A TRACT OF LAND THAT IS A PART OF BRAGASSA'S SUBDIVISION OF LOTS 1 AND 2, CLARENCE LLOYD SUBDIVISION, CHASTAIN'S SUBDIVISION OF LOT 3 CLARENCE LLOYD SUBDIVISION, AND CLARENCE LLOYD SUBDIVISION, BEING A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 12 EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF BLOCK 2 OF SAID BRAGASSA'S SUBDIVISION; THENCE SOUTH 00°00'02" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 2 AND THE EASTERLY LINE OF LOTS 2, 3, AND 6 OF SAID CHASTAIN'S SUBDIVISION, AND THE EASTERLY LINE OF LOTS 4 AND 5 OF SAID CLARENCE LLOYD SUBDIVISION FOR 604.78 FEET TO THE SOUTHEAST CORNER OF LOT 5 OF SAID CLARENCE LLOYD SUBDIVISION; THENCE SOUTH 89°59'58" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 5 FOR 140.00 FEET; THENCE NORTH 00°00'02" WEST FOR 233.92 FEET TO A POINT ON THE WESTERLY

EXTENSION OF THE SOUTHERLY LINE OF SAID CHASTAIN'S SUBDIVISION; THENCE NORTH 89°59'58" EAST ALONG SAID SOUTHERLY LINE FOR 2.50 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF SAID CHASTAIN'S SUBDIVISION; THENCE NORTH 00°00'02" WEST ALONG THE WESTERLY LINE OF LOTS 6, 3, AND 2 OF SAID CHASTAIN'S SUBDIVISION AND THE WESTERLY LINE OF LOTS 6 THROUGH 10 OF SAID BRAGASSA'S SUBDIVISION FOR 370.86 FEET TO THE NORTHWEST CORNER OF LOT 10 OF SAID BRAGASSA'S SUBDIVISION; THENCE NORTH 89°59'58" EAST ALONG THE NORTHERLY LINE OF LOT 10 OF BLOCK 2 OF SAID BRAGASSA'S SUBDIVISION FOR 137.50 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. TOGETHER WITH A TRACT OF LAND THAT IS A PART OF BLOCK 1 OF ADAMS RESUBDIVISION OF BLOCK 1, AMENDED PLAT OF THE POWDER AND POMEROY SECOND ADDITION, BEING A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 12 EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 1; THENCE SOUTH 00°00'02" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 1 FOR 605.20 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 1; THENCE NORTH 89°46'17" WEST ALONG THE SOUTHERLY LINE OF SAID BLOCK 1, ALSO BEING THE SOUTHERLY LINE OF LOT 15 OF SAID BLOCK 1, FOR 137.50 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE NORTH 00°00'02" WEST ALONG THE WESTERLY LINE OF LOTS 1 THROUGH 15 OF SAID BLOCK 1 FOR 604.65 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID BLOCK 1, ALSO BEING A POINT ON THE NORTHERLY LINE OF SAID BLOCK 1; THENCE NORTH 89°59'58" EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 1 FOR 137.50 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; the City of Tulsa, Tulsa County, State of Oklahoma. **FROM RS-4 (Residential Single Family District) TO RS-4/PUD (Residential Single Family District/Planned Unit Development [PUD-727]).**

Application No.: PUD-630-1

MINOR AMENDMENT

Applicant: Christopher S. Heroux

(PD-18) (CD-7)

Location: 4132 East 51st Street South

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment of PUD 630 for the purpose of allowing an increase in permitted signage from one sign not to exceed 32 square feet of display surface area to two wall signs, 42.71 square feet of display surface

area each. Underlying zoning is OL, Office Light. The applicant is also seeking a variance of the Tulsa Zoning Code from the Board of Adjustment on February 14, 2006, to exceed permitted number of signs and display surface area in OL districts.

The subject property is an existing bank located on the south side of East 51st Street South and is abutted on the east by a residential use zoned OL and by residential uses zoned RS-3. On the west the subject property is abutted by an office use zoned OM, Office Medium-Intensity, and residential uses zoned RD, Residential Duplex. Multi-family uses, zoned RM-2, and a high-rise office, zoned OMH, are on the north side of East 51st Street South across from the subject property.

Because of the site's proximity to residential uses, staff finds two signs with an aggregate 85.42 square feet of display surface area to be excessive and inappropriate and recommends **DENIAL** of PUD-630-1 as proposed. However, because of the existing office uses and proximate OM and OMH zoning, staff can support a minimal increase in north-facing (visible from East 51st Street South) signage and, therefore, recommends **APPROVAL** of PUD-630-1 subject to the following:

1. One wall sign permitted on the north-facing elevation not to exceed 43 square feet of display surface area.
2. Subject to Board of Adjustment approval of BOA-20199 for an increase in permitted display surface area.

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 **CARNES**, TMAPC voted 6-0-0 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** the minor amendment for PUD-630-1, subject to One wall sign permitted on the north-facing elevation not to exceed 43 square feet of display surface area. Subject to Board of Adjustment approval of BOA-20199 for an increase in permitted display surface area per staff recommendation. [Board of Adjustment approval was granted on February 14, 2006.]

Application No.: PUD-638-1

MINOR AMENDMENT

Applicant: TEP/Jerry Ledford, Jr.

(PD-6) (CD-4)

Location: West side of South Jamestown Avenue, between East 32nd Place South and East 33rd Street South

STAFF RECOMMENDATION:

The applicant proposes a minor amendment to PUD-638 for the purpose of utilizing the existing structures on Lots 9, 10, 11 and 12, Block 1, Shafer Heights Addition for their conversion to office uses in accordance with proposed amended development standards of PUD-638. Underlying zoning is RM-1 and RM-2, Residential Multifamily.

The original standards for PUD-638 permitted the following:

Permitted Uses:

Use Unit 11 and customary accessory uses permitted as a matter of right in the OL-Office Light Zoning District; and Use Unit 6, Single-Family Residential.

Maximum Building Floor Area:

36,000 SF

Maximum Building Height:

Two stories not exceeding 45 FT.

Minimum Building Setbacks:

From the centerline of S. Jamestown Ave.	75 FT
From the centerline of E. 32 nd Place South	50 FT
From the centerline of E. 33 rd St. S.	100 FT
From the west property line	10 FT

Number of Lots:

One

Off-Street Parking:

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

Minimum Internal Landscaped Area:

A minimum of 15% of the net land area shall be improved as internal landscaped areas.

Signage:

One ground sign not exceeding 12 feet in height and 32 SF in display surface area may be erected on the East 33rd Street South

frontage no closer than 100 feet from the west boundary of the PUD.

One building identification ground sign not exceeding eight feet in height and 16 square feet in display surface area may be erected on the East 32nd Place South frontage.

One wall sign may be placed on the building not exceeding 32 square feet, but may not be placed on an east-facing wall.

Lighting:

Exterior light standards and building-mounted lights shall be hooded and the light directed downward and away from the east and south boundaries of the property. Light standards and wall mounted lights shall not exceed 12 feet in height and no light standards shall be in the east 50 feet of the PUD.

The applicant is proposing to retain three existing residential structures on East 32nd Place South for office uses and eventually remove two existing structures on East 33rd Street South to construct three additional office buildings which will be residential in character and style. However, two of the residential structures on East 32nd Place South (Lots 12 and 11) appear to have uses of higher intensity than what is currently permitted by PUD-638 and the underlying RM zoning. (County Assessor records indicate that Lots 12 and 11 are standard residential units.) A major amendment and rezoning are required for continuance of any higher intensity uses within PUD-638.

Lot 12 is enclosed by a fence that may be higher than what is permitted by the zoning code (8' maximum height). In addition, because most of the backyard of Lot 12 is covered with asphalt and the front yard paved for parking and the driveway, it is unlikely Lot 12 is in conformance with livability space requirements (residential use) or minimum landscaped open space requirements (office use). Because these improvements likely do not qualify as legal nonconforming, staff recommends that the applicant bring the fence and yards into compliance, if needed, with the zoning code or seek appropriate action through the Board of Adjustment (and TMAPC for related minor amendments).

The original PUD did not permit access onto Jamestown Avenue; however, the applicant is now proposing access to Jamestown in the approximate location of the existing northernmost driveway access. Although residential uses front Jamestown Avenue directly across from the subject property, staff can support the proposed access because of the existing mixed uses aligning Jamestown Avenue a block north and one-half block south, and because of the residential character of the proposed development.

Staff finds the amendments as requested to be minor in nature and recommends **APPROVAL** of PUD 638-A subject to the proposed standards as modified by staff:

Net Land Area: 1.928 AC 84,000 SF

Permitted Uses:

Principal and accessory uses permitted as a matter of right in the OL, Office Light Zoning District.

Office Uses

Maximum Building Floor Area:	33,000 SF
Lot 5 (Area 'A')	3,500 SF
Lot 6 (Area 'B')	3,500 SF
Lots 7 & 8 (Area 'C')	10,000 SF
Lots 9 & 10 (Area 'D')	9,000 SF
Lot 11 (Area 'E')	3,500 SF
Lot 12 (Development Area 'F')	3,500 SF

Maximum Building Height:

Two stories not exceeding 35 feet.

Minimum Building Setbacks:

From the centerline of South Jamestown Avenue	75 FT
From the centerline of East 32 nd Place	50 FT
From the centerline of East 33 rd Street	100 FT
From the west boundary of the PUD	10 FT

Off-Street Parking:

As required by the applicable use units.

Minimum Internal Landscaped Open Space:

A minimum of 10% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscaped Chapter of the Tulsa Zoning Code.

Signage:

As permitted by right in OL districts per Section 602.4 of the Tulsa Zoning Code. However, no signage shall be permitted on Jamestown frontage, except one ground sign on the northeast corner of Lot 10 (southwest corner of East 32nd Place and South Jamestown Avenue). All ground signs must maintain a minimum separation of 100 feet per Section 1103.B.2.b(3).

Lighting:

Light standards, whether pole or building mounted, shall not exceed 12 feet in height, shall not be permitted in the east 50 feet of the PUD, and shall be hooded and directed downward and away from adjacent residential uses. Shielding of such light shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to persons within residential districts. Compliance with these standards and with the City of Tulsa Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.

Residential Uses

Residential Uses and those customarily accessory thereto shall comply with Section 403, *Bulk and Area Requirements in the Residential Districts*, and with Section 402, *Accessory Use Conditions*, of the Tulsa Zoning Code.

Note

The recommendation for approval of this PUD with the above conditions in no way is intended to imply or grant approval of any existing illegal uses. Compliance with the standards and terms of this PUD, as recommended or as modified by the TMAPC, may require demolition of some existing structures and/or paving.

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 **CARNES**, TMAPC voted 6-0-0 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** the minor amendment for PUD-638-1 per staff recommendation.

Application No.: PUD-312-A-7

MINOR AMENDMENT

Applicant: Sisemore Weisz & Associates

(PD-18) (CD-5)

Location: Southeast corner South 109th East Avenue and East 48th Street South

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment of PUD 312-A for the purposes of establishing two new sub-areas within PUD Development Area 'E', and allocating floor area for the allowable uses within these Development sub-areas. Concurrent with this minor amendment request, the applicant has submitted a lot-split application for division of PUD Development Area 'E' into two tracts of record as shown in Exhibit 'B'.

In July, 1995, approval was granted for PUD 312-A, a mixed-use development project encompassing approximately 81 acres of land located in the southeast quadrant of the junction of the Broken Arrow and Mingo Valley Expressways. Within PUD 312-A and subsequent PUD Minor Amendments, nine different PUD development areas have been defined and approved, as shown in Exhibit 'A'. To date, the majority of the 81 acre PUD has been platted and developed with office, banking, medical and retail uses.

The following standards are proposed for the new sub-areas of Development Area 'E':

DEVELOPMENT AREA 'E-1'

LAND AREA (NET): 3.095 acres
(134,832 SF)

PERMITTED USES:

Uses permitted in Use Unit 11, Offices, Studios and Support services; 12, Eating Establishments Other than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 17, Automotive and Allied Activities (Vehicle Repair and Service Only); 19, Hotel, Motel and Recreation Facilities; 21, Business Signs and Outdoor Advertising; 22, Scientific Research and Development, and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA:

Uses permitted in Use Units 12, 13, 14 and 17: 35,233 SF

Uses permitted in Use Units 11, 19 and 22: 116,632 SF

MINIMUM LOT FRONTAGE (measured at building setback line): 50 FT

MAXIMUM BUILDING HEIGHT: None

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the centerline of S. 109 th E. Ave.	55 FT
From the north boundary of Development Area 'E-1'	10 FT
From the south boundary of Development Area 'E-1'	12 FT
From the drainage channel access easement (20-foot wide easement)	0 FT

MINIMUM LANDSCAPED OPEN SPACE:

As required by Section 1104.E of the Tulsa Zoning Code.

SIGNS:

All business signs, whether wall or ground, shall meet the requirements of Section 1103.B.2 of the Tulsa Zoning Code.

DEVELOPMENT AREA 'E-2'

LAND AREA (NET): 2.000 acres (87,120 SF)

PERMITTED USES:

Uses permitted in Use Unit 11, Offices, Studios and Support Services; 12, Eating Establishments Other than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 17, Automotive and Allied Activities (Vehicle Repair and Service Only); 19, Hotel, Motel and Recreation Facilities; 21, Business Signs and Outdoor Advertising; 22, Scientific Research and Development, and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA:

Uses permitted in Use Units 12 13, 14 and 17:	22,767 SF
Uses permitted in Use Units 11, 19 and 22:	75,368 SF

MINIMUM LOT FRONTAGE (measured at building setback line): 50 FT

MAXIMUM BUILDING HEIGHT: None

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the centerline of S. 109 th E. Ave. and E. 48 th St. S.	55 FT
From the south boundary of Development Area 'E-2'	10 FT
From the drainage channel access easement (20-foot wide easement)	0 FT

MINIMUM LANDSCAPED OPEN SPACE:

As required by Section 1104.E of the Tulsa Zoning Code.

SIGNS:

All business signs, whether wall or ground, shall meet the requirements of Section 1103.B.2 of the Tulsa Zoning Code.

Staff finds the proposed amendments to be minor and nature and recommends **APPROVAL** of PUD-312-A-7 as requested.

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 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** the minor amendment for PUD-312-A-7 per staff recommendation.

Application No.: PUD-260-B-5

MINOR AMENDMENT

Applicant: Lori Worthington

(PD-18) (CD-7)

Location: 7010 South Zurich

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase signage on the building's south wall from 45 square feet of display surface area to 52.08 square feet of display surface area. Development standards for PUD 260-B originally permitted one square foot of display surface area per lineal foot of building wall to which the sign is attached; in 1995 this ratio was increased to 1.5 feet of display surface area per lineal foot by PUD 260-B-3. Signage on the remaining walls is

in compliance with development standards. If taken in the aggregate, existing signage and proposed signage will be less than maximum allowable display surface area for wall signs. In addition, proposed signage for the south wall is well within the 2/1 ratio permitted by underlying CS zoning.

Staff finds the amendment to be minor in nature and, therefore, recommends **APPROVAL** of PUD-260-B-5 as proposed.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** the minor amendment for PUD-260-B-5 per staff recommendation.

Application No.: PUD-597-2

MINOR AMENDMENT

Applicant: TEP/Jerry Ledford, Jr.

(PD-18) (CD-8)

Location: North of the Creek Turnpike, west side of Mingo Road

STAFF RECOMMENDATION:

The applicant proposes a minor amendment to accommodate a lot-split/lot-combination and to allocate floor area. Underlying zoning is OL, Office Light. Development Standards permit a maximum floor area of 80,000 square feet.

Development standards allow a maximum .30 floor area per lot for one-story buildings and maximum .35 floor area per lot for two-story buildings. Two-story buildings are permitted within 310 feet of the centerline of South Mingo Road; therefore, only Lots 1 and 2 are permitted two-story structures.

Per these standards, staff can recommend **APPROVAL** of PUD-597-2 subject to the following allocation of maximum floor area for the two existing and two "new" lots:

	Lot Area	Maximum Floor Area
Lot 1, Block 1	55,850 SF	19,548 SF

Lot 2, Block 2	75,188 SF	25,165 SF*
Lot 3 (Split), Block 1:	23,797 SF	9,839 SF
Combined Lot 4 and Part of Lot 3, Block 1	84,827 SF	<u>25,448 SF</u>
All Lots:		80,000 SF

*Existing 12,000 SF office building constructed on Lot 2, Block 1.

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 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** the minor amendment for PUD-597-2 per staff recommendation.

Application No.: PUD-709-1 MINOR AMENDMENT

Applicant: Tanner Consulting, LLC (PD-26) (CD-8)

Location: East of northeast corner of Delaware Avenue and East 121st Street
South, north of Wind River Subdivision

STAFF RECOMMENDATION:

The applicant is proposing a minor amendment to PUD 709 to relocate the stub street for Sequoyah Hill at the PUD's southeast corner approximately 327.15 feet north along the PUD's east boundary. The purpose of the amendment is to provide access to two adjacent property owners along the east boundary per a preexisting commitment. The shared access/ stub street will be private and will conform to PUD 709 standards for private roadways.

Staff finds the amendment to be minor in nature and recommends **APPROVAL** of PUD-709-1 subject to approval of Public Works' approval of the new stub street location.

The Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** the minor amendment for PUD-709-1, subject to approval of Public Works' approval of the new stub street location per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-707

DETAIL SITE PLAN

Applicant: Danny R. Mitchell

(PD-26) (CD-8)

Location: 7707 East 111th Street South

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new office park. The proposed use, Use Unit 11, Office, Studios and Support Services, is in conformance with Development Standards of PUD 707.

The three buildings, comprising an aggregate 56,014 square feet, are in compliance with permitted floor area and required building setbacks. The buildings range in height from 32'6" to 33'5" and are gabled. Maximum building height permitted is one-story, with "architectural elements and business logos exceeding maximum building height with detailed site plan approval." Without further information, i.e. detailed construction plans, it appears that the buildings are two-story and not in conformance with development standards.

The site plan conforms to minimum net lot landscaped area and streetyard area requirements. Parking provided is sufficient for general office uses or a mix of general and medical office uses, but there is not sufficient parking for the buildings to be occupied exclusively by medical uses (as indicated in the 'Building Area Notes and Tabulations'). No lighting plan has been provided.

Staff recommends **APPROVAL** of PUD-707 detail site plan contingent upon the following:

1. Construction plans verifying all proposed buildings are one story;

2. Based upon availability of parking, general office or mixed general office and medical office uses permitted; buildings may not be exclusively occupied by medical uses unless additional parking is provided;
3. Approved lighting plan in compliance with the Zoning Code and Development Standards as qualified by application of the Kennebunkport Formula and in consideration of topography.

(**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 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** the detail site plan for PUD-707 per staff recommendation.

Application No.: PUD-306

DETAIL SITE PLAN

Applicant: The Benham Companies

(PD-18) (CD-2)

Location: 2809 East 101st Street South

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new bank. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with Development Standards of PUD-306.

The proposed building is in conformance with building floor area, setback and height restrictions and meets minimum parking and landscaped area requirements. Parking and parking lot lighting are in compliance with the Zoning Code. Canopy lighting should be recessed or flush with the canopy to avoid glare into the nearby residential neighborhood.

Staff recommends **APPROVAL** of PUD-306 detail site plan as proposed.

Note: Detail site plan approval does not constitute landscape and sign plan approval. Landscaping and signage should be located east of the future South Delaware Avenue right-of-way.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

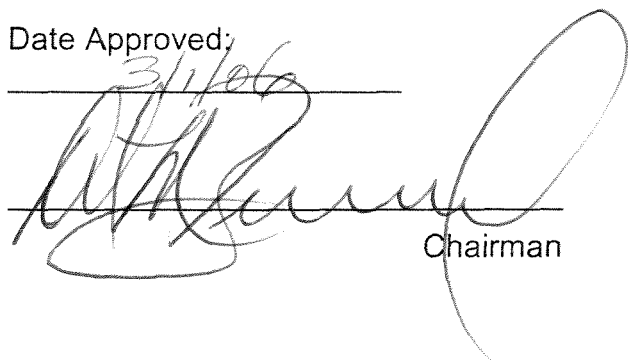
TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Bernard, Cantees, Carnes, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins, Harmon, Horner "absent") to **APPROVE** the detail site plan for PUD-306 per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 3:32 p.m.

Date Approved:

3/1/06



Chairman

ATTEST:



Secretary