

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2475

Wednesday, March 28, 2007, 1:30 p.m.

Francis Campbell City Council Room  
Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ard	Miller	Alberty	Ackermann, Legal
Bayles		Fernandez	
Cantees		Huntsinger	
Cantrell		Matthews	
Carnes			
Harmon			
Midget			
Shivel			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, March 23, 2007 at 8:41 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Ard called the meeting to order at 1:30 p.m.

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

### **REPORTS:**

#### **Chairman's Report:**

Mr. Ard reported that the Mayor requested the Planning Commission to start working on zoning for the River Corridor several weeks ago. Subsequent correspondence from the Mayor's office has requested the Planning Commission to put these proceedings on hold until the Mayor is able to formulate her plan. Evidently there are a lot of interested parties with plans in action and there are many facets to this issue.

#### **Worksession Report:**

Mr. Ard reported that the Planning Commission had a training session prior to today's meeting. There will be a worksession immediately following this meeting.

**Comprehensive Plan Report:**

Ms. Bayles reported that the Tulsa Comprehensive Plan Update Steering Committee met for the first time, Monday the 26<sup>th</sup> of March. Ms. Bayles indicated that this is the first of many meetings. The Plan update process is called "PLANITULSA". Ms. Bayles stated that this is her last TMAPC meeting and she is sure that other members of the committee can sufficiently report on the progress.

**Director's Report:**

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

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**CONSENT AGENDA**

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

- a. **Home Center Amended – Final Plat** (8406) (PD 18) (CD 8)  
6611 South 101<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of ten lots in one block on 37 acres.

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

- b. **Change of Access-** (9425) (PD 17) (CD 6)  
Lot 1, Block 1, Stone Creek Commercial Center

**STAFF RECOMMENDATION:**

This application is made to allow a change of access along the East 51<sup>st</sup> Street South. The property is zoned under PUD-712.

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

**TMAPC COMMENTS:**

The Planning Commission considered the consent agenda.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WOFFORD**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget, Miller "absent") to **APPROVE** the consent agenda Items 2.a. through 2.b. per staff recommendation.

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**COMPREHENSIVE PLAN PUBLIC HEARING:**

**Consider amending Comprehensive Plan for the Tulsa Metropolitan Area, by adopting the Manmade Hazard Mitigation Plan for the City of Tulsa – Non Secure Report and Resolution 2471:881.**

**STAFF RECOMMENDATION:**

Staff has reviewed the City of Tulsa Manmade Hazard Mitigation Plan, Non Secure Report, as submitted by the City of Tulsa, for conformance with the Comprehensive Plan. Upon review of the plan, staff has several comments. First, although the Manmade Hazard Mitigation Plan could not be specific as to sites, the adopted District Plans are certainly supportive of and predicated on maintaining and protecting public health, safety and welfare, either implicitly or explicitly. Staff surmises that many of the sites are within Special Districts and/or Corridors, which contain many safeguards. Second, it appears that INCOG may potentially have secondary roles to play in mitigation measures, should such an event occur (preparation of maps, planning of transportation routes, noting particularly sensitive land uses; much like the Oklahoma City Planning Department performed after the Murrah Building bombing). Staff, however, has some concern that many, if not most, of the provisions of the plan are not under the purview or authority of the TMAPC and therefore the TMAPC would have little or no jurisdiction over the plan's implementation. The staff and TMAPC would not be favorable to its recommendation for adoption being viewed as accepting responsibility for its being enacted. It should be noted that the participating agencies noted in the plan will be the implementing bodies. Third, the possibility of such disasters will almost certainly be a regional concern and staff will transmit this plan and resolution to the Board of County Commissioners, Tulsa County, following the TMAPC action if approved.

**RESOLUTION NO.: 2471:881**

**A RESOLUTION AMENDING  
THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA, BY  
ADOPTING THE MANMADE HAZARD MITIGATION PLAN FOR THE CITY OF  
TULSA – NON SECURE REPORT**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, a public hearing was held on the 21st day of February, 2007 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to adopt the Manmade Hazard Mitigation Plan for the City of Tulsa – Non Secure Report as a part of the Comprehensive Plan of the Tulsa Metropolitan Area;

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the adoption of the Manmade Hazard Mitigation Plan – Non Secure Report, as set out above, be and is hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**Applicant's Comments:**

**Brent Stout**, Senior Special Projects Engineer, Public Works Planning & Coordination, stated that the Planning Commission has had a briefing on this plan previously and today Ms. Cheryl Cohenour is present to provide additional details.

**Cheryl Cohenour** refreshed the Planning Commission's memory regarding the plan.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **BAYLES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget, Miller "absent") to recommend **APPROVAL** of the adoption of the Manmade Hazard Mitigation Plan for the City of Tulsa – Non Secure Report and Resolution 2471:881 amending the Comprehensive Plan for the Tulsa Metropolitan Area per staff recommendation.

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**Minutes:**

**Approval of the minutes of March 7, 2007 Meeting No. 2473**

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Ard, Bayles, Cantees, Cantrell, Carnes, Collins, Harmon, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget, Miller "absent") to **APPROVE** the minutes of the meeting of March 7, 2007, Meeting No. 2473.

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**PUBLIC HEARING**

**Application No.:** Z-7052/PUD-738

**AG TO RS-3/RM-0/CS/PUD**

**Applicant:** Charles E. Norman

(PD-8) (CD-2)

**Location:** Southwest corner West 71<sup>st</sup> Street and South Elwood Avenue

**STAFF RECOMMENDATION Z-7052:**

**Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006:** All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio on property located east of U.S. Highway 75 between West 71<sup>st</sup> and West 81<sup>st</sup> Streets and west of subject property.

**Z-7008 March 2006:** All concurred in approval of a request to rezone a 43.6+ acre tract from AG/RS-3 to CO on property located East side of U. S. Highway 75 South between West 71<sup>st</sup> Street South and West 81<sup>st</sup> Street South for regional shopping center known as Tulsa Hills.

**Z-6967 February 2005:** Approval was granted on a request to rezone the sixty-two acre tract located on the northeast corner of West 81<sup>st</sup> Street South and U. S. Highway 75 South, from AG to CO.

**Z-6966 February 2005:** Approval was granted on a request to rezone a seventy-two acre tract located on the southeast corner of West 71<sup>st</sup> Street South and U. S. Highway 75 South from AG to CO. An accompanying recommendation was to amend the District Plan map to reflect the CO rezoning, which has been done.

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

**Z-6858/PUD-660 July 2002:** All concurred in approval of a request to rezone a 2.2+ acre tract from AG to CS/PUD and a Planned Unit Development for commercial uses on property located east of the southeast corner of South Elwood Avenue and West 71<sup>st</sup> Street.

**Z-6001-SP-1/PUD-648 May 2001:** A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56-acre parcel located on the northeast corner of West 71<sup>st</sup> Street and U. S. High 75 South. The original CO zoning for this parcel had been approved in 1984 from AG to CO.

**PUD-636/Z-5457-SP/Z-4825-SP October 2000:** Approval was granted, subject to conditions of the PUD, for a Planned Unit Development on a 108-acre tract located on the northwest corner of West 81<sup>st</sup> Street South and South Highway 75 and west of the subject tract. The proposed uses include single-family and townhouse dwellings and commercial uses.

**Z-6251 August 1989:** All concurred in approval of a request to rezone three parcels containing one acre each and located south of the southwest corner of West 71<sup>st</sup> Street South and South Jackson Avenue, from RS-3 to AG.

**PUD-384-A April 1987:** The applicant requested a major amendment to PUD-384 to abandon previous uses that had originally been allowed and requested approval for Use Units 11, 14, 15 and 17. All concurred in approval of the request subject to conditions for the following uses, a mini-storage facility, a retail lawn and garden business with office and showroom. Use Unit 17 permitted the mini-storage facility only and all outdoor display for retail lawn and garden business would be only for seasonal merchandise. The property is located east of the southeast corner of South Elwood Avenue and West 71<sup>st</sup> Street.

**Z-6017/PUD-384 May 1985:** A request to develop a ten-acre tract located east of the southeast corner of South Elwood Avenue and West 71<sup>st</sup> Street for commercial use was approved with conditions for CS zoning on the north 550'. The requested IL zoning was denied.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 39.19 acres in size and is located southwest corner West 71<sup>st</sup> Street and South Elwood Avenue. The property appears to be vacant, semi-wooded and is zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
West 71 <sup>st</sup> Street	Primary arterial	120'	Four
South Elwood Avenue	Secondary arterial	100'	Two

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

**SURROUNDING AREA:** The subject tract is abutted on the east by large-lot single-family residential and vacant land, zoned AG and by small commercial uses, zoned CS ; on the north by vacant land, zoned AG; on the south by large-lot single-family residential uses, zoned AG; and on the west by large-lot single-family residential uses zoned RS-3. The Richard L. Jones Riverside Airport lies to the southeast of the subject site, and its operations may impact land uses on the subject property. Management at the Tulsa Airport Authority has been made aware of the proposal and any comments they submit will be transmitted to the TMAPC.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-No Specific land use (10 acres) at the corner, Medium Intensity-Linear Development Area/Commercial along West 71<sup>st</sup> Street to the west and Low Intensity-No Specific land use to the south. To the north across West 71<sup>st</sup> Street is another ten-acre Medium Intensity node. According to the Zoning Matrix, the requested RS-3 rezoning **is** in accord with all three Plan Map designations; the RM-O and CS zoning **are** in accord with the Zoning Matrix for the Medium Intensity-No Specific land use; the RM-O and CS **may be found** in accord with the Zoning Matrix for the Medium Intensity-Linear Development Area; and the RM-O **may be found** to be in accord with the Zoning Matrix for the Low Intensity-No Specific land use. However, since this development is to be accompanied by a PUD (PUD-738), the underlying zoning pattern and required floor area ratio will determine the standards for the entire parcel.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and surrounding existing and planned land uses, staff can support the requested rezoning for Z-7052, so long as the TMAPC deems the accompanying PUD-738 or some variation of it to be acceptable. Staff so recommends **APPROVAL** of RS-3, RM-0 and CS for Z-7052.

**RELATED ITEM:**

**STAFF RECOMMENDATION FOR PUD-738:**

**Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006:** All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center know as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio. On property located east of US Highway 75 between West 71<sup>st</sup> and West 81<sup>st</sup> Streets and west of subject property.

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**Z-6967 February 2005:** Approval was granted on a request to rezone the sixty-two acre tract located on the northeast corner of West 81<sup>st</sup> Street South and U. S. Highway 75 South, from AG to CO.

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business would be only for seasonal merchandise. The property is located east of the southeast corner of South Elwood Avenue and West 71<sup>st</sup> Street.

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**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 39.19 acres in size and is located southwest corner West 71<sup>st</sup> Street and South Elwood Avenue. The property appears to be vacant, semi-wooded and is zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
West 71 <sup>st</sup> Street	Primary arterial	120'	four
South Elwood Avenue	Secondary arterial	100'	two

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

**SURROUNDING AREA:** The subject tract is abutted on the east by large-lot single-family residential and vacant land, zoned AG and by small commercial uses, zoned CS ; on the north by vacant land, zoned AG; on the south by large-lot single-family residential uses, zoned AG; and on the west by large-lot single-family residential uses zoned RS-3. The Richard L. Jones Riverside Airport lies to the southeast of the subject site, and its operations may impact land uses on the subject property. Management at the Tulsa Airport Authority has been made aware of the proposal and any comments they submit will be transmitted to the TMAPC.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-No Specific land use (10 acres) at the corner, Medium Intensity-Linear Development Area/Commercial along West 71<sup>st</sup> Street to the west and Low Intensity-No Specific land use to the south. To the north across West 71<sup>st</sup> Street is another ten-acre Medium Intensity node. According to the Zoning Matrix, the requested RS-3 rezoning **is** in accord with all three Plan Map designations; the RM-O and CS zoning **are** in accord with the Zoning Matrix for the Medium Intensity-No Specific land use; the RM-O and CS **may be found** in accord with the Zoning Matrix for the Medium Intensity-Linear Development Area; and the RM-O **may be found** to be in accord with the Zoning Matrix for the Low Intensity-No Specific land use.

**STAFF RECOMMENDATION:**

PUD-738 is proposed as a mixed use development comprising 39.19 acres at the southwest corner of West 71<sup>st</sup> Street South, a primary arterial, and South Elwood Avenue, a secondary arterial. An accompanying application for rezoning from the existing AG to CS, RM-0 and RS-3 is being considered per Z-7052. The District 8 Comprehensive Plan classifies the intersection of West 71<sup>st</sup> Street South and South Elwood Avenue eligible for ten acres of medium intensity zoning with frontage along West 71<sup>st</sup> Street to the west of the node being within Linear Development Area 1.

The subject tract slopes gently from the intersection of West 71<sup>st</sup> Street South and South Elwood Avenue to the southwest. Hager Creek is located along the western boundary of the property and areas proposed for development within the corresponding floodplain may require an amendment to the City of Tulsa Regulatory Floodplain map. A major overhead power line traverses the property from the southwest to the northeastern border of the site and similar electrical transmission lines are located on the eastern boundary of the property along with a petroleum products pipeline. The property is also located within Zone #6, Runway Protection Zone, for R. L. Jones Jr. Riverside Airport (avigation notice will be required) and is subject to an FAA Airspace Study.

PUD-738 development concept divides the property into Development Areas A and B with commercial and hotel uses proposed for Development Area A and offices and multifamily residences proposed for Development Area B. The forty-acre area immediately south of PUD-738 is presently in multiple ownerships, but future development for single-family residences is anticipated per the Comprehensive Plan.

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-738 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-738 subject to TMAPC approval of requested zoning per Z-7052 and 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:

Net Area:	18.07 AC	786,999 SF
Gross:	20.55 AC	895,202 SF

### PERMITTED USES:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 19, Hotel and Motel uses only; and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA: 263,000 SF

### MAXIMUM BUILDING HEIGHT:

Hotels and Offices	75 FT*
Other Permitted Uses	35 FT**

*\*Proposed height subject to FAA finding of no impact to airport operations through review of Airspace Study.*

*\*\*Architectural elements may exceed maximum building height with Detail Site Plan approval.*

### OFF-STREET PARKING:

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

### MINIMUM BUILDING SETBACKS:

From right-of-way of West 71 <sup>st</sup> Street South	50 FT
From the west boundary	50 FT#
From centerline of South Elwood Avenue	100 FT
From the south boundary	10 FT

Internal lot side yards to be established by Detail Site Plan.

*#or greater subject to overland drainage easement associated with the City of Tulsa Regulatory Floodplain.*

#### LANDSCAPING AND SCREENING:

A minimum of ten percent (10%) of the net land area of a lot shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code. This shall include those landscaped areas required for meeting street yard and parking area requirements per the Landscape Chapter of the Tulsa Zoning Code. Location and necessity of screening along west boundary to be determined at detail site plan review.

#### LIGHTING:

Exterior light standards for Development Area A shall not exceed 25 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

#### TRASH, MECHANICAL AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), 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.

#### SIGNS:

- (a) One ground sign shall be permitted for each lot on the West 71<sup>st</sup> Street South frontage with a maximum of 150 square feet of display surface area and 20 feet in height.
- (b) One center/ tenant identification sign shall be permitted at the principal entrance from West 71<sup>st</sup> Street South with a maximum of 200 square feet of display surface area and 25 feet in height.
- (c) One hotel identification sign shall be permitted at the westernmost entrance from West 71<sup>st</sup> Street South with a maximum of 100 square feet of display surface area and fifteen (15) feet in height.
- (d) Ground signs must maintain a minimum separation of 100 feet as required per Section 1103.B.2.4 of the Tulsa Zoning Code.
- (e) Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which

attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

#### VEHICULAR ACCESS AND CIRCULATION:

All vehicular access to West 71<sup>st</sup> Street South and South Elwood Avenue shall be subject to the approval of Traffic Engineering. Traffic signals on West 71<sup>st</sup> Street South as indicated on Exhibit "C" shall not be permitted unless a Traffic Impact Study reviewed by Traffic Engineering finds Federal Signal Warrants are met. No signals are anticipated as being necessary.

An internal street providing access to each internal lot (any lot not having frontage on a public street) within Development Area A and access to each lot within Development Area B shall be required.

#### PEDESTRIAN ACCESS AND CIRCULATION:

Sidewalks shall be provided along both sides of the internal street and along West 71<sup>st</sup> Street South and South Elwood Avenue. In addition, designated pedestrian access (i.e., paving or striping) shall be provided from arterial and private street sidewalks to each building with frontage on that arterial or private street.

#### AVIGATION NOTICE:

There shall be placed on the face of the plat or plats of any portion of PUD 738 an Avigation Notice which shall state the following:

*Notice is hereby given that owners and users of aircraft of all types operate on a frequent basis in the airspace above and in the vicinity of this plat of land. Said aircraft, when operated in a lawful manner, are allowed free and unobstructed passage in the airspace on, upon, over, across, adjacent to, above and in the vicinity of this plat of land. The lawful operation of aircraft is known to generate noise, vibration, and other effects as may be inherent in the operation of or flight or passage in and through said airspace which result directly or indirectly from the operations of aircraft or the airport, now and in the future, including by not limited to, ground and flight operations of aircraft at, over, on or in the vicinity of the airport, and regardless of whether arriving, departing, maneuvering, or en route, and it must be further recognized that all such operations may increase in the future.*

*Notice is also given that rules and regulations defined in Federal Aviation Regulations (FARs), including but not limited to FAR Part 77, may limit the height of buildings, structures, poles, trees or other objects whether natural or otherwise, located or to be located on property within this plat of land and may require, prior to construction, the submission of an*

*application as may be required by the Federal Aviation Administration to ensure that the safe operation of aircraft is not impacted by said object.*

### **Development Area B:**

#### **LAND AREA:**

Net Area:	17.94 AC	781,554 SF
Gross:	18.64 AC	812,089 SF

#### **PERMITTED USES:**

Uses permitted as a matter of right in Use Units 5, Community Services and Similar Uses, Children's Nursery and Church only; 7a, Townhouse Dwellings; 8, Multi-family Dwellings and Similar Uses; 10, Off-Street Parking; 11, Offices and Studios; and uses customarily accessory to permitted principal uses.

**MAXIMUM NUMBER OF DWELLING UNITS:** 264

#### **MAXIMUM BUILDING FLOOR AREA:**

Other permitted uses 15,305 SF~  
~Floor area may be increased with corresponding reduction in DU's through detail site plan approval.

#### **MAXIMUM BUILDING HEIGHT:**

Multi-family Dwellings (not to exceed three stories)	48 FT^
Offices	35 FT^^
Churches and Children's Nursery	35 FT^^

^Proposed height subject to FAA finding of no impact to airport operations through review of Airspace Study.  
^^Architectural elements may exceed maximum building height with Detail Site Plan approval.

#### **MINIMUM BUILDING SETBACKS:**

From the north boundary	10 FT
From the west boundary	50 FT+
From the east boundary/ centerline of South Elwood Avenue	100 FT
From the south boundary	
For buildings exceeding 35 feet in height	85 FT
For buildings 35 feet or less in height	75 FT

+or greater subject to overland drainage easement associated with the City of Tulsa Regulatory Floodplain.

**MINIMUM PARKING AREA AND ACCESS DRIVE SETBACK:**

From the south boundary of Area B

25 FT

**LIVABILITY SPACE:**

A minimum of 600 square feet of livability space shall be provided for each multi-family dwelling unit.

**LANDSCAPE AND SCREENING REQUIREMENTS:**

A minimum of fifteen percent (15%) of the net land area of a lot for offices shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code. This shall include those landscaped areas required for meeting street yard and parking area requirements per the Landscape Chapter of the Tulsa Zoning Code.

Location and necessity of screening along west boundary to be determined at detail site plan review. A minimum six foot high screening fence and 25 foot landscaped buffer shall be required along the south boundary of Development Area B. This requirement may be modified by TMAPC detail site plan approval with regard to the southwest corner of Development Area B for accommodation of the floodplain.

**SIGNS:**

- (a) One ground sign shall be permitted for each lot developed for office use with a maximum display surface area each of 32 square feet and 12 feet in height.
- (b) One ground sign shall be permitted at the principal entrance from South Elwood Avenue to a multi-family development with a maximum of 32 square feet of display surface area and 12 feet in height.

**LIGHTING:**

Exterior light standards for Development Area B shall not exceed 15 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

**TRASH, MECHANICAL AND EQUIPMENT AREAS:**

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), 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.

#### VEHICULAR ACCESS AND CIRCULATION:

All vehicular access to South Elwood Avenue shall be subject to the approval of Traffic Engineering. An internal street providing access to each internal lot (any lot not having frontage on a public street) within Development Area A and access to each internal lot within Development Area B shall be required.

#### AVIGATION NOTICE:

There shall be placed on the face of the plat or plats of any portion of PUD 738 an Avigation Notice which shall state the following:

*Notice is hereby given that owners and users of aircraft of all types operate on a frequent basis in the airspace above and in the vicinity of this plat of land. Said aircraft, when operated in a lawful manner, are allowed free and unobstructed passage in the airspace on, upon, over, across, adjacent to, above and in the vicinity of this plat of land. The lawful operation of aircraft is known to generate noise, vibration, and other effects as may be inherent in the operation of or flight or passage in and through said airspace which result directly or indirectly from the operations of aircraft or the airport, now and in the future, including by not limited to, ground and flight operations of aircraft at, over, on or in the vicinity of the airport, and regardless of whether arriving, departing, maneuvering, or en route, and it must be further recognized that all such operations may increase in the future.*

*Notice is also given that rules and regulations defined in Federal Aviation Regulations (FARs), including but not limited to FAR Part 77, may limit the height of buildings, structures, poles, trees or other objects whether natural or otherwise, located or to be located on property within this plat of land and may require, prior to construction, the submission of an application as may be required by the Federal Aviation Administration to ensure that the safe operation of aircraft is not impacted by said object.*

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect 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. 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.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. A property owners 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.
9. 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 private roadways must be located within a Reserve Area. Associated sidewalks must be located within the Reserve Area or within a sidewalk easement, or shown on detail site plans and to include appropriate maintenance responsibility language. 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 ten percent.
10. 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.
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. 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.
14. 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.
15. 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.

#### **Comments from 3-1-07 TAC:**

**General:** Predevelopment meeting was held 2-19-07.

**Water:** A looped water main extension will be required using two feeds.

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

#### **Exceptions:**

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

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. Alternative turn-arounds may be utilized with the approval of the Fire Marshall 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. In the southwest

corner of the project there are two parking lots that shall be provided with a means to turn a fire truck around.

**Stormwater:** The floodplain must be placed in a reserve/overland drainage easement. Any modifications to the floodplain that reduce storage volume will require compensatory storage easements. A City of Tulsa Regulatory Floodplain map amendment may be required.

**Wastewater:** Sanitary Sewer must be extended to provide service to all lots within the proposed subdivision. Provide adequate depth and diameter of pipe to allow service to the area west of the PUD area. If you connect to the existing main line along the North side of E 71<sup>st</sup> St, then Excess Capacity Fees will be assessed for the area draining to the North.

**Transportation:** Right-of-way dedication will be required on Elwood (a Secondary Arterial) and for a 30' radius or 28' leg triangle at the intersection. Right-of-way on 71<sup>st</sup> St. S. is 70 ft for full length of frontage, a portion of which exceeds minimum Major Street and Highway Plan requirements, but all of which the City desires to remain for future 71<sup>st</sup> St. improvements. Public or private street access to a hotel site from the arterial(s) would be supported. Sidewalks are shown, but wheelchair ramp at the major intersection is not shown and will be required.

**Traffic:** Relocate the driveway connection for the apartments to the center access aisle at least 100ft west and eliminate parking within the 100ft approach. The westernmost access on 71<sup>st</sup> St. and the center access on Elwood are recommended for widening to provide two out and one in bound lane for increased capacity in addition to those shown widened on Exhibit "A". Provide a Mutual Access Easement from the Hotel Lot to 71<sup>st</sup> St. or a panhandle ownership. Please delete the symbols shown on Exhibit "C" implying a "Traffic Signal" at two of the 71<sup>st</sup> St. access points unless a Traffic Impact Study reviewed by this office finds Federal Signal Warrants are met. No signals are anticipated.

**GIS:** No comments.

**Street Addressing:** No comments.

**County Engineer:** No comments.

**MSHP:** E. 71<sup>st</sup> St. S, Existing 2 lanes, Primary Arterial. Elwood, secondary arterial. Sidewalks should be constructed as shown in the site plan along 71<sup>st</sup> and along Elwood, per subdivision regulations. The internal pedestrian circulation plan should be executed as well.

**LRTP:** E. 71<sup>st</sup> St. S., between S. Elwood Ave. and S. Union Ave, planned 6 lanes. South Elwood Ave, between E. 71<sup>st</sup> St. S. and E. 81<sup>st</sup> St. S., existing 2 lanes. Sidewalks should be constructed if non-existing or maintained if existing.

**TMP:** No Comment.

**Transit:** Currently, Tulsa Transit operates an existing route on 71<sup>st</sup> St. S. According to MTTA future plans, this location will continue to be served by transit routes. 71<sup>st</sup> will likely see increased traffic with construction of Tulsa Hill Shopping center, and with the addition on Multi-family units in Development Area

“B” and commercial facilities in Development area “A”, transit use is likely to increase. Therefore, a transit cut-in along 71<sup>st</sup> is needed.

**Tulsa Airport Authority:** Subject tract located with Zone #6, Traffic Pattern Zone. Low density residential development permitted subject to inclusion of Avigation Notice on any residential plat. Proposed building heights subject to Federal Aviation Administration finding no impact to airport operations through review of an Airspace Study.

**TMAPC COMMENTS:**

In response to Mr. Ard, Ms. Matthews stated that staff is deferring the perimeter setbacks to the detail site plan.

Ms. Cantrell asked if the original staff recommendation was to limit the building to three stories. In response, Ms. Matthews stated that she believes originally staff intended to limit the building to a certain height (48 FT). The applicant can work with the three stories within the 48 feet. Ms. Cantrell asked why staff chose 85 feet rather than 100 feet for the setback. In response, Ms. Matthews stated that staff felt that 85 feet was fair. It would give the adjacent property some protection.

Mr. Wofford asked if the bus pullout lane will be incorporated into design later. In response, Ms. Matthews stated that staff had a meeting regarding this issue. Staff is developing a policy that would fit any future development within the City.

Mr. Ard pointed out that staff obtained the number of estimated riders for the bus route and has been provided to the Planning Commission.

**Mr. Midget in at 1:48 p.m.**

**Applicant's Comments:**

**Charles Norman**, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that several issues have been deleted from this particular PUD after meeting with staff. The present Zoning Code provides that multifamily buildings that exceed certain heights have to be set back 70 feet from residential property and that would be to the south in this case. He has compromised to 85 feet and that is based upon the continuation of a recommendation that the staff made for a 25-foot parking area setback along the south boundary. There will be a combination of the building setback and the 25-foot parking area setback.

Mr. Norman stated that the only continuing issues are related to the design of the internal streets, parking and internal circulation. Mr. Norman cited Utica Square Shopping Center as an example of parking and circulation. This issue is being deferred to detail site plan and the plat is presented to the Planning Commission.

Mr. Norman suggested that there be a slight modification under general conditions: “All private roadways must be located within a reserve area.

Associated sidewalks must be located within the reserve area or within a sidewalk easement, or shown on the detail site plan.” With this requirement for sidewalks, no site plan can be approved and all has to come back to the Planning Commission, unless those are shown as part of that site plan.

Mr. Wofford asked Mr. Norman if the streets within the PUD will be public or private streets. In response, Mr. Norman stated that the decision regarding public or private will be made during the platting process. This project is fairly small to have a public street running through it. The likelihood is that there will be a reserve area under the current standards of the Public Works Department and then sidewalks would be outside that. Mr. Alberty stated that he did discuss this with Mr. Norman today and it is acceptable to the staff. Public Works is concerned about the maintenance of the sidewalk and by putting it in the easement, then there could be specific language. As long as the language as to who is responsible for the maintenance of the sidewalk is the only concern of Public Works, this should be spelled out on the plat. In response, Mr. Norman agreed. Mr. Norman indicated that covenants could be included within the plat for the standard language to provide for the maintenance of the sidewalks.

Mr. Norman concluded that the only suggestion or request he has today is that the phrase...”or shown on detail site plans” to the one sentence or ...”or within a sidewalk easement, or shown on detail site plans”.

Mr. Harmon suggested that the wording be...”or shown on detail site plans and to include appropriate maintenance responsibility language.” Mr. Norman stated that he doesn’t have any objection to that language.

Ms. Cantrell stated that usually in RM-0 districts three stories are not allowed and this is a tradeoff. She feels that a 100’ setback would be reasonable. In response, Mr. Norman stated that the way the 85’ setback was reached was with the 25’ setback for the parking, which is a 60’ double-loaded parking area and then four or five feet for a planting area around the building and the minimum building setback is 85. It exceeds the current requirement of the Code of 75’ by 15’. Mr. Norman requested that the 85’ remain.

Mr. Wofford moved to approve the PUD per staff recommendation with the amended language as suggested by Mr. Norman with appropriate language for maintenance requirement for the sidewalks.

Ms. Bayles seconded.

Ms. Cantrell requested a friendly amendment of 100’ setback because it is a dense development. It is close to AG-zoned property and she would like to see a slightly longer setback.

Mr. Midget asked if the motion is amended or as Mr. Wofford stated his motion.

Mr. Wofford requested that his motion remain as he stated it and if it fails, then more discussion can be had regarding Ms. Cantrell's request for 100' setback.

Ms. Cantrell commented that staff originally suggested a 125' setback and to come down to 85' is too drastic a decrease. She feels that there should be a wider buffer between the subject proposal and the AG district. Ms. Cantrell stated that RS-3 or RM-0 would not allow a three-story building and this is being allowed because it is a PUD. In response, Mr. Norman stated that within a PUD other development standards can be proposed. The RM-0 use is north of the area.

Mr. Wofford stated that he shares Ms. Cantrell's feelings about not wanting to crowd the residential to the south, but there is no one speaking in objection to this. In response, Ms. Cantrell stated that she doesn't believe anyone has built in the residential area at this time. Ms. Matthews pointed out that the property is zoned AG and not residential. Ms. Matthews explained that the Comprehensive Plan for the subject area contemplates that it would be single-family residential; however, the way it has begun to develop that may or may not happen. Mr. Wofford stated that with Tulsa Hills to the west, there is a good chance that this area will not develop into anything more than maybe multifamily. Ms. Cantrell stated that farther south there are some substantial homes. Mr. Carnes stated that those homes are one-half mile to the south of the subject property.

Mr. Wofford stated that this part of Tulsa has been neglected for a long time. To the north are Turkey Mountain and another area that is developing. The subject property is one of the few really good developable tracts in West Tulsa. This is a quality proposal and he would say that the 85' setback would be adequate.

Mr. Harmon stated that he has spent his banking career on the west side of Tulsa and this proposal is a welcomed addition to West Tulsa. The subject area is considered to be downtown West Tulsa and this development is very agreeable for people that live and work in that area.

Ms. Bayles stated that she is a daughter of a pilot and she has seen Riverside and Jones Airport change in ways that she would not have expected. Elwood is a road that she is uniquely familiar with. She believes that there will be extraordinary transitions in the subject area. She has respect for Ms. Cantrell's concerns about a residential development that may occur, but it is unlikely that it will develop in single-family residences. She would support Mr. Wofford's motion. Ms. Bayles addressed the bus bump-out and stands in agreement with staff and the applicant's proposal for not having a bump-out at this time because of the grade that exists at the intersection.

Ms. Cantrell stated that the setback is a concern of hers, but it is not enough for her to kill this project. This is a good project.

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **WOFFORD**, TMAPC voted **9-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Miller "absent") to recommend **APPROVAL** of the RS-3/RM-0/CS zoning for Z-7052 and recommend **APPROVAL** of PUD-738 per staff recommendation with the language modification provided by the applicant and the Planning Commission: Standard Condition No. 9 - "Associated sidewalks must be located within the reserve area or within a sidewalk easement, or shown on detail site plans and to include appropriate maintenance responsibility language." (Language with a strike-through has been deleted and language with an underline has been added.)

**Legal Description for Z-7052/PUD-738:**

A TRACT OF LAND THAT IS PART OF THE NE/4 OF THE NE/4 OF SECTION 11, T-18-N, R-12-E OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" THAT IS THE NORTHEAST CORNER OF THE NE/4 OF SAID SECTION 11; THENCE S 00°09'38" E ALONG THE EASTERLY LINE OF THE NE/4 FOR 1320.31 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF THE NE/4 OF THE NE/4; THENCE N 89°43'39" W ALONG THE SOUTHERLY LINE OF THE NE/4 OF THE NE/4 FOR 1328.48 FEET TO A POINT THAT IS THE SOUTHWEST CORNER OF THE NE/4 OF THE NE/4; THENCE N 00°07'53" W ALONG THE WESTERLY LINE OF THE NE/4 OF THE NE/4 FOR 1102.86 FEET; THENCE S 89°40'16" E AND PARALLEL WITH THE NORTHERLY LINE OF THE NE/4 FOR 96.60 FEET; THENCE N 00°07'53" W AND PARALLEL WITH THE WESTERLY LINE OF THE NE/4 OF THE NE/4 FOR 10.00 FEET; THENCE S 89°40'16" E AND PARALLEL WITH SAID NORTHERLY LINE FOR 112.15 FEET; THENCE N 00°07'53" W AND PARALLEL WITH SAID WESTERLY LINE FOR 108.75 FEET; THENCE N 45°05'52" E FOR 42.26 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 71ST STREET SOUTH; THENCE N 00°19'44" E FOR 70.00 FEET TO A POINT ON THE NORTHERLY LINE OF THE NE/4; THENCE S 89°40'16" E ALONG SAID NORTHERLY LINE FOR 1088.50 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND. **From AG (Agriculture District) To RS-3/RM-0/CS/PUD (Residential Single Family/Residential Multi-family District/Commercial Shopping Center District/Planned Unit Development [PUD-738]).**

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**Application No.: PUD-274-5**

**MINOR AMENDMENT**

**Applicant:** Lou Reynolds

(PD-18) (CD-9)

**Location:** 5727 South Lewis

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-274 for an increase in permitted wall signage to allow an additional wall sign. TMAPC denied a similar request, PUD 274-4, on November 15, 2006, finding that the signage not only exceeded PUD-standards but also allowable signage based on underlying zoning. Subsequently, an application for a variance was filed with and approved by the City of Tulsa Board of Adjustment allowing the signage as proposed.

Development standards currently permit wall signs as follows:

Wall or canopy signs shall be limited to one sign for the multi-story office building, not exceeding a display surface area of 64 square feet, and one sign for each of the other office buildings within the project, not exceeding a display surface area of 32 square feet for each sign.

In addition, three ground signs with a maximum aggregate display surface area of 384 square feet are also permitted. (PUD-274 originally permitted two signs not to exceed 192 square feet of display surface area each. PUD-274-1 approved 4/23/86 distributed the display surface area among three ground signs.)

On January 23, 2007, the BOA approved an increase in wall signage as follows:

One wall sign with a display surface area of 260 square feet on the multi-story office building in addition to an existing, permitted 49 square foot of display surface area wall sign on the bank drive-thru canopy for an aggregate display surface area of 309 square feet.

BOA approved the variance finding that the requested signage was appropriate for a multi-story office building which is located within a medium intensity office district (OM) with frontage on a secondary arterial and which faces existing commercial development.

Therefore, staff recommends **APPROVAL** of PUD-274-5 subject to the following conditions:

A maximum of two wall signs shall be permitted as follows:

- (a) One wall sign on the multi-story office building with a maximum display surface area of 260 square feet and located at the cap of the western face of the existing building;
- (b) One wall sign on the west facing surface of the drive-in banking canopy not to exceed 49 square feet of display surface area.

**TMAPC COMMENTS:**

Mr. Ard asked for a timeline on this application and why it is before the Planning Commission again.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Suite 200, 74114, stated that the first time this application was before the Planning Commission the applicant didn't realize that they needed to go to the Board of Adjustment for a variance first. Once staff advised the applicant that he would need a variance, then the applicant requested a withdrawal of the first application before the Planning Commission. Evidently, his applicant didn't get the withdrawal request before the Planning Commission in time and it was denied. The reason the Planning Commission denied the previous case was because the Planning Commission didn't have the authority to approve the request. His client didn't speak on this at the time and it was denied.

Mr. Reynolds explained that his client has gone before the Board of Adjustment and obtained the proper variance in order to support today's request. Mr. Reynolds explained that there are a lot of tenants in the subject building and his client is trying to establish a presence. His client has to file an amendment to the PUD to be able to lawfully install the signage that the BOA granted a variance for.

Mr. Alberty stated that he doesn't want to mislead the Planning Commission in the fact that the staff recommended denial first. It was exactly as Mr. Reynolds reported that staff knew the Planning Commission didn't have the authority because the applicant had exceeded the display surface area based on frontage. When the case was presented to the BOA it was shown that this is a high-rise building and when everything is put into perspective, what the applicant was requesting was not unreasonable. Staff is now recommending approval, not only because the BOA granted the variance, but staff also feels it is appropriate and agree with the BOA.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Miller "absent") to **APPROVAL** the minor amendment for PUD-274-5 per staff recommendation.

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**Application No.:** PUD-221-F-2

**MINOR AMENDMENT**

**Applicant:** JLB Construction, Inc.

(PD-17) (CD-6)

**Location:** 4409 South 135<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-221-F for the purpose of reducing the rear setback from 20 feet to 15 feet for the construction of a residence. No other amendments have been requested or granted to adjust setbacks in this PUD. (PUD-221-F-1 was approved by TMAPC on July 17, 2002 to consolidate development areas.) Staff is reluctant to set a precedent for this subdivision, which is only partially developed, and recommends the applicant reorient the house on the lot or use an alternative plan. Therefore, staff recommends **DENIAL** of PUD-221-F-2 as proposed.

**Applicant's Comments:**

**Julie Smith**, 205 West Broadway, Owasso, Oklahoma 74055, representing James Baker, stated that the covenants for the neighborhood requires that dwelling meet 1,600 SF and in order to meet the covenant a portion of the house is five feet over the southwest corner of the subject property. Ms. Smith indicated that the shape of the lot makes it difficult to meet the square footage requirements of the covenants.

**TMAPC COMMENTS:**

Mr. Harmon stated that there have been no complaints from the neighbors and he would recommend approval.

Mr. Carnes stated that he second the motion. After reviewing page 3.c.1 it is apparent that all four lots that make the four corners backup to each other and the Planning Commission should give exceptions if necessary on these other three lots as well.

Ms. Cantrell stated that she can agree with this application since it will allow the applicant to meet the covenants, but she doesn't want to make a blanket statement that the Planning Commission will keep changing the setbacks.

Ms. Bayles stated that she will support this application and believes the Planning Commission will probably hear from Lot 11 as well, due to the pie-shaped lots.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted **8-1-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Shivel "aye"; Wofford "nay"; none "abstaining"; Miller "absent") to **APPROVE** the minor amendment for PUD-221-F-2 as submitted by the applicant.

\* \* \* \* \*

**OTHER BUSINESS:**

**Commissioners' Comments:**

Mr. Ard announced that this will be Ms. Bayles's last meeting. He expressed his gratitude for her tutoring and appreciates her efforts on behalf of the City, her neighborhood and the Planning Commission.

Ms. Bayles thanked Mr. Ard for his compliments. Ms. Bayles stated that it has been a pleasure to serve and she goes away with a wealth of experience. She is grateful for the relationships that she has established. Ms. Bayles thanked staff, past Planning Commission members and present Planning Commission members.

**Mr. Harmon out at 2:20 p.m.**

Ms. Cantrell reported on the Tulsa Preservation Commission (TPC).

**Mr. Carnes out at 2:22 p.m.**

Mr. Wofford stated that he has one comment and it doesn't pertain to the one case that was just heard. However, it pertains to the process in general. He doesn't understand why there are subdivisions being designed that have lots that won't allow lot owners to build homes that comply with the subdivision minimum size requirements. This is a problem that doesn't seem to have to occur, but it seems to occur over and over.

Mr. Ard stated that the subdivision minimum lot size is defined by size and not by shape. The previous applicant could have built a 1600 SF home on the lot, but it may have to be an unusual-shaped home.

Mr. Alberty stated that Mr. Ard's comment is a good comment and a point well taken. In the previous case there was area where a structure could have been designed to comply with the minimum requirements; however, many of these homebuilders have set house plans. If someone wants to have these set house plans built on these difficult lots, then they have to come forward and ask for a variance. There are homes that could be designed to fit the previous lot.

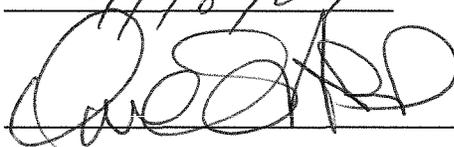
Mr. Ard stated that when a homebuyer deviates from a home footprint, then the cost go to a level that makes it difficult to work economically.

Mr. Wofford stated agreed that set plans and odd-shaped lots are a dilemma, but it is better solved if they would do better land planning at the start. The previous case shows how the homeowner is put in a difficult situation with the uncertainty of what can be done.

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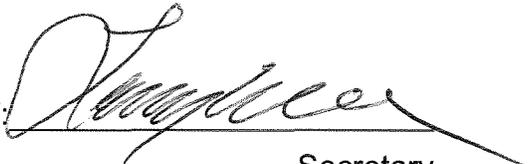
There being no further business, the Chair declared the meeting adjourned at 2:24 p.m.

Date Approved:

4/18/07  


Chairman

ATTEST:

  
Secretary