

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2502

Wednesday, January 23, 2008, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Cantees	Alberty	Ackermann, Legal
Cantrell	Harmon	Fernandez	
Carnes	McArtor	Huntsinger	
Marshall	Shivel	Matthews	
Midget		Parker	
Perry		Sansone	
Sparks		Chronister	

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, January 17, 2008 at 12:38 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Ard called the meeting to order at 1:32 p.m.

REPORTS:

Director's Report:

Mr. Alberty reported that TMAPC receipts for the month of December have doubled in every category from the previous month, but are still behind for the year.

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

Minutes:

Approval of the minutes of January 9, 2008 Meeting No. 2501

On **MOTION** of **CARNES**, the TMAPC voted 6-0-0 (Ard, Cantrell, Carnes, Marshall, Midget, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, McArtor, Perry, Shivel "absent") to **APPROVE** the minutes of the meeting of January 9, 2008, Meeting No. 2501.

Mr. Ard stated that Item 4, PUD-670 Detail Site Plan has been removed as requested by staff and will be before the Planning Commission at a future date.

4. **PUD-670 – Joshua Livingston** (PD-6) (CD-9)
3144 South Rockford Drive (Detail Site Plan for a single-family residence for Lot 8, Block 1.)

STAFF RECOMMENDATION:

Stricken from the agenda per staff.

CONSENT AGENDA

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

2. **LC-77** – Joel Lake (6407)/Lot Combination (County)
19995 South Mingo Road
3. **PUD-555-A – PSA Dewberry, Inc./Craig S. Swengle** (PD-18C) (CD-8)
8863 East 91st Street South (Detail Site Plan for a 10,340 square foot addition to the main church building, parking lot expansion and a 1,350 square foot storage building.)

STAFF RECOMMENDATION:

The applicant is requesting approval of detail site, landscape, lighting, building elevation and parking plans for a 10,340 square foot addition to the main church building, parking lot expansion and a 1,350 square foot storage building. The proposed use, Use Unit 5 –Place of Worship and an accessory storage building, are in conformance with Development Standards of PUD-555-A.

The proposed site plan meets permitted building floor area, height and setback requirements. Site landscaping is being upgraded, as well as maintaining the required five-acre unpaved open space as required per approval of Major Amendment PUD-555-A.

Access to the site is provided from two access drives from 91st Street. Parking requirements have been met per the Zoning Code and PUD development standards and paved access has been provided between the east parking lot and

west drive/exit. Pedestrian circulation is provided as required, and a 20-foot wide trail easement has been provided for the Haikey Creek Trail per PUD development standards. Site lighting has been provided and meets all applicable requirements. A six-foot screening fence has been provided surrounding all trash enclosures in conformance with the PUD development standards.

Therefore, staff recommends **APPROVAL** of the detail site plan for World Outreach Ministries, PUD-555-A; Lot 1 and Reserve A, Block 1 – Living Word Missions.

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

5. **PUD-550-2 – Whistler Outdoor Advertising, Inc.** (PD-5) (CD-5)

8711 East Skelly Drive, southwest corner of 21st Street South and South 91st East Avenue (Minor Amendment to construct an outdoor advertising sign along Skelly Drive in the I-44 freeway sign corridor.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-550 for the purpose of constructing an outdoor advertising sign along Skelly Drive in the I-44 freeway sign corridor.

PUD development standards allow for one (1) outdoor advertising sign within the PUD to be located in the eastern half of Development Area C (see attached exhibit B), and allows no ground signs within 150' of the west boundary of the PUD.

The applicant is proposing to locate an outdoor advertising sign in the western half of Development Area C, approximately 150' over the line that would divide the development area into two equal halves. The requested proposed change in location is the result of a double row of overhead power lines occupying the frontage of the eastern half of Development Area C. The applicant notes the result of having to set the sign back ten feet from the freeway right-of-way while allowing for the proper clearances of the power lines could create limited visibility of the sign in the east half of Development Area C, from I-44. The sign would be located greater than 150' from the western boundary of the PUD per development standards.

The applicant has received spacing verification from the Board of Adjustment (case #20588) for a location in the western half of Development Area C (see attached aerial photograph 6.6 and Exhibit E-1 from BOA case 20588). The proposed sign meets all other height, display surface area, and setback requirements per PUD Development Standards and the Zoning Code.

Staff finds the requested amendment to be minor in nature, and therefore recommends **APPROVAL** of minor amendment PUD-550-2.

(Note: Approval of a minor amendment does not constitute detail sign plan approval.)

6. **PUD-179-P-3 – Architects Collective** (PD-18) (CD-7)

8110 East 74th Place South (Minor Amendment to add Use Unit 11 Uses, Office, Studios and Support Services, excluding funeral homes.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-179-P for the purpose of adding Use Unit 11 – Office, Studios and Support Services, excluding Funeral Homes, as an allowable use on Lot 1, Block 2 Randall Plaza, a CS-zoned lot. The parcel has an existing 11,588 square foot, one-story building with 173 existing parking spaces.

Access to the site is provided from one point on the southwest corner of the parcel from Memorial Drive, two access points along the north boundary/East 74th Place, and a common access easement through the center of the site from PUD-643, International Church of the Four Square Gospel to 74th Place South. The existing site and building meet all applicable development standards of PUD-179.

Uses permitted on this lot as part of the approval of PUD-179-P include Use Units 12, 13, and 14 excluding bars, night clubs and dance halls. The requested Use Unit 11 is a use permitted by right in the CS zoned district. The existing parking lot provides ample parking for the varying requirements of Use Unit 11; 1 per 150 square feet, 1 per 250 square feet, and 1 per 300 square feet. Permitting Use Unit 11 should not require any significant alteration of the existing conditions of the site. All development standards approved as part of major amendment PUD-179-P would remain in tact.

Staff finds the request to be minor in nature and the addition of Use Unit 11, Office, Studios and Support Services – excluding funeral homes, would not result in any increase in incompatibility with present and future use of proximate properties. Therefore, staff recommends **APPROVAL** of minor amendment PUD-179-P-3.

7. **PUD-306-K – Sack & Associates** (PD-26) (CD-2)

North side of East 101st, approximately 450 feet east of South Delaware (Detail Site Plan for the construction of a fuel service facility and auto wash.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for the construction of a fuel service facility and auto wash in PUD-306-K. The proposed use, Use Unit 17, Automotive and Allied Activities, is in conformance with Development Standards of PUD 306-K.

The proposed site plan meets building floor area, parking, building height and setback requirements. Access to the site will be provided from two access points from East 101st Street as approved by COT Traffic Engineering. The site meets landscape requirements per development standards and the Zoning Code. Proposed site lighting complies with development standards and the Zoning Code per application of the Kennebunkport Formula. Wall mounted and free-standing light poles do not exceed the allowable 25' height limit per PUD development standards.

Therefore, staff recommends **APPROVAL** of the detail site plan for Fiesta Mart, Lot 2, Block 1 – River Creek Village (Development Area J of PUD-306).

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

8. **PUD-533-B-3 – Sack & Associates** (PD-5) (CD-5)

8515 East Skelly Drive (I-44 & Memorial) (Minor Amendment to increase the permitted floor area for Tract A by 1,800 SF and to reallocate to create Tract B.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-533-B for the purpose of increasing the permitted floor area for Tract A by 1,800 square feet (SF), and to reallocate that floor area to create Tract B (see applicant's Exhibit A).

The original approval of PUD-533-B included 65,340 SF of commercial floor area allocated to the development tract. Some 22,000 SF of that allotment is zoned CG. The maximum allowable floor-to-area ratio (FAR) in the CG zoned district is .75. The result is 65,340 SF multiplied by a maximum FAR of .75 equals 49,005 SF of permitted floor area for the entire development area. Thus far, 12,000 SF

of this allowable floor area has been utilized for the development of Grizzly Mountain Mercantile, leaving 37,000 SF of floor area for the current conceptual plan. Should the increase be permitted, the applicant is requesting the 1,800 SF then be reallocated to create new Tract B (see Exhibit B). Existing PUD-533-B development standards will remain applicable.

The applicant's proposed conceptual site plan meets existing PUD building floor area, parking, and setback requirements. Access to and within the site is provided from one access point from South 85th East Avenue. The conceptual site plan meets landscape area requirements per development standards and the Zoning Code.

Based on the applicant's conceptual site plan, staff recommends **APPROVAL** of minor amendment PUD-533-B-3.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, McArtor, Perry, Shivel "absent") to **APPROVE** the consent agenda Items 2, 3, 5 through 8 per staff recommendation.

* * * * *

Mr. Ard announced that there has been a request for a continuance for the following:

- 14. **PUD-411-E/Z-5842-SP-7 – Lou Reynolds** (PD-26) (CD-8)
Northeast corner of South Memorial Drive and East 101st Street South
(PUD Major Amendment and Corridor Plan to amend development standards to create a new development area 1A-1.)

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant has requested a continuance to January 30, 2008. The applicant has a meeting scheduled with the neighborhood for this evening and would like to have this meeting before hearing this case.

TMAPC COMMENTS:

Mr. Ard explained the Planning Commission's policy regarding continuances.

Commissioner Perry in at 1:35 p.m.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that the purpose of the continuance is because he has had several meetings with various groups of neighbors and neighbors individually and one of the things that consistently seem to come out of it was the need for more details. The Project Designer has created a conceptual design and he would like to show this to the neighborhood because the proposal does not look like a big box. The proposal is designed to look like a shopping center and to give that appearance.

TMAPC COMMENTS:

Mr. Ard commended Mr. Reynolds for wanting to meet with the neighbors to give them better details and information.

Interested Parties Comments:

Brian Talkington, 8814 East 96th Street, 74133, stated that he doesn't object to the continuance, but he would prefer the February 6th meeting. He understood that the continuance would be for two weeks and he and his neighbors have planned their schedules for two weeks.

STAFF COMMENTS:

Mr. Alberty stated that there may have been some confusion regarding the continuance. Staff had spoken with the applicant when he requested a continuance to January 30th because there are no other items or Planning Commission business on the 30th. Staff recommended to the applicant that this be continued to February 6th, but he was very clear in any of his conversations that staff does not make the decision and that the Planning Commission would decide what is best for them.

Interested Parties Comments:

Beverly Keefe, 8417 East 98th Place, 74133, wanted to know if today was the place to state her opposition or should she wait until the February 6th meeting. In response, Mr. Ard informed her to wait until February 6th.

After a lengthy discussion it was determined to continued PUD-411-E/Z-5842-SP-7 to the February 6, 2008 Planning Commission meeting.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, McArtor, Shivel "absent") to **CONTINUE** PUD-411-E/Z-5842-SP-7 to February 6, 2008.

PUBLIC HEARING

10. **L-19925** – Sisemore Weisz (9329)/Lot-Split (PD 6) (CD 9)
3101 East 45th Street South

STAFF RECOMMENDATION:

The proposal is to split a lot into two tracts. Both resulting tracts would meet the RS-1 bulk and area requirements. Because Tract A would have four side lot lines, the applicant is requesting a waiver of the Subdivision Regulations that no tract have more than three side lot lines.

The Technical Advisory Commission expressed no concerns except that the sanitary sewer main line must be extended to the property. Development Services' requirements for the sanitary sewer service have since been met.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

TMAPC COMMENTS:

Mr. Ard questioned staff if the required setbacks would be met with the lot-split.

Applicant's Comments:

Jim Bloomfield, Trust Company of Oklahoma, 6120 South Yale, Suite 1900, 74136, stated that the lot-split would meet the setback requirements. Mr. Bloomfield indicated that the existing structure may be removed.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, McArtor, Shivel "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19925 per staff recommendation.

11. **Go-Fit** – (0421)/Preliminary Plat (PD 16) (CD 6)
Northeast corner of East Apache and 129th East Avenue

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 25 acres.

The following issues were discussed January 10, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IM.
2. **Streets:** Show Limits of No Access along both arterials with access per the concept plan. Lot 1 access shall be per the Traffic Engineer.
3. **Sewer:** Within a 17.5-foot perimeter easement, City of Tulsa Design Criteria requires the sanitary sewer line be placed 12.5 feet from the property line. However, for this project the existing 12-inch line located just north of your proposed extension at the Fed-Ex property, must be extended east across north 129th east to serve the entire basin. Then you may extend an eight-inch line to your property to the south. This will limit the number of sewer line crossings under the arterial street at North 129th east, and will adhere to the sanitary sewer development plan for the basin.
4. **Water:** No comments.
5. **Storm Drainage:** Both lots must provide the necessary easements for the conveyance of offsite drainage flowing onto and across them with the addition of Overland Drainage Easements (ODE's) and/or storm sewer easements. The southern portion of Lot 1 flows towards the stormwater detention facility in the southwest corner of Lot 2, therefore that facility should be placed in a reserve, to be maintained by the owner's of both lots. The additional drainage created by the development of Lot 1 should be addressed on this plat with a stormwater detention facility to control this additional drainage, which flows to the northwest. Please place the utility easement outside the limits of the stormwater detention facility. Utilities will not be allowed in any berm area that has been constructed to detain or retain stormwater. In Section IF the detention or retention of fully-urbanized stormwater runoff from Lot 1, Block 1 must be addressed. If ODE's are used to convey the off-site drainage across this site, then the standard language for ODE's must be added to the covenants. On-site drainage must be collected and thence piped to the stormwater detention facility.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** ONG has a high pressure line in the area.

7. **Other: Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1.) For group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2.) For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

GIS: Remove point of beginning label from the northwest corner of the plat.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

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

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, McArtor, Shivel "absent") to **APPROVE** the preliminary plat for Go-Fit subject to special conditions and standard conditions per staff recommendation.

12. **PUD-575-B/Z-6611-SP-3 – Sack & Associates** (PD-18) (CD-8)

Northeast corner of South Mingo Road and South 79th Street (Major Amendment and Corridor Site Plan to include assisted living facility, office buildings and a clinic/school-child care facility).

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 19164 dated December 31, 1997, established zoning for the subject property.

PROPOSED ZONING: CO/PUD

PROPOSED USE: Office/childcare

RELEVANT ZONING HISTORY:

Z-6333-SP-4/PUD-579-B December 2006: All concurred in approval of a proposed Major Amendment and Corridor Site Plan on a 16.63± acre tract of land to add hotel, motel and recreation facility uses, within Development Area B; more specifically Lot 4, Block 1, Tall Grass, on property located north of the northeast corner of East 81st Street South and South 101st East Avenue.

Z-6333-SP-3 November 2006: All concurred in approval for a proposed Corridor Site Plan for a City Park on a 20+ acre tract per staff comments on property located northeast of the northeast corner of South Mingo Road and East 79th Street South.

PUD-579-A-1 January 2002: The TMAPC approved a Minor Amendment to PUD to amend Development Areas subject to conditions of staff recommendation.

Z-6611-SP-2/PUD-575-A December 2001: All concurred in approval of a proposed Major amendment to PUD and Corridor Site Plan on a 5.74 acre tract for an assisted living facility and previously approved mini storage on property located north of northeast corner of East 81st Street and South Mingo Road and north of subject property (a part of original PUD-575).

Z-6735/Z-6735-SP-1/PUD-625 February 2000: All concurred in approval of a request to rezone a tract of land from AG to CO and of a proposed Planned Unit Development/Corridor Site Plan on a 9+ acre tract, located east of the southeast corner of East 81st Street and South Mingo Road, for commercial, office and hotel on the north 6.9 acres and office and mini storage on the south 2.5 acres, per staff recommendation.

Z-4900-SP-4 June 1999: All concurred in approval of a proposed Corridor Site Plan on a 12.7 acre tract for a 184 unit multi-family complex on property located on the southeast corner of South Mingo Road and East 75th Street South.

BOA-18387 April 27, 1999: The Board of Adjustment approved a Variance of the required internal collector service street access into a CO zoned development allowing access to the subject tract directly from South Mingo Road on property located north of northeast corner of East 81st Street and South Mingo Road and north of subject property (a part of original PUD-575).

Z-6281/PUD-460 March 1990: All concurred in approval of a request for rezoning a 150± acre tract of land from AG to RS-3/RM-0/CS/PUD for a commercial, office, multifamily and single-family development on property located northwest corner of East 81st Street South and South Mingo Road and west of subject property.

Z-6333-SP-2/PUD-579-A February 1999: All concurred in approval of a proposed Major Amendment to PUD-579 and a Corridor Site Plan to amend boundary of PUD, create 3 development areas, add Use Units 2 (private clubs), 5 (community centers), 11, and to establish permitted uses for new Development Area on property located on the north side of East 81st Street and west of Mingo Valley Expressway and abutting subject property to the east.

Z-6333-SP-1/PUD-579 February 1998: All concurred in approval of a proposed PUD on a 49 acre tract which is located on the north side of E. 81st Street S. at the Mingo Valley to allow a mixed residential development which would include townhouse dwellings, apartments, churches, private schools and other uses that are compatible with a residential environment.

Z-6611/PUD-575 December 1997: All concurred in approval of a request to rezone a 32.8-acre tract which included the subject property, from AG to CO/PUD. The PUD that was approved allowed for multifamily uses on the south half (Development Area A) and a mini-storage facility with a single-family dwelling and accessory office use for the storage facility on the north half (Development Area B) of property and located ¼ mile north of the northeast corner of East 81st Street and South Mingo Road, and the subject property.

PUD-531 April 1995: All concurred in approval of a proposed Major Amendment on a 36.8 acre tract for 3 development areas: Area A is 10.8 acres for commercial shopping; Area B is 4.6 acres for office; Area C is 18.6 acres for apartment on property located on the northeast corner of East 81st Street and Mingo Road and abutting south of subject property.

Z-6470/PUD-522 January 1995: All concurred in approval of a request for rezoning a 10+ acre tract of land from AG to RM-0/CS/PUD for a shopping center on property located on the southwest corner of East 81st Street South and South Mingo Road.

Z-4900-SP-3 November 1985: All concurred in approval of a Corridor Site Plan and detail landscape plan to permit a courier/mail service with a 37,400 square foot building per conditions.

Z-4900-SP-2 February 1983: All concurred in approval of a proposed Corridor Site Plan on a 12 acre tract for 276 multifamily dwellings on property located south of southeast corner of East 71st Street and Mingo Road.

Z-4900-SP-1 February 1983: All concurred in approval of a proposed Corridor Site Plan on a 16.6 acre tract for multi family dwellings on property located south of southeast corner of 71st Street and Mingo Road.

PUD-179-I June 1982: All concurred in approval of a proposed Major Amendment to PUD-179 on a 102+ acre tract of land that would revise the six

development area boundary lines and densities originally approved in the Major Amendment PUD-179-F for a maximum 1,748 dwelling units, located on the south side of East 71st Street South and West of South Mingo Road.

PUD-179 July 1975: All concurred in approval of a proposed Planned Unit Development on a 257+ acre tract of land for 53 acres of commercial/office, 65 acres single-family, 33 acres for water retention, 85 acres for multifamily and an additional 8 acres on the southwest corner of 71st Street and Mingo Road with offices, located on the southeast corner of East 71st Street South and South Memorial Drive.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 11± acres in size and is located northeast corner of South Mingo Road and South 79th Street. The property appears to be vacant and is zoned CO/PUD.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Mingo Road	Secondary Arterial	100'	2
South 79 th Street	Collector	60'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by office, zoned CO/PUD-579-A; on the north by multifamily uses (Estancia), zoned CO/PUD-575; and on the west by commercial and residential uses, zoned CS/RM-O/RS-3/PUD-460; on the south by vacant, zoned CS/CO/PUD-531.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being medium to low intensity. According to the Zoning Matrix adding the requested use units to the existing approved zoning is in accord with the Plan.

STAFF RECOMMENDATION:

The site comprises 32.8 acres located in the east side of South Mingo Road, 1,320 feet north of East 81st Street South. The site is within an expressway corridor designated by the District 18 Comprehensive Plan and extends from South Mingo Road eastward to the Mingo Valley Expressway.

The 7600 Fairfield Planned Unit Development and Corridor District Site Plan were approved by the Tulsa City Council in January 2000 as recommended by the Tulsa Metropolitan Area Planning Commission on December 4, 1997.

The Fairfield Planned Unit Development and Corridor District Site Plan as approved consisted of two development areas. Development Area A, 25.88 net acres permits multifamily development. Since the time of PUD approval the northern portion of Development Area A (14.32 acres) has been developed as the multifamily development 'Estancia', designated herein as Development Area A-2 (see applicant's exhibit B).

The applicant is now proposing to amend the PUD and Corridor District Site Plan to allow Use Unit 5 - Community Services and Similar Uses and Use Unit 11 – Office, Studios and Support Services in addition to the permitted Use Unit 8 – Multifamily and Similar Uses in the remaining undeveloped portion of Area A, now designated as Development Area A-1 and described as 7900 Mingo (see applicant's exhibit B). The proposed Development Area A-1 would include an assisted living facility, office buildings and a clinic/school-child care (see applicants exhibit A-2).

PUD 575-B comprised Development Area A-1 of 7600 Fairfield will be re-platted as a single subdivision known as 7900 Mingo.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-575-B/Z-6611-SP-3 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-575-B/Z-6611-SP-3 subject to the following conditions:

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

Development Area A-1

Gross Area: 12.0953 acres

Net Area: 10.7581 acres

Permitted Uses:

Multifamily dwellings including Assisted Living Facility and uses customarily accessory thereto; Community Services and Similar Uses including childcare/school; Offices, Studios and Support Services.

Maximum Number of Dwelling Units:

30 dwelling units/acre

Maximum Floor to Area Ratio for Use Units 5 and 11:	1.25
Maximum land coverage of Use Units 5 and 11:	30%
Minimum Livability Space per Dwelling Unit for Use Unit 8:	200 SF

Maximum Building Height:
45 feet not to exceed three stories

Minimum building setbacks:	
From the centerline Mingo Road	85 FT
From the north boundary of Development Area A-2	11 FT
From the east boundary of Development Area A-2	11 FT
From the centerline 79 th East Ave.	55 FT

Other Bulk and Area Requirements Use units 5 and 11:
As established within CO district

Bulk and Area Requirements for Use Unit 8:
As established within the RM-2 district

Parking Requirements:
Per Zoning Code Standards for Use Units 5, 8 and 11

Pedestrian Circulation:
A pedestrian circulation plan shall be required for detail site plan approval that includes the following:

- (a) Sidewalks along the east side of Mingo Road and the north side of 79th East Avenue;
- (b) Pedestrian walkways through parking lot(s); a minimum of three (3) feet in width, separated from vehicular travel lanes to the maximum extent possible and designed to provide safe access to non-street front building entrances and/or sidewalks and trails where applicable. The three (3) foot width shall not include any vehicle overhangs. Wheel stops shall be installed in parking spaces adjacent to all pedestrian walkways.
- (c) Pedestrian walkways connecting transit stops to non-street front building entrances where applicable.
- (d) Pedestrian walkways clearly distinguished from traffic circulation, particularly where vehicular and pedestrian routes intersect.

- (e) Sidewalks or walkways which cross vehicular aisles or driveways distinguished as follows: by a continuous raised crossing, by using contrasting paving material and/ or by using high contrast striping.

Site Lighting:

All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height if within 150 feet of any existing or planned residential area and all such lights shall be set back at least 25 feet from such residential areas abutting the PUD. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

Signs:

As permitted by the Planned Unit Development Chapter of the Zoning Code

3. No zoning clearance or building 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 development area shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed by a specific date in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

8. 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.
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 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. Platting Requirement: No building permit shall be issued until the requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
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.

TAC comments 12/6/07:

General: No comments.

Water: A water main extension and 20' of easement will be required.

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 the distance requirement shall be 600 feet.

Stormwater: Tulsa regulatory floodplain exists on the property.

Wastewater: Excess Capacity Fees of \$1,128.03/acre and Broken Arrow System Development Fees of \$700.00/acre must be paid prior to Plat approval. All proposed lots must have access to the sanitary sewer system.

Transportation: No comments.

Traffic: Provide for a North-South Mutual Access Easement along the west side of Lot-2.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

TMAPC COMMENTS:

Mr. Marshall requested that the street name be corrected on the exhibits before this case is transmitted to the City Council.

Applicant's Comments:

Ted Sack, 111 South Elgin Avenue, 74120, stated that he is in agreement with staff recommendation. He indicated that the next step will be a detail site plan and that he would correct the street name.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, McArtor, Sparks "absent") to recommend **APPROVAL** of the major amendment for PUD-575-B and the corridor site plan for Z-6611-SP-3 per staff recommendation.

Legal Description for PUD-575-B/Z-6611-SP-3:

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) ALSO KNOWN AS U.S. GOVERNMENT LOT 3 OF SECTION SEVEN (7), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE SOUTHWEST CORNER OF THE NW/4 OF THE SW/4 OF SAID

SECTION 7; THENCE DUE NORTH ALONG THE WESTERLY LINE OF THE NW/4 OF THE SW/4 OF SECTION 7 FOR 30.00'; THENCE S 89°38'16" E PARALLEL WITH THE SOUTHERLY LINE OF SAID NW/4 OF THE SW/4 FOR 79.81' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 79TH STREET SOUTH, SAID POINT ALSO BEING THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 89°38'16" A RADIUS OF 30.00', FOR AN ARC LENGTH OF 46.93', WITH CHORD BEARING OF N 44°49'08" W AND A CHORD DISTANCE OF 42.29' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH MINGO ROAD; THENCE DUE NORTH ALONG SAID EASTERLY LINE FOR 404.20' TO A POINT THAT IS THE SOUTHWEST CORNER OF "ESTANCIA", AN ADDITION TO THE CITY OF TULSA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE S 89°38'16" E ALONG THE SOUTHERLY LINE OF "ESTANCIA", AND PARALLEL WITH THE SOUTHERLY LINE OF THE NW/4 OF THE SW/4 OF SECTION 7 FOR 159.00'; THENCE S 80°09'01" E ALONG SAID SOUTHERLY LINE OF "ESTANCIA" FOR 266.93'; THENCE S 89°38'16" E ALONG THE SOUTHERLY LINE OF "ESTANCIA" AND PARALLEL WITH THE SOUTHERLY LINE OF THE NW/4 OF THE SW/4 OF SECTION 7 FOR 747.41' TO A POINT ON THE EASTERLY LINE OF THE NW/4 OF THE SW/4 OF SECTION 7; THENCE S 00°09'54" W ALONG SAID EASTERLY LINE FOR 390.00' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 79TH STREET SOUTH; THENCE N 89°38'16" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1138.47' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND From CO/PUD (Corridor District [Z-6611-SP-2]/Planned Unit Development PUD-575) To CO/PUD (Corridor District [Z-6611-SP-3]/Planned Unit Development [PUD-575-B]).

13. **Z-7084 – Tim Nall**

RS-3 to IL

East of southeast corner of West 36th Street and South Galveston Avenue

(PD-9) (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: IL

PROPOSED USE: Tree service/parking

RELEVANT ZONING HISTORY:

Z-7036 December 2006: All concurred in approval of a request for rezoning a .66± acre tract of land from RS-3 to IL for office/warehouse on property located on the southeast corner of Highway 75 South and West 39th Street.

Z-6962 December 2004: All concurred in approval of a 4± acre tract from RS-3 to IL for light industrial uses located on the northeast corner of West 39th Street and South Tacoma Avenue.

Z-6692 June 1999: All concurred in approval of a request for rezoning a 1.08± acre tract of land from RS-3 to IM for industrial/warehouse for roofing business, on property located southwest corner of West 37th Place and South Elwood Avenue.

Z-6656 October 1998: All concurred in approval of a request for rezoning a .32± acre tract of land from RS-3 to IL on property located on the southwest corner of West 36th Street North and South Maybelle Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1± acre in size and is located east of the southeast corner of West 36th Street and South Galveston Avenue. The property appears to be vacant (with two burned-out structures on it and much household debris) and is zoned RS-3. It lies within the Garden City area. It is partially wooded and has some topographical challenges. The property has frontages on both 36th Street and 36th Place, neither of which has curbs and gutters.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 36 th Street	N/A	N/A	Two
West 36 th Place	N/A	N/A	One

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

SURROUNDING AREA: The area is one of extremely mixed uses, many of them apparently quite old. The subject tract is abutted on the east by what appears to be a vacant parcel and a park, zoned RS-3; on the north by a major PSO installation with limited access, zoned IH; on the south by vacant land and single-family residential uses, zoned RS-3; and on the west by vacant land and single-family residential uses, zoned RS-3. It appears that some of the surrounding area contains a draw and may have flooding problems associated with that (portions of the entire Garden City area were flooded in the 1984 flood). Cherry Creek is a major water body in this larger area.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 9 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within Special District 5. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Plan due to its location within a Special District. Plan policies (section

3.5) call for an orderly transition from residential to industrial uses. Several recent zoning cases nearby, from R zoning to Industrial, have begun that transition. The District 9 Plan also points out that this Special District is all Development Sensitive, due to the location within the 100-year floodplain.

STAFF RECOMMENDATION:

The requested rezoning of this property is in accord with the policies of the District 9 Plan in terms of orderly transition, based on recent trends in the area and existing land uses. The use as a tree service and parking should have no adverse effects on the floodplain situation. It should be noted that the applicant will have to plat or file for a plat waiver, and any floodplain issues will be addressed at that time. Staff can therefore recommend **APPROVAL** of IL zoning for Z-7084.

Applicant's Comments:

Tim Nall, We Be Trees, 318 North McKinley, Sand Springs, 74063, stated that he is the owner of the subject property and operates out of the old "Garden City Grocery". He explained that he needs more room to place his equipment.

TMAPC COMMENTS:

Mr. Ard asked if the subject property would be a holding area for equipment. In response, Mr. Nall answered affirmatively.

Mr. Sparks asked if there are fencing requirements for this. In response, Ms. Matthews stated that the applicant will have to screen where it is adjacent to residential property.

Mr. Nall stated that he has already screened a portion of the subject property. He explained that he has owned the subject property for ten years.

Interested Parties Comments:

David vonHartzsch, Attorney representing Sinclair, 1717 S. Boulder Avenue, Suite 200, 74119, stated that his client owns several of the properties adjacent to the subject property. Mr. vonHartzsch explained that his client prefers that Mr. Nall be forced to clean the subject property before rezoning. He further explained that Mr. Nall has been cited by Neighborhood Inspections and he believes that allowing Mr. Nall to rezone would be letting him get by without having to clean up the subject property. Mr. vonHartzsch submitted photographs of the subject property (Exhibit A-1).

TMAPC COMMENTS:

Mr. Ard stated that the Planning Commission can't enforce the clean-up of the site because that would be Code enforcement issue. The applicant has not requested a variance; he has requested a zoning change to IL zoning. If this zoning is permitted by the City Council, then the applicant would have to install

screening and would help the surrounding properties from seeing the subject property's operation.

In response to Mr. Ard, Mr. vonHartzsch stated that his client is Sinclair Refinery and his client owns the property across the street from the subject property. He further stated that his client has been purchasing some of the properties that have been zoned residential to provide a buffer between the refinery and the residential areas for esthetics and for safety purposes.

Mr. Ard asked if Mr. vonHartzsch if his client's intention is to change the zoning on the properties that they own. In response, Mr. vonHartzsch stated that his client's objection is not that it never be granted a rezoning, but he does object to the applicant rezoning and affectively asking for a pass and not having to clean it up.

Mr. Midget stated that he understands the need for the screening to be improved, but he is confused on the level of cleaning that is being asked to do. The proposed use is a tree service and there will be some parking. Part of the function of a tree service will be to grind up and mulch trees. It wouldn't make sense for the Planning Commission to grant the IL zoning and require him not to do what in essence his business is designed to do.

After a lengthy discussion it was determined that Mr. vonHartzsch's concerns should be addressed by Neighborhood Inspections.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, McArtor, Sparks "absent") to recommend **APPROVAL** of the IL zoning for Z-7084 per staff recommendation.

Legal Description for Z-7084:

Lots 8 and 9, Block 1, Garden City, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; **From RS-3 (Residential Single-family District) To IL (Industrial Light District).**

OTHER BUSINESS:

15. Refund Requests For Plat Waiver – Tierce, LLC

Iglesia De Cristo Church, 1st and Lewis requesting a refund for plat waiver application that was not needed. Staff is recommending full refund.

STAFF RECOMMENDATION:

Ms. Matthews stated that it was determined that the applicant didn't need all of the relief that they were seeking and staff is recommending a full refund.

TMAPC COMMENTS:

Mr. Ard asked how much of a refund this would be. In response, Ms. Matthews stated that it would be \$250.00.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, McArtor, Shivel "absent") to **APPROVE** the full refund in the amount of \$250.00 for the plat waiver request.

16. Election of TMAPC Officers for 2008.

STAFF RECOMMENDATION:

Mr. Ard stated that there was a nominating committee with Mr. Midget; Mr. Marshall and himself. Mr. Ard stated that the nominees for TMAPC Officers are as follows:

- Chairman – Ard
- 1st Vice Chair – Harmon
- 2nd Vice Chair – Shivel
- Secretary – Cantrell

Mr. Ard announced that his term ended January 18, 2008 and he has requested to be reappointed. Mr. Harmon term ended as well and his status is unclear at this time.

No nominees from the floor.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, Midget, Perry, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, McArtor, Shivel "absent") to **APPROVE** the 2008 TMAPC Officers as follows: Chair, Chip Ard; 1st Vice Chair, Wesley Harmon; 2nd Vice Chair, John Shivel; Secretary, Michelle Cantrell.

Commissioners' Comments

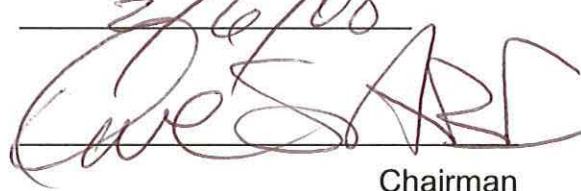
Mr. Ard reminded the Planning Commission that the APA Conference is coming up in April and the budget should allow two members to attend. He requested that the Planning Commissioners let him know if they are interested in attending.

Ms. Matthews reminded the Planning Commission that if the registration is done early there is a discount.

Mr. Ard requested ideas from the Planning Commission for more training luncheons. He reminded the Planning Commission that there will be a joint session with the Board of Adjustment on February 27, 2008.

There being no further business, the Chair declared the meeting adjourned at 2:16 p.m.

Date Approved:

2/16/08

Chairman

ATTEST:


Secretary