TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2522

Wednesday, August 6, 2008, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Midget	Alberty	Boulden, Legal
Cantrell	Miller	Fernandez	
Carnes	Sparks	Huntsinger	
Marshall	Wright	Matthews	
McArtor		Sansone	
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 31, 2008 at 4:05 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 1:30 p.m.

REPORTS:

Chairman's Report:
Mr. Ard thanked Ms. Cantrell for taking over the meeting on July 23, 2008.

Worksession Report:
Mr. Ard reported that on August 27, 2008 there will be a worksession to review the Riverwood Neighborhood Plan presented by the Tulsa Planning Department. Mr. Ard further reported that the training session will be a review of the Planning Commission's policies and procedures.

Director's Report:
Mr. Alberty reported on the BOCC and City Council agendas and action taken.

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Minutes:

Approval of the minutes of July 2, 2008 Meeting No. 2519

On **MOTION** of **CARNES,** the TMAPC voted 6-0-1 (Ard, Cantrell, Carnes, McArtor, Shivel, Walker "aye"; no "nays"; Marshall "abstaining"; Midget, Miller, Sparks, Wright "absent") to **APPROVE** the minutes of the meeting of July 2, 2008, Meeting No. 2519.

Approval of the minutes of July 16, 2008 Meeting No. 2520

On **MOTION** of **CARNES,** the TMAPC voted 6-0-1 (Cantrell, Carnes, Marshall, McArtor, Shivel, Walker "aye"; no "nays"; Ard "abstaining"; Midget, Miller, Sparks, Wright "absent") to **APPROVE** the minutes of the meeting of July 16, 2008, Meeting No. 2520.

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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.

2. **Approval of Deed of Dedication and Amendment to Restrictive Covenants to conform to Major Amendment to PUD-694 for plat 1016 for Outdoor Advertising Signs** (PD 8) (CD 2)

   North of 91st Street between South Union Avenue and U.S. 75

3. **Block 1 Amended Plat of Van Estates 2** (0694)/Change of Access (PD 5) (CD 6)

   Northeast corner of Mingo Road and Admiral Place

STAFF RECOMMENDATION:

This application is made to allow a change of access to add access along North Garnett Road. The property is zoned CG.

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

4. **PUD-190- G –** (8310)/Plat Waiver Cell Tower (PD 18) (CD 7)

Southwest corner of East 71st Street South and South Sheridan

STAFF RECOMMENDATION:

The platting requirement was triggered by a PUD amendment to allow a cell tower. It is the TMAPC's policy to waive the platting requirement for antennas and supporting structures under Use Unit 4, Public Protection and Utility Facilities. Staff recommends **APPROVAL** of the plat waiver.

5. **CBOA – 02300 –** (1404)/Plat Waiver Cell Tower (County)

14003 East 116th Street North, Collinsville

STAFF RECOMMENDATION:

This Board of Adjustment case to allow a cell tower triggered the platting requirement.

It is the TMAPC's policy to waive the platting requirement for antennas and supporting structures under Use Unit 4, Public Protection and Utility Facilities. Staff recommends **APPROVAL** of the plat waiver.

6. **Tradition Blocks 1-7 –** (8327)/Final Plat (PD 26) (CD 8)

West of northwest corner of East 111th Street and Sheridan Road

STAFF RECOMMENDATION:

This plat consists of 73 lots in 17 blocks on 32.35 acres.

Staff recommends **APPROVAL** of the final plat. All release letters have been received.

7. **7900 Mingo –** (8407)/Final Plat (PD 18) (CD 8)

Southeast corner of East 78th Street and Mingo Road

STAFF RECOMMENDATION:

This plat consists of six lots in one block on eleven acres.

Staff recommends **APPROVAL** of the final plat. All release letters have been received.

8. **Cedar Hill –** (8419)/Final Plat (PD 18) (CD 8)

East of northeast corner of East 101st Street and 106th East Avenue

STAFF RECOMMENDATION:

This plat consists of 14 lots in two blocks on 5.04 acres.

Staff recommends **APPROVAL** of the final plat. All release letters have been received.

9. **Catholic Charities –** (0329)/Final Plat (PD 3) (CD 3)

South of Southwest corner of East Apache and Harvard Avenue (This is phase one of the Moran Foundation plat.)

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 15 acres. (This is phase one of the Moran Foundation plat.)

Staff recommends **APPROVAL** of the final plat. All release letters have been received.

10. **PUD-722-1 – Flintco, Inc./Hutcherson YMCA** (PD-2) (CD-1)

Northeast corner of North Norfolk Avenue and East Oklahoma Street (Minor Amendment to increase the permitted size of a wall sign from .2 SF per lineal foot of street frontage to .44 SF per lineal foot of frontage.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted size of a wall sign from .2 square foot per lineal foot of street frontage to .44 square foot per lineal foot of frontage, for the south building elevation only (see Exhibit A).

With the initial approval of PUD-722 sign standards for the Office District were adopted which are somewhat restrictive in the size and number of signs allowed. Staff supports these standards despite the fact that there are no residentially-zoned properties in the immediate vicinity of the new YMCA building. However, the south elevation of the building faces U.S. Highway 75 (see Exhibit B).

Since the elevation of the building on which the sign is proposed faces U.S. Highway 75 with no intervening properties between the YMCA and the highway, staff recommends **APPROVAL** of minor amendment PUD-722-1 allowing a .44 square foot display surface area per lineal foot of wall to which the sign is affixed for the south elevation only.

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

11. **PUD-274-A-2 – Roy D. Johnsen/Stone Gate** (PD-18) (CD-9)

North of the northeast corner of South Lewis and East 61st Street South (Minor Amendment to increase the permitted floor area from 105,000 SF to 109,250 SF to facilitate the expansion of the physical therapy and wellness center with the inclusion of an indoor swimming pool.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted floor area from 105,000 square feet (SF) to 109,250 SF to facilitate the expansion of the physical therapy and wellness center with the inclusion of an indoor swimming pool. The requested 4,250 SF increase in floor area represents a 4% increase in floor area and an increase from a .34 floor-to-area ratio (FAR) to .35.

In October of 2007 the TMAPC approved a minor amendment allowing an increase in permitted floor area for this development from 95,000 SF to 105,000 SF. That approval represented an increase in floor area of 10.5%. With this proposed increase the overall increase from the originally approved 95,000 would be 14.5%, within the 15% limit set forth in Section 1107-H of the Zoning Code constituting a minor amendment. Also, had the property been developed traditionally, Section 1202, B-5 of the Code would allow 153,113 SF of floor area, an FAR of .5. With the proposed increase in floor area the open space on the lot would be 144,190 SF, or 47% of the lot; 32% higher than the required 15% open space requirement.

Therefore staff recommends **APPROVAL** of minor amendment PUD-274-A-2 allowing a total permitted floor area of 109,250 SF and an FAR of .35.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

12. **Z-7008-SP-1h – Charles Norman/Tulsa Hills** (PD-8) (CD-2)

Southeast corner of U.S. Highway 75 and West 71st Street South (Corridor Minor Amendment to allow each existing lot that fronts the corridor collector street to have an identifying ground sign not to exceed six feet in height and 64 SF in display surface area.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to allow each existing lot that fronts the corridor collector street to have an identifying ground sign along the corridor collector street not to exceed six feet in height and 64 square feet (SF) in display surface area (dsa).

The original approval of the Corridor Site Plan for Tulsa Hills included the provision of, "One ground sign for each lot fronting the corridor collector street", and did not anticipate lot-splits or lot-combinations. Subsequently, in March 2008 the TMAPC approved lot-splits for Lot 11, Block 1 and Lots 5, 6, and 7, Block 2, creating Lot 11, Tracts A, B and C and new Lots 5, 6 and 7, Block 2 respectively. Signage along the corridor collector street for these newly created tracts was never addressed.

Staff recommends **APPROVAL** of minor amendment Z-7008-SP-1-h allowing each lot fronting the corridor collector street (South Olympia Avenue) to have one ground sign per lot, not to exceed six feet in height or 64 square feet of display surface area, maintaining a minimum separation of 30' from any other ground sign.

Note: Approval of a minor amendment does not constitute detail site, sign, or landscape plan approval

13. **PUD-431-C-1 – Tulsa Engineering and Planning/Copper Oaks Office Park** (PD-26) (CD-8)

Southwest of the southwest corner of 101st Street and Sheridan Road (Minor Amendment to increase the permitted floor-to-area ratio (FAR) on Lots 4 and 5 from .39 FAR to .44 FAR.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted floor-to-area (FAR) ratio on Lots 4 and 5 only of Copper Oaks Office Park from .39 FAR to .44 FAR. Increasing the FAR of a lot will subsequently increase the permissible floor area for each lot. The subject tracts are abutted on the west by a vacant lot owned by the South Tulsa Baptist Church (RS-3), on the south by the South Tulsa Baptist Church (RS-3), on the north by property owned by Arvest Bank (RM-1/RS-3) and on the east by PUD-431-C (RM-1).

At the existing FAR for each lot, Lot 4 is allowed 4,889 square feet (SF) of floor area and Lot 5 is allowed 6,088 SF of floor area. In requesting an increase to .44 FAR, the increase would permit 5,515 SF of floor area on Lot 4 (an increase of 626 SF) and 6,868 SF (an increase of 780 SF) on Lot 5.

The Comprehensive Plan identifies this area as low to medium intensity with no specified land use. At the medium intensity .5 FAR of the Office Medium District (OM) Lot 4 would allow 6,267 SF of floor area and Lot 5, 7,804 SF.

Since the parcels are identified as being in a low to medium intensity development area and abut directly to parcels which have non-residential uses, staff recommends **APPROVAL** of minor amendment PUD-431-C-1 increasing

the permitted FAR to .44 for Lots 4 and 5 only of Copper Oaks Office Park. All other development standards for PUD-431-C remain effective.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

14. **PUD-557-A-2/Z-5620-SP-11b – Floyd Roger Hardesty** (PD-18) (CD-8)

North side of the Mingo Valley Expressway, east of Memorial Drive (Minor Amendment to permit the addition of LED technology to an existing and previously approved outdoor advertising sign.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to permit the addition of LED technology to an existing and previously approved outdoor advertising (OA) sign (see Exhibit B). When the Tulsa City Council approved the ordinance allowing LED technology as permissible on outdoor advertising signs, policy was created requiring existing outdoor advertising signs that are proposed for LED technology have the spacing for the sign "re-verified" by the Board of Adjustment (BOA). Existing outdoor advertising signs within PUDs would additionally require a minor amendment to the PUD and a minor revision to existing sign plan prior to the release of permits from the City of Tulsa.

This existing outdoor advertising sign has had the spacing re-verified by the BOA on 6/24/08 in BOA case #20701 (see Exhibit A). The original detail sign plan was approved by the TMAPC on 5/15/02 (Exhibit B). The location of the outdoor advertising sign is not changing, nor is the permitted height or display surface area. The refurbished sign will be 50-feet in height with 672 SF of display surface area as permitted by the 2002 approval (see Exhibit C).

Since the location of the sign is not changing, the spacing has been re-verified by the BOA, and the over-all height and display surface area are not increasing, staff recommends **APPROVAL** of minor amendment PUD-557-A-2 allowing the addition of LED technology to the existing billboard located on Lot 2, Block 1 – Sunchase. Approval is subject to certification of compliance with Section 1221-G of the Zoning Code prior to the release of sign permits to the City of Tulsa Zoning Official (see attached Exhibit D).

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

15. **PUD-706-A-2 – Birnie W. Whitlow/Labella Homes, Inc.** (PD-26) (CD-8)

Northeast of the northeast corner of 111th Street South and South Louisville Avenue (Minor Amendment to reduce the required rear setback from 25 feet to 7.6 feet to allow for approximately 590 SF of a home to be located over the required rear setback line. This lot abuts a reserve area.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required rear setback from 25' to 7'6" to allow for approximately 590 (+/-) square feet (SF) of a home to be located over the required rear setback line. The proposed site plan appears to meet all other PUD bulk and area requirements including the 5,000 SF livability space requirement.

This lot is a corner lot and therefore has restrictive setback requirements along two of the four lot lines. Also, the southwest corner of the lot is located on a cul-de-sac. Given the setback requirements from 109th Street, Oswego Avenue, and the cul-de-sac at the end of Oswego, the "developable" portion of the lot is approximately 80' x 100'. PUD development standards do not allow houses to front East 109th Street South making the developable depth of the lot 80'. The east lot line which serves as the required rear yard for this lot also abuts "Overlook Park – Reserve C", a reserve area which may not be developed and abuts street right-of-way (ROW) on two sides as well (see PUD aerial case map).

Since the setback requirements of this PUD restrict this corner lot's "developable" area and the lot line in question abuts a reserve area staff can support the minor amendment request and recommends **APPROVAL** of minor amendment PUD-706-A-2 for Lot 12, Block1 – Belmont only.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

17. **PUD-468-9 – David Barnett/Sam's Center** (PD-18c) (CD-7)

Northwest corner of Mingo Road and 71st Street South (Minor Amendment to reduce the parking ratio from 5.9 parking spaces per 1,000 SF of floor area to 5.6 parking spaces per 1,000 SF of floor area to accommodate for minor additions to the building, the addition of "cart corrals" to the parking lot, and to upgrade interior landscaping.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the parking ratio from 5.9 parking spaces per 1,000 square feet (SF) of floor area to 5.6 parking spaces per 1,000 SF of floor area to accommodate for minor additions to the building,

the addition of "cart corrals" to the parking lot, and to upgrade interior landscaping (see Exhibit A).

The current expansion proposals are minor additions to the building including a canopy over the tire and battery storage area, a new rack-house enclosure, and a new cart canopy on the front of the building which will bring the square footage of the building from 142,183 square feet (SF) to 143,138 SF.

Under the Zoning Code, Sam's Club is classified as a Use Unit 13 use. Under straight zoning, Use Unit 13 requires one parking space per 225 SF of floor area. Using Use Unit 13 parking requirements and after the 955 SF worth of building additions the number of spaces required for the 143,138 SF building is 636 parking spaces. Under the submitted plan the number of spaces provided after the expansion is 802 spaces, 166 spaces over what is required by the Code.

Since the building expansion is less than 1,000 SF and there are only 15 of 817 parking spaces being eliminated for parking lot upgrades, and the Zoning Code would require 636 spaces, staff recommends **APPROVAL** of minor amendment PUD-468-9 permitting a 5.6 per 1000 SF of floor area parking ratio (802 parking spaces total) for Lot 1, Block 1 – Sam's Center only.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

18. **PUD-370-B – Deshazo, Tang & Associates/Avalon Park On Memorial** (PD-26) (CD-8)

South of the southwest corner of 101st Street South and Memorial Drive (Detail Site Plan for a 4,800 SF office building on Lot 5, Block 1.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 4,800 square foot (SF) office building on Lot 5, Block 1 - Avalon Park on Memorial. There is a 100-foot monopole cell tower on the site. The proposed use, use Unit 11 – Office, Studios and Support Services is a permitted use in PUD-370-B.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the parcel is from one access point from the private drive 106th Street South. Parking has been provided per the Zoning Code and a trash enclosure is provided per PUD development standards. Landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. All sight lighting will be limited to 15 feet in height and will be directed down and away from adjoining properties. If the AG zoned property to the north is developed residentially, a six-foot solid screening wall or fence will be required along the north boundary of this parcel.

Given the aforementioned, staff recommends **APPROVAL** of the detail site plan for Lot 5, Block 1 – Avalon Park on Memorial.

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

19. **Z-6503-SP-2 – Khoury Engineering/Economy Pharmacy** (PD-18) (CD-8)

East of the southeast corner of East 91st Street South and South Mingo Road (Detail Site Plan for a 4,896 SF pharmacy.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 4,896 square foot pharmacy. The proposed use, Use Unit 13, Convenience Goods and Services/Drug Store is a permissible use within the approved Corridor District Site Plan.

The submitted site plan meets all applicable building floor area, open space, and setback limitations. Access to the parcel is from mutual access easement from 91st Street South and one direct access point from 91st Place South. Parking has been provided per the Zoning Code. A trash enclosure is provided per CO District development standards and all equipment areas, including building mounted, will be screened from the view of a person standing at ground level. All sight lighting will be limited to 25 feet in height and will be directed down and away from adjoining properties. Sidewalks will be constructed along 91st Place and maintained/constructed along 91st Street per approved development standards. A bus pad/transit stop will be provided along 91st Street, west of the entrance of the Corridor District along 91st Street, east of the development boundary/west lot line for Lot 1.

Given the aforementioned, staff recommends **APPROVAL** of detail plan for Lot 1, Block 1 – Crossroads Village, Corridor District Site Plan Z-6503-SP-2.

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

TMAPC COMMENTS:

Mr. Ard stated that the applicant has requested that Item 16 be removed from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:
On **MOTION** of **CARNES,** TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Walker "aye"; no "nays"; none "abstaining"; Midget, Miller, Sparks, Wright "absent") to **APPROVE** the consent agenda Items 2 through 15 and Items 17 through 19 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

16. **PUD-478-4 – Roy D. Johnsen/Mapleview on Cherry Street** (PD-6) (CD-2)

Northeast corner of Newport Avenue and 15th Street South (Minor Amendment to reduce the required side setback along the south boundary from 15 feet to ten feet, and permit the location of a swimming pool, fountain and wall within the five-foot required yard along the north boundary.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD development standards to reduce the required side setback along the south boundary of the subject tract from 15-feet to ten feet, and to permit the location of a swimming pool, fountain and wall within the five-foot required yard along the north boundary of the tract. The request of setback reduction was previously approved by the BOA as a variance and the swimming pool, fountain and wall request are permitted under the Zoning Code.

This property is being conveyed and at the request of the applicant this amendment request is being made to clarify certain bulk and area requirements for the aforementioned conveyance, to permit the existing side setback, and the location of the existing pool, wall and fountain.

PUD-478 was approved by the Tulsa City Council in 1991 with a side setback requirement of ten feet from the property line along 15th Street, so long as a variance for the ten-foot setback requirement was also secured from the Board of Adjustment (BOA). Subsequently, in 1996 the BOA in case #15900 approved a variance of the setback requirement along 15th Street from 85' to 45'. This is 35 feet for ½ of the 70' Urban Arterial right-of-way (ROW), which 15th Street is classified as on the major street and Highway Plan, plus the ten-foot setback from the property line, as the existing structure currently meets. This variance was never reflected in the PUD Development Standards through application for a minor amendment.

"Permitted Obstructions in Required Yards", Section 210, B-6 of the Zoning Code allows "Swimming pools, tennis courts, and fallout shelters, except in required

front yards". The swimming pool, in its current location, is permitted by the Zoning Code.

Also, Section 210, B-3 states, "Fences, plant materials, berms, ***walls***, and permitted signs may be located in any yard provided that the same do not constitute a nuisance as provided in Title 24, Tulsa Revised Ordinances, Chapter 1, Section 103.A.". The Code therefore permits the wall in the required five-foot side setback.

Finally, Section 210, B-8 of the Code allows, "Customary accessory structures, such as clotheslines, barbecue pits, playground equipment, except in required front yards". The existing fountain is a customary accessory use, permitted in the current location by the Zoning Code.

Since the ten-foot side setback along the 15th Street ROW is already permitted by variance from the BOA, and the existing swimming pool, wall and fountain are permitted by Section 210 of the Code, staff recommends **APPROVAL** of minor amendment PUD-478-A for Lot 5, Block 2 – Mapleview on Cherry Street.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, stated that there is an implementing document to amend the deed of dedication to that subdivision to implement the PUD. These steps are necessary to satisfy the title requirements and he agrees with staff that some of these steps are not necessary, but he is asking if it is possible for the Planning Commission to approve the minor amendment and authorize the Chairman to execute the appropriate amendment to the deed of dedication, subject to staff's and Legal's approval as to form.

TMAPC COMMENTS:

Mr. Boulden stated that he understood that Item 16 would be removed to make the motion separate from the consent agenda. He has reviewed the proposed amendment to the deed of dedication and the substance is fine.

In response to Mr. Ard, Mr. Boulden suggested that the motion would be to approve Item 16 and also as a condition of that, authorize the Chairman to execute the amendment to the deed of dedication of Mapleview on Cherry Street plat, subject to staff's and Legal's review and approval.

Mr. Alberty reminded the Planning Commission that staff has not reviewed the amendment and it is important that staff reviews it.

TMAPC Action; 7 members present:
On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Walker "aye"; no "nays"; none “abstaining"; Midget, Miller, Sparks, Wright "absent") to **APPROVE** the minor amendment for PUD-478-A for Lot 5, Block 2, Mapleview on Cherry Street per staff recommendation, subject to authorizing the TMAPC Chairman to execute the amendment to the deed of dedication of Mapleview on Cherry Street plat subject to staff’s and Legal’s review and approval.

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22. **Plantation Apartments –** (7913) Minor Subdivision Plat (PD-18B) (CD-7)

Northeast corner of East 47th Place and South Fulton Avenue

STAFF RECOMMENDATION:

Staff has requested a continuance to August 20, 2008.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:
On **MOTION** of **MCARTOR**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Walker "aye"; no "nays"; none “abstaining"; Midget, Miller, Sparks, Wright "absent") to **CONTINUE** the minor subdivision plat for Plantation Apartments to August 20, 2008.

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PUBLIC HEARING

21. **The Enclave at Brookside –** (9319)/Preliminary Plat (PD-6) (CD-9)

Southwest corner of East 39th Street South and South Rockford Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 5.44 acres.

The following issues were discussed July 17, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-758 (RM-1/RM-2). All PUD requirements will need to be followed and shown in the restrictive covenants.

2. **Streets:** The size of access needs to be approved through Traffic Engineering. Sidewalks are required.

3. **Sewer:** Add an easement for the proposed sanitary sewer line crossing the southwest corner of Lot 1 Block 1. Add the width of the existing sanitary sewer easement located in the northwest corner of Lot 1 Block 1. The proposed sanitary sewer main relocation must be completed, accepted by the City of Tulsa, and released for use before any building permits can be issued for buildings encroaching on the existing line and easement. The existing line can not be abandoned in place unless it is filled with flowable fill. Otherwise, it must be removed. The existing sanitary sewer line shown along the east boundary of the proposed plat does not agree with the wastewater atlas. Please confirm the existence of the line as shown, and contact Gary McColpin in Engineering Wastewater Design (596-9573) to have the atlas updated.

4. **Water:** No comments.

5. **Storm Drainage:** Since construction is located in the floodplain minimum finished floor elevations must be shown on the face of the plat. Revised limits of the floodplain should be shown on the face of plat and placed in an overland drainage easement (ODE). Language for the ODE has been included in the covenants but none are shown on the plat. Previous floodplain should not be shown on the final plat.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed. Site plans are needed for ONG and PSO design engineers.

7. **Other: Fire:** The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times.

   GIS: Label the point of beginning (POB). Fix the discrepancies between the face of the plat and the metes and bounds description in the covenants. Construction will not be allowed until underlying easements and building lines have been properly submitted for vacation. The latest standard language has not been used for the covenants. Please contact Kent Schroeder at 596-2567 to receive a digital copy of the latest language. Contours should not be shown on the face of plat but should instead be shown on the conceptual plan.

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, McArtor, Shivel, Walker "aye"; no "nays"; none “abstaining"; Midget, Miller, Sparks, Wright "absent") to **APPROVE** the preliminary plat for The Enclave at Brookside, subject to special conditions and standard conditions per staff recommendation.

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Ms. Cantrell announced that she would be abstaining from PUD-760.

23. **PUD-760 – Roy Johnsen** **CH/OL/RM-2 to CH/OL/RM-2/PUD**

Northwest corner of East 15th Street South and South Troost Avenue (PUD-760 is an infill development of new construction. In keeping with the established predominant arrangement of commercial uses along East 15th Street, the development concept proposes commercial uses along the 15th Street frontage with pedestrian-oriented store fronts at or near the right-of-way with parking located in the rear.) (PD-6) (CD-4)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: RM-2/OL/CH/PUD **PROPOSED USE:** Retail/office

RELEVANT ZONING HISTORY:
Z-7038 October 2006: A request for rezoning a 2± acre tract of land from RM-2 to CH for new commercial development and parking, on property located north of the northeast corner of South Troost Avenue and East 15h Street and east of subject property was withdrawn by applicant.

Z-6977/PUD-708-A July 2005: All concurred in approval of a proposed Major Amendment to a PUD on a 1.34± acre tract of land on property and to allow on property located on the southeast corner East 15th Street and South Utica Avenue. Staff and TMAPC recommended approval to remove HP zoning subject to the removal of the Victor access. The City Council motioned to retain the three lots in HP overlay zoning, and approve the curb-cut onto Victor but not allow to open until the scheduled improvements at 15th and Utica intersection are made; and to approve a landscaping addition to the project at the southeast corner of parking lot providing a buffer and transition into the remaining single-family residential uses to the south.

PUD-708 August 2004: All concurred in approval of a proposed Planned Unit Development on a 1.34± acre tract of land, to permit the consolidation of several parcels with various zoning, CH, OL, PK, RS-3 and HP to allow for a bank, including drive-thru facility, and office use subject to staff recommendations and eliminating access to Victor Avenue, and to specific traffic flow requirements on property located on the southeast corner of East 15th Street South and South Utica Avenue and southeast of subject property.

PUD 553 April 1997: All concurred in approval of a proposed Planned Unit Development on a 2.14± acre tract of land to permit a bank, including drive-in facility, and office use per conditions on property located on the southwest corner of East 15th Street an South Utica Avenue and south of subject property.

BOA-16415 August 24, 1993: The Board of Adjustment denied a Special Exception to permit Use Unit 11 in an RM-2 district finding office use too intense for the surrounding residential neighborhood on property located at 1432 South Troost; Lot 7, Block 1, Clark's Addition; and a part of subject property.

BOA-16365 June 8, 1993: The Board of Adjustment denied a Special Exception to permit Use Unit 5 or 11 in an RM-2 district finding community services and office use too intense for the surrounding residential neighborhood on property located at 1432 South Troost; Lot 7, Block 1, Clark's Addition; and a part of subject property.

PUD-437 August 1988: All concurred in approval of a proposed Planned Unit Development a 1.35± acre tract of land for uses as permitted by right in an OL district excluding drive-in banks and funeral homes and allowing 2 stories on property located on the southeast corner of East 14th Place and South Utica Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.35± acres in size and is located northwest corner of East 15th Street South and South Troost Avenue. The property appears to be residential, commercial, and some vacant and is zoned RM-2/OL/CH.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 15th Street South	Urban arterial	70’	4
South Troost Avenue	Residential Collector	60’	2

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

SURROUNDING AREA: The subject tract is abutted on the east by Troost Avenue and then Lots 13, 14 and the south ½ of Lot 15, Lakeview Addition, zoned CH and the north ½ of Lot 15, and Lots 16, 17, and 18 – Lakeview Addition, zoned RM-2; on the north by Troost Lofts at Cherry Street, zoned RM-2; on the south by 15th Street and then Orcutt Addition, zoned CH; and on the west by Lot 13 and the southern 2/3 of Lot 14, Clark’s Addition, zoned CH and the northern 1/3 of Lot 14 and Lots 15 and 16, Clark’s Addition, zoned CS and Lots 17 and 18, Clark’s Addition, zoned RM-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity, as well as being in Special Area A - Cherry Street Business Sub-area, Special Area F – Bellview Special Development Sub-area, and a historic neighborhood. The subject tracts are not in the Swan Lake Historic Preservation District.

The site consists of 17,640 gross square feet (GSF) (.4 acres) of CH zoning, 12,740 GSF (.29 acres) of OL zoning and 29,400 GSF .67 acres) of RM-2 zoning. According to the Zoning Matrix, the existing CH, zoning **is not** in accord with the plan, and the OL and RM-2 zoning **is** in accord with the Plan.

Although the existing CH zoning is not in accord with the Comprehensive Plan, the proposed uses, Use Units 10, 11, 12, 13, and 14, are in keeping with the overall intensity and types of uses surrounding it. Furthermore, Special District F - the Bellview Special Development Sub-area, of the District 6 Plan recognizes in section 3.5.6.2;

“The area east of Peoria (along 15th Street) is uniquely defined, such that redevelopment could accommodate either medium intensity residential or office developments or projects combining the two uses. Any future development should utilize the PUD process or Board of Adjustment review to ensure a comprehensive development embodying the intent of the Comprehensive Plan. Uses within this area should support and be compatible with commercial uses along 15th Street. Also, section 3.5.1.2 of the District 6 Plan in discussing The Cherry Street Business Sub-area, suggests parking as a proper buffer between commercial uses and residential uses, as is proposed for this development.

With no zoning change required or requested staff finds the proposed development to be consistent with the development trends of the surrounding area, and therefore may be found in accord with the plan.

STAFF RECOMMENDATION:

PUD-760 comprises 1.03 net acres of land situated on the northwest corner of East 15th Street South and South Troost Avenue, and is described within the attached Exhibit "G". Upon approval of the concept plan herein, the site will be re-platted as "Cherry Street Ridge".

The conceptual site plan is shown in attached Exhibits "A" and "E". The PUD conceptual site plan is submitted to establish designation of uses, permitted intensity and development standards and conditions, including platting and detailed site plan approval.

The Site is presently zoned CH - Commercial High Intensity, OL – Office Low Intensity and RM-2, Residential Multi-Family. No change to zoning is proposed. Existing zoning is shown in Exhibit "C" and can support the requested floor areas and proposed uses. This site is located across the street from the Swan Lake Historic Preservation District. Proposed utilities are shown in Exhibit "D".

The Site has approximately 166 feet of frontage on East 15th Street South and is classified as an urban arterial street which forms the south boundary of the Site. Currently, 15th Street in the immediate vicinity is lined with commercial uses and is zoned CH. The Site also has approximately 270 feet of frontage on South Troost Avenue, which forms the east boundary of the Site. Along the east side of South Troost Avenue are commercial uses zoned CH and older single-family residential uses zoned RM-2. The single-family structures would be removed to make room for the parking lot for the development, identified in section 3.5.1.2 of the comprehensive plan as an appropriate buffer between commercial uses and residential uses in District 6. Multi-family uses abut the north boundary and approximately the north one-third of the west boundary, all of which is zoned RM-2. The south two-thirds of the west boundary abuts commercial uses and is zoned CH.

PUD-760 is an infill development of new construction. In keeping with the established predominant arrangement of commercial uses along East 15th Street, the development concept proposes commercial uses along the 15th Street frontage with pedestrian-oriented store fronts at or near the right-of-way with parking located in the rear. A solid screening masonry wall not less than eight feet in height and a 5-foot landscape buffer along the wall, will screen the parking from abutting multi-family uses. Staff supports a waiver of the parking setback requirement from the centerline of the street based on the approval of such in the immediate vicinity by the Board of Adjustment (BOA) in BOA case numbers 19983 and 20637.

The frontage along Troost Avenue will be landscaped except at points of access. Trash enclosures would be required and all equipment areas – including building mounted - would be required to be screened from the view from a person standing at ground level. All site lighting, including building mounted, would be required to be directed down and away from abutting residential districts and would be verified by application of the Kennebunkport formula.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-760 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-760 subject to the following conditions:

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

2. Development Standards:

Gross Land Area:	1.35 AC	58,800 SF
Net Land Area:	1.03 AC	44,820 SF

Permitted Uses:

Uses permitted by right within: Use Unit 10, Off-Street Parking Areas; Use Unit 11, Offices, Studios, And Support Services excluding drive-thru banking facilities; Use Unit 12, Eating Places Other Than Drive-Ins; Use Unit 13, Convenience Goods And Services; Use Unit 14, Shopping Goods And Services; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area:

Restaurants	5,800 SF
Other Permitted Uses	4,350 SF
Total:	10,150 SF

Minimum Building Setbacks:

From centerline of East 15th St. South	35 FT
From centerline of South Troost Ave.	35 FT
From north boundary	125 FT
From west boundary	10 FT

Maximum Building Height: 35 FT

Off-street Parking: As required by the applicable use unit.

Minimum Landscaped Area: 10% of net lot area

Site Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area or street right-of-way. No light standard shall exceed 20 feet in height, the application of which shall be verified by inclusion of Kennebunkport calculations at detail site plan review.

Signs:

Signs shall be limited to:

(a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of tenant space, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.

AND,

(b) One ground sign shall be permitted along the East 15th Street frontage not to exceed 15 feet in height and 65 square feet of display surface area; or one projecting sign shall be permitted not to exceed 65 square feet of display surface area. Projection signs may not exceed the height of the building parapet wall.

Landscaping and Screening:

A minimum 10% net lot area shall be provided and maintained as landscaped open space. A solid screening masonry type wall not less than six (6) feet in height shall be provided along the entire north boundary and along that portion of the west boundary in common with residential uses. A five-foot landscaped strip along the lot lines in common with residential districts will be provided to further provide screening. Landscaping throughout the Planned Unit Development shall meet the adopted standards of the City of Tulsa.

Access and Circulation:

Access to the property will be limited to, two (2) drives off of South Troost Avenue as shown in Exhibit "A". Existing Sidewalks along 15th Street and Troost Avenue will be preserved, or installed along 15th Street and Troost Avenue for the limits of the project.

Parcelization:

After initial platting setting forth the allocation of floor area, division of lots may occur by approved lot split application and subject to the further approval of the Tulsa Metropolitan Area Planning Commission of proposed floor area allocations and confirmation of the existence of any necessary cross parking and mutual access easements. Such a division of a lot would require approval of a PUD minor amendment.

Transfer of Allocated Floor Area:

Allocated floor area may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area is to be allocated, provided, however, the allocation shall not exceed 10% of the initial allocation to the lot to which the transfer of floor area is to be made. Such a transfer would require approval of a PUD minor amendment.

3. No zoning clearance permit shall be issued 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 the 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 will be installed by a specific date in accordance with the approved landscape plan, 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. 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 or existing stormwater drainage structures and detention areas serving the development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.

8. No building permit shall be issued until the platting 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.

9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

10. 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.

11. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Receptacle screening shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. Trucks or truck trailers may not 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:

General:

Water: The proposed six-inch water main line will be required to be placed inside of a restrictive water line easement.

Fire: No comment.

Stormwater: No comment.

Wastewater: The language in "V. Drainage and Utilities" regarding the Sanitary sewer needs to be corrected. The language reads "…manhole located approximately 108 feet north and 80 feet east, respectively, of the north and west property lines." This is incorrect; it should be the south and west property lines. If the businesses are to be sold separately then each business will need to abut the sewer.

Transportation: On page 4 under Access and circulation add note for sidewalk requirement.

Traffic: No comment.

GIS: No comment.

Street Addressing: No comment.

County Engineer: No comment.

Applicant's Comments:
Roy Johnsen, 201 West 5th Street, Suite 501, 74103, stated that on the northwest corner of the subject property there are two single-family homes that front Trenton. The west boundary is abutted by commercial and multifamily uses and the north boundary is abutted by multifamily. Mr. Johnsen stated that in this instance he believes that a six-foot fence is sufficient and there will be landscaping. He is in agreement with the staff recommendation.

TMAPC COMMENTS:
Mr. Walker asked Mr. Johnsen if this is all new construction. In response, Mr. Johnsen stated that it is all new construction. Mr. Johnsen indicated that his client will have to comply with the ADA requirements.

Mr. Marshall asked if the fence would be wood or masonry. In response, Mr. Johnsen stated that he wanted to have a wood fence but staff requests masonry and he agreed to a six-foot masonry fence.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:
On **MOTION** of **CARNES**, TMAPC voted **6-0-1** (Ard, Carnes, Marshall, McArtor, Shivel, Walker "aye"; no "nays"; Cantrell "abstaining"; Midget, Miller, Sparks, Wright "absent") to **APPROVAL** of PUD-760 per staff recommendation.

Legal Description for PUD-760:
A TRACT OF LAND THAT IS ALL OF LOTS 7 THRU 12, "CLARK'S ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT TWELVE (12); THENCE NORTH 01°22'55" WEST A DISTANCE OF 270.00 FEET TO THE NORTHWEST CORNER OF LOT 7; THENCE NORTH 89°14'46" EAST A DISTANCE OF 166.00 FEET TO THE NORTHEAST CORNER OF LOT 7 ; THENCE SOUTH 1°22'35" EAST A DISTANCE OF 270.00 FEET TO THE SOUTHEAST CORNER OF LOT 12; THENCE SOUTH 89°14'46" WEST TO THE POINT OF BEGINNING. **From RM-2/OL/CH (Residential Multi-family District/Office Low Intensity District/Commercial High Intensity District) To RM-2/OL/CH /PUD Residential Multi-family District/Office Low Intensity District/Commercial High Intensity District /Planned Unit Development [PUD-760]).**

TMAPC COMMENTS:
Mr. Carnes stated that he would like to compliment staff and the applicant because an eight-foot fence in Oklahoma is going to blow over and it will look bad in a short time. He further stated that staff recommending a six-foot masonry fence beautifies Tulsa and this should be done more often.

Mr. Ard stated that he believes six-foot fences are better than eight just for the line-of-sight purposes. An eight-foot wall starts looking like a castle or encampment.

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24. **PUD-646-2 – Jim Thomason** (PD-26) (CD-8)

Northeast of the northeast corner of 111th Street South and Sheridan Road (Minor amendment to reduce the rear setback on Lot 2, Block 1 from 25 feet to 11.3 feet to construct a 748 SF detached three-car garage and a 290 SF pool cabana.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the rear setback on Lot, 2, Block 1 - Wenmoor from 25' to 11'3". The setback reduction would allow for construction of a 748 square foot (SF) detached, three-car garage and a 290 SF pool cabana. The subject tract is abutted on the north by Lots 12 and 13, Block 7 – Forest Trails.

The subject tract is a 27,584 SF lot (net), with an 8,228 SF house proposed for construction (see Exhibit A). PUD development standards call for accessory structures to meet the minimum setback requirements of the principal structure. Aside from the requested reduction in rear setback the proposed site plan appears to meet all other development standards of the PUD. The Wenmoor Homeowners Association has approved this proposal (see Exhibit B).

The house is proposed to be placed 7.5' from the west lot line with a carport extending to the 7.5' east setback line, the minimum side setback allowed by the PUD. The front setback is proposed for approximately 42' from the front property line/street ROW. The PUD front setback requirement is 30' from the front property line/street ROW. ~~This could allow for the principal structure to be placed 12' closer to the street.~~

The closest residential structure to the subject tract is Lot 13 of Block 7 – Forest Trails, zoned RS-2. This house meets its rear setback requirement being approximately 55' from the north property line of the subject tract. The rear setback requirement for PUD-646 is, "25' from the north boundary, plus two additional feet of setback for every one-foot over 35' high". Its is staff's opinion that per Section 1105 of the Code, the rear setback requirement for PUD-646 was made restrictive to protect abutting properties, specifically those RS-2 zoned lots to the north of the PUD whose lots are smaller in lot area and therefore permit smaller homes. Section 1105 of the Zoning Code states, "within a PUD, perimeter requirements for screening, landscaping, and setbacks, (will be established) as are necessary to assure compatibility with adjoining and

proximate properties…". No other requests for relief of the setback from the north boundary of PUD-646 have been made or approved. There has been one amendment to the PUD which was an amendment to reduce the front setback on Lot 9, Block 2 – Wenmoor from 30' to 25'.

Given: 1) the over-all size of the subject tract; 2) the principal structure immediately to the north is approximately 55' from the PUD boundary; ~~3) that the principal structure for this proposal could be repositioned 12 feet closer to the street making the accessory structures compliant; and 4) there is nothing unique or non-conforming about the size, shape, topography or location of the lot~~, staff finds per Section 1107-H of the Code the purposes and standards of the setback requirement and provisions of the PUD thereof are not maintained, and therefore recommends **DENIAL** of minor amendment PUD-646-2.

At the 8/6/08 meeting of the TMAPC, staff reversed its recommendation for denial of the minor amendment and recommended **APPROVAL** based on information presented to the TMAPC by the applicant at the public hearing. This information is included with the final case report herein. Information with strikethrough above is information that is untrue or irrelevant.

TMAPC COMMENTS:

Mr. Marshall asked if staff feels an obligation that they should deny this because nothing else has been approved in this addition. In response, Mr. Sansone stated that he considers precedent when an applicant is making a request. Generally, when one looks at a PUD and a number of houses in a single row are beginning to ask for the same type of relief, then that is taken into consideration. The real grounds for denial is the fact that he thought the house could be moved forward, with the less intensive RS-2 district to the north and meeting their setback requirements. After looking at what the applicant has submitted today, he recalls a conversation with the applicant regarding grade, and the second diagram shows the elevation view of the proposed structures and sight line from the property immediately to the north in association with the grade as proposed on the lot in question with a six-foot privacy fence. There is a possibility that the properties to the north will only see a portion of the roof and the architectural feature on the garage. He believes staff could consider reversing their recommendation. Mr. Marshall asked Mr. Sansone if he is stating that with all of these other facts and the submittals today, staff would consider approval. In response, Mr. Sansone answered affirmatively.

Mr. Marshall asked if staff has received any letters or phone calls from Forest Trails immediately behind the subject property. In response, Mr. Sansone stated that he hasn't received any phone calls or letters.

Ms. Cantrell asked staff if they needed to continue this item since they have not had time to review the submittal completely. In response, Mr. Sansone stated that he believes it would be okay to move forward. He indicated that he spoke

with the applicant prior to today's meeting and the submittal was not presented to staff until today, but he is comfortable with moving forward.

Applicant's Comments:

Jim Thomason, 19225 South 49th West Avenue, Mounds, Oklahoma 74047, stated that he was driven to request this relief because the client feels that they may have health concerns in the future that force them to have a one-story residence. The livable square footage is planned to be 7,750 SF for the main residence, which is below the average for the neighborhood. In an effort to minimize impact, he has lowered the building site to within 1.5 feet of the front street elevations and gives a range of 4.5-foot to 6.5-foot of cut in the back of the subject property and there will be a six-foot fence on top of that, which will provide adequate screening.

Mr. Thomason indicated that he has spoken to three of the five surrounding neighbors and they have all expressed approval of the proposal. He indicated that he has letters from two of the property owners.

Mr. Thomason cited the topography of the surrounding properties and indicated that they wouldn't be impacted by the proposed application.

TMAPC COMMENTS:

In response to Mr. Marshall, Mr. Thomason stated that he has squeezed the motor court down to the tightest turning radius possible to bring the garage as far forward as possible. The detached garage will be for regular-sized vehicles and it will be a three-car garage. Mr. Marshall asked Mr. Thomason if the Planning Commission denied this application, his would clients eliminate the detached garage. In response, Mr. Thomason stated that his client needs the garage for their two older children and they need three to four parking spaces. The design would have to be manipulated somehow if the Planning Commission denies this request. Mr. Thomason stated that there is nothing extravagant about the house and the design has everything that they need. He explained that his client doesn't want to have the smallest house in the development because it would difficult to resell the subject property.

In response to Ms. Cantrell, Mr. Sansone stated that if the subject property didn't have a PUD overlay and were under straight zoning, then this application wouldn't be before the Planning Commission because it is under 18 feet high and would be entitled to go within three feet of either one of the rear or side property lines. Mr. Sansone concluded that staff can support the minor amendment per the submittal received today.

TMAPC Action; 7 members present:
On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Walker "aye"; no "nays"; none “abstaining"; Midget, Miller, Sparks, Wright "absent") to **APPROVE** the minor amendment for PUD-646-2 per new submittal provided by the applicant on 8/6/08.

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25. **Z-7085 – John Moody** **AG/RM-1/OL to CS**

North of northeast corner of East 31st Street North and North Cincinnati Avenue (Continued from 3/5/08, 5/7/08 and 6/18/08) (PD-2) (CD-1)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11918 dated September 1, 1970 established zoning for the subject property.

PROPOSED ZONING: CS

PROPOSED USE: Commercial/day care

RELEVANT ZONING HISTORY:

Z-7054 June 2007: All concurred in approval of a request for rezoning a 15.86+ acre tract of land from AG/OL to RM-1 for multifamily on property located north of the northeast corner of North Cincinnati Avenue and East 31st Street North and a part of the subject property.

BOA-18540 November 9, 1999: The Board of Adjustment approved a special exception to allow for one-bedroom duplexes as part of “Crestview II” development in an RS-3 and CS district per plan submitted on property located southeast of the southeast corner of East 36th Street North and North Cincinnati Avenue and north of subject property.

Z-6553 September 1996: All concurred in approval of a request for rezoning a 12+ acre tract of land from RS-3 to RM-1on property located south of the southeast corner of East 36th Street North and North Cincinnati and abutting north of subject property.

CDP-18 June 6, 1967: The Board of Adjustment approved a Community Development Plan for multifamily development which allowed 198 dwelling units located at North Garrison and Gilcrease Expressway and abutting east of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.92± acres in size and is located north of the northeast corner of North Cincinnati and East 36th Street North. The property appears to have a child daycare use and vacant land and is zoned AG/RM-1 and OL.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Cincinnati	Secondary arterial	100'	4

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

SURROUNDING AREA: The subject tract is abutted on the east by a multifamily residential development zoned RM-1; on the north by a vacant church, zoned RM-1; on the south by an expressway under construction and vacant land, zoned AG and RS-3; and on the west by heavily wooded vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The *District 25 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being in Special District 5 – Development Incentive Area. According to the Zoning Matrix, the requested CS zoning **may be found** in accord with the Plan under the Special District designation. Special District 5 plan policies call for it to be developed as a well designed and well planned growth area, and to include buffering to protect adjacent residential areas. The plan also encourages development in these areas through a PUD.

STAFF RECOMMENDATION:

Although plan provisions appear to encourage commercial and other related development here, the policies indicate that a unified approach under a PUD is envisioned, rather than a piecemeal development such as this. Staff cannot support the requested CS zoning, as it would be spot zoning adjacent to residential uses and/or zoning on three sides. Therefore, staff recommends **DENIAL** of CS zoning for Z-7085.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

In response to Ms. Cantrell, Ms. Matthews stated that there will be development in the subject area. Crest View senior housing development to the north of the subject property is being built. Ms. Matthews indicated that it will be duplexes for elderly housing and they do not necessarily have to be retired. Ms. Matthews

reminded Ms. Cantrell that the Planning Commission saw the rezoning for Crest View expansion approximately one year ago.

Ms. Cantrell stated that to the west there is corridor zoning and should develop fairly intensely. In response, Ms. Matthews stated that topography will be an issue. Ms. Matthews further stated that to the east is a multifamily development and gated.

Ms. Cantrell stated that what is going on there is multifamily then she is not sure why there is a need to protect that since it is more of a higher density residential and in the past the Planning Commission has allowed higher intensity zoning. In response, Ms. Matthews stated that this is a case of spot zoning and whatever the Planning Commission decides to do will go forward as a recommendation.

In response to Mr. Marshall, Ms. Matthews stated that there is no CO zoning on the subject property.

In response to Ms. Cantrell, Ms. Matthews stated that it is a development incentive area and not a corridor. Ms. Matthews stated that it is in Special District 5 Development Incentive Area. In response, Ms. Cantrell stated that she is talking about the property to the west of Cincinnati that is supposed to develop as corridor. In response, Ms. Matthews stated that is true, but the subject property is in a development incentive area, which qualifies as a special district.

In response to Mr. McArtor, Ms. Matthews explained what a development incentive area is and how it qualifies as a special district. The idea was to create a development incentive area to call attention to the fact that this is where future development should occur. The Crestview Development was one that they saw as being very positive and the expansion of the Crestview Developments was considered positive. There is Westview Clinic on the northwest corner and there is a pharmacy associated with it. INCOG has received inquiries about the southeast corner, which has serious topographical challenges that will probably cause it to not develop.

In response to Mr. McArtor, Ms. Matthews stated that this is considered spot zoning and it is adjacent to residential property. She explained that the daycare is presently there and now they want to put commercial zoning with commercial uses on the subject property and that is a problem.

Mr. Carnes stated that the northside wants development and he believes that this is not that much of a change. This would be a perfect place for a convenience store. He indicated that he would be in favor of the CS zoning.

Mr. McArtor echoed Mr. Carnes's statements. This seems to be consistent with what is going on in the subject area and he understands the argument of spot zoning. This is development and it is needed on the northside and we shouldn't

be picky about the development in a part of a town that needs it more than anyone else. Mr. McArtor indicated that he would be in favor of the application.

Ms. Cantrell stated that she would support it as well. She understands the argument of spot zoning, but she believes that the fact that this is right next to what will someday be a highway and the property directly to the west, whether it develops or not, is supposed to be a high intensity development. Not too far off is another CS development. The residential around the subject property is RM-1 and it is not single-family homes. There is nothing there at this point that needs to be protected.

Mr. Marshall stated that he would not support this because he believes that it is spot zoning.

TMAPC Action; 7 members present:
On **MOTION** of **CARNES**, TMAPC voted **5-2-0** (Cantrell, Carnes, McArtor, Shivel, Walker "aye"; Ard, Marshall "nays"; none “abstaining"; Midget, Miller, Sparks, Wright "absent") to recommend **APPROVAL** of the CS zoning for Z-7085.

Legal Description for Z-7085:
The west 341.64 feet of the South Half of the North Half of the Southwest Quarter of the Northwest Quarter (S/2 N/2 SW/4 NW/4) of Section Twenty-four (24), Range Twelve (12) East of the I.B.&.M., Tulsa County, State of Oklahoma, LESS AND EXCEPT the following described tracts of land, to-wit: Three tracts of land located in the S /2 of the N /2 of the SW 1/4 of the NW 1/4 of Section 24, Township 20 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma; being more particularly described by metes and bounds, as follows: Tract No. 1: Commencing at the SW corner of the NW /4 of Sec 24, T-20-N, R-12-E, of the I.B.&M.; thence N 0I° 10' 36" W along the west line of said NW 1/4 a distance of 658.90 feet to the SW corner of the S 1/2 N 1/2 SW 1/4 of said NW 1/4; thence N 88° 41' 50" E a distance of 50.00 feet to the point of beginning being on the east right-of-way of North Cincinnati Avenue; thence N 0l° l0' 36" W along the said east right-of-way a distance of 77.96 feet; thence N 88° 41' 33" E a distance of 291.64 feet; thence S 74° 31' 25" E a distance of 270.13 feet to a point on the south line of the said S 1/2 N /2 SW /4 NW /4; thence S 88° 41' 50" W a distance of 550.44 feet to the point of beginning, and containing 0.7537 acres, more or less. Tract No. 2: Commencing at the SW corner of the NW 1/4 of Sec 24, T-20-N, R-12-E, of the l.B.&M.; thence N O1° 10' 36" W along the west line of said NW 1/4 a distance of 864.36 feet; thence N 88° 4l' 50" E a distance of 50.00 feet to the point of beginning being on the east right-of-way of North Cincinnati Avenue; thence N 01° 10' 36" W along the said east right-of-way a distance of 30.00 feet; thence N 88° 4l ' 33" E a distance of 125.00 feet; thence S 41° 02' 09" E a distance of 39.01 feet; thence S 88° 4l' 33" W a distance of 150.00 feet to the point of beginning, and containing 0.0947 acres, more or less. Tract No. 3: The South 127.5 feet of the North 251.5 feet of the East 291.64 feet of the West

341.64 feet of the S/2 of the N/2 of the SW/4 of the NW/4 of Sec. 24, T-20-N, R-12-E of the I.B.&M., according to the U.S. Government Survey thereof. **From AG/RM-1/OL (Agriculture District/Residential Multi-family District/Office Low Intensity District) To CS (Commercial Shopping Center District).** (Language with a strike-through has been deleted and language with an underline has been added.)

* * * * * * * * * * * *

26. **Z-7103 – Paul Nosak** **IL/RS-3 to IL**

West of northwest corner of East Ute Street and North Lewis Avenue (PD-2) (CD-3)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11809 dated June 26, 1970, and 13107 dated March 25, 1974, established zoning for the subject property.

PROPOSED ZONING: IL **PROPOSED USE:** Industrial

RELEVANT ZONING HISTORY:

BOA-20453 March 13, 2007: The Board of Adjustment approved a Special Exception to permit Use Unit 28 within an IM District; a Special Exception to modify the screening requirement; a Variance of the limitation on the height of materials placed in open air staging area to permit a maximum height of 20 feet, per plan and per landscaping plan to be installed and maintained by the owner; planting of non-deciduous trees only along Highway 75; the sidewalk on North Lewis to be installed and maintained; applicant's narrative and use conditions marked page 20.7 (Exhibit K-3), by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to the property in the same use district and that the variance to be granted will not cause substantial detriment to the public good, on property located at 2300 North Lewis Avenue and north of subject property across railroad.

Z-4583 March 1974: All concurred in approval of a request for rezoning a tract of land from RS-3 to IL on property located and a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .32± acres in size and is located west of the northwest corner of East Ute Street and North Lewis Avenue. The property appears to be vacant and is zoned RS-3 (entire site includes some existing IL zoning).

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Ute Street North	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential uses, zoned RS-3; on the north by vacant land and industrial uses, zoned IL; on the south by mixed single-family residential and industrial/commercial uses-, zoned RS-3; and on the west by industrial uses, zoned IL. The zoning patterns in the area are mixed, with a CH-zoned property to the southwest of the subject property that appears to have a metal building and an automotive-related use on it. A church lies to the southeast, at the southwest corner of North Lewis and East Ute Street, zoned CS. A few of the residential properties appear to have non-residential uses located on their sites.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The District 2 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being High Intensity-Industrial land use/Corridor/Special District 2. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Plan by virtue of its location within a Special District. Plan policies call for this area to transition into industrial uses.

STAFF RECOMMENDATION:
The applicant for this case and Z-7104 owns the IL-zoned land in between these properties. The rezoning of this property to IL will enlarge the applicant's current operation, which is an industrial use. There are mixed residential/industrial/commercial uses to the south that may be affected, but the area appears to be in transition, as the Comprehensive Plan envisioned. Based on these facts, staff recommends **APPROVAL** of IL zoning for Z-7103.

Applicant's Comments:
Paul Nosak, 2121 East Ute Street, 74110, stated that he stores wood on the subject property through the summer and donates it to people through the winter. The property to the west is currently adjacent to IL-zoned property and the property to the east is adjacent to Interstate Metals, which is zoned IL. He indicated that he currently owns properties in the subject area that are zoned IL.

TMAPC COMMENTS:
Mr. Ard explained to Mr. Nosak that they would handle his two applications separately.

Interested Parties Comments:

Dan Glowacki, 21661 East 46th Street, Broken Arrow, 74014, stated that he owns three single-family homes in the subject area and he is opposed to the IL zoning for Mr. Nosak. Mr. Glowacki submitted photographs showing the conditions in which Mr. Nosak keeps his properties and feels that it is keeping him from obtaining loans for his homes (Exhibit A-1). He commented that the banks felt the subject properties were being used as a landfill or dumping ground. He explained that the City was called due to the debris and outside storage that was being kept on the subject property.

Mr. Glowacki stated that Interstate Metals keeps their property clean and trimmed and he has no problem with their IL zoning. He commented that Mr. Nosak doesn't mow or trim his properties and there are rats and snakes on the subject property.

TMAPC COMMENTS:

Mr. Ard asked Mr. Glowacki if he is opposed to Z-7104 as well. In response, Mr. Glowacki stated that if one drove by the subject properties they would see Interstate Metals with mowed grass and a nice fence around the subject property and the steel is stacked and in order. Mr. Nosak's property is a pile of brush dumped from the back of the subject property all the way to the street. In response, Mr. Ard stated that if the IL zoning is granted the applicant would have to install a screening fence to screen it from the adjacent residential properties. Ms. Matthews stated that there will have to be paving as well for driveways and surfaces.

In response to Mr. Ard, Ms. Matthews stated that outside storage can't be within 300 feet of a residential area. Mr. Ard asked if the applicant can have piles of brush on an IL tract of land. In response, Ms. Matthews stated that it depends on how the zoning inspector defines brush. Mr. Glowacki stated that there was a Code enforcement issue and that is why Mr. Nosak has had to clean it up and apply for zoning. Ms. Matthews further stated that the applicant will have to replat the subject property since he is rezoning.

Mr. Ard stated that a lot of times it is Code enforcement that should be more aggressive to make sure the property owner follows the rules for the zoned property appropriately.

Mr. Glowacki indicated that he has spoken with the applicant and the City of Tulsa Neighborhood Inspections. He stated that it was not solid logs being stored, but brush and debris was being stored for many months. Mr. Glowacki expressed doubts that Mr. Nosak would follow the rules after the properties are rezoned to IL. He said there was a small improvement after the City issued citations, but it has not been completely cleaned up. His tenants complain about the rats and snakes in the subject area.

Ms. Matthews stated that if the applicant is granted his IL zoning, then it will be his problem to comply with the Code because it will be required.

Ms. Cantrell asked Mr. Glowacki if his objection is not so much the IL but to the applicant personally. In response, Mr. Glowacki stated that his objection is that he doesn't believe the applicant will follow the requirements. He cited that Mr. Nosak has roofing tiles, television sets, and all sorts of materials stored on his property. The subject properties are eyesores and he was unable to get financing on his three properties due to these properties.

Ms. Cantrell stated that anyone can be a bad neighbor regardless of the zoning. The Planning Commission doesn't zone based on who owns the property, but on whether it is an appropriate use of the land. Mr. Glowacki indicated that another IL property is a good neighbor and it is hard to deny the adjacent property just because someone is a bad neighbor. This is a Code enforcement issue and should be handled through that department.

Ms. Cantrell asked Mr. Glowacki if the subject properties were owned by someone else asking for IL zoning would he have an objection. In response, Mr. Glowacki stated that if it were something that would improve the neighborhood he would agree with it. He doesn't see Mr. Nosak's properties as an improvement to the neighborhood. He sees it as Mr. Nosak stating that he is using the properties for wood processing in order to dump brush and tree limbs.

Ms. Cantrell asked if the activity Mr. Nosak is doing appropriate in an IL district. In response, Ms. Matthews stated that under IL zoning the applicant can't have it within 300 feet of a residential area and it can't be outside. He will have to cover it up.

Ms. Cantrell informed Mr. Glowacki that by zoning the subject properties it may give him more enforcement to make Mr. Nosak a better neighbor. The Planning Commission is looking at whether IL is an appropriate use of the land.

Mr. Boulden asked when the photographs were taken. Mr. Glowacki indicated that he took the pictures on 8/5/08. Mr. Glowacki stated that the pictures were taken after Mr. Nosak cleaned up the properties. Mr. Glowacki further stated that he has been working with Mr. Roy Ballentine, Neighborhood Inspections, and he was informed that Mr. Nosak is supposed to still be cleaning up the properties and has asked for extensions.

Mr. Carnes stated that once this is zoned IL, the City will make the applicant keep it mowed. He will have to stay back 300 feet from residential and keep it mowed.

Mr. Shivel asked Mr. Glowacki if the condition of the property existed prior to the December 10th ice storm. In response, Mr. Glowacki stated yes and it had

become worse since then, until the City started making him clean it up. This problem has been ongoing for several years. There are trucks parked on the property with grass up to the roof, roof shingles stored by the road, etc. Mr. Glowacki explained that he wouldn't be opposed to commercial uses as long as he can rent his properties out and not be impacted by the adjacent properties.

In response to Mr. Boulden, Mr. Glowacki stated that the bank stated they would not finance the three homes with a tree dump next door to it. Mr. Glowacki reiterated that Interstate Steel maintains their property and isn't a negative impact on the subject area, which is zoned IL. Renters do not want to rent when someone is working all night long and creating noise, and Mr. Nosak's operation does go into the night.

Applicant's Rebuttal:

Mr. Nosak stated that the subject property has been used as a transfer station. He didn't purchase the property until March of last year specifically because the City waste dump for green waste closes at 4:30 p.m. and his crews work until dark. He explained that his crew is not at the subject property until dark but do park their trucks there. During the ice storm, the debris did accelerate and he has removed 47 semi-loads since Neighborhood Inspections contacted him. He did apply for three extensions because it takes time to move this much material. He explained that he removes the brush and keeps the logs for firewood that he gives away. He is in full agreement to bring the subject property into full compliance. The property is graveled and it was graveled when he purchased it.

TMAPC COMMENTS:

Mr. Ard stated that if the zoning change is allowed, the applicant would be required to screen it from the residential properties, Neighborhood Inspections would make him keep the grass mowed and there would be restrictions on outside storage. There are no permanent improvements on the subject property.

Mr. Ard asked Legal how debris is noted in the Code. In response, Mr. Boulden stated that a transfer station is not allowed in IL districts. That would be a Use Unit 27. In response, Mr. Nosak stated that it is a processing point where he processes out the brush and takes it to the City dump and leaves the logs for turning it into firewood. He also parks a couple of tractor trailers there as well. In response, Mr. Boulden stated that he is not sure that type of storage is allowed either. Mr. Boulden further stated that if the property is used as a temporary way-station for waste that will eventually go to a landfill or some other processing facility, it is not allowed in IL. In response, Mr. Nosak stated it is a technicality by calling trees waste, but it is debris. How he handles them is that they are either processed into lumber or firewood. If it were a business where he was selling the wood it would be a viable business. Properties on the north side are hard to get loans on because they are a gamble. Mr. Nosak reiterated that it is not waste, but tree vegetation. In response, Mr. Boulden stated that he would have to disagree with that and perhaps the Board of Adjustment would have a different

opinion, too. Mr. Boulden doesn't believe that the use Mr. Nosak is describing qualifies for IL districts.

Interested Parties Comments:
Kenneth L. Lewis, no address given , stated that he owns property west of Mr. Nosak and he has no problem with the IL zoning.

TMAPC COMMENTS:
Ms. Cantrell stated that she can support the IL zoning because it is consistent with the Comprehensive Plan and it does meet all of the standards. She hopes that Mr. Nosak can become a better neighbor because the photographs look pretty bad. She questioned if Mr. Nosak will be able to continue the debris activity. In response, Mr. Nosak stated that the condition of the subject property is due to the large amount of debris from the ice storm.

TMAPC Action; 7 members present:
On **MOTION** of **MCARTOR**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Walker "aye"; no "nays"; none "abstaining"; Midget, Miller, Sparks, Wright "absent") to recommend **APPROVAL** of the IL zoning for Z-7103 per staff recommendation.

Legal Description for Z-7103:
S ½ E 70' LOT 4 LESS 5' THEREOF FOR STREET BLK 1, CONSERVATION ACRES, 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).**

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27. **Z-7104 – Paul Nosak** **RS-3 to IL**

South and east of Highway 75 South on East Ute Street (PD-2) (CD-3)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11809 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: IL **PROPOSED USE:** Industrial

RELEVANT ZONING HISTORY:
BOA-20453 March 13, 2007: The Board of Adjustment approved a Special Exception to permit Use Unit 28 within an IM District; a Special Exception to modify the screening requirement; a Variance of the limitation on the height of materials placed in open air staging area to permit a maximum height of 20 feet,

per plan and per landscaping plan to be installed and maintained by the owner; planting of non-deciduous trees only along Highway 75; the sidewalk on North Lewis to be installed and maintained; applicant's narrative and use conditions marked page 20.7 (Exhibit K-3), by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to the property in the same use district and that the variance to be granted will not cause substantial detriment to the public good, on property located at 2300 North Lewis Avenue and north and east of subject property across railroad.

Z-4583 March 1974: All concurred in approval of a request for rezoning a tract of land from RS-3 to IL on property located and abutting east of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.07± acres in size and is located south and east of Highway 75 South and East Ute Street. The property appears to be vacant and is zoned RS-3. (Note: This property is near, but not adjacent to, the subject property in Z-7103, with the same applicant.)

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Ute Street North	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by an equipment storage/tree removal lot, zoned IL; on the north by vacant and industrial land, zoned RS-3/IM; on the south by mixed single-family residential/industrial/commercial, zoned RS-3; on the southwest by a metal building and what appears to be an automotive use, zoned CH; and on the west by single-family residential use, zoned RS-3. Some of the existing single-family residential uses appear to also have non-residential uses associated with them.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The District 2 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-No Specific land use/Corridor/Special District 2. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Plan. Plan policies for this area call for transition into an industrial area.

STAFF RECOMMENDATION:
This rezoning application will continue the transition of this area into an industrial area, as proposed in the Comprehensive Plan. Some of the single-family residential uses to the south appear to have non-residential uses on them as well. Based on the Comprehensive Plan, trends in the area and surrounding uses, staff can therefore recommend **APPROVAL** of IL zoning for Z-7104.

TMAPC COMMENTS:
Same issues were discussed as in Z-7103 and the interested parties had the same views.

TMAPC Action; 7 members present:
On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Walker "aye"; no "nays"; none "abstaining"; Midget, Miller, Sparks, Wright "absent") to recommend **APPROVAL** of the IL zoning for Z-7104 per staff recommendation.

Legal Description for Z-7104:
E 150' OF LOT 6, BLOCK 1, CONSERVATION ACRES, 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).**

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28. **Z-7105 – TMAPC** **AG to IL**

South side of 76th Street North and east of North Sheridan Road (Fence line between City of Tulsa and Owasso)

STAFF RECOMMENDATION:

ZONING ORDINANC/RESOLUTION: Resolution number 98754 dated September 19, 1980, established zoning for the subject property.

PROPOSED ZONING: IL **PROPOSED USE:** City limits/industrial

RELEVANT ZONING HISTORY:
CZ-217 October 1994: A request was proposed for rezoning a 988± acre tract of land from IL to IM on property located as the Cherokee Industrial District, east of North Yale Avenue between East 61st Street North and East 76th Street North for industrial mixed use. The Staff recommended IM zoning except for the north 300 feet east of Sheridan Road and the west 150 feet of Section 3, Township 20 North, Range 13 East. The applicant noted the map was in error and therefore asked Staff to change the recommendation from 300 feet to 200 feet at the east boundary property going east and that the Amoco, approximately an 8-acre

block, wishes to remain IL; Staff could agree to the changes requested by the applicant. The TMAPC and County Commissioners concurred in approval of IM zoning as amended and delete the portion owned Amoco, allowing it to remain IL, on property located south of subject property

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 6.36± acres in size and is located on the south side of East 76th Street North and east of North Sheridan Road. The property appears to be vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 76th Street North	Secondary arterial	100’	2
North Sheridan Road	Secondary arterial	100’	2 (scant)

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant and large-lot residential land, zoned AG; on the north by large-lot residential and vacant land in the City of Owasso, zoned AG; on the south by vacant land, zoned IL and IM; and on the west by vacant land, zoned IL and IM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The North Tulsa County Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Industrial land use/Special District 1. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Plan.

When the Tulsa County zoning maps were adopted in September, 1980, they overlooked the 70-foot City of Tulsa fence line. Although the zoning maps have reflected IL zoning since their adoption, in fact the maps should have reflected AG zoning within the 70-foot City of Tulsa fence line. This application is to correct that situation.

STAFF RECOMMENDATION:

Based on the North Tulsa County Plan, existing uses and surrounding zoning, staff can recommend **APPROVAL** of IL zoning for Z-7105.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Walker "aye"; no "nays"; none “abstaining"; Midget, Miller, Sparks, Wright "absent") to recommend **APPROVAL** of the IL zoning for Z-7105 per staff recommendation.

Legal Description for Z-7105:
The south 70' of the north 120' of the W/2 NE/4 and the south 70' of the north 120' of ht NW/4 of Section 35, T-21-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma; **From AG (Agriculture District) To IL (Industrial Light District).**

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29. **PUD-586-A-7/Z-5888-SP-4b – Lou Reynolds** (PD-18C) (CD-8)

Northwest corner of South Garnett Road and 91st Street South (Minor Amendment to permit public and private collector streets in the PUD as well as, establish development and permissible parking parameters for the internal streets.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to permit public and private collector streets in the PUD as well as, establish development and permissible parking parameters for the internal street(s). Specifically, the minor amendment is to permit:

"The principal access to all Development Areas shall be from a corridor collector street which may be public or private. A private collector must be a minimum of 24' wide. Unless the private collector street has at least four (4) lanes, there shall be no parking on the private collector and no parking spaces shall access directly from the private collector.

If the private collector street has at least four (4) lanes, the outermost lanes may be used for parallel parking. Later, as a part of the development of the PUD, the TMAPC may restrict parking within the outside lanes of the collector street during peak hours. Notwithstanding the foregoing, there will not be any parallel parking along the south 500 feet of South 109th East Avenue.

Collector Streets which are private must be open to the public".

Per Section 804 of the Code, corridor zoning requires access to be from an internal collector street. There are no requested changes in any existing development standards for PUD-586 and six associated minor amendments. All previously established development area standards for the PUD remain in effect. These standards are reiterated below incorporating the previously approved major amendment, and six approved minor amendments for convenience to staff in plan review. The new standard above is added in as development standard #3 below.

Staff recommends **APPROVAL** of minor amendment PUD-586-A-7/Z-5888-SP-4b subject to the following established development standards and as modified by the TMAPC (items with ~~strikethrough~~ have been removed, items in **bold** added in) *(note: approval of a minor amendment does not constitute detail site, landscape, or sign plan approval)*:

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

2. Development Standards (All existing requirements of PUD-586 and 586-A shall continue unless modified herein):

Development Area A-1

LAND AREA (NET): 22 Acres (+/-) *****

***** *The boundaries of the development areas are conceptual and minor modifications may be made pursuant to final platting; however, the acreage of the development shall not be altered by more than ten percent (10%). All minor modifications in development area boundaries would be subject to the approval of a minor amendment.*

PERMITTED USES:
Hospital and uses included within Use Unit 2, Area-wide Special Exception uses but limited to Nursing Home, Residential Treatment Center, and helipad; Use Unit 4, Public Protection and Utility Facilities limited to ambulance services and antenna and supporting structures only; Use Unit 8, Multi-family Dwelling and Similar Uses limited to elderly/retirement housing, life care treatment center and community group homes; Use Unit 10, Off-street Parking Areas; Use Unit 11, Office, Studios and Support Services; Use Unit 12, Eating Establishments Other than Drive-ins; Use Unit 19 – Hotel, Motel and Recreation facilities, limited to hospital affiliated health club, fitness and wellness center and Hotel/Motel Use only; Use Unit 21, Business Signs and Outdoor Advertising Signs; Use Unit 22 and uses considered customarily incidental to permitted principal uses.

MAXIMUM FLOOR AREA RATIO PER LOT:

Nonresidential:	.6
Residential (except elderly/retirement housing):	.5

MAXIMUM LIVABILITY SPACE PER LOT:
Elderly Retirement Housing: 200 SF per dwelling unit

MAXIMUM LAND COVERAGE OF BUILDINGS: 30%

MAXIMUM NUMBER OF DWELLING UNITS: 30 per acre

MAXIMUM BUILDING HEIGHT: 160 FT*****

***** *Architectural elements may exceed maximum building height with detail site plan approval.*

MINIMUM BUILDING SETBACKS:

From North Development Area Boundary:	25 FT
From Expressway right-of-way (ROW):	25 FT
From centerline of 91st Street:	110 FT
From centerline of corridor collector:	55 FT
From other development area boundaries:	25 FT

Other internal lot lines and street setbacks as established by detail site plan review.

OFF-STREET PARKING: As established by the applicable Use Unit*****

***** *Required off-street parking may be reduced as provided in section 1305 of the Zoning Code.*

MINIMUM LANDSCAPED OPEN SPACE AND STREET YARDS (NON-RESIDENTIAL USES): 15% of net lot area.

SCREENING:

As required by the applicable Use Unit, excepting that compactors be fully sealed and self-contained and that no "over-top units" (typical dumpsters), trash bins, or dumpsters be allowed per approval of PUD-586-A-2*****.

*******Approval of PUD-586-A-2 was applicable to the cooling tower and compactor for the original hospital construction only. Future waiver of this requirement would require approval of a minor amendment).*

SIGNS:

Business signs shall be subject to the general use conditions of section 1103, B-2, and the following requirements:

1. The number of ground signs in Area A-1 shall not exceed*****:

   A. Four (4) along 91st Street (per PUD-586-A-4), two (2) along the internal collector, and one (1) along Mingo Valley Expressway.

2. Ground signs shall not exceed 12 feet in height when adjacent to a collector street or public or private minor streets.

3. Ground signs adjacent to 91st Street shall not exceed an aggregate display surface area (dsa) of one square foot per lineal foot of arterial street frontage within the lot, and 25 feet maximum height.

4. Ground signs within the freeway sign corridor oriented toward the freeway shall (per PUD-586-A-5):

    - Will not exceed an aggregate display surface area (dsa) of one foot of dsa per lineal foot of freeway frontage;
    - Will not exceed a total height of 57 feet;
    - Be spaced at least 300 feet from any other ground sign.

5. Ground signs on lots abutting a public or private interior street shall not exceed an aggregate dsa of 2/10 (.2) of one (1) square foot per lineal foot of street frontage.

6. For non-residential uses, wall or canopy signs shall not exceed an aggregate dsa of two square feet per lineal foot of wall to which the sign is affixed.

***** *This does not include the etched stone sign installed as part of the retaining wall in Area A-1).*

Outdoor Advertising Signs:
There shall be a maximum of one (1) outdoor advertising sign in Development Area A-1, located no less than 575 feet nor more than 600 feet from the centerline of East 91St Street along the Mingo Valley Expressway/US 169.

Development Area A-2

LAND AREA (NET): 54 Acres (+/-) *****

***** *The boundaries of the development areas are conceptual and minor modifications may be made pursuant to final platting; however, the acreage of the development shall not be altered by more than ten percent (10%). All minor modifications in development area boundaries would be subject to the approval of a minor amendment.*

Permitted Uses:
Hospital and uses included within Use Unit 2, Area-wide Special Exception uses but limited to Nursing Home, Residential Treatment Center, and helipad; Use Unit 4, Public Protection and Utility Facilities limited to ambulance services and antenna and supporting structures only; Use Unit 8, Multi-family Dwelling and Similar Uses limited to elderly/retirement housing, life care treatment center and community group homes; Use Unit 10, Off-street Parking Areas; Use Unit 11, Office, Studios and Support Services; Use Unit 12, Eating Establishments Other than Drive-ins; Use Unit 19 – Hotel, Motel and Recreation facilities, limited to hospital affiliated health club, fitness and wellness center and Hotel/Motel Use

only; Use Unit 21, Business Signs and Outdoor Advertising Signs; Use Unit 22 and uses considered customarily incidental to permitted principal uses.

MAXIMUM FLOOR AREA RATIO PER LOT:

Nonresidential:	.6
Residential (except elderly/retirement housing):	.5

MAXIMUM LIVABILITY SPACE PER LOT:

Elderly Retirement Housing: 200 sf per dwelling unit

MAXIMUM LAND COVERAGE OF BUILDINGS: 30%

MAXIMUM NUMBER OF DWELLING UNITS: 30 per acre

MAXIMUM BUILDING HEIGHT: 160 FT*****

***** *Architectural elements may exceed maximum building height with detail site plan approval.*

MINIMUM BUILDING SETBACKS:

From North Development Area Boundary:	75 FT
From Expressway right-of-way (ROW):	25 FT
From centerline of Garnett Road:	100 FT
From centerline of corridor collector:	55 FT
From other development area boundaries:	25 FT

Other internal lot lines and street setbacks as established by detail site plan review.

OFF-STREET PARKING: As established by the applicable Use Unit*****.

***** *Required off-street parking may be reduced as provided in Section 1305 of the Zoning Code.*

MINIMUM LANDSCAPED OPEN SPACE AND STREET YARDS (NON-RESIDENTIAL USES): 15% of net lot area.

<u>BUSINESS</u> SIGNS:

Business signs shall be subject to the general use conditions of section 1103, B-2, and the following requirements:

1. The number of ground signs in Area A-2 shall not exceed*****:

   A) Three (3) along South Garnett Road, four (4) along the internal collector, and two (2) along Mingo Valley Expressway.

2. Ground signs shall not exceed 12 feet in height with an aggregate dsa of 2/10 of one square foot for each lineal foot of street frontage when adjacent to a collector street or public or private minor streets.

3. Ground signs adjacent to Garnett Road and outside the freeway sign corridor shall not exceed an aggregate display surface area (dsa) of one square foot per lineal foot of arterial street frontage within the lot, and 25 feet maximum height.

4. Ground signs within the freeway sign corridor in Area A-2 that are orientated toward the freeway shall:

    - Not exceed an aggregate dsa of one square foot per lineal foot of freeway frontage;
    - Not exceed 40 feet in height; and
    - Be spaced at least 300 feet from any other ground sign.

5. For non-residential uses, wall and canopy signs will not exceed an aggregate dsa of two square feet of dsa per lineal foot of wall to which the sign is affixed.

OUTDOOR ADVERTISING SIGNS:
There shall be a maximum of one (1) outdoor advertising sign in Development Area A-2, located no less than 200 feet nor more than 250 feet from the north boundary of Development Area A-2 and shall comply with the requirements of section 1221-F, of the Code.

DEVELOPMENT AREA B

LAND AREA (Net): 25 acres*****

***** *The boundaries of the development areas are conceptual and minor modifications may be made pursuant to final platting; however, the acreage of the development shall not be altered by more than ten percent (10%). All minor modifications in development area boundaries would be subject to the approval of a minor amendment.*

PERMITTED USES:
Uses included within Use Unit 8 Multifamily Dwelling and Similar Uses including but not limited to elderly/retirement housing, life care retirement center, and assisted living facilities; nursing homes, Use Unit 10 Off-Street Parking Areas; Use Unit 11 Office, Studios and Support Services; and uses customarily accessory to permitted principal uses.

MAXIMUM FLOOR AREA RATIO OF ANY LOT (Non-residential) .45

MAXIMUM LAND COVERAGE BY BUILDINGS WITHIN A LOT: 30%

MAXIMUM NUMBER OF DWELLING UNITS/LOT: 30 dwelling units per acre*

* *The permitted intensity of residential/care facilities shall be determined by applying the floor area ratio of .45.*

MAXIMUM BUILDING HEIGHT:

Use Unit 11 Uses	60 feet
Other Uses	3 stories

MINIMUM BUILDING SETBACKS:

From the north development area boundary

Use Unit 11 Uses:	As required in the OM District
Other uses:	As required in the RM-1 District
From the centerline of Garnett Road:	100 feet
From Expressway right-of-way line:	25 feet
From other development area boundaries:	25 feet

MINIMUM LANDSCAPED OPEN SPACE PER LOT (NONRESIDENTIAL):
15% of net area

MINIMUM LIVABILITY SPACE PER DWELLING UNIT: 300 SF

OFF-STREET PARKING: As required by the applicable use unit.

SIGNS:

A. Signage within Development Area B shall comply with the provisions of the RM-1 District in regard to residential or residential care facilities.

B. Signs shall comply with the provisions of the OL district in regard to nonresidential uses subject to the following modifications and limitations:
   (1) Permitted display surface area may be computed on private street frontage of the lot within which the principal uses is located.
   (2) A ground sign shall not exceed 12 feet in height.
   (3) No ground sign shall be located within 150 feet of the north boundary of the development area.

DEVELOPMENT AREA C

LAND AREA (NET): 30 acres (+/-)*****

***** *The boundaries of the development areas are conceptual and minor modifications may be made pursuant to final platting; however, the acreage of the development shall not be altered by more than ten percent (10%). All minor modifications in development area boundaries would be subject to the approval of a minor amendment.*

PERMITTED USES: As permitted in the CS District

MAXIMUM FAR PER LOT: .3

MAXIMUM LAND COVERAGE OF BUILDINGS: 30%

MAXIMUM BUILDING HEIGHT: 45 FT*****

***** *Architectural elements may exceed maximum building height with detail site plan approval.*

MINIMUM BUILDING SETBACKS:

From Centerline of 91st Street:	120 feet
From the centerline S. Garnett Road:	108 ft
From Other Development Area Boundaries:	25 feet

OFF-STREET PARKING: As required by the applicable Use Unit*****.

***** *Required off-street parking may be reduced as provided in Section 1305 of the Zoning Code.*

MINIMUM LANDSCAPED OPEN SPACE: 10% of net lot area

SIGNS:

A. Ground signs shall be limited to three (3) for each arterial street frontage, with a maximum of 160 sf of display surface area (dsa) and 25 feet in height.

B. Wall signs will not exceed an aggregate dsa of two square feet of dsa per lineal foot of wall to which the sign is affixed. The length of the tenant wall sign will not exceed 75% of the frontage on the tenant space.

C. In addition to the ground signs permitted by A above, a monument style ground sign, identifying the development, shall be permitted, not to exceed 16' in height and 200 square feet of dsa.

STORAGE:
There will be no outside storage of recyclable material, trash, (outside a screened receptacle) or similar material and trucks and trailers may only be parked in the PUD while they are actively being loaded or unloaded. Neither truck trailers, nor any other temporary structure shall be used for storage.

COMMERCIAL VEHICLE PARKING:
Parking of commercial vehicles shall not exceed 12 hours at any one time.

3. The principal access to all Development Areas shall be from a corridor collector street which may be public or private. A private collector must be a minimum of 24' wide. Unless the private collector street has at least four (4) lanes, there shall be no parking on the private collector and no parking spaces shall access directly from the private collector.

   If the private collector street has at least four (4) lanes, the outermost lanes may be used for parallel parking. Later, as a part of the development of the PUD, the TMAPC may restrict parking within the outside lanes of the collector street during peak hours. Notwithstanding the foregoing, there will not be any parallel parking along the south 500 feet of South 109th East Avenue.

   Collector Streets which are private must be open to the public.

4. Prior to issuance of a building permit for any outdoor advertising signs a detail site plan must be approved by the TMAPC.

~~5. The principal access to all development shall be from a corridor collector street. A private collector must be a minimum of 24 feet wide. There shall be no parking on the private collector and no parking spaces shall access directly from the private collector. Collector streets, which are private, must be open to the public.~~

5. **The principal access to all Development Areas shall be from a corridor collector street which may be public or private. A private collector must be a minimum of 24' wide. Unless the private collector street has at least four (4) lanes, there shall be no parking on the private collector and no parking spaces shall access directly from the private collector.**

   If the private collector street has at least four (4) lanes, the outermost lanes may be used for parallel parking. Later, as a part of the development of the PUD, the TMAPC may restrict parking within the

outside lanes of the collector street during peak hours. Notwithstanding the foregoing, there will not be any parallel parking along the south 500 feet of South 109th East Avenue.

Collector Streets which are private must be open to the public.

6. 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 and requiring parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

7. A Detail Landscape Plan for each development area and or lot within a development area shall be submitted to the TMAPC for review and approval. 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 that development area 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.

8. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

9. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

10. 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 and all such lights shall be set back at least 75 feet from a single-family dwelling.

11. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.

12. No Building Permit shall be issued until the requirements of Section 1170F 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.

13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

Mr. Sansone cited changes to the staff recommendation, which are shown as strike-through for deleted language and language added is in *Italics*.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:
On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, Walker "aye"; no "nays"; none "abstaining"; Midget, Miller, Sparks, Wright "absent") to **APPROVE** the minor amendment for PUD-586-A-7/Z-5888-SP-4b per staff recommendation.

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OTHER BUSINESS:

Commissioners' Comments

Mr. McArtor stated that he was able to attend a continuing education seminar on "Practical Guide to Zoning and Land Use Law" in Oklahoma City on Monday August 4, 2008. It was a good seminar and he has provided the materials for the Planning Commissioners. Mr. McArtor stated that staff made copies for everyone and they should be in their blue folders.

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There being no further business, the Chair declared the meeting adjourned at 3:03 p.m.

Date Approved:
_____

_____
Chairman

ATTEST:_____
Secretary