

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2532

Wednesday, November 19, 2008, 1:30 p.m.

Aaronson Auditorium

Central Library, 400 Civic Center

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

The notice and an amended agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, November 17, 2008 at 11:00 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Mr. Ard announced that there will be one more meeting at the Aaronson Auditorium on December 3, 2008.

Worksession Report:

Mr. Ard reported that there will be a worksession immediately following the TMAPC meeting today.

Comprehensive Plan Report:

Martha Schultz and Theron Warlick, City of Tulsa Planning Department, reported on the workshops and progress of Planitulsa. Mr. Warlick answered

Planning Commissioners' questions regarding public relations and areas of Tulsa that felt they needed more attention to their areas.

Director's Report:

Mr. Alberty reported on the TMAPC receipts for the month of October 2008. All areas are down slightly, but due to receipts exceeding last year's for July and August, for the year the receipts are up 9% from last year.

Mr. Alberty reported on the BOCC and TMAPC agendas.

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

Mr. Ard stated that there are several items on the agenda requesting a continuance:

- 10. **Harvard Square South** – (9328) Preliminary Plat (PD 6) (CD 5)
Southeast corner of East 41st Street and South Harvard Avenue
(Request continuance to 12/3/2008 for City Council to approve PUD standards, previously continued from 11/5/08)

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Smaligo Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to **CONTINUE** the preliminary plat for Harvard Square South to 12/3/08.

- 12. **51 Yale** – (9328) Preliminary Plat (PD 18B) (CD 7)
Southwest of the intersection of East Skelly Drive and South Yale Avenue (Continuance to 12/3/08 requested for PUD standards to be considered by TMAPC.)

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Smaligo, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to **CONTINUE** the preliminary plat for 51 Yale to 12/3/08.

14. **Z-7117** – (0432) Plat Waiver (PD 16) (CD 6)
West of southwest corner of East Pine Street and North 129th East Avenue (*Related to Item 15.)

Applicant has withdrawn this item.

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. **LS-20265** – J.R. Donelson (7317)/Lot-Split (County)
East of South Lewis Avenue and North of East 151st Street, 14600 South Lewis Avenue
3. **LS-20266** – J.R. Donelson (9212)/Lot-Split (PD-7) (CD-4)
East of South Cincinnati and South of East 15th Street, 1510 South Cincinnati Avenue
4. **LC-132** – Venessa Hall-Harper (0225)/Lot-Combination (PD-2) (CD-1)
Southwest corner of North Midland Avenue and East Reading Street, 1670 North Midland Avenue
5. **LC-133** – Holland Landscape, Inc. (8315)/Lot-Combination (PD-18B) (CD-8)
West of South Lakewood Avenue and North of East 86th Street, 5929 East 86th Street

7. **PUD-405-F-1 – William D. LaFortune** (PD-18) (CD-8)

Northwest corner of South Memorial Drive and Creek Turnpike (Minor Amendment to allow the addition of digital/LED technology to a previously approved billboard.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-405-F to allow the addition of Digital/LED technology to a previously-approved billboard. The existing use, Outdoor Advertising Sign, under Use Unit 21 is a permitted use within PUD-533-F.

On August 26, 2008 the City of Tulsa Board of Adjustment (BOA) in case number 20753 approved spacing verification for this outdoor advertising sign at this location (See Exhibit A).

Staff recommends **APPROVAL** of minor amendment PUD-405-F-1 allowing LED digital technology to be added to an existing outdoor advertising sign subject to the conditions of sections 1103, B-2; 1221-C, 2; 1221-F and 1221-G attached hereto as Exhibit D.

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

8. **PUD-575-B – John Sanford** (PD-18) (CD-8)

North of the northeast corner of Mingo Road and 81st Street South (Detail Site Plan for an 11,016 SF school and clinic.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for an 11,016 square foot (SF) school and clinic. The proposed use units, Use Unit 5 – Community Services and Similar uses and Use Unit 11 – Office, Studios and Support Services are permissible uses within PUD-575-B.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site is from East 79th Street South via a mutual access easement (MAE) thorough Lot 6 per the final plat of 7900 Mingo. Parking has been provided per the Zoning Code and landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. All sight lighting will be limited to 25-feet in height and will be directed down and away from adjoining residential properties. No light standards will be placed within the northern 25 feet of the subject tract. Compliance with section 1303-C of the Code is verified by application of the

Kennebunkport Formula. A trash enclosure is provided per PUD development standards.

Staff recommends **APPROVAL** of the detail site plan for Lot 5, Block 1 – 7900 Mingo, the Reddy School and Clinic, with the following minor modifications to the plan:

- Revise parking calculations to show parking requirements for Lot 5 only;
- Label 25' mutual access easement through Lot 6;
- Show lighting language and Kennebunkport calculations on electrical/lighting plan. Remove any light standards within 25-feet of north lot line;
- Revise "Site Area" to show 43,560 square foot/One Acre site;
- Show 195 foot east lot line for this lot as part of larger 390-foot east lot line for Lots 5 and 6.
- Label Lot 5 and Lot 6.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Smaligo, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to **APPROVE** the consent agenda Items 2, 3, 4, 5, 7 and 8 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

1. **LS-20261** – Jim Wimbish (8304)/Lot-Split (PD-18B) (CD-7)
West of South Oswego Avenue and North of East 66th Street, 3720 East 64th Place (Continued from 11-05-08 agenda for re-notification on related PUD-142-7 minor amendment)

Applicant was not present.

Interested Parties Comments:

Robert Kesler, 3718 East 64th Place, 74136, stated that he is unclear of what is going on and this affects his property. He further stated that he wouldn't object to the continuance.

6. **PUD-142-7 – John B. Wimbish** (PD-18) (CD-7)

Southeast corner of the southeast corner of Harvard Avenue and 61st Street South (Minor Amendment to reflect a lot-split.) (Continued from 11/05/08 for renoticing)

Applicant's Comments:

John Wimbish, stated that he believes that Mr. Kesler's property adjoins the subject property that he is applying for.

TMAPC COMMENTS:

Ms. Feddis stated that she was notified at this meeting today that one of the properties will be receiving five feet, which is Mr. Kesler's property and he was not aware of this lot-split until he received notification of it and he has some concerns that there aren't five feet between the two properties. Staff would like a continuance to clear up the concerns.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Smaligo, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget, Shivel "absent") to **CONTINUE** the lot-split for LS-20261 and minor amendment for PUD-142-7 to December 3, 2008.

Mr. Midget in at 2:01 p.m.

PUBLIC HEARING

11. **Ewing Irrigation II – (9431) Preliminary Plat** (PD 18C) (CD 5)

East of South 107th East Avenue and north of East 61st Street

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.40 acres.

The following issues were discussed November 6, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL. The existing underlying plat needs to be vacated. Streets need to be named correctly per Development Services. Right-of-way dedication needs to be made per the Major Street and Highway Plan.

2. **Streets:** Label the southern leg of 107th East Avenue as public or private. Recommend fees-in-lieu of sidewalks. City of Tulsa is planning to widen and rehabilitate the street and will tear up any sidewalks existing at that time. Call out and clearly indicate limits of no access and access points along 107th East Avenue. Show driveway widths and dimension driveway radii.
3. **Sewer:** No comment.
4. **Water:** Field verify if a conflict exists between the new storm sewer manhole and the existing six-inch water line.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

GIS: Give the Basis of Bearing for this plat in degrees, minutes and seconds.

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.

Mrs. Fernandez stated that applicant would like to install the sidewalks; however, the City of Tulsa would prefer a fee-in-lieu of sidewalks since the subject area is scheduled within the year for widening of the street. The applicant believes he can install the sidewalks and that they wouldn't need to be torn up when it is time to widen the street.

Harold Tohlen, Public Works, stated that the City's view is that the subject area is planned for improvements in approximately one year from now and this would be an opportunity to defer the construction of the sidewalks until a later time by using the fee-in-lieu. The City has no objection to the applicant installing the sidewalks at this time and the City will work around it, but possibly will have to tear out the sidewalks.

TMAPC COMMENTS:

Mr. Ard asked Mr. Tohlen if he had a cost detailed for the fee-in-lieu. In response, Mr. Tohlen stated that it is roughly \$75.00 per square yard. Mr. Ard asked if the applicant has a cost built in that is less than the City, can the fee-in-lieu be adjusted down to the applicant's cost. In response, Mr. Tohlen stated that the ordinance is very specific that it has to be from the Engineering Services's provider contract that is updated annually.

Ms. Cantrell asked Mr. Tohlen if it is possible that the sidewalk may not be torn up if possible. In response, Mr. Tohlen that during the design they will attempt to incorporate what is existing.

Applicant's Comments:

Darin Akerman, Sisemore Weisz & Associates, 6111 East 32nd Place, 74135, stated that the general contractor for the subject project would like to install the sidewalk at this time. Looking at the design plans with the subject project and the sidewalk location, it is their belief that the sidewalk will not impact the street improvement. After looking at the numbers, the City's fee is twice the cost of the general contractor's fee at this time.

TMAPC COMMENTS:

Mr. Marshall asked Mr. Akerman what his cost would be for the sidewalk. In response, Mr. Akerman stated that their fee is approximately half of what the City requires.

Ms. Cantrell asked Mr. Boulden to confirm that the Planning Commission can't compel applicants to pay into the fee-in-lieu fund. In response, Mr. Boulden stated that he doesn't believe the Planning Commission can compel anyone to pay the fee-in-lieu, since the applicant is willing to put in the sidewalk.

Mr. Ard stated that it is the option of the applicant if he chooses to put in the sidewalk. In response, Mr. Boulden concurred.

Mr. Carnes moved to approve the preliminary plat per staff recommendation. Ms. Cantrell seconded.

Ms. Wright asked the Planning Commission to wait on the vote and asked if the motion would include requiring the applicant to do the fee-in-lieu of sidewalks. In response, Mr. Ard stated that the approval is to require the applicant to install the sidewalks as a requirement of the preliminary plat.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Sparks, Smaligo, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** the preliminary plat for Ewing Irrigation II, subject to special conditions and standard conditions per staff recommendation.

13. **South Mingo Plaza** – (8418) Preliminary Plat (PD 18C) (CD 8)
South of Southeast corner of South Mingo Road and East 81st Street
South

STAFF RECOMMENDATION:

This plat consists of four lots, one block, on 7.70 acres.

The following issues were discussed November 6, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CO 16426, Z-6052. All ~~PUD~~ CO standards must be followed and shown in the covenants.
2. **Streets:** Provide Book and Page # for existing right-of-way. Mutual access easement must be 30'? Provide note on face of plat that sidewalks will be constructed along Mingo Road in accordance with City of Tulsa design standards. Show "Right-of-way dedicated by this plat" for 50.00' x 62.50' area located along South Mingo. Change the 50-foot access to 40-foot access on Mingo Road at southern most access point. Change the east-west mutual access easement to a 30-foot minimum in order to allow for a two foot clearance on both sides of the 26-foot curb-to-curb roadway.
3. **Sewer:** Increase the proposed five-foot utility easement (U/E) along the north boundary of the plat to an 11' U/E. The proposed 17.5' U/E along the east and south boundary line are okay. However, an 11' U/E would be sufficient as well. Continue the proposed 11' sanitary sewer easement all the way across the mutual access easement. Define "sanitary sewer easement" in the legend. Add language to the covenants restricting use of the proposed "sanitary sewer easement". The mainline extension to serve Lots 1-3 must be completed before the plat can be filed of record. At the pre-development meeting, the engineer was to submit proposed SSID (sanitary sewer improvement district) plans prior to approval of the plat.

4. **Water:** List the book and page of the easement for the existing 48-inch water main line along South Mingo Road. A 20-foot water line easement (W/L/E) is required for the six-inch proposed water line in Lots 3 and 4. A minimum of 15-foot can be allowed if it is adjacent to another utility easement. Add standard language for the proposed water line easement. A water main line extension is required.
5. **Storm Drainage:** Nothing but the property line for the platted area. Both existing and proposed on-site easements and off-site adjacent easements should be shown on the face of plat. Need standard language for water, sanitary and storm sewer services to replace B. May need standard language for overland drainage easements, for floodplain and otherwise; and stormwater detention easement in a reserve. The conceptual plan should show all contours; and storm sewer easements, which are a minimum of 15-foot wide centered on the pipe.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
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 emergency operation shall be maintained operational at all times.

GIS: Fix the inconsistencies between the metes and bounds description and the face of the plat. Tie the plat from a section corner using bearings and distances from a labeled point of commencement (POC) to a labeled point of beginning (POB).

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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Sparks, Smaligo, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** the preliminary plat for South Mingo Plaza, subject to special conditions and standard conditions per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

15. **Z-7117 – Dwight Siens** **RS-3 to IL**
West of southwest corner of East Pine Street and (PD-16) (CD-6)
North 129th East Avenue (*Related to Item 14.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11811 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: IL **PROPOSED USE:** Machine parts processing

RELEVANT ZONING HISTORY:

Z-6917 January 2004: All concurred in approval of a request for rezoning a 2.25± acre tract of land from RS-3 to IL for storage of portable mini storages on property located west of the southwest corner of East Pine Street and North 129th East Avenue.

Z-6764 June 2000: All concurred in approval of a request for rezoning a 5.5± acre tract from RS-3 to IL for a machine shop located west of southwest corner of East Pine Street and North 129th East Avenue and abutting south and west of the subject tract.

Z-6229 February 1989: All concurred in approval of a request for rezoning a 5± acre tract from RS-3 to IL on property located west of the subject tract.

Z-4192 September 1972: All concurred in approval of a request for rezoning a tract of land from RS-3 to IL on property located west of the southwest corner of East Pine Street and North 129th East Avenue, and abutting east of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.5+ acres in size and is located west of the southwest corner of East Pine Street and North 129th East Avenue. The property appears to be in residential single-family use and is zoned RS-3. A sparse stand of trees lies in the center of the property and it appears to have a utility pole on the east of the property.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Pine Street	Secondary arterial	100'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by industrial uses, zoned IL; on the north by industrial uses, zoned IM; on the south by vacant land, zoned IL; and on the west by industrial uses, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within Special District 2-Industrial and Related Uses.. 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.

STAFF RECOMMENDATION:

The District 16 Plan clearly envisioned this entire area to develop/redevelop industrially. There are many existing industrial uses adjacent and nearby. Therefore, based on the District Plan, surrounding uses and trends in the area, staff recommends **APPROVAL** of IL zoning for Z-7117.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Sparks, Smaligo, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to recommend **APPROVAL** of the IL zoning for Z-7117 per staff recommendation.

Legal Description for Z-7117:

W85 OF NE NE NW NE SEC 32-20-14 AND E245 OF NE NE NW NE SEC 32-20-14, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA; From RS-3 (Residential Single-family District) To IL (Industrial Light District)

16. **PUD-766 – Roy D. Johnsen**

CS/CH to CS/CH/PUD

Southwest corner of South Yale Avenue and I-44 (PUD (PD-18b) (CD-7) for mixed use commercial development including retail, hotel, restaurant and office use.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: CS/CH/PUD **PROPOSED USE:** Commercial

RELEVANT ZONING HISTORY:

Z-7099/PUD-764 October 2008: All concurred in approval of a request for rezoning a 1.55± acre tract of land from RS-2/OM to CG and a Planned Unit Development for hotel use on property located south of the southwest corner of East 51st Street South and South Vandalia Avenue and south of subject property.

BOA-20431 February 27, 2007: The Board of Adjustment approved a Verification of spacing for an outdoor advertising sign (Use Unit 21), on property located south of the southwest corner of East Skelly Drive and South Yale Avenue, and a part of the subject property.

BOA-18262 December 8, 1998: The Board of Adjustment approved a Special Exception to permit Use Unit 17, Auto Sales, in a CS zoned district, on property located at the southwest corner of East Skelly Drive and South Yale Avenue and abutting northeast of subject property.

BOA-16080 July 14, 1992: The Board of Adjustment approved a Special Exception to permit commercial recreation uses, per plan submitted, which include outdoor miniature golf, batting cages, bumper boats, go-karts and kiddie rides (Use Unit 20); and a Variance of the required lot frontage in a CS district from 150' to 0' to permit a lot split, subject to the owner sharing 50% of the cost of a sound study in the event a petition of protest is signed by 25 nearby property owners alleging a violation of the 70 decibel restriction; subject to operating standards and restrictions, finding that the use, per conditions, is compatible with the surrounding area, and in harmony with the spirit and intent of the Code, on property located west of the southwest corner of South Yale Avenue and Interstate 44 and a part of the subject property.

BOA-16031 May 12, 1992: The Board of Adjustment approved a Special Exception to permit a car wash in a CS zoned district (Use Unit 17); and a Variance of the 110' setback from the centerline of South Yale to 100' to permit the construction of a car wash; per plan submitted; finding the use to be

compatible with the area, and that the proposed building will align with other structure along the street, on property located north of the northwest corner of South Yale Avenue and East 51st Street.

BOA-15553 September 20, 1990: The Board of Adjustment approved a Special Exception to permit a dry cleaning business (Use Unit 15); per plan submitted, and subject to Health Department approval; finding that the business will not be detrimental to the surrounding uses, as the walls are sealed to the roof to prevent seeping of cleaning solvents to other businesses, on property located west of the northwest corner of East 51st Street South and South Yale Avenue and abutting south of subject property.

Z-6191 May 1988: All concurred in approval of a request for rezoning a 2.79± acre tract of land from OMH to CS restaurant and service station use, on property located on the northwest corner of East 51st Street and South Yale Avenue and abutting south of subject property.

PUD-244 October 1980: All concurred in approval of a propose Planned Unit Development on a 2.47± acre tract of land for multi-story office use on property located on the southwest corner of East 51st Street South and South Yale Avenue.

BOA-8269 May 16, 1974: The Board of Adjustment approved a Special Exception to permit an auto-rental agency in a CS district, on property located west of the northwest corner of East 51st Street South and South Yale Avenue and abutting south of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 17.73± acres in size and is located southwest corner of South Yale Avenue and I-44. The property appears to have motel, restaurant, and building materials use with some vacant land and is zoned CS/CH.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Yale Avenue	Primary arterial	120'	6

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

SURROUNDING AREA: The subject tract is abutted on the east by Yale Avenue and then Lincoln Estates Second Resubdivision and Staiger Addition, zoned CH and CS respectively; on the north by I-44, zoned RS-2; on the south by Interstate Central Extension, zoned CS; and on the west by Lincoln Estates Third Resubdivision, zoned RM-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18b Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium and High Intensity-No Specific land use/Corridor. According to the Zoning Matrix, the requested PUD zoning is in accord with the Plan.

STAFF RECOMMENDATION:

PUD-766 is a 17.83 acre site located at the southwest corner of Interstate 44 (I-44) and Yale Avenue (see Exhibit A and case map aerial photographs). For the most part the site has been fully developed and is zoned CS and CH. There are no zoning changes requested with this application as all requested use units are permissible in the underlying zoning districts.

The subject property is abutted on the north by I-44; on the east by Yale Avenue and then CH and CS zoned property; on the south by CS zoned property and on the west by RM-2 zoned property.

The proposed re-use of the land encompassing PUD-766 is for a mixed use commercial development including retail, hotel, restaurant and office use served by an interior private drive and street system with access to the I-44 Service Road/Skelly Drive, South Yale Avenue and E. 51st Street South. The entire property will be re-platted as an 8-lot, one block subdivision known as Yale 51.

Utilities are at the site or accessible by customary extension. The existing storm drainage system consists of box culverts that discharge into an open, concrete lined channel that flows southwest through the mid portions of the site. The various lots drain overland into the existing system. The proposed drainage system will consist of enhancement by enclosing all or substantial portions of the open channel and by providing within each lot, inlets and underground storm pipes. Storm water detention may not be required and the determination will be made at the time of finalization of the drainage plans.

The proposed concept plan is submitted to achieve development flexibility pertaining to the allocation of permitted floor area and interior private drive/easement access to interior lots. The PUD is intended to establish a conceptual site plan with designation of development areas, allocation of uses and intensity of those uses permitted on each lot. Parking, landscaping, screening, and lighting requirements will be met, the standards of which are established herein are conditions to be followed and will be verified by the TMAPC by approval of a detailed site plan for each phase of development on each lot. Also, no lot may be developed until all platting requirements have been satisfied.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-766 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-766 subject to the following conditions and as amended at the TMAPC hearing (items with strikethrough have been removed; underlined items added in):

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

Lot 1

Net Land Area: .976 acres 42,555 SF

Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.25 FAR): 10,638 SF

Minimum Building Setbacks:

From northerly boundary: 20 FT
From other boundaries: 0 FT

Maximum Building Height: 3 stories, not to exceed 35 ft.

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

Minimum Landscaped Area: 10% of net lot area

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. No light standard shall exceed 30 feet in height.

Signs:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One monument sign not exceeding 8 feet in height and 64 square feet of display surface area.
- (c) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

Lot 2

Net Land Area: 2.83 acres 99,473 SF

Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.95 FAR): 94,156 SF

Minimum Building Setbacks:

From southerly boundary:	20 FT
From westernmost boundary:	60 FT
From private drive reserve area:	20 FT
From other boundaries:	0 FT

Maximum Building Height: 5 stories, not to exceed 64 65 ft.

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

Minimum Landscaped Area: 10% of net lot area

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. No light standard shall exceed 30 feet in height.

Signs:

- (a) Wall or canopy signs not exceeding two square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One monument sign not exceeding eight feet in height and 64 square feet of display surface area.
- (c) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

Lot 3

Net Land Area 2.512 acres 109,461 SF

Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.71 FAR): 77,590 SF

Minimum Building Setbacks:

From private drive reserve area: 20 FT
From west boundary: 60 FT

From other boundaries:	0 FT
Maximum Building Height:	5 stories, not to exceed 70 <u>72</u> ft.
Off-street Parking:	As required by the applicable use unit.
Minimum Landscaped Area:	10% of net lot area

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. No light standard shall exceed 30 feet in height.

Signs:

- (a) Wall or canopy signs not exceeding two square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One monument sign not exceeding eight feet in height and 64 square feet of display surface area.
- (c) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

Lot 4

Net Land Area: 2.976 acres 126,689 SF

Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.25 FAR):	31,670 SF
Minimum Building Setbacks:	
From I-44 service road:	50 FT
From easterly boundary:	20 FT
From west boundary:	60 FT
From other boundaries:	0 FT
Maximum Building Height:	3 stories, not to exceed 35 ft.
Off-street Parking:	As required by the applicable use unit.
Minimum Landscaped Area:	10% of net lot area

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. No light standard shall exceed 30 feet in height.

Signs:

- (a) Wall or canopy signs not exceeding 2 square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) Two ground signs, identifying a tenant or tenants within the lot, each not exceeding 25 feet in height and 128 square feet of display surface area.
- (c) One project identification sign, which may include designation of tenants located within other lots, and shall be located along the I-44 service road frontage and shall not exceed 35 feet in height and 500 square feet of display surface area. The project identification sign, may alternatively, be located within Lot 5.
- (d) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

Lot 5

Net Land Area: 1.824 acres 79,489 SF

Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.25 FAR) 19,870 SF

Minimum Building Setbacks:

From I-44 service road: 50 FT
From westerly boundary: 20 FT
From other boundaries: 0 FT

Maximum Building Height: 3 stories, not to exceed 35 ft.

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

Minimum Landscaped Area: 10% of net lot area

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. No light standard shall exceed 30 feet in height.

Signs:

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

- (b) One ground signs, identifying a tenant or tenants within the lot, not exceeding 25 feet in height and 128 square feet of display surface area.
- (c) One project identification sign, which may include designation of tenants located within other lots, and shall be located along the I-44 service road frontage and shall not exceed 35 feet in height and 500 square feet of display surface area. The project identification sign, may alternatively, be located within Lot 4.
- (d) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

Lot 6

Net Land Area: 1.208 acres 52,630 SF

Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.25 FAR): 13,155 SF

Minimum Building Setbacks:

From I-44 service road: 50 FT
 From Yale Avenue: 50 FT
 From other boundaries: 0 FT

Maximum Building Height: 3 stories, not to exceed 35 ft.

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

Minimum Landscaped Area: 10% of net lot area

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

Minimum Landscaped Area: 10% of net lot area.

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. No light standard shall exceed 30 feet in height.

Signs:

- (a) Wall or canopy signs not exceeding two square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One ground signs, identifying a tenant or tenants within the lot, not exceeding 25 feet in height and 128 square feet of display surface area.
- (c) One project identification sign, which may include designation of tenants located within other lots, and shall be located along the Yale Avenue frontage and shall not exceed 35 feet in height and 500 square feet of display surface area. The project identification sign, may alternatively, be located within Lot 8.
- (d) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

Lot 8

Net Land Area	2.816 acres	122,662 SF
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Permitted Uses:

Uses permitted by right within: Use Unit 10. Off-Street Parking Areas; Use Unit 11 - Offices, Studios, and Support Services including drive-thru banking facilities; Use Unit 12 - Eating Establishments Other Than Drive-Ins; Use Unit 13 - Convenience Goods and Services; Use Unit 14 - Shopping Goods and Services; Use Unit 19 - Hotel, Motel and Recreation Facilities; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area (.39 FAR)	47,470 SF
Minimum Building Setbacks:	
From Yale Avenue:	50 FT
From westerly boundary:	20 FT
From southerly boundary:	20 FT
From other boundaries:	0 FT
Maximum Building Height:	4 stories, not to exceed 55 ft.
Off-street Parking:	As required by the applicable use unit.
Minimum Landscaped Area:	10% of net lot area.

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. No light standard shall exceed 30 feet in height.

Signs:

- (a) Wall or canopy signs not exceeding two square feet of display surface area per lineal foot of the main building wall to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One ground signs, identifying a tenant or tenants within the lot, not exceeding 25 feet in height and 128 square feet of display surface area.
- (c) One project identification sign, which may include designation of tenants located within other lots, and shall be located along the Yale Avenue frontage and shall not exceed 35 feet in height and 500 square feet of display surface area. The project identification sign, may alternatively, be located within Lot 7.

- (d) Tenant identification may be included within project identification signs as permitted at perimeter entries to 51 Yale.

General Provisions and Development Standards

A. Landscaping and Screening

Landscaping shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code, except as hereinafter modified. For the purposes of determining the street yard as defined by the Landscape Chapter, the minimum setback from I-44, Yale Avenue and 51st Street shall be deemed to be 50 feet. In addition to the requirements of the Landscape Chapter, a minimum landscape perimeter of not less than 5 feet shall be maintained along the I-44, Yale Avenue and 51st Street frontages provided however that within Lot 5 a landscape perimeter along I-44 shall not be required. The required perimeter landscaping shall include plant materials designed to achieve an attractive street view. A screening fence not less than 6 feet in height and a landscaped area of not less than 10 feet shall be maintained along the west boundary of the planned unit development.

B. Sidewalks, Access and Circulation

Access is to be derived from the I-44 Service Road, Yale Avenue, and 51st Street and connection with an interior private drive system comprised of East 50th Street, a private street (Reserve Area B) and mutual access easements as depicted within Exhibit D. Portions of the private drives are existing and will be maintained. New drive construction within Reserve Area A shall provide a driving surface of not less than 24 feet in width and shall meet or exceed geotechnical engineered standards for first class commercial development in the City of Tulsa.

Pedestrian access shall be provided by sidewalks to be constructed along both sides of the interior private streets and drives and along a portion of the I-44 service road; and sidewalks existing along the Yale and 51st Street frontages. The proposed pedestrian access is depicted within Exhibit D-1, Pedestrian Access Plan.

C. Utilities and Drainage

Utilities are at the site or accessible by customary extension. The existing storm drainage system consists of box culverts that discharge into an open, concrete lined channel that flows southwest through the mid portions of the site. The various lots drain overland into the existing system. The proposed drainage system will consist of enhancement by enclosing all or substantial portions of the open channel and by providing within each lot, inlets and underground storm pipes. Storm water

detention may not be required and the determination will be made at the time of finalization of the drainage plans.

D. 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 by 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.

E. 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.

F. Detailed Site Plan Review

Development areas may be developed in phases and no building permit shall issue until a detailed site plan (including landscaping) of the proposed improvements has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the development concept and the development standards. No certificate of occupancy shall issue for a building until the landscaping of the applicable phase of development has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by the Tulsa Metropolitan Area Planning Commission.

G. Platting Requirement

Development areas may be developed in phases, and no building permit shall issue until the development phase for which a permit is sought has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Council of the City of Tulsa, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved corridor district conceptual site plan and the City of Tulsa shall be a beneficiary thereof.

H. Existing Improvements

The use of existing improvements, including but not limited to, buildings parking areas, drives, buildings, lighting, signs and outdoor advertising, may be continued, provided however, any expansion or modification of an existing building or parking area, or change of use of an existing building shall meet the development standards applicable to new construction.

Any modification of the existing outdoor advertising sign shall be subject to the approval of a PUD minor amendment and spacing re-verification from the City of Tulsa Board of Adjustment.

3. A detail landscape plan for each development area shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed by a specific date in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
4. 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.
5. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
6. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. All private roadways shall be a minimum of 24' in width measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street, provided, however, that improvement standards may be modified with the approval of the Department of Public Works. The maximum vertical grade of private streets shall be ten percent.
9. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.

10. No building permit shall be issued until the requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments:

General: No comments.

Water: A water line extension inside of a 20-foot water line easement will be required.

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

Exceptions:

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

Stormwater: The Conceptual Plan Text, for all 8 Lots, does not discuss drainage. EXHIBIT E indicates that off-site drainage flows across Lots 3 and 4, and overland drainage ways exist on these lots to convey the drainage. EXHIBIT A shows buildings being constructed on both Lots 3 and 4, which would block those existing overland drainage ways. Please add information to the Conceptual Plan Text and the Conceptual Plan Sheets, which addresses the drainage issues in the PUD.

Wastewater: Sanitary Sewer Service must be provided to all proposed lots. Capacity issues must be resolved prior to approval of the Plat.

Transportation: Include Access and Circulation Section. Include sidewalk access language, mutual access easement, and additional Right-of-Way (ROW).

INCOG Transportation:

- MSHP: S. Yale, between 41st St. S. and 51st St. S., is designated Primary Arterial.
- LRTP: S. Yale, between Skelly Drive and 51st St. S., existing 6 lanes. Skelly Drive, between Harvard Avenue and Yale Ave, planned 6 lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- TMP: No comment.
- Transit: Currently, Tulsa Transit operates services on this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development.

Traffic: The proposed development significantly increases trip generation in the area. A traffic impact analysis shall be required to define these impacts and assess mitigation measures.

GIS: No comments.

Street Addressing: No comments.

TMAPC COMMENTS:

Mr. Marshall questioned the TAC comment regarding traffic trip generation. In response, Mr. Sansone stated that Mr. Brown, Traffic Engineering, was present at the TAC meeting and he believes the applicant can address this issue.

Ms. Cantrell questioned the pedestrian plan and the inability to circulate safely. In response, Mr. Sansone stated that staff has included language that recommends sidewalks be built along both sides of the streets for better pedestrian circulation. Ms. Cantrell expressed concerns with the parking and heavily-used areas and the pedestrians having a difficult time getting around. Mr. Sansone stated that perhaps the Planning Commission would like to add language that requires a lot-by-lot review of the pedestrian circulation plan. The submitted pedestrian circulation plan does not reflect staff's recommendation to have sidewalks on both sides of 50th Street. Mr. Sansone explained that these types of things are usually looked for during detail site plan review.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, representing TAPP Development Corporation, Edmond, Oklahoma, cited the history of the zoning for the subject property and its development. This will be total redevelopment with a more modern standard that will follow a PUD. There will be no public streets in the subject proposed development. An interesting fact about the subject tract is that there are no adjoining single-family neighborhoods. The north boundary is Skelly Drive, the east boundary is Yale Avenue a primary arterial, and the property does extend to 51st Street, but the frontage is the width of the private street that is present (55 feet). To the west is RM-2 and it is multifamily and presently developed. He believes that there are no protestors because there are no significant neighborhoods to deal with.

Mr. Johnsen explained that he met with staff and many of the issues were discussed before filing the application. He further explained that there are a few issues that he would like to discuss.

Mr. Johnsen described the previous uses for the subject area. He indicated that the Baymont Hotel is not a part of the proposal.

Mr. Johnsen stated that Yale is a primary arterial and has six-lanes that are divided. The proposal is where it should be, given the improvements on Yale and at the intersection. The development would have access to 51st Street that is four lanes, direct access to the service road in more than one location and access to Yale Avenue. This project will have extraordinary regional and local accessibility without driving through a single neighborhood. Mr. Marshall asked about a traffic study, which is not a requirement of any regulation or policy that he is familiar with, but Mark Brown was at the TAC meeting and stated that he would be interested in seeing one. TAC had already required a traffic report for their purposes and evaluation of the site, which was done by Jon Eshelman, and a copy was furnished to Mr. Brown. A couple of access points on Yale didn't line up with access points on the east side of Yale, which would make for some awkward turning. Mr. Eshelman recommended and Mr. Brown agreed that the access points be changed to align. At the conclusion of the meeting with Mr. Brown, he authorized Mr. Johnsen to inform the Planning Commission that the project is acceptable and the traffic system will accommodate it with the modifications to the access points in question.

Mr. Johnsen explained that there will be other mutual accesses within the development and staff requested a pedestrian plan. His engineer prepared an exhibit. Currently there are no sidewalks except on Yale and 51st Street. There is a small amount of sidewalk along the southeast tip of the frontage road. He agree that there should be some sort of pedestrian-way within the development. The proposal is to provide a sidewalk along the northwesterly boundary of the private drive/street and there is also a mutual access easement. Then he recommended putting a sidewalk and extend it all the way to I-44 and bringing one along I-44. The sidewalk would allow clients of the hotels to walk along the frontage to restaurants. There will also be crosswalks and all of this will be subject to detail site plan. Mr. Johnsen suggested that sidewalks on one side would be sufficient, given the nature of the development's history and the redevelopment aspects of it that two are unnecessary. There may be some areas which it would be difficult to install a sidewalk due to the topography. He requested the Planning Commission to consider sidewalks on one side. Mr. Johnsen stated that he reads the Subdivision Regulations that the requirement for sidewalks does not apply to commercial properties, except if there are collector or arterial streets. Because this is a PUD the Planning Commission can impose the sidewalk requirements if it is necessary. Mr. Johnsen stated that he would like the Planning Commission to distinguish the subject property from

where that standard came from, which is a typical single-family neighborhood with lots on both sides of the street and wanting to be pedestrian-friendly by installing sidewalks on both sides of the street. He believes that the subject proposal is a distinct set of circumstances and it is deserving of a sidewalk plan as shown by his engineer.

Mr. Johnsen stated that there would be a hotel on Lot 1, Lot 2, and Lot 3. Lot 4 contemplates two restaurants, Lot 5 will have a restaurant; Lot 6 is proposed for a bank, and Lot 7 will have a national drugstore type of facility. The property will be replatted and some of the existing paving is very useable, but staff's opinion is to bring it up to City of Tulsa standards and if Public Works believes that any modifications would be appropriate, that would be fine. Mr. Johnsen stated that he would like the Planning Commission to consider the sidewalk on one side rather than both sides. He doesn't believe that there is any rule set that there has to be a sidewalk on two sides. He commented that he is willing to work to provide good pedestrian circulation.

TMAPC COMMENTS:

Mr. Carnes stated that he can't go against the staff recommendation until he literally saw the footprint of the buildings on the proposed sites. At that time there may be an argument that the sidewalks are not needed on both sides of the street, but right now he doesn't have anything to review and go against staff's recommendation.

Ms. Cantrell stated that she would think one would want to walk from any hotel to go shopping or the bank. She would hope that all of these things are connected. When one goes to stay in a hotel, he/she does not want to get in the car to drive to the next lot over. Ms. Cantrell asked for a more comprehensive pedestrian circulation plan.

Mr. Johnsen stated that all of the lots will be walkable, but in almost any situation, one will have to cross the street at some point. In response, Ms. Cantrell stated that is true but there are ways to make crossing the street safer than others. Right now the diagram indicates people crossing through a sea of parking. In response, Mr. Johnsen stated that the parking will be gone. Ms. Cantrell stated that she would be happy to look at this closer during the detail site plan review. In response, Mr. Johnsen asked Ms. Cantrell if it would be possible to include some language at the time of detail site plan review. In response, Ms. Cantrell stated that she would be comfortable with it being addressed during detail site plan review. Mr. Johnsen stated that it is not difficult to cross the street and use the sidewalk.

In response to Mr. Marshall, Mr. Johnsen stated that the zero setback is mostly where there is an internal boundary between the lots. He has learned over time to apply to make an adjustment of the lot boundary by a lot-split when there is another ten feet needed or a parking requirement that is needed. There is

provision in the text for parcelization (adding and subtracting the tract). Where there is zero setback, it prevents one from having to get a minor amendment for setback and there is no need to amend the deed of dedication. In response, Mr. Marshall stated that this would give the applicant some flexibility.

Mr. Sparks commented on the internal circulation challenges. Mr. Sparks indicated that he would have to abstain from this application after realizing his company division in Oklahoma City is involved.

Mr. Ard asked if the Planning Commission had any further comments or questions for Mr. Johnsen. In response, Ms. Wright stated that she doesn't believe that the project will contribute to the landscape of Tulsa. It will be another series of hotels, which will require anyone to get into a car to go from point A to point B. It will be contrary to one's idea of a Class A hotel. She commented that her guess is that it is what Tulsa is known for.

Mr. Marshall asked Ms. Wright what should be built on the subject site. Mr. Ard stated that comments should be saved for review.

Mr. Boulden stated that he would like some explanation of the mutual access easements. He requested information about the maintenance for the mutual access easement and how it is provided for. In response, Mr. Johnsen stated that the mutual access easement does present some challenges. The fact is that there is a right of access and he doesn't believe that there is any limitation on the right to make improvements to it. There is no practical reason why Baymont would want to limit the improvements.

Interested Parties Comments:

Jennifer Chaney, P.O. Box 168, Foyil, Oklahoma 74031, representing Sonic Drive-In (51st and Yale), stated that she wanted to know if there would be a center median built in front of the existing Sonic, because one of the access roads to get to the shopping center is almost parallel to Sonic.

TMAPC COMMENTS:

Mr. Ard asked Mr. Johnsen if he knew of any plans for improvements at this location of 51st and Yale in front of the Sonic Drive-In. In response, Mr. Johnsen stated that he believes that there will be an effort to achieve a left-turn out and a right-turn out. He indicated that there wouldn't be a median, but there will be a turning lane for left/right turns.

Mr. Marshall stated that Ms. Chaney wants to know if the improvements will impact her restaurant. In response, Mr. Johnsen answered negatively.

Mr. Carnes stated that in order for the applicant to continue with this development an approval from the TMAPC is needed today. It sounds like the only issue left is the pedestrian circulation and sidewalks on either side of the

street. He would move to approve the staff recommendation with modifications brought forward today and knowing that the pedestrian circulation will have to be approved at the detail site plan.

Ms. Cantrell stated that she would agree with Mr. Carnes's recommendation, but she has a couple of comments. She believes that this is an excellent area for redevelopment and she is fine with the uses. Hotels and restaurants will be great here and a good area for high intensity uses. She is not really crazy about the design and it appears to be a hodgepodge of different buildings. Until the City of Tulsa takes a serious look at urban design and sets some standards, she doesn't see any reason to vote against this proposal. Ms. Cantrell expressed her concerns about the pedestrian circulation and would like to see it again at detail site plan for approval. Ms. Cantrell indicated that she would second Mr. Carnes's motion.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-1-1** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Smaligo, Walker, "aye"; Wright "nay"; Sparks "abstaining"; Shivel "absent") to recommend **APPROVAL** of PUD-766 per staff recommendation as modified, subject to pedestrian circulation being reviewed for approval at detail site plan. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-766:

A tract of land that is part of Lots 2-3 and all of Lot 4, INTERSTATE CENTRAL, and part of Lots 6 & 8 and all of Lot 5, INTERSTATE CENTRAL EXTENDED, subdivisions to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plats thereof, said tract of land being described as follows, to-wit: BEGINNING at the Northwest corner of Lot 4 as shown in INTERSTATE CENTRAL Addition; Thence N54°53'04"E along the North line of Lot 4 a distance of 254.43 feet to the Northeast corner of said Lot 4; Thence N54°19'56"E along the Northerly line of said Lot 3 a distance of 178.04 feet; Thence S35°40'04"E a distance of 80.00 feet; Thence along a curve to the Right having a radius of 243.66 feet and a chord bearing of S9°16'39"W and a chord length of 344.26 feet for an Arc length of 382.28 feet; Thence S54°13'22"W a distance of 38.38 feet; Thence S35°46'38"E a distance of 148.00 feet; Thence N54°13'22"E a distance of 20.00 feet; Thence S35°46'38"E a distance of 26.00 feet to a point on the South line of said Lot 3; Thence N54°13'22"E along the South line of said Lot 3 a distance of 372.11 feet to the Southeast corner of said Lot 3; Thence N0°00'00"E along the East line of said Lot 3 a distance of 130.00 feet; Thence N90°00'00"W a distance 25.00 feet; Thence N35°46'38"W a distance of 79.92 feet; Thence S54°13'22"W a distance of 253.68 feet; Thence along a curve to the left having a Radius of 267.66 feet and a chord bearing of N8°31'08"W and a chord length of 244.27 feet for an Arc length of 253.66 feet; Thence N35°40'04"W a distance of 35.00 feet; Thence N54°19'56"E a distance of 10.00 feet; Thence N35°40'04"W a distance of 10.00 feet; Thence N54°19'56"E a distance of 66.00 feet; Thence

N35°40'04"W a distance of 25.00 feet; Thence N54°13'22"E and parallel with the North line of said Lot 3 a distance of 304.00 feet to a point on a Northeasterly line of said Lot 3; Thence S35°40'04"E along a Northeasterly line of said Lot 3 a distance of 78.45 feet to the Northeast corner of said Lot 2; Thence N90°00'00"E along the North line of said Lot 2 a distance of 180.00 feet to a point on the West R/W line of Yale Avenue; Thence S2°58'46"E along said West R/W line a distance of 192.38 feet; Thence S0°00'00"E along said West R/W line a distance of 458.97 feet to a point on the South line of said Lot 5, as shown in INTERSTATE CENTRAL EXTENDED; Thence S90°00'00"W along a Southerly line of said Lot 5 a distance of 73.74 feet; Thence along a curve to the left having a radius of 230.00 feet and a chord bearing of S72°06'40"W and a chord length of 141.30 feet for an Arc length of 143.62 feet; Thence S54°13'22"W along a Southerly line of said Lot 5 a distance of 237.90 feet to the Southwest corner of said Lot 5, being the Northeast corner of Lot 8; Thence S35°46'38"E along an Easterly line of said Lot 8 a distance of 220.00 feet to a Southeasterly corner of said Lot 8; Thence S54°13'22"W along a Southeasterly line of said Lot 8 a distance of 163.20 feet; Thence N35°46'38"W a distance of 68.00 feet; Thence N89°51'01"W a distance of 195.06 feet; Thence along a curve to the left having a radius of 205.00 feet and a chord bearing of S17°02'05"W and a chord length of 120.11 feet for an Arc length of 121.91 feet; Thence S0°00'00"E a distance of 97.52 feet to a point on the South line of said Lot 8; Thence N89°51'01"W along the South line of said Lots 6 and 8 a distance of 55.00 feet; Thence N0°00'00"E a distance of 97.38 feet; Thence along a curve to the right having a radius of 260.00 feet and a chord bearing of N22°42'12"E and a chord length of 200.70 feet for an Arc length of 206.06 feet; Thence N35°46'38"W a distance of 104.75 feet; Thence N90°00'00"W a distance of 216.22 feet to a point on the West line of said Lot 6; Thence N0°00'00"E along the West line of Lots 4 and 6 a distance of 660.29 feet to the POINT OF BEGINNING. **From CS/CH (Commercial Shopping Center District/Commercial High Intensity District) To CS/CH/PUD (Commercial Shopping Center District/Commercial High Intensity District/Planned Unit Development [PUD-766]).**

17. **Z-7118/PUD-767 – Storage Station of Tulsa, LLC** **RS-3 to OL/PUD**
 West of the southwest corner of South Memorial Drive (PD-18) (CD-8)
 and East 31st Street South (PUD to permit Use Unit 11
 uses, Office, Studio and Support Services, including
 drive-through banking facilities and Use Unit 16, Mini-
 Storage on the east tract and on the west tract.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11824 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: OL

PROPOSED USE: Mini-storage/Use Unit 11
(Offices, Studios and Support Services)

RELEVANT ZONING HISTORY:

Z-7079/PUD-748 January 2008: A request for rezoning a 4.57± acre tract of land from RS-3 to RM-1 and a Planned Unit Development, for Mini-storage and Use Unit 11 uses, was withdrawn on property located west of southwest corner of South Memorial Drive & East 31st Street South and the subject property.

Z-6355 May 1992: A request for rezoning a 2.97± acre tract of land from RS-2 to CG or CS for car sales on property located on the northeast corner of East 31st Street South and South Memorial Drive and northeast of subject property. All concurred in denial of the request for CG and approval of CS zoning.

BOA-15261 October 1989: The City Board of Adjustment approved of a Special Exception to permit Christmas tree sales (Use Unit 2) in an RS-3 district, on property located on the southwest corner of East 31st Street South and Skelly Drive and a part of the subject property.

BOA-11168 September 1980: The City Board of Adjustment approved of a Variance to permit the erection of a 50' high, 40" diameter steel pole containing one double-faced 14' x 48' panel to be illuminated for outdoor advertising on property located and a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.57± acres in size and is located west of the southwest corner of South Memorial Drive and East 31st Street South. The property is vacant and zoned RS-3. The City of Tulsa acquired land in the center of the site many years ago for a stormwater drainage facility and land to the east and south was acquired for the expressway. This resulted, de facto, in two lots, separated by a major stormwater site. Without access to frontage from East 31st Street South, this western portion of the lot would be inaccessible. (It appears some type of access, perhaps through an easement or informal means, has developed to this western portion through residential properties to the west.)

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 31 st Street South	Secondary arterial	100'	4 (with turn lanes in some areas)

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

SURROUNDING AREA: The subject tract is abutted on the east by an expressway, zoned RS-2; on the north across East 31st South by single-family residential uses, zoned RS-3; on the south by an expressway, zoned RS-2; and on the west by single-family residential uses, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 5 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity – No Specific Land Use. According to the Zoning Matrix, the requested OL zoning **may be found** in accord with the Plan.

STAFF RECOMMENDATION FOR Z-7118:

This property has been the subject of several plans for its development, always thwarted by the de facto splitting of it by the drainage facility, thus rendering the western part inaccessible and without frontage to a roadway. Staff can support the requested OL on the northern portion that fronts East 31st Street and therefore recommends **APPROVAL** of OL for that piece. Staff cannot support approval of OL for the western piece as it currently exists, as access appears to be through the adjacent residential area. Therefore, staff recommends **DENIAL** of OL zoning on that portion, **UNLESS** access from East 31st Street can be provided, as well as access from the residential neighborhood to the west being prohibited. If proof of access from 31st Street can be shown and the access point from the residential neighborhood prohibited per PUD Development Standards and reflected on the plat, staff could then recommend **APPROVAL** of OL on both portions of Z-7118, provided that the TMAPC deem it appropriate to recommend approval of the accompanying PUD-767 or some variation thereof, and that the application for the required easement over the City of Tulsa drainage channel be scheduled for hearing by the Tulsa City Council concurrently with the rezoning and PUD applications.

STAFF RECOMMENDATION FOR PUD-767:

PUD-767 is a 4.5 acre site (see Exhibits C, D, and E) located at the southwest corner of 31st Street South and Interstate-44 (I-44) just west of Memorial Drive. The subject tract is a triangular shaped lot which abuts directly to 31st Street on the north and then RS-3 zoned property, the I-44 Service Road/Skelly Drive on the east and RS-3 zoned property on the west.

Unique to this property is the City of Tulsa owned improved drainage channel which divides the parcel into two tracts, the "East" tract abutting 31st Street (2.53 gross acres/110,361 gross SF) and the "west" tract (2.66 gross acres/115,869 gross SF) (see Exhibit G). The concept of the PUD is to divide the tract into two development areas. The west tract would be accessed from 31st Street via mutual access easement and over the drainage channel by construction of a bridge. Approval of this PUD would be contingent upon the applicant securing the required easement, over the existing City of Tulsa easement for construction of the bridge.

The proposed development would permit Use Unit 11 uses (Office, Studio and Support Services, including drive-thru banking facilities) and Use unit 16 – Mini-storage on the east tract, and Use Unit 16 – Mini-storage only, on the west tract. The mini-storage use on the west tract would be limited to 12' in total height. There would be no outside storage permitted at either location (see Exhibits A and B).

The proposed concept plan is submitted to achieve development flexibility pertaining to permitted uses and interior private drive/easement access to the interior west lot. The PUD is intended to establish a conceptual site plan with designation of development areas, allocation of uses and intensity of those uses permitted on each lot. Parking, landscaping, screening, and lighting requirements will be met per the zoning code, the standards of which are established herein and are conditions to be followed and will be verified by the TMAPC by approval of a detailed site plan for each phase of development on each tract. Also, neither tract may be developed until all platting requirements have been satisfied.

Staff finds the uses and intensities of this development as proposed to be in harmony with the spirit and intent of the Code. Staff considers PUD-767 as proposed 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.

Staff can recommend **APPROVAL** of PUD-766 subject to the following conditions and as modified by the TMAPC (items with strikethrough have been removed, underlined items added in):

- That any access through the neighboring residential property to the west be prohibited;
- That an easement be secured from the City of Tulsa, allowing access to the "west" tract allowing construction of a bridge over the City of Tulsa drainage channel;
- A five-foot landscape buffer be provided along the entire western boundary, between the western most mini-storage building and the neighboring property to the west;
- That any portion of the western boundary not covered by the western most mini-storage wall be screened from view by the erection of an eight-foot masonry type wall extending along the rest of the western boundary (the screening wall and mini-storage shall be of similar masonry construction
- There will be no windows on any west-facing wall along the west boundary of the western tract.

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

	<u>Gross</u>	<u>Net</u>
East Parcel Area:	110,361 SF	83,227 SF
West Parcel Area:	115,756 SF	115,756 SF

Permitted Uses:

East Parcel: Use Unit 11 uses (including drive-in bank facilities) and 16 (mini-storage) and customary accessory uses*.

West Parcel: Use Unit 16 – Mini Storage only and customary accessory uses*.

**No outside storage of boats, vehicles, trailers or other items is permitted.*

Maximum Floor Area:

Use Unit 11 uses: 30,000 feet

Mini-storage uses: 100,000 feet. Any building floor area not used for mini-storage may be added to the permitted building floor area for Use Unit 11 uses by minor amendment

Maximum Building Height:

Use Unit 11 uses: 35 feet

Mini-storage uses: 12 feet

Minimum Perimeter Building Setbacks:

From centerline of 31 st Street	100 feet
From West property line	5 <u>10</u> feet
From Southeast property line (I-44)	5 feet
From drainage way	0 feet

Minimum Internal Building Setbacks:

0 feet

Minimum Required Off Street Parking:

Per the applicable use unit.

Minimum Lot Frontage:

75 feet for lots abutting 31st Street

Minimum Landscaped Open Space:

Use Unit 11 uses: 15%
Mini-storage uses: 10%

Maximum Signage:

As permitted by the Zoning Code.

Exterior Walls:

Exterior perimeter walls of mini-storage building shall not exceed eight (8) feet in height and shall consist of masonry construction using brick, stone, stucco or concrete tilt-up panels.

Door Openings:

The mini-storage shall be designed so that all openings to mini-storage buildings are screened from view by persons standing at ground level at the boundaries of the PUD. ~~This screening shall be accomplished by the use of the exterior building walls of storage units.~~ Access gates shall be opaque if needed to screen interior door openings.

Trash/Mechanical:

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

Storage Limitations

No hazardous, toxic or explosive materials will be permitted to be stored in the mini-storage facilities. All open-air storage will be prohibited.

Screening and Landscaping

An eight (8) foot screening wall or fence ~~screening fence~~ shall be required along the entirety of the west boundary of the west tract and shall be masonry type or wrought iron type construction or a combination of both (no screening is required along the drainage channel). ~~property provided that the wall of a mini-storage building may be used to comply with this requirement.~~ There shall be no windows permitted on the western-facing building wall of the westernmost building on the western tract. ~~The remainder of the western most boundary that is not building wall, shall be screened by the erection of an 8-foot masonry wall similar in architectural style to the building wall.~~ The entire west boundary of the west tract shall have a minimum 5 10-foot landscaped buffer to include evergreen trees planted in a manner which further obscures the westernmost building from view.

The Development Standards require that at least ten percent (10%) of the property be landscaped in open area for mini-storage use and at least fifteen percent (15%) for Use Unit 11 uses. The landscaped areas will be located predominately along 31st Street to maximize the appeal of the entrance to this mixed-use project.

A Detailed Landscaping Plan shall be submitted to and approved by the Tulsa Metropolitan Area Planning Commission and a statement from a licensed landscape architect that the required landscaping is installed shall be delivered to the City of Tulsa prior to occupancy of a building.

Lighting

Exterior light standards shall not exceed 15 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element of reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards and section 1303-C of the Code shall be verified by application of the Kennebunkport Formula or other IESNA accepted standard. Consideration of topography must be included in the calculations.

Sidewalks, Access and Circulation

Sidewalks will be constructed along 31st Street per subdivision regulations. Access to the property is provided by 31st Street which runs along the northerly boundary of the property. Access to the East Parcel is directly from 31st Street.

Access to the West Parcel is through the East Parcel from 31st Street, over a bridge across the drainage way pursuant to an Ingress-Egress Easement. The design of such bridge shall be subject to acceptable standards as set forth by the City of Tulsa and shall be approved by the City of Tulsa Traffic Engineering and Fire Marshall prior to submittal to the TMAPC. Internal circulation will be provided by interior private drives.

3. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the same, which includes all buildings, required parking, and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards. Entry gates and guardhouses, where proposed shall receive detail site plan review and approval from the TMAPC and shall also be subject to approval of Tulsa Traffic Engineering and the City of Tulsa Fire Marshall, prior to submission to the TMAPC.
4. A Detail Landscape Plan for each 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.
5. 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.

6. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
7. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

TAC Comments:

General: No comments.

Water: A water line extension inside a 20-foot water line easement will be required.

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

Exceptions:

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

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.

Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO *Standard Specification for Highway Bridges*. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus (75,000 lbs). Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

Stormwater: No Comments.

Wastewater: No comments.

Transportation: Provide Book and Page # for Right-of-Way (ROW). A 50' ROW required on 31st St. Verify existing ROW. It is shown as 35' while City of Tulsa Atlas shows 40'. Dedicate additional 15' (10').

INCOG Transportation:

- MSHP: 31st St. S., between Sheridan Rd and Memorial Drive, is designated secondary arterial. .
- LRTP: 31st St. S., between Sheridan Rd and Memorial Drive, existing four lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- TMP: No comments.
- Transit: Currently, Tulsa Transit operates services on this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

TMAPC COMMENTS:

In response to Ms. Cantrell, Mr. Sansone stated that if the applicant is unable to obtain access to the western portion then the approval would be void.

Ms. Cantrell questioned the wall of the mini-storage being the screening wall and stated she is uncomfortable with that idea. She asked if this has ever been done in the past. In response, Mr. Sansone cited examples where this has been done in the Tulsa area. He explained that the building wall would not be on the property line. There would be a landscaping buffer between the building wall and the property line. Mr. Sansone explained that a masonry wall would be erected to screen where the building ends.

Ms. Cantrell stated that she sees that the building will be five feet from the residential use and usually it is ten feet. In response, Mr. Sansone stated that a reduction of five feet is generally considered minor in nature.

Ms. Matthews stated that the use of building walls as screening has been researched and defined in the Zoning Code. One of the most effective things that other cities did was to allow the wall to be used as a screening because it puts a solid wall on a building next to the residential area and forces the parking and driveways to be on the interior.

Mr. Marshall expressed concerns about the five-foot reduction and the screening. In response, Mr. Sansone stated that if the building is set back five feet and provides a five-foot landscape buffer but doesn't consume the entire western

boundary, then a masonry wall will be built and it will come out and be along the property line. Mr. Marshall expressed concerns with the maintenance of the five feet of landscaping that perhaps the residents will have to maintain, which is not fair. In response, Mr. Sansone stated that if the Planning Commission would like to eliminate the additional five feet and have everything flush against the property line that is something staff may be able to support. The intent is to try to soften the buffer and have some landscaping. He reminded the Planning Commission that mini-storages are limited to being eight-feet in height.

Applicant's Comments:

Kevin Coutant, 320 South Boston, Suite 500, 74103, representing Storage Station of Tulsa, stated that the subject property is unusual with two parcels and a drainage-way in separating the parcels. The City of Tulsa owns the drainage-way and meetings have occurred to discuss access over the drainage-way. A bridge has been suggested and it would eliminate traffic being too close to the residences to provide access needed. The City of Tulsa has not approved the easement at this time. He fully supports the staff recommendation regarding the conditions on all of the issues regarding access. There has been preliminary engineering done for this project and his client is not wasting the Planning Commission's time regarding this proposal. Construction of a bridge is feasible.

Mr. Coutant indicated that he has met with the City Councilor for the subject district and a couple of weeks ago letters were sent out to all of the neighbors abutting the subject property to invite them to a meeting. A few neighbors attended the meeting and the applicant had a good dialogue with them. Three of the neighbors were assured that they would be notified for the landscape plan review: Teresa Treadway, 7439 E. 31st St.; Debbie Solano, 7443 E. 31st St.; and Trisha Marion, 7453 E. 31st St, 74145. Mr. Coutant explained that the attendees of the meeting live across the street to the north, across 31st Street and he was concerned that there were no representatives from the neighborhood to the west. He went door to door on Saturday and met with a number of them and answered their questions. Most of the questions were regarding how this proposal would look from one's backyard and traffic in the neighborhood. Mr. Coutant stated that currently there is a dedicated 50-foot strip across Lot 7 that in theory could be used for access on the western parcel, but his client doesn't want to use it. There were neighbors who were concerned that this tract would be used for access. The 50-strip will be used to bring in the waterline, but no vehicle traffic will be allowed.

Mr. Coutant stated that he thought he proposed what is consistent with the practices of the City with regard to such projects abutting residential property. The applicant has projects elsewhere in the City of Tulsa and they have the same configuration where the screening is accomplished by the building itself. Ms. Matthews articulated what she always understood regarding the City's desire to screen for mini-storages. His client is not married to the proposed screening and would be open to suggestions from the Planning Commission. Mr. Coutant

stated that the applicant would maintain the additional strip of five feet and is accustomed to doing so with their other properties. If the Planning Commission is more comfortable with a privacy fence then his client will do so.

Mr. Coutant stated that doors and windows are not allowed on the backside of the buildings, and everything is oriented to the front. All lighting will be building mounted and no shielding will be necessary. Traffic is usually not an issue with mini-storage uses because it doesn't generate a lot of traffic. It is usually considered a good transition use next to residential. The trash container will be in the interior of the development and away from public view.

Mr. Coutant concluded and stated that this is a difficult piece of property to develop. He believes that his client has a good neighborhood-friendly, low-intensity, low-profile, low-noise, and low-traffic use that will be compatible with the surrounding neighborhood.

TMAPC COMMENTS:

Mr. Ard commended Mr. Coutant for his interaction with the neighbors.

Mr. Marshall asked what materials would be used. In response, Mr. Coutant stated that the perimeter is required to be masonry and that would be tilt-up concrete panels that are poured on site and erected to look like stucco once painted. Interior partitions will be metal and roofs will be metal-gabled roofs. There will not be cement blocks or corrugated metal used.

Mr. Marshall asked if the City of Tulsa owns Lots 1 through 5 on 31st Street. In response, Mr. Coutant stated that he understood that the City of Tulsa does own the lots facing 31st Street and down to the first house. Mr. Marshall asked why the City didn't purchase the west tract of land and prevent leaving it with no access. In response, Mr. Coutant stated that he doesn't know the answer to that question. He believes that this situation was created in the 1970's.

Mr. Marshall asked if there is an outdoor advertising sign on the subject tract. In response, Mr. Coutant answered affirmatively. Mr. Marshall asked about the sign easement that is on the east parcel. In response, Mr. Coutant stated that the contractual arrangement with the owner of the sign is that they would have an easement to get access to their property.

Mr. Marshall asked Mr. Coutant if he had a problem with the issues brought up regarding the screening fence by installing an eight-foot masonry fence and not a privacy wood fence to match what is installed on the mini-storages. In response, Mr. Coutant stated that maximum height on the walls has to be masonry at eight feet. Mr. Marshall stated that he would prefer to see an eight-foot privacy fence all the way across the western part of the property in addition to the building. In response, Mr. Coutant stated that would be fine, but his thought process was for a privacy fence like everywhere else in Tulsa with wood fence at six feet in

height. An eight-foot masonry fence is extraordinary and he would ask that the Planning Commission reconsider if this really necessary. In response, Mr. Marshall stated that in a PUD it is kind of a standard. Mr. Coutant stated that this brings him back to why the staff recommendation reads the way it does because it provides that level of quality and separation. It is part of the building and farther away and he believes it is a better solution.

Mr. Carnes out at 3:31 p.m.

Interested Parties Comments:

Rick Carpenter, 3135 S. 76th East Avenue, 74145, stated that he is in opposition to a ten-foot concrete wall and he opposes this application. This would change the environment of the neighborhood and gives it a penitentiary type of feel and fundamentally changes the terms by which he purchased his property.

TMAPC COMMENTS:

Mr. Ard asked Mr. Carpenter if the applicant agreed to install a privacy fence along the western boundary would he be in opposition. Mr. Ard explained that the applicant is suggesting a six-foot wooden privacy fence with a five-foot gap between the fence and the building, and the building will be eight feet in height. In response, Mr. Carpenter stated that wouldn't help because a big concrete wall is still a big concrete wall and unappealing from his back porch. Mr. Carpenter indicated that he lives on Lot 8.

Ms. Cantrell asked Mr. Carpenter if he would be more comfortable with another type of fence or is he against the proposal entirely. In response, Mr. Carpenter stated that he can't imagine any type of fence that would be pleasing. Ms. Cantrell stated that if a house were to be built there they would have a right put up a fence. In response, Mr. Carpenter stated that it is not just the concrete wall, but what is behind the wall with a lot of paved concrete and commercial buildings. An individual fence would only be across the span of one's property and there might be a fence and there might not, which would be a different atmosphere from a mini-storage with fencing all around it. Ms. Cantrell asked Mr. Carpenter if he would be more comfortable if there were some additional landscaping. In response, Mr. Carpenter stated that if the development were hidden by a barrier of trees that would be better.

Mr. McArtor stated that it appears that Mr. Carpenter isn't necessarily against the storage units, but he would like them hidden in an attractive way. In response, Mr. Carpenter stated that he is not against it specifically because it is a storage unit, but he would prefer that it be developed residentially. He doesn't see the need to rezone the subject property for office development. He recommended keeping the subject property in the same fashion it is currently. Mr. McArtor asked Mr. Carpenter if he has a fence separating his property from the subject property. In response, Mr. Carpenter stated that he has a chain-link fence in the back and privacy fence on each side.

Dick Roberts, 3138 S. 74th East Avenue, 74145, stated that he would like to submit a petition with signatures of neighbors who do not like the proposal (Exhibit A-2). Mr. Roberts cited the number of storage areas that are in the City of Tulsa and within two miles of the subject property. He indicated that his neighborhood already has traffic from nearby restaurants coming through and making u-turns. None of the neighbors would like to look out their back windows and see mini-storage, especially when they have had an open park to look at for several years.

Bruce Niemi, 1236 South Quebec, 74112, stated that he is not a resident of the neighborhood affected by this proposal. He indicated that he has strong connection with that and is present primarily to address the city planning concerns regarding this property. He believes that I-44 provides a line of demarcation between high intensity commercial use to the east and south of the subject property and the residential use along 31st Street to Sheridan and Bowman Acres. This is the only existing commercial use that is in this entire quadrant of the subject area. The mini-storage is basically a high intensity use and the type of lighting and privacy fencing that are required are not the highest and best uses for the subject property. He suggested that the subject property would be better suited for light office and possibly a drive-in bank facility. The subject property, he believes, is the gateway to midtown Tulsa.

TMAPC COMMENTS:

Ms. Cantrell stated that staff has made clear that the exterior walls cannot be metal if this is approved. She asked Mr. Niemi what he would prefer to see being developed on the west side, if not mini-storage. In response, Mr. Niemi stated that for the subject property, considering the blighting and so forth that has historically taken place there and the fact that there is a trail through there the best would be open space and park land. For the eastern tract he could see some light office use, but I-44 is a barrier to any type of commercial use west of that street. Both Magnolia and Bowman Acres are attractive middle-income subdivisions. Mini-storage use and things that come along with it, such as automobile services, convenience stores, etc. have the affect of hurting property values and all of the esthetics. In response to Mr. Niemi, Ms. Cantrell stated that she doesn't necessarily disagree with him regarding the park idea, but the Planning Commission can't force a private citizen to keep property a park.

In response to Mr. McArtor, Mr. Niemi stated that there is a trail along the drainage ditch and he believes that currently it is for maintenance on the east side of the drainage ditch.

Mr. Alberty stated that the trail Mr. Niemi is referring to is a maintenance road.

Applicant's Rebuttal:

Mr. Coutant stated that mini-storage is considered a low intensity use because of the limited height, limited traffic and very little noise. The experience has been that mini-storages are very good neighbors. His client has projects like this in other neighborhoods and they are high quality developments. The one issue that seems to remain is esthetics and what will be on the property line. He would be glad to have the conversation regarding fencing, setbacks and landscaping, but he thought he submitted what is a favored solution for those issues in the City of Tulsa.

TMAPC COMMENTS:

Mr. Midget asked Mr. Coutant if he would be agreeable to trees being planted to soften the institutional look of the project. In response, Mr. Coutant stated that for the landscape area that is designated his client will have to come back with landscape plans and he is not hostile to trees. If that is the way the Planning Commission concludes and believes is best, then he ask that they make it clear in the language that there will be additional tree planting on the western boundary.

Mr. Coutant stated that the proposal does clean up an area that has been open and perhaps park-like in some sense. This is an open area that needs to be used and some of the neighbors have seen things going on in the open area and suggest that it is an issue. There are a lot of mature trees along 51st Street and will survive the development because they are within the setback. Due to the landscaping, the project will be a handsome project for 31st Street.

Ms. Cantrell stated that she is okay with the PUD, provided that the building is set back ten feet with a privacy fence at the lot line. In the ten feet, she would like to see some landscaping with evergreens to help hide the development. It would look nicer to have masonry and offer better protection; however, if the neighborhood doesn't want that she wouldn't want to impose something that they do not want. She suggested perhaps a wrought-iron type fence with masonry columns and perhaps a meeting with the neighbors to see what type of fencing they would like.

Mr. Boulden stated that staff has recommended that OL should only be granted on the west side if there is an easement or something so that the bridge can be built. The Planning Commission can't do conditional zoning and the easement needs to be in place before the OL zoning is approved. He suggested that if the Planning Commission were inclined to approve OL zoning for the western parcel, that the approval only be if an easement or access is in place at the time of rezoning. Whatever document that would provide that access has not been negotiated yet. He suggested that the easement go to the City Council at the same time as the rezoning application so that the City Council could consider both at the same time.

Ms. Cantrell asked Mr. Boulden if the Planning Commission approved the OL and approved the PUD and make the PUD have that condition, would it not place the condition on both the PUD and rezoning. In response, Mr. Boulden stated that it would best to have the document granting the easement at the City Council at the same time the rezoning is before the City Council. The simpler way is to state that the Planning Commission will only recommend approval if the access is in place when the City Council considers the rezoning.

Mr. Sparks stated that to him this bridge is a big deal and he doesn't know what impact it will have on the drainage-way. To build a bridge of that size, length and weight will be a big deal and it would require some pretty large construction elements to support it.

Harold Tohlen, City of Tulsa Public Works, stated that he has talked with the applicant about the bridge because it does span the channel. The applicant has been told the requirements for the bridge and that it has to be one-foot above the 100-year flow level for the creek. It must span the entire creek without supports.

Mr. Boulden stated the Planning Commission may want to consider that the bridge must meet City requirements in order to be granted the easement.

Mr. Marshall asked Mr. Boulden if the Planning Commission could vote separately for each tract of land. In response, Mr. Boulden stated that he is not sure the applicant would be agreeable to that, but it could be done separately.

Ms. Wright asked Mr. Coutant if 31st Street could ever be widened and was that taken into consideration when considering setbacks. In response, Mr. Coutant stated that he is unaware of any future plans for widening I-44 through the subject area. It is already improved and it will probably a very long time before it is ever considered for improving again. There are no plans on the books or conceptual plans to widen I-44. There will be dedication of additional right-of-way for 31st Street as part of the platting process and it will meet the Major Street and Highway Plan, which it currently does not meet. He concluded that the 31st Street frontage should work just fine with the additional dedication of right-of-way.

Ms. Wright stated that she is concerned for the neighborhood because no matter how one dresses a mini-storage up they still look like a storage unit. They do not put the best foot forward on an interstate. She compared the existing mini-storage units along the existing expressways as being the back yards of New Jersey on a train. Perhaps there is an alternate use that someone might consider. Ms. Wright indicated that she is very familiar with the subject area. The front lot is accessible and it is where the Christmas Tree Lot was located. It is a relatively small area and it would be not inconceivable that the people who moved into this area thought that would never see the lot developed. Ms. Wright asked for what types of Use Unit 11 uses could be allowed if this approved.

Ms. Matthews read the uses from the Zoning Code that could be allowed under the request.

Mr. Coutant stated that there is no getting away from the basic function of mini-storage, but it is a quality project with masonry walls and pitched roofs is not the backside of New Jersey. If one is thinking of an industrial appearance they would be presently surprised with the quality of the proposed mini-storage.

Ms. Wright stated that recently the Planning Commission dealt with this situation on Mingo and around 81st Street where a cold storage was going in. The neighborhoods requested that there be no RV storage and no outdoor automobile storage, no boats, etc. to stop the impact of the New Jersey effect. She asked Mr. Coutant if his client would be willing to agree to that. In response, Mr. Coutant stated that his client would and in fact that requirement is already included. There will be no outdoor storage and his client didn't ask for it because he doesn't believe it is appropriate.

Mr. Ard stated that he would agree with Ms. Cantrell. He explained that he doesn't have any problem with the zoning change and he does like Ms. Cantrell's idea of increasing the setback to ten feet with some specifics on trees and landscaping to help buffer the subject area.

Ms. Cantrell stated that she believes a privacy fence should be there, but if the neighbors do not like it she would recommend a wrought-iron type fence with the combination of masonry columns would be nice and not give the institutional look. She would be okay with a minor amendment if the applicant sits down with the neighbors and comes up with a different proposal for the type of fencing. She prefers the ten-foot setback with evergreens planted to buffer or hide the building.

Mr. Marshall stated that the east side could be used very easily and the west side cannot at this time. If the City does approve the bridge and easement and it turns out to be too expensive, then the buyer might decide not to develop. If this is taken separately, then the front portion could be developed.

Mr. Ard asked Mr. Marshall if he is recommending that there be no zoning change to the west. In response, Mr. Midget stated that he doesn't see any difference, because if they are unable to get a bridge across the drainage-way, then the project is dead anyway.

Mr. Alberty stated that the subject tracts could be platted separately. He explained that staff is basically stating that it is premature to make a decision on the western portion until the applicant is able to secure the right to access with the proposed bridge. He suggested that if the Planning Commission can support OL on both tracts with a PUD, then they would be held up if the City Council agrees to that recommendation. It would be held up until they can satisfy that

requirement or they will only have zoning on the eastern portion. It is basically either yes or no on the eastern portion and they hold the trump card on the western portion. The applicant is aware of the expense involved to build a bridge. Staff can only support the OL zoning for the western portion if the applicant is able to secure an access easement over the drainage-way. If the Planning Commission approved OL without the requirement of the access easement, then technically the applicant could use the 50-foot right-of-way that exists today for access, which is through the neighborhood and staff has a problem with that.

Mr. McArtor stated that he will vote against this proposal. He commented that this is just a judgment call and it is his heart more than anything. There is the expressway and then these two small triangles with residential uses all around. Now there will be some storage units, which he understands are very nice, but he is very moved by the petitions from the neighbors and the pictures submitted. It just seems to him that there needs to be within the City some places where they are not chocked full of something. He understands that this is not a public park, but it is close to it and one can walk their dog and allow their children to play there. This is a quality of life issue and he doesn't believe this should be developed.

Ms. Cantrell asked Mr. McArtor if he is stating that this should remain as park land and if so, does he believe the City of Tulsa should step up and purchase the land. In response, Mr. McArtor stated maybe so.

Mr. Marshall stated that the property needs some type of use and what Mr. McArtor stated is true and the City of Tulsa should have purchased the property when they did the drainage. What he sees on the west portion has no value whatsoever for single-family. The east tract is good for a drive-in bank or some type of office use and would be compatible with the neighborhood. He can support this with the recommendations that have been discussed by Ms. Cantrell.

Ms. Cantrell stated that she will make a motion, but she would like to make a comment that the City should purchase the subject property she believes it would be a good park.

TMAPC Action; 9 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **8-1-0** (Ard, Cantrell, Marshall, Midget, Sparks, Smaligo, Walker, Wright "aye"; McArtor "nay"; none "abstaining"; Carnes, Shivel "absent") to recommend **APPROVAL** of the OL zoning for Z-7118 for the eastern portion of the application as recommended by staff.

TMAPC Action; 9 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **8-1-0** (Ard, Cantrell, Marshall, Midget, Sparks, Smaligo, Walker, Wright "aye"; McArtor "nay"; none "abstaining"; Carnes, Shivel "absent") to recommend **APPROVAL** of the OL zoning for Z-7118 for the western tract, provided that easement over the City of Tulsa drainage channel is in place at the time of rezoning and subject to the TMAPC approving the accompanying PUD as modified by the Planning Commission.

Mr. McArtor stated that he would be voting in the approval for the PUD simply because now the zoning has been recommended to be changed and the PUD will give protections.

TMAPC Action; 9 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **8-1-0** (Ard, Cantrell, Marshall, McArtor, Midget, Sparks, Smaligo, Walker "aye"; Wright "nay"; none "abstaining"; Carnes, Shivel "absent") to recommend **APPROVAL** of PUD-767 per staff recommendation with the following amendments: 1) increase the perimeter setback from the west property line from five feet to ten feet; 2) a screening fence should be along the entire west boundary of the subject property; 3) There shall be no windows permitted on the west-facing building walls of the westernmost building on the western tract; 4) Along the western boundary of the west tract it shall be screened by the erection of an eight-foot masonry wall or wrought-iron type wall or combination of both; 5) ten-foot landscape buffer to include evergreen trees planted in a manner to obscure the building as amended by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7118/PUD-767:

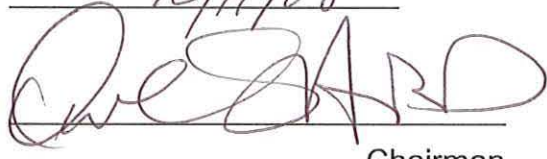
A tract of land in the Northeast Quarter (NE/4) of Section Twenty-three (23), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to wit: COMMENCING at the Northwest corner of said Northeast Quarter (NE/4); THENCE North 90°00'00" East along the North line of said NE/4 for 761.92 feet; THENCE South 0°08'01" East for 35 feet; THENCE North 90°00'00" East along the South Right of Way line of East 31st Street for 129.99 feet to the POINT OF BEGINNING; THENCE South 0°00'00" East for 14.99 feet; THENCE South 60°25'48" East for 139.37 feet; THENCE South 69°48'42" East for 173.05 feet; THENCE South 49°06'43" East for 109.18 feet; THENCE South 85°55'14" East for 84.01 feet to a point on the 1-44 Right of Way; THENCE North 48°34'30" East along said I-44 Right of Way for 297.92 feet; THENCE North 41°25'30" West for 11.76 feet; Thence North 90°00'00" West for 97 feet; THENCE North 0°00'00" East for 15 feet to a point on the South Right of Way line of said 31st Street; THENCE North 90°00'00" West along said Right of Way line for 568.58 feet to the POINT OF BEGINNING, AND A tract of land in the Northeast Quarter (NE/4) of Section Twenty-three (23), Township Nineteen (19) North, Range Thirteen

(13) East, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof being more particularly described as follows, to wit: COMMENCING at the Northwest corner of said Northeast Quarter (NE/4); THENCE North 90°00'00" East along the North line of said NE/4 for 761.92 feet; Thence South 0°08'01" East partly along the East line of Block One (1), MAGNOLIA TERRACE, an Addition to the City of Tulsa, Tulsa County, Oklahoma for 285.85 feet to the POINT OF BEGINNING; THENCE continuing South 0°08'01" East along the East line of said Block One (1) for 543.47 feet to a point on the North Right of Way line of I-44; THENCE North 48°55'30" East along said Right of Way for 169.38 feet; THENCE North 37°36'54" East along said Right of Way for 254.95 feet; THENCE North 48°34'30" East along said Right of Way line for 139.46 feet; THENCE North 49°12'33" West for 98.54 feet; THENCE North 73°18'40" West for 180.51 feet; THENCE North 81°17'44" West for 143.21 feet to the POINT OF BEGINNING. LESS AND EXCEPT the following tract of land: A strip, piece or parcel of land lying in part of the North Half (N/2) of the Northeast Quarter (NE/4) of Section Twenty-three (23), Township Nineteen (19) North, Range Thirteen (13) East in Tulsa County, Oklahoma. Said parcel of land being described by metes and bounds as follows: Beginning at a point on the present West right-of-way line of Interstate Highway No. 44, a distance of 1347.23 feet West of and 325.99 feet South of the Northeast corner of said North Half of the Northeast Quarter; THENCE Southwesterly along said right-of-way line a distance of 190.00 feet; THENCE West 42°21'11" West a distance of 100.00 feet; THENCE North 47°38'49" East a distance of 140.00 feet; THENCE South 68°55'05" East a distance of 111.80 feet to the POINT OF BEGINNING. **From: RS-3 (Residential Single-family District) To: OL/PUD (Office Low Intensity District/Planned Unit Development [PUD-767])**

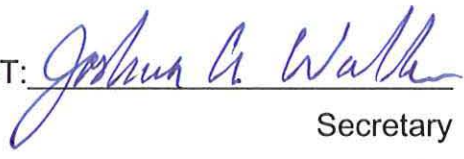
There being no further business, the Chair declared the meeting adjourned at 4:25 p.m.

Date Approved:

12/17/08



Chairman

ATTEST: 
Secretary