

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2094

Wednesday, December 18, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

### Members Present

Boyle  
Carnes, Chairman  
Dick  
Doherty, 1st Vice Chairman  
Gray  
Horner  
Ledford  
Midget, Mayor's Designee  
Pace, Secretary  
Westervelt

### Members Absent

Ballard

### Staff Present

Almy  
Jones  
Matthews  
Stump

### Others Present

Romig, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, December 17, 1996 at 8:36 a.m., in the office of the County Clerk at 8:31 a.m., as well as in the Reception Area of the INCOG offices at 8:45 a.m.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:33 p.m.

## Minutes:

### Approval of the minutes of December 4, 1996, Meeting No. 2094:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-1** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; Dick "abstaining"; Ballard, Midget "absent") to **APPROVE** the minutes of the meeting of December 4, 1996 Meeting No. 2094.

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## **REPORTS:**

### **Committee Reports:**

#### **Budget and Work Program Committee**

Mr. Horner informed the Commission that the Budget and Work Program Committee will meet today following the TMAPC meeting.

#### **Comprehensive Plan Committee**

Mr. Ledford stated the Comprehensive Plan Committee will also be meeting today.

#### **Rules and Regulations Committee**

Mr. Doherty stated the Rules and Regulations Committee will be meeting today as well.

#### **Community Participation Committee**

Ms. Gray stated there is a resolution before the Commission later in the agenda in regard to Community Involvement.

### **Director's Report:**

Mr. Stump stated there are no zoning cases scheduled for the December 19, 1996 City Council meeting.

Mr. Stump presented the receipts and deposits report for the month of November, 1996. He stated November was an average month, however, the running total for the fiscal year is significantly above average.

## **SUBDIVISIONS:**

### **Preliminary Plat:**

**Leo's Lot Addition** (3392) (PD-8) (CD-2 and County)  
North of the northwest corner of West 61st Street South and South 33rd West Avenue

#### **TAC Comments:**

Jones presented the plat with Roger Taylor present.

Miller recommended that the detention area be relocated outside the proposed utility easement.

Pierce recommended the standard 17.5' utility easements instead of the proposed 11'.

Pierce also pointed out changes in the deed of dedication in Section B.1 and C.2

Leo's Lot Addition is a one lot commercial subdivision plat which contains .46 acres and is located partially inside of the City of Tulsa. The property was recently denied by the TAC and TMAPC for a plat waiver and the applicant is now requesting the subdivision plat.

Staff would offer the following comments and/or recommendations:

1. Waiver of the Subdivision Regulations to permit the plat to be drawn at a 1"=20' scale (1"=50' required).
2. Show abutting property as unplatted.
3. If required by the Public Works, the stormwater detention easement should be "Reserve Area" and dedicated to the city.
4. Utility easements shall meet the approval of the utilities. Coordinate with Sub-surface 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.
5. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
6. 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).
7. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
8. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
10. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable) subject to criteria approved by the County Commission.
11. All curve data, including corner radii, shall be shown on final plat as applicable.
12. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
13. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works/County Engineer.

14. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
15. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
16. 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.
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. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
21. This plat has been referred to Sapulpa and Sand Springs because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
22. 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.)
23. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.
24. All other Subdivision Regulations shall be met prior to release of final plat.

On motion of Miller, the Technical Advisory Committee voted unanimously to recommend Approval of the preliminary plat of Leo's Lot Addition, subject to all conditions and recommendations listed above.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Midget "absent") to **APPROVE** the Preliminary Plat of Leo's Addition, subject to Waiver of the Subdivision Regulations to permit the plat to be drawn at a 1"=20' scale and the conditions as recommended by TAC.

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**Neal Plaza** (684)

(PD-18) (CD-8)

South and west of the southwest corner of East 61st Street and South Garnett Road

**TAC Comments:**

Jones presented the plat with Roger Taylor in attendance.

Jones pointed out that additional right-of-way will be required on East 61st Street in order to accommodate a right-turn lane.

Pierce recommended a 17.5' utility easement along the north and east property lines.

Somdecerrf recommended that "STREETS" be added to the deed of dedication language and pointed out that the legal description did not match the plat.

French noted that design work for the intersection is being done and the engineer should consult the plans. In addition, the western most access on East 61st Street should be relocated to provide property separation from the platted access point to the west.

McCormick stated that drainage must tie into an existing stormwater system.

Rains recommended that drainage also be reviewed by his office since Garnett is a county maintained road.

Pierce noted changes in deed of dedication language B.1 and C.2.

Neal Plaza contains 4.7 acres in two lots and wraps around the southwest corner of East 61st Street South and South Garnett Road. The property is abutted by platted property.

Staff would offer the following comments and/or recommendations:

1. Utility easements shall meet the approval of the utilities. Coordinate with Sub-surface 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 Department of Public Works (Water & Sewer) 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. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.

5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable) subject to criteria approved by the County Commission.
8. All curve data, including corner radii, shall be shown on final plat as applicable.
9. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
10. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
13. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
14. 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.
15. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
19. This plat has been referred to Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.

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 to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.

22.All other Subdivision Regulations shall be met prior to release of final plat.

On motion of Pierce, the Technical Advisory Committee voted unanimously to recommend Approval of the preliminary plat of Neal Plaza, subject to all conditions and recommendations listed above.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Midget "absent ") to **APPROVE** the Preliminary Plat of Neal Plaza, subject to the conditions as recommended by TAC.

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**Castle Oaks** (PUD-554) (2383) (PD-26) (CD-8)  
West of the northwest corner of East 101st Street South and South Memorial

**Chairman Carnes informed the Commission that Commissioner Ledford, Sr. will be abstaining from this item. Commissioner Ledford, Sr. excused himself from the dais.**

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-1** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; none "absent ") to **CONTINUE** the Preliminary Plat for Castle Oaks to January 22, 1997.

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**Plat Waiver, Section 213:**

**Z-6542/Z-6374 (Unplatted)** (3204)  
11724, 12124, 12324 East Crosstown Expressway

(PD-5) (CD-6)

**TAC Comments:**

Jones presented the request with Curtis Holsten present.

McCormick pointed out that floodplain exists on the property and if a sign is to be located in the floodplain, on-site detention or fees paid will be required.

Z-6542 and Z-6374 rezoned two adjoining properties and the property is now subject to the platting requirement. The proposed use at this time is three outdoor advertising signs located along the expressway.

Based on the proposed use, staff is supportive of the requested plat waiver, subject to the following conditions:

1. Plat waiver is for outdoor advertising signs only, any additional use will again make the property subject to the platting requirement.
2. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
3. Utility extensions and/or easements if needed.

On motion of Edwards, the Technical Advisory Committee voted unanimously to recommend Approval of the plat waiver for Z-6542 and Z-6374, subject to all conditions and recommendations listed above.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Midget "absent ") to **APPROVE** the Plat Waiver for Z-6542 and Z-6374, subject to the three conditions as recommended by TAC.

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**BOA-17522 (Walnut Park Addition)** (493)

(PD-3) (CD-4)

South of the southeast corner of East Admiral Place and South Jamestown Avenue

**TAC Comments:**

Jones presented the plat waiver with representatives from the church present.

French recommended that driveways be enlarged to the standard 24' width. French also pointed out that the required landscape must be on the subject tract.

McCormick stated that drainage must go to Jamestown.

The subject tract is .48 acres in size and comprised of three existing lots within Walnut Park Addition. The Board of Adjustment approved office and parking use as an expansion of the existing church on the east side of Jamestown. The applicant is now requesting a waiver of the platting requirement.

Based on the size of the tract and existing subdivision plat, staff is supportive of the plat waiver for BOA-17522, subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.

On motion of Garrison, the Technical Advisory Committee voted unanimously to recommend Approval of the plat waiver for BOA-17522, subject to all conditions and recommendations listed above.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Midget "absent ") to **APPROVE** the Plat Waiver for BOA-17522, subject to the two conditions as recommended by TAC.

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**Final Approval:**

**Items Metro Park South I and Metro Park South II were heard simultaneously.**

**Metro Park South I** (3294)

(PD-18) (CD-5)

Northeast corner of East 61st Street South and South 118th East Avenue

**Metro Park South II** (3294)

(PD-18) (CD-5)

North and east of the northeast corner of East 61st St. South and South 118th East Ave.

**Staff Comments:**

Mr. Jones presented the Metro Park South I and II with representative Ted Sack present. Mr. Jones reminded the Commission that this is a subdivision plat at is located on East 61st Street and east of South 118th East Avenue.

Mr. Jones stated all release letters have been received and everything is in order. Legal has reviewed the Deed of Dedication Restrictive Covenants language and those changes are being incorporated in the final draft.

Therefore, staff recommends approval of these two plats.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Ballard, Midget “absent”) to **APPROVE** the Final Plats for Metro Park South I and Metro Park South II as recommended by staff.

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**Kelly Ann** (1814)

(PD-15) (County)

North 106th East Avenue at East 97th Street North

**Staff Comments:**

Mr. Jones stated all release letters have been received. He reminded the Commission this property is apart of PUD-469, which is a large and complex PUD. The plat face has been reviewed and County Engineering has signed off on the plat.

Therefore, staff recommends approval subject to the final language of the Deed of Dedication Restrictive Covenants which will prepared by the attorney of the applicant. This is due to the plat being located in the County and not having the benefit of County Legal to review the language.

**TMAPC Comments:**

Mr. Doherty stated it appears the plat is being stubbed into a school. Mr. Jones replied the stub on East 96th Place is for a future development option being discussed by the developer and the school.

Mr. Doherty asked whether the Fire Department has approved the stub without a cul-de-sac. Mr. Jones reminded the Commission this property is in the County and located within the Owasso fence line. Owasso was encouraged to annex the property. The property is served by City of Owasso water and sewer but is located in the County.

**TMAPC Action; 10 members present:**

On **MOTION** of **DICK**, the TMAPC voted **9-0-1** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; Midget "abstaining"; Ballard "absent ") to **APPROVE** the Final Plat for Kelly Ann as recommended by staff.

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**Approval of Declaration of Covenants:**

**Z-6564-SP-1 (Moreland Addition)** (2893)  
3707 East 51st Street South

(PD-18) (CD-7)

**Staff Comments:**

Mr. Jones stated this is a corridor piece of property that was previously approved to waive the platting requirement by the TMAPC and the City Council subject to an amendment to the Deed of Dedication being filed of record and approved by the City that incorporates the corridor conditions into the plat waiver.

Mr. Jones informed the Commission that staff has reviewed and signed off on the dedication. Legal Department has signed off on it as well. The dedication will require approval by the TMAPC and the City Council and then filed of record. The record of the corridor site plan conditions will run with the property.

Therefore, staff recommends approval of the document for Z-6564-SP-1.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent ") to **APPROVAL** the Declaration of Covenants for Z-6564-SP-1 as recommended by staff.

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**Lot-Splits for Ratification of Prior Approval:**

**L-18387 Eastern Oklahoma Presbytery** (1094)  
16303 East 21st Street

(PD-17) (CD-6)

**Staff Comments:**

Mr. Jones informed the Commission that this lot-split is for ratification of prior approval and meet Subdivision Regulations. Staff recommends approval.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Ballard, Boyle, Midget “absent”) to **RATIFY** this Lot-split given Prior Approval, finding it in accordance with Subdivision Regulations.

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**CONTINUED ZONING PUBLIC HEARING:**

**Application No.:** PUD-397-1

(PD-18) (CD-7)

**Applicant:** Jerry W. Ledford, Jr.

**Location:** East of the intersection of East 62nd Street and South 89th East Avenue

**Presented to TMAPC:** Jerry W. Ledford, Jr.

*(Minor Amendment to increase density, adopt RS-4 development standards and reduce required rear yards.)*

**Chairman Carnes informed the Commission that Commissioner Ledford, Sr. will be abstaining from this item. Commissioner Ledford, Sr. excused himself from the dais.**

**Staff Recommendation:**

The applicant is requesting a Minor Amendment to allow an increase from the approved Outline Development Plan from 56 dwelling units to 64 dwelling units and a change in the bulk and area requirements of the PUD to meet RS-4 standards. The applicant is also requesting that the rear yard requirements be reduced from 20’ to 10’.

Staff has reviewed the request and finds that the subject area incorporates the entire 11.13 acres in Development Area “E” which received initial approval for RS-3 zoning, including 20’ rear yards, on 9-18-85. A review of the history of the initial PUD approval indicates that there has been substantial transfer of densities between the multifamily, office uses and single-family development areas. The underlying zoning would, however, permit the requested increase in dwelling units.

The surrounding area is characterized by single-family development zoned RS-3 to the west and RS-3 and PUD-281 to the south of the subject area (Burning Tree and Kingsridge Additions). The land to the north and east is undeveloped and constitutes the remainder of PUD-397 planned for office and multifamily use. The amendment of bulk and area requirements for Development Area "E" would not adversely effect the abutting residential areas and would be in keeping with the overall harmony of the surrounding residential uses.

The Outline Development Plan indicates a collector street running south from East 61st Street South to East 64th Street South on the eastern edge of the subject tract. Staff recommends that the future development of Area "E" provide a minor street connection to the west at East 62nd Street South.

Based on the prior transfer of densities and compatibility with surrounding uses staff recommends **APPROVAL** of the request to amend the allowable number of dwelling units from 56 to 64 and adoption of RS-4 development standards. Staff, however, cannot support the reduction in rear yard requirements from 20' to 10' since there are no design criteria in the Outline Development Plan to justify the reduction. Staff, therefore, recommends **DENIAL** of the request to reduce the rear yard requirement to 10'.

**Staff Comments:**

Mr. Stump informed the Commission that the developer has proposed several amendments prior to today's meeting. The amendments include not increasing the number of dwelling units over the existing 56 units that were previously approved and adoption of RS-4 standards.

RS-4 standards include a lot width of 50 feet, minimum lot area of 5500 square foot and livability space of 2500 square foot per dwelling unit. Also, front yard setback is 18 feet, measured from the front property line, side yard setback is 15 feet, measured from the abutting street and 5 feet if not abutting a street. The rear yard setback proposed is 15 feet in lieu of 10 feet previously requested and a restriction to limit the lots that abut to single-family homes to the south and west to one-story homes. The new standards for interior lots also include a provision that allows up to 75 square feet of the house to be located within the 15 foot rear yard, but no closer than 11 feet.

Mr. Stump stated staff can support these amendments and recommends approval.

**Applicant's Comments:**

**Jerry Ledford, Jr.**, Tulsa Engineering, stated he asked for the continuance to allow time to meet with approximately 50 people from the Kingsridge Homeowners group. The main discussion was on the boundaries. The homeowners expressed concern with two-story homes looking down into their back yards.

As a result, the developer has agreed to a 15-foot building setback and restricting the development to only one-story homes on the boundaries. Mr. Jerry Ledford, Jr. informed the Commission the boundaries on the south and west are restricted to a total of 15-foot setback. Mr. Ledford stated the 75 square foot encroachment is only on the interior lots. Therefore, none of the homes on the south or west boundaries will be closer than 15-feet and limited to one-story.

Mr. Jerry Ledford, Jr. stated a formal meeting was never held with the Burning Tree Master Association, however, he talked with several of the residents by telephone. The Burning Tree Master Association Board of Directors submitted a letter supporting the recommendation made by INCOG staff.

Mr. Jerry Ledford, Jr. stated he has met with INCOG staff to review INCOG's recommendation and presented the proposed amendments.

**Interested Parties Comments:**

**H. W. Holt**, 6215 South 89th East Avenue, stated he owns Lot 9 of Burning Tree East. He stated his east property line would join the west property line of the proposed development.

Mr. Holt stated he is opposed to the deduction of the rear yard requirement. He feels 10 feet is too close to his home and asked the Commission to deny the request for the reduction.

**Applicant's Rebuttal:**

Mr. Jerry Ledford, Jr. reminded the Commission the main discussion with the Kingsridge Homeowners was if the rear building setback was 20 feet, which is required under the RS-4 standards, the building footprint would necessitate two-story homes. This is why the Kingsridge Homeowners felt the restriction of one-story homes would be for their protection.

**TMAPC Comments:**

Mr. Doherty asked whether there was anyone in attendance representing the Burning Tree Master Association. Chairman Carnes replied Mr. Holt is signed up as an interested party.

Mr. Doherty asked whether the discussion of the restriction for one-story homes was after the letter dated December 3, 1996 from Burning Tree Master Association. Mr. Jerry Ledford, Jr. replied in the affirmative.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-1** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Ballard "absent") to **APPROVE** the Minor Amendment for PUD-397-1 as amended and recommended by staff.

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## **ZONING PUBLIC HEARING:**

**Application No.:** Z-6575

**OL to CS**

**Applicant:** Lyon Morehead

**Location:** 4400 North Peoria Avenue

**Presented to TMAPC:** Lyon Morehead

### **Staff Recommendation:**

#### **Relationship to the Comprehensive Plan:**

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Development Incentive Area I and within the North Peoria Corridor Study Area.

According to the Zoning Matrix the requested CS zoning **may be found** in accordance with the Plan Map.

#### **Staff Comments:**

**Site Analysis:** The subject property is located south of the southeast corner of East 46th Street North and North Peoria Avenue and is approximately .44 acres in size. It is flat, non-wooded, contains a vacant building, and zoned OL.

**Surrounding Area Analysis:** The tract is abutted on the north by a used auto sales, zoned CS, with Board of Adjustment approval for automobile sales; to the east by vacant land, zoned AG; to the west by vacant property, zoned CH; and to the south by a single-family dwelling, zoned AG.

**Zoning and BOA Historical Summary:** There has not been any recent zoning action in this area. The most recent Board action was in 1988 which granted a special exception to allow an automobile sales on property abutting the subject tract on the north.

**Conclusion:** The Comprehensive Plan designates the subject property as being within the North Peoria Corridor Study Area and it fits the criteria for designation as commercial. The requested CS zoning is compatible with the existing zoning and uses in the area, therefore, Staff recommends **APPROVAL** of CS zoning for Z-6575. Staff would note that the North Peoria Corridor Study specifically recommends that no additional auto sales lots be permitted.

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

#### **TMAPC Comments:**

Mr. Doherty asked whether Use Unit 17 is not allowed by right in CS. Mr. Stump replied in the affirmative. Mr. Doherty stated it would require BOA action to allow Use Unit 17.

Mr. Doherty asked whether the BOA was aware of the Comprehensive Plan and the North Peoria Corridor Study. Mr. Stump replied the BOA was provided this information.

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent ") to recommend **APPROVAL** of CS zoning for Z-6575 as recommended by staff.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-2-0** (Carnes, Dick, Doherty, Gray, Ledford, Midget, Pace, Westervelt "aye"; Boyle, Horner "nays"; none "abstaining"; Ballard "absent ") to **RECONSIDER** the zoning case Z-6575.

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-1-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; Midget "nays"; none "abstaining"; Ballard "absent ") to recommend **APPROVAL** of CS zoning for Z-6575 as recommended by staff.

**Legal Description for Z-6575:**

The South 100' of the North 555' of the South 772.5' of the East 190' of the West 240' of the West 14.86 acres of Government Lot 1, Section 18, T-20-N, R-13-E, Tulsa County, State of Oklahoma, and located at 4400 North Peoria Avenue, Tulsa, Oklahoma.

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**Application No.: Z-6576**

**RS-2 to CS**

**Applicant:** B. Kenneth Cox, Jr.

**Location:** East of Southeast corner East 71st Street and South Rockford

**Presented to TMAPC:** B. Kenneth Cox, Jr.

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity Linear Development area.

According to the Zoning Matrix the requested CS zoning **is** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is located east of the southeast corner of East 71st Street South and South Rockford Avenue and is approximately 80' x 290' in size. It is flat, non-wooded, has a single-family dwelling and detached garage apartment, and zoned RS-2.

Surrounding Area Analysis: The tract is abutted on the north by E. 71st Street South and beyond that is a parking lot, zoned CS/PUD-261; to the west by a restaurant, zoned CS/PUD-357-A; to the east by a vacant lot, zoned CS; and to the south by vacant property, zoned RM-1/PUD-357-A.

Zoning and BOA Historical Summary: Previous zoning actions in this area have rezoned most of the tracts that front East 71st Street South from South Peoria Avenue to South Trenton to CS.

Conclusion: The requested CS zoning is compatible with the surrounding uses and development, and CS zoning is designated as being in accordance with the Comprehensive Plan, therefore, Staff recommends **APPROVAL** of CS zoning for Z-6576.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent ") to recommend **APPROVAL** of CS zoning or Z-6576 as recommended by staff.

**Legal Description for Z-6576:**

Parts of Lot 1 and 2, N 290' , W 44.3' Lot 1 and the N 290', E. 35.7' Lot 2; less N 35' thereof, Valley Bend Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Application No.: Z-6578/PUD-554**

**AG/RS-1 to RS-3/PUD**

**Applicant:** Jerry W. Ledford, Jr.

(PD-26) (CD-8)

**Location:** North and west of the northwest corner East 101st Street and South Memorial

**Presented to TMAPC:** Jerry W. Ledford, Jr.

**Chairman Carnes informed the Commission that Commissioner Ledford, Sr. will be abstaining from this item. Commissioner Ledford, Sr. excused himself from the dais.**

**Staff Recommendation:**

**Z-6578:**

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested RS-3 zoning is in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is located west of the northwest corner of East 101st Street South and South Memorial Drive and is approximately 30.89 acres in size. It is sloping; the south 1,350' is wooded and the north 600' is non-wooded. There is a single-family dwelling located in the southeast corner of the tract. The property is zoned AG and RS-1.

Surrounding Area Analysis: The tract is abutted on the north by single-family dwellings, zoned RS-1; to the west by a water detention facility, zoned RS-1; to the south by single-family homes, zoned RS-2 and RM-1 and to the east by vacant land, zoned AG and RS-1.

Zoning and BOA Historical Summary: The most recent zoning actions in this areas established CS zoning at the intersection of E. 101st St. S. and S. Memorial Drive and commercial uses along the east side of Memorial Drive with CO zoning.

Conclusion: Based on the Comprehensive Plan, the surrounding land uses, and existing zoning, staff recommends **APPROVAL** of RS-3 for Z-6578 if the Planning Commission finds PUD-554 to be satisfactory.

**PUD-554:**

The proposed PUD is entirely residential with the northern portion being clustered single-family homes on private courtyards (Development Area B) and the southern portion a more traditional single family subdivision with private streets built to public street standards (Development Area A). Access to both areas is from a private north-south streets (78th East Avenue) with starts at 101st Street and terminates at another private street 98th Street on the northern boundary of the PUD. PUD residents must then use 98th Street to get to Memorial Drive. Accompanying this PUD is a rezoning request (Z-6578) for RS-3 zoning.

The bulk of the surrounding area is undeveloped with on two single-family dwellings on very large lots north of the PUD and a single-family dwelling on the west side of the PUD near 101st Street. Most of the west side of the PUD abuts a newly constructed City

stormwater detention facility. The land between the east boundary of PUD and Memorial Drive, although vacant now can be expected to be developed more intensively probably in a corridor district.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-554 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-554 subject to the following conditions:

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

2. **Development Standards:**

Development Area A

Land Area	16.75 acres
Minimum Lot Width	70'
Minimum Lot Area	8,000 SF
Minimum Land Area per Lot	8,400 SF
Minimum Livability Space per Lot	4,510 SF #

Minimum Required Yards

Front or yard abutting a private street	40' *
Side	5'
Rear	20'
Any yard abutting 101st Street	35'

Maximum Building Height	35'
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Development Area B

Land Area	14.14 acres
Minimum Lot Width	50'
Minimum Lot Area	5,500 SF
Minimum Land Area per Lot	5,500 SF
Minimum Livability Space per D.U.	3,500 SF ** #

Minimum Required Yards	
Front	18' ***
Side	5'
Rear	15"
Minimum Building Setbacks from	
Centerline of 98th Street South	60' #
Centerline of 78th East Avenue	35'
Maximum Building Height	35'

\* Measured from the centerline of private street

\*\* Average for all of Development Area B, minimum livability space per lot to be determined by TMAPC when plat is approved.

\*\*\* Measured from the front lot line.

# Modified at the TMAPC meeting on December 18, 1996.

3. 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.

4. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas, including any streets, parking areas, joint driveways and stormwater improvements and detention areas within the PUD.

5. All private roadways shall be constructed as proposed in the Outline Development Plan.

6. Since 98th Street South provides one of two primary accesses to the PUD, 98th Street between the PUD entrance and Memorial Drive shall be built to City of Tulsa standards for a minor residential street and shall allow access for all emergency, maintenance and sanitation vehicles.

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.

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

9. A detail site plan for the entrances on 101st Street and 98th Street are required to be approved by the TMAPC prior to issuance of a building permit for any entrance structures. #

# Modified at the TMAPC meeting on December 18, 1996.

**Applicant's Comments:**

**Jerry Ledford, Jr.**, the applicant, stated he would defer his comments to rebuttal discussion.

**Interested Parties Comments:**

**Mike Rathbone**, 7465 East 101st Street, stated his property is directly west 396 feet of the proposed development boundary. He expressed concern with the detention pond. He feels the proposed development will increase the flow of water and flooding in the area.

Mr. Rathbone stated the bridge in the neighborhood has washed out and created a pipeline of water that runs down the creek. The velocity of the creek has increased and the detention pond is inadequate. He stated Stormwater Management has been contacted on several occasions in that regard, but nothing has been resolved.

Mr. Rathbone stated that a 2-inch rain fall causes flooding and covering of 101st Street. He feels there is not sufficient drainage in the culvert to manage the runoff down 101st Street.

Mr. Rathbone requested that any further development in the area should be delayed to allow time for the flooding and drainage problems to be corrected.

**Elmer Manley**, 7519 East 102nd Street, stated the Bridle Trail Neighborhood Associations consist of approximately 70 families. He stated the yellow notification sign was not place in an appropriate location that several of the members did not see the notification sign.

However, Mr. Manley talked with several of the members and expressed concern that the association is not aware of the details of the proposed development. He asked whether the proposed development would access from 101st Street and if so he feels it this will create terrible traffic problems and increase in traffic flows. He feels access on 98th would be more appropriate.

Mr. Manley stated the water detention is a major problem in the neighborhood. He feels if thirty acres of land is covered with houses and street, there will be even more water problems.

**Applicant's Rebuttal:**

Jerry Ledford, Jr. reviewed the PUD and zoning. He pointed out that the PUD permits only 109 lots developed as RS-3 standards. Without a PUD, 120 to 125 lots could be developed.

Mr. Jerry Ledford, Jr. stated the proposed development allows for private streets and a gated community. He informed the Commission that the two points of access will be located on 101st Street and 98th Street. He stated 98th Street is a private street that accesses South Memorial. He feels 98th Street will divide the traffic evenly between the two accesses.

Mr. Jerry Ledford, Jr. stated he has met with INCOG staff and reviewed the development standards. He stated he is in agreement with the amended development standards as requested by staff.

Mr. Jerry Ledford, Jr. pointed out there is a caveat regarding TAC review of the plat and those conditions being made a part of the PUD. He expressed concern with this caveat in regard to East 98th Street. He stated East 98th Street is a private street that was built approximately 30 years ago. The street is paved with barrow ditch section as found in other subdivision in Tulsa. He stated condition no. 6 requires 98th Street to be built to City of Tulsa standards for a minor residential street, which includes curb and gutter, and shall allow access for all emergency, maintenance and sanitation vehicles.

Mr. Jerry Ledford, Jr. questioned why the upgrade of 98th Street is required when other developments are not required to upgrade existing streets. He stated if the proposed development was tied on to Bridle Trail Subdivision the developer would not be required to upgrade all the barrow ditch street sections in that subdivision.

Mr. Jerry Ledford, Jr. stated 98th Street is the primary access to the City of Tulsa's detention facility. He stated during the construction of the facility, approximately two years ago, 98th Street was repaved due to the deterioration of the street during the construction process. He questioned why the street was not upgraded at that time. He feels the street is in good conditions and very durable. He requested condition no. 6 be stricken from the requirements.

#### **TMAPC Comments:**

Mr. Doherty questioned how this proposed private street fit with the interim policy or guidelines for private streets/gated communities within a PUD. Mr. Stump replied it is a slightly larger area than the guidelines. However, with the property being isolated by the detention pond to the west, an arterial street to the south, the development of a non-residential area anticipated to the east along Memorial Drive, and an existing private street and floodplain to the north, staff feels the proposed development would qualify as a private street community.

Mr. Stump stated the proposed PUD will allow for two different style developments of single-family homes on private streets. The first is a traditional development, Area A, in the south portion, approximately 16.75 acres. This Area A would have lot size between RS-2 and RS-3 standards. The proposed road for Area A will be built to City minor-residential street standards with a 30-foot right-of-way. The northern development, Area B, would have approximately 14.1 acres with minimum lot width of 50 feet.

Mr. Stump noted that after meeting with the developer, amendments were made to the staff recommendation. Those amendments include increasing the minimum livability space per lot in Development Area A to 4510 SF, reducing the minimum livability space in Development Area B to 3500 SF and reducing the minimum building setback from centerline of 98th Street South to 60 feet. Mr. Stump stated staff can support these amendments.

Mr. Doherty asked whether an access to 98th Street will be provided to the tract (Adelman tract) immediately south of the unplatted tract. Mr. Jerry Ledford, Jr. replied the owner of the tract will have direct access to South Memorial Drive and could access East 98th Street as well. Mr. Doherty stated with the center median on South Memorial Drive it appears the owner would want access to 98th Street. This access would increase the volume on 98th Street.

Mr. Doherty asked whether 98th Street is currently owned by the developer of Castle Oaks. Mr. Jerry Ledford, Jr. replied 98th Street is currently owned by each individual property owner that fronts 98th Street.

Mr. Doherty asked whether Mr. Ledford would be opposed to constructing curb and gutter on 98th Street from the entrance of Castle Oaks to 78th Street and let the owner of the balance of the tract be responsible for the remainder of the road. Mr. Doherty feels it is not reasonable to make the developer of this PUD improve the entire road. Mr. Ledford replied he would be willing to construct the curb and gutter on the south side of the street.

Mr. Stump stated the Subdivision Regulations require the development of full streets. He suggested working with the owners of the street to have the street accepted into public maintenance. Mr. Stump cautioned the Commission not to allow half street. Chairman Carnes stated he recalls a similar case where a half street was built and the problems it caused.

Mr. Westervelt stated to require this developer absorb the entire cost of developing the road is inappropriate. Mr. Boyle stated he has a problem with building a half street.

Ms. Pace expressed concern with the excessive acreage for the development as a gated community with private streets. Mr. Stump stated staff could support this development as a gated community is due to the unusual situation of the detention pond to the west which would mean there are no interconnections that can be made, and the anticipated commercial or higher intensity uses that are incompatible with single-family residential to the east. Also 101st to the South and a private street blocking any sort of the public street system to the north.

Mr. Doherty stated he does not have a problem with the gated community and private streets because of the isolation and the characteristic of the surrounding area..

Mr. Westervelt feels the extra acreage does not create any problems and the Site Plan will give some comfort also. He feels that the improvement of 98th Street is the current issue that needs to be resolved.

Mr. Boyle asked Mr. Jerry Ledford, Jr. to address the concerns that were raised by the neighbors in regard to traffic congestion and drainage. Mr. Jerry Ledford, Jr. replied that there will be two accesses to the development that will allow for circulation. In regard to drainage, the final drawings have not been completed and will require approval by Public Works. The initial discussion with Public Works was to direct the stormwater to the Bridle Trail detention facility.

Ms. Gray expressed concern with the flooding in the area and feels the developer should address the drainage problem to ensure there will not be any further erosion of the neighbors property. She feels this is not only be a benefit to the area neighbors but also to the developer due to the entrance of the development is proposed.

Ms. Pace requested Mr. Jerry Ledford, Jr. to allow for enough stacking room at the entrances in the design process.

Mr. Jones reminded the Commission the plat acts as the PUD Site Plan in a subdivision and if the Commission wants to look at the Detail Site Plan, then a condition to that effect should be added to the motion.

Mr. Boyle asked whether the drainage plan could be required to come back before the Commission to allow some protection to the surrounding neighbors of water draining across their property. Mr. Midget feels a condition could be made to require the drainage plan to come back before the Commission. Mr. Westervelt feels the drainage problem is a Public Works issue. Mr. Boyle agrees, however, he feels the neighbors should be allowed input.

Mr. Midget stated that Public Works staff could attend a meeting to discuss the drainage issue. He feels the development should give the surrounding residents some assurance that they will not be further harmed.

Mr. Doherty stated the Commission could require review of the drainage plan during the final plat process. The Detail Site Plan in regard to the entryway could also require review by the Commission. He feels this would cover the critical areas and allow approval of the Preliminary Plat and the PUD once the issue on 98th Street is resolved.

Mr. Doherty asked whether it would be appropriate to approve the PUD, striking condition no. 6, and continue the Preliminary Plat to allow time to deal with the drainage issues that have been presented today.

Mr. Boyle feels condition no. 6, in regard to 98th Street, is proper and he feels it should remain as a condition.

Mr. Westervelt feels it is inappropriate to require the developer of this PUD to improve both sides of the street when the ownership only goes to the center of the street.

Chairman Carnes stated he is not in agreement with half-street improvements.

Mr. Doherty questioned if condition no. 6 remains, it would require the developer to trespass onto someone else's property to perform the improvement and asked whether this would be legal. Mr. Romig replied that a plat is before the Commission showing 98th Street will be used as access. If used as access, then the developer has the right to improve the street and therefore, it can be made a requirement.

Mr. Boyle stated if the developer has the right to cross the road, then they also have the right to maintain the road. Mr. Jerry Ledford, Jr. asked whether the street was built to existing standards 30 years ago when the road was constructed and who has the right to make this developer upgrade to the current standards when it is not required of other developers. Mr. Stump replied if the road is a major access to a development, then the road should be built with the capability of handling the increased traffic the development creates.

Mr. Stump feels the solution would be to have the City accept the road as a public street and make it a corridor collector. He feels this issue should be resolved before moving ahead.

Mr. Boyle stated he agrees with Mr. Doherty's recommendation with the exception of omitting condition no. 6.

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-1-1** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Midget, Pace, "aye"; Westervelt "nays"; Ledford "abstaining"; Ballard "absent") to recommend **APPROVAL** of RS-3 zoning for Z-6578 and **APPROVAL** of PUD-554 subject to the modified conditions as recommended by staff and requiring a Detail Site Plan Approval of the entrance design prior to construction and that condition no. 6 may be deleted by minor amendment.

**Legal Description for Z-6578/PUD-554:**

A tract of land located in a part of the E/2, SE/4, Section 23, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, being more particularly described as follows: commencing at the Southeast corner of the SE/4, Section 23, T-18-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, thence N 89°56'40" W along the South line of the SE/4 a distance of 1,319.74' to the Southwest corner of the E/2, SE/4 of said Section 23; thence N 00°05'16" E along the West line of said E/2, SE/4 a distance of 50.00' to a point on the northerly right-of-way of E. 101st Street South, said point being the Point of Beginning; thence continuing N 00°05'16" E along the west line of said E/2, SE/4 a distance of 1,902.60'; thence S 89°58'22" E a distance of 410.49' to a point of tangent curve to the right; thence along said tangent curve to the right having a central angle of 29°10'30", a radius of 450.00', a distance of 229.14'; thence S 60°47'52" E a distance of 62.59'; thence S 00°05'16" W and parallel to the West line of said E/2, SE/4 a distance of 573.38'; thence S 89°57'48" E a distance of 84.32'; thence S 00°05'16" W and parallel to the west line of said E/2, SE./4 a distance of 991.49'; thence N 89°56'57" W a distance of 273.86'; thence S

00°05'16" W and parallel to the West line of said E/2, SE/4 a distance of 280.47' to a point on the Northerly right-of-way of E. 101st Street S; thence N 89°56'40" W along said Northerly right-of-way a distance of 495.06' to the Point of Beginning; and located in the northwest corner of E. 101st Street S. and South Memorial Drive, Tulsa, Oklahoma.

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**Application No.: Z-6579**

**RS-1 to CO**

**Applicant:** Jerry W. Ledford, Jr.

(PD-26) (CD-8)

**Location:** Northwest corner East 101st Street and South Memorial

**Chairman Carnes informed the Commission that Commissioner Ledford, Sr. will be abstaining from this item. Commissioner Ledford, Sr. excused himself from the dais.**

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

**TMAPC Comments:**

Chairman Carnes stated a request for continuance to January 22, 1997 has been received.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-1** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Ballard, Midget "absent") to **CONTINUE** the Zoning Public Hearing Z-6579 to January 22, 1997.

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**Application No.: Z-6577**

**CS to IL**

**Applicant:** Stephen L. Schuller

(PD-17) (CD-6)

**Location:** 12540 East Skelly Drive

**Presented to TMAPC:** Stephen L. Schuller

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - No Specific Land Use and Corridor.

According to the Zoning Matrix the requested IL zoning **is not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is located west of the southwest corner of East 4th Place and East Skelly Drive and is approximately 1.24 acres in size. It is gently sloping, non-wooded, vacant, and zoned CS.

Surrounding Area Analysis: The subject tract is abutted on the north by vacant property, zoned IL; to the northwest by the Skelly Drive (I-44), zoned RS-3; to the east by a single-family dwelling, zoned RS-2; and to the south by a commercial business, zoned CS.

Zoning and BOA Historical Summary: This area is in transition to commercial uses with CO and CS zoning. The subject tract was rezoned from RS-2 to CS in August, 1996.

Conclusion: The subject property is within an area that is designated as Low Intensity by the Comprehensive Plan. The property to the north is zoned IL and the property located to the south is CS with CO zoning beyond that. The Comprehensive Plan does not support the requested IL zoning, therefore Staff recommends **DENIAL** of IL zoning for Z-6577.

**Applicant's Comments:**

**Stephen Schuller** stated he is the attorney for the applicant, Fine Outdoor Advertising. He stated the property is slightly more than one acre along Skelly Drive. The IL zoning is defined in the code as an area suitable for the manufacturing, wholesaling, warehousing and other industrial activities which have no objectionable environmental influences.

Mr. Schuller stated the activity his client is proposing to conduct on the property is the assembly operation for clappers. He present clappers to the Commission. He stated the notice of hearing indicated the stated purpose for the rezoning was for outdoor advertising purposes and that is incorrect. The purpose is for the assembly of the clapper.

Mr. Schuller stated the clapper is constructed out of plastic with decals or stickers for the advertiser. The plastic parts are not manufactured on site. The parts are purchased and then assembled at the proposed facility. This will eliminate the odors and noises caused by plastic molding or operations.

Mr. Schuller feels this property is uniquely suited for his clients operation due to being located on the Skelly Drive frontage road for the delivery of the materials and transportation of the assembled product.

Mr. Schuller reminded the Commission they previous approved CS zoning on the western portion of the property, leaving a 170-foot wide buffer against the residential property to the east. There is a small house on this residential buffer which is owned by his client. He stated there is also an additional 75-foot buffer along the eastern part of the CS portion of the property in accordance with the Bulk Area requirement.

Mr. Schuller pointed out the property immediately adjacent to the north is a large tract of land zoned IL which has frontage on both Skelly Drive and 129th East Avenue and a small amount of frontage at the intersection of 4th Place and 127th East Avenue. He feels a much more intensive industrial use could be conducted on this property by right due to the large size of the property.

Mr. Schuller feels the advantage of the property is question being so small will limit the types of activities that may be conducted on the site. He requested approval of IL zoning subject to all setback, screening, landscape, parking and loading berth requirements.

**Interested Parties Comments:**

**Karen Maehr**, Rockland Corporation, 12320 East Skelly Drive, stated she was under the impression the zoning discussion was for the signage.

Ms. Maehr stated that Rockland Corporation was denied a signage due to an ordinance stating that signage cannot be within 200 feet of a residential line. A sign that is currently being constructed on Lot 9 in approximately 90 feet from the residential line.

Ms. Maehr requested Rockland Corporation be allowed the same privilege.

**Applicant's Rebuttal:**

Mr. Schuller stated he was not aware of any sign being currently constructed and if so he will contact his client in that regard.

**TMAPC Comments:**

Mr. Boyle questioned whether this is the same piece of property that was before the Commission recently. Mr. Stump replied in the affirmative and that the property was rezoned CS. Mr. Boyle questioned if the tree-line still divided the property from the residential area to the east. Mr. Stump replied in the affirmative.

Mr. Midget asked whether any consideration was given to for making this a PUD. Mr. Schuller replied a PUD is not necessary due to the small size of the property and the complicated and costly fee for filing a PUD.

Mr. Doherty informed Ms. Maehr the property is currently zoned CS, which does permit outdoor advertising and the change being requested today would have no affect on whether or not there is an outdoor advertising sign on the property.

Mr. Doherty stated the BOA would have to grant a variance to allow the sign to be built at 90 feet from the residential line.

Mr. Midget stated if the sign was not approved by the BOA it would be a code violation and thanked Ms. Maehr for bringing it to the Commission's attention. He agreed to do a follow-up on the sign.

Ms. Gray stated she has a problem with IL zoning since the zoning goes with the land and not the use. She asked if a condition may be placed on the use. Mr. Stump replied this is standard zoning and conditions cannot be placed on standard zoning.

Ms. Pace questioned what Use Unit "assembly" would be categorized. Mr. Doherty replied Use Unit 25. He stated CS does not allow Use Unit 25, however IL does allow Use Unit 25, as well as, Use Unit 15 and 17.

Mr. Boyle stated he is comfortable with IL zoning due to the large IL lot to the north.

Mr. Westervelt stated IL zoning is appropriate.

**TMAPC Action; 10 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-1-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Midget, Pace, Westervelt "aye"; Gray "nays"; none "abstaining"; Ballard "absent ") to recommend **APPROVAL** of IL zoning for Z-6577.

**Legal Description for Z-6577:**

Lot 9, Plainview Heights Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, less and except the East 170' thereof and the following described portion thereof (consisting of right-of-way for East Skelly Drive and frontage road); Beginning at a point on the North line of said Lot 9 a distance of 366.23' West of the Northeast corner of said Lot 9, thence South 55°52'58" West a distance of 166.25' to a point in the Southerly right-of-way line of Interstate Highway 44; thence S 48°34'30" W along such southerly right-of-way line to a point on the South line of said Lot 9 a distance of 43.99' East of the Southwest corner thereof; thence West along the South line of said Lot 9 a distance of 43.99' of the Southwest corner thereof; thence North along the West line of said Lot 9 to the Northwest corner thereof; thence East along the North line of said Lot 9 to the Point of Beginning.

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**Application No.:** Z-6580/PUD-555

**AG to OL/PUD**

**Applicant:** Tim Terral

**Location:** East of northeast corner 91st Street and South Memorial

**Staff Recommendation:**

**Z-6580:**

**Relationship to the Comprehensive Plan:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested OL zoning **may be found** in accordance with the Plan Map.

### Staff Comments:

Site Analysis: The subject property is located east of the northeast corner of East 91st Street South and South Memorial Drive and is approximately 20 acres in size. It is sloping, heavily wooded on the north 1,000' and non-wooded on the south 600'. The property contains a church building, and is zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north and east by vacant, flood prone land, zoned AG and RS-3/PUD; to the south by single-family dwellings, zoned RS-3; and to the west by a church, vacant property. and a single-family dwelling, zoned AG.

Zoning and BOA Historical Summary: The most recent zoning activity in this area allowed commercial activity and residential multifamily zoning in the northeast corner of S. Memorial Drive and E. 91st Street and on the east and west sides of S. Memorial Drive north of the intersection E. 91st Street.

Conclusion: The requested OL zoning, based on the Tulsa City Zoning Code, is the lowest density classification for office development and would serve as a buffer for the residential homes to the east. Therefore, Staff recommends **APPROVAL** of OL zoning for Z-6580 if the accompanying PUD is approved.

### **PUD-555:**

The applicant is proposing a mixed use development on a 13.3 acre tract that will serve primarily as the headquarters for the Living Word Ministries. The tract is currently zoned AG, but the southern portion of the PUD is proposed to be rezoned OL under request Z-6580. The Living Word Ministries is a non-profit, non-congregational ministry whose main purpose is providing inter-national missionary work and the distribution of religious literature. The PUD also proposes a day care center open to the general public. The specific uses include a Mission office building with small chapel, auditorium, museum, kitchen and dining area and publication printing area. Other buildings include a day care center, quarters for missionaries, guests, pastors office/ministry personnel and persons from other religious organization needing quarters and a storage building for equipment of the ministry.

The development will occur on the southern portion of the tract and the northern portion will remain in a managed natural stated with walking trails. Much of this natural area is within the flood plain of Little Haikey Creek as is the area east of the PUD. West of the southern portion of the PUD is an existing church and to the south across 91st Street are single-family homes which face south. The northwest portion of the PUD is adjacent to a wide flood plain as well.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-555 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-555 subject to the following conditions:

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

2. **Development Standards:**

Land Area (Net)	12.9 acres
Permitted Use	Children's nursery, and non-profit, non-congregational missionary ministry with accessory uses that include offices, chapel, auditorium, printing area, museum, kitchen and dining area, missionary quarters and storage.
Maximum Building Floor Area	
Office/Auditorium Complex	35,000 SF
Children's nursery	15,000 SF
Missionary Quarters	10,000 SF
Storage Building	10,000 SF
Minimum Unpaved Open Space	8.0 acres
Minimum Building Setbacks	
From centerline of 91st St. So.	100'
From abutting residential area	35'
From abutting non-residential area	20'
Other setbacks	None
Maximum Building Height	35'

3. No buildings are permitted in the regulatory flood plain.

4. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. A Detail Landscape Plan 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 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.
6. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
8. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 35 feet.
9. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
10. 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.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

**Interested Parties Comments:**

**B. Masters**, 3840 South 121st East Avenue, signed up as an interested party but made no comments.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent ") to recommend **APPROVAL** of OL zoning for Z-6580 and **APPROVAL** of PUD-555 subject to the conditions as recommended by staff.

**Legal Description for Z-6580:**

The South 620' of the E/2, SE/4, SW/4 of Section 13, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government survey thereof, less and except a tract of land, being more particularly described as follows, to-wit: beginning at the Southwest corner of said E/2, SE/4, SW/4; thence North along the West line thereof 345'; thence East and parallel to the South line 230'; thence South and parallel to the West line thereof 45'; thence East and parallel to the South line 100'; thence South and parallel to the West line thereof 300' to a point on the South line thereof; thence West along the South line thereof 330' to the point of beginning; containing 6.9 acres, more or less and located east of the northeast corner of East 91st Street South and South Memorial Drive, Tulsa, Oklahoma.

**Legal Description for PUD-555:**

The E/2, SE/4, SW/4 of Section 13, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, LESS AND EXCEPT tracts of land, being more particularly described as follows, to-wit:

Beginning at the Southwest corner of said E/2, SE/4, SW/4; thence North along the West line thereof 345 feet; thence East and parallel to the South line 230 feet; thence South and parallel to the West line thereof 45 feet; thence East and parallel to the South line 100 feet; thence South and parallel to the West line thereof 300 feet to a point on the South line thereof; thence West along the South line thereof 330 feet to the point of beginning;

AND LESS AND EXCEPT:

Beginning at the Northeast corner of said E/2, SE/4, SW/4; thence S89°59'57"W along the North boundary of said E/2, SE/4, SW/4 460 feet; thence S00°13'57"W 180 feet; thence S52°05'09"E 390.87 feet; thence S22°15'29"E 302.33 feet; thence due East 35 feet to a point on the East boundary of said E/2, SW/4, SW/4; thence N00°13'57"E along said East boundary of said E/2, SE/4, SW/4 700 feet to the point of beginning; containing 13.3 acres, more or less.

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**OTHER BUSINESS:**

**TMAPC Resolution No. 2094-792 to adopt a policy for Community-Involvement City Planning Districts**

Ms. Matthews presented the resolution the Commission requested staff to prepare regarding the Community Participation Plan. It reflects what the committee had recommended and includes the issues the City Council requested to be addressed.

RESOLUTION NO. 2094:792

**A RESOLUTION PROVIDING THAT NEIGHBORHOOD ASSOCIATIONS REGISTERED THROUGH THE MAYOR'S OFFICE FOR NEIGHBORHOODS PROVIDE VOLUNTEER CITIZEN INPUT INTO ZONING, PLANNING AND CAPITAL IMPROVEMENTS PROCESSES FOR THE PLANNING DISTRICTS, AND ELIMINATING THE POSITIONS OF PLANNING DISTRICT CHAIR AND VICE CHAIR**

WHEREAS, the City of Tulsa comprises 17 Planning Districts whose boundaries are defined in the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan is a living document updated and implemented with the assistance of citizen participation; and

WHEREAS, the need for contact persons at the neighborhood level exists to obtain information and input concerning land use planning and zoning; and

WHEREAS, community input is an important element of the comprehensive planning process; and

WHEREAS, community participation and interest is strongest at the neighborhood level.

NOW, THEREFORE, BE IT RESOLVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION OF THE CITY AND COUNTY OF TULSA, OKLAHOMA:

Section 1. That neighborhood associations, residential associations, homeowners associations, business associations and/or combination of these organizations registered through the Mayor's Office for Neighborhoods shall serve as the community participation element for the Tulsa Metropolitan Area Planning Commission for the purpose of providing volunteer input in matters of the Comprehensive Plan, zoning and capital improvements.

Section 2. That the previous positions of Planning District Chairs and Vice Chairs will no longer exist, effective January 1, 1997, and that the Tulsa Metropolitan Area Planning Commission/INCOG will no longer sponsor nor proctor elections for these positions.

Section 3. Each neighborhood association or similar organization as described in Section 1, above, registered with the Mayor's Office for Neighborhoods may designate a **Neighborhood Planning Representative** to receive advance detailed information on land use issues in the association's area. Groups of associations may combine to select a single **Planning District Representative** who would also receive advance detailed information on land use issues within the Planning District.

Section 4. That specific responsibilities and procedures for Neighborhood Planning Representatives are described in the document TMAPC Community Involvement, City Planning District, 12-02-96 attached hereto.

ADOPTED this 18th day of December, 1996.

TULSA METROPOLITAN AREA PLANNING COMMISSION

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Chair

ATTEST:

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Secretary

**TMAPC Comments:**

Ms. Gray stated after three years of trying to restructure and finalize a plan that would best accommodate the City and all the citizens of Tulsa, she feels this proposal best suits the purpose of the Community Participation Committee.

**TMAPC Action; 10 members present:**

On **MOTION** of **GRAY**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent ") to **APPROVE** the TMAPC Resolution No. 2094:792 to adopt a policy for Community Involvement City Planning Districts as recommended by the Community Participation Committee.

\* \* \* \* \*

**Resolution No. 2094-791 Amending District 25 Plan Map and Text.**

Ms. Matthews stated this resolution reflects the amendments that were discussed at the last TMAPC meeting that were approved as modified by the Commission.

RESOLUTION NO. 2094:791

**A RESOLUTION AMENDING  
THE DISTRICT 25 PLAN MAP AND TEXT,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

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

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

WHEREAS, on the 18th day of August, 1976 this Commission, by Resolution No. 1125:437, did adopt the District 25 Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a Public Hearing was held on the 11th day of December, 1996, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 25 Plan Map and Text according to the following, as set forth in Attachment A, attached and made a part herein.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendments to the District 25 Plan Map and Text, as set out in Attachment A, be and are hereby adopted as part of the District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

DATED THIS 18TH DAY OF DECEMBER, 1996.

TULSA METROPOLITAN AREA PLANNING COMMISSION

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED BY THE CITY COUNCIL OF THE CITY OF TULSA, OKLAHOMA THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 1996.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

APPROVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF  
TULSA, OKLAHOMA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1996.

\_\_\_\_\_  
Chairman

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Assistant District Attorney

ATTACHMENT A

PLAN AMENDMENTS, TEXT AND MAP  
DISTRICT 25  
December 11, 1996

Text

Change 2.1.11 to "Continue and complete the widening of North Peoria through Planning District 25, including related streetscaping, lighting and beautification improvements."

Change 2.1.12 to add, following the current text, "Alternatively, encourage the City to revise its zoning code to require spacing of automotive and related uses."

Change 4.1.3.2 to "Continue to coordinate land use and growth and update specific policies as changes require, incorporating citizen participation."

Add as 4.1.3.4 "Encourage the City of Tulsa to consider adoption of a Uniform Property Maintenance Code and a rental property inspection program."

Add as 4.3.3.7 "Consider creating cul-de-sacs on residential streets, particularly those that currently feed into the District's arterials, to inhibit through-traffic in residential areas."

Add as 4.3.3.8 "Encourage quality infill single-family residential development by identifying target areas and working with organizations and individuals to develop this type of use."

Add as 4.3.3.9 "Work with law enforcement agencies to identify neighborhood problems and alleviate them."

Change 4.4.3.5 to "Encourage stronger code enforcement for deteriorated commercial properties in this District".

Add as 4.4.3.6 "Encourage the City to consider adoption of a Uniform Property Maintenance Code and a rental property inspection program."

Add as 4.4.3.7 "Encourage the City to develop and enforce a program for the forced removal of abandoned business signs, including the sign structure as well as the sign face."

Add as 4.4.3.8 "Encourage the City to revise its zoning code to require screening of all outdoor storage."

Change 5.4.3.3 to "Encourage the implementation of the Tulsa Transit Regional Mobility Plan, including a grid system which efficiently serves North Tulsa."

Add as 5.4.3.4 "Encourage the provision of attractive and comfortable bus shelters at major stops. These shelters could also include amenities such as convenience commercial and service and the properties could include, where appropriate, vest-pocket parks and public art."

Change 6.2.3.6 to "Bike paths should connect the parks and major open spaces within the District, as indicated in the Tulsa Trails Master Plan."

Change 6.3.3.1 to "Continue to provide a technology training center in the District."

Change 6.3.3.7 to "Reuses of any Tulsa Public Schools properties should be compatible with the neighborhoods in which they are located and in accord with recommendations in the Tulsa Public Schools Site Reuse Study(ies)."

Change 6.6.3.4 to "Stormwater drainage will be managed in accordance with the Dirty Butter and Flat Rock Creeks Master Drainage Plans."

Map

Remove the large area of designated Medium Intensity Land Use at the southwest corner of the intersection of East 56th St. North and the Cherokee Expressway and redesignate it Low Intensity.

Show Lakeview Tract Park south of Lindsey School and west of the Cherokee Expressway.

Reduce the area shown as Medium Intensity north of the Gilcrease Expressway between Cincinnati and Peoria to reflect existing zoning.

Show expanded boundaries for the Vo-Tech Airport Special District.

**TMAPC Action; 10 members present:**

On **MOTION** of **GRAY**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard "absent ") to **APPROVE** Resolution No. 2094-791 Amending District 25 Plan Map and Text as recommended by the Comprehensive Plan Committee.

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There being no further business, the Chairman declared the meeting adjourned at 3:20 p.m.

Date Approved: Jan 8, 1997

[Signature]  
Chairman

ATTEST: Francis Pace  
Secretary