

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2202

Wednesday, May 5, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Boyle	Beach	Swiney, Legal
Dick		Dunlap	Counsel
Harmon		Huntsinger	
Hill		Matthews	
Horner		Stump	
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, May 3, 1999 at 2:00 p.m., posted in the Office of the City Clerk at 1:54 p.m., as well as in the office of the County Clerk at 1:52 p.m.

After declaring a quorum present, Vice Chairman Westervelt called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of April 21, 1999, Meeting No. 2201:

On **MOTION** of **MIDGET** the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Pace "absent") to **APPROVE** the minutes of the meeting of April 21, 1999 Meeting No. 2201.

REPORTS:

Director's Report:

Mr. Stump stated that a summary of the budget process has been distributed to the Commissioners. He explained the budget proposal to the TMAPC.

Mr. Stump indicated that there are several items on the City Council agenda and Dane Matthews will be representing INCOG.

Chairman's Report:

Mr. Westervelt stated that there has been a request for a continuance to July 21, 1999 for the zoning case Z-6678.

Application No.: Z-6678
Applicant: Robert J. Nichols
Location: 816 North Mingo Road

RS-3 to IL
(PD-16) (CD-3)

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to **CONTINUE** zoning case Z-6678 to July 21, 1999 at 1:30 p.m.

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Committee Reports:

Comprehensive Plan Committee

Mr. Ledford stated that there is a proposal and resolution on today's agenda amending the District 17 Plan Map.

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SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-18828 – Mary Ann McGinty (792)
1527 South 81st West Avenue

(PD-23) (County)

Staff Recommendation:

The applicant desires to make two tracts out of one. Both proposed tracts will meet the bulk and area requirements; however, the configuration of Tract 1 will have four side-lot-lines. The applicant is seeking a waiver of the three-side-lot-line subdivision regulation.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend approval.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DICK**, the TMAPC voted **10-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to **APPROVE** the Lot-Split for Waiver of Subdivision Regulations for L-18828 as recommended by staff.

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L-18844 – James Douglass (1293)

(PD-5) (CD-5)

Northeast corner of East 16th Street and 93rd East Avenue

Staff Recommendation:

The applicant is purchasing part of an unplatted area (Tract 1) and attaching it to Lot 1, Block 1, Windsor Park 2nd Addition. Proposed Tract 2 will be attached to Lot 2, Block 1, Windsor Park 2nd Addition. While the proposed tracts will meet all the bulk and area requirements, both Tract 1/Lot 1 and Tract 2/Lot 2 will have five side-lot-lines. The applicant is seeking a waiver of the three side-lot-line subdivision regulation.

Currently, South 93rd East Avenue terminates at the southwest corner of Proposed Tract 1 and East 15th Street terminates just west of Proposed Tract 2. The City of Tulsa Traffic Engineer has indicated that the City would require the west 25' of Proposed Tract 1 and the north 25' of Proposed Tract 2.

Therefore, staff would recommend approval of this lot-split application with the condition that the west 25' of Proposed Tract 1 and the north 25' of Proposed Tract 2 be deeded to the City of Tulsa for roadway purposes.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to **APPROVE** the Lot-Split for Waiver of Subdivision Regulations for L-18844 subject to the west 25' of proposed Tract 1 and the north 25' of proposed Tract 2 being deeded to the City of Tulsa for right-of-way as recommended by staff.

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PRELIMINARY PLAT:

Angel Wing (PUD-606) (1082)

(PD-8) (CD-2)

South of the southwest corner West 71st Street and South Union Avenue

Staff Recommendation:

This is a subdivision of 30.991 acres into ten lots in one block with three reserves. It will be developed as single-family residences with a private street and gated entry. It was reviewed by TAC as a sketch plat October 15, 1998.

The following were discussed at the Technical Advisory Committee meeting on the **sketch plat**.

1. McCormick, Stormwater, stated that detention would be required for all lots draining to the south. All lots draining north should be directed to the golf course pond or other structure.

2. Lee, Water, stated that the 17.5-foot easement shown along the east side of Lot 10 should be larger or a separate restricted waterline easement provided.
3. Nelson, SWB, noted changes in the Deed of Dedication: Section I, second paragraph should read "or other utility placements, replacements or repairs due to breaks and failures"; delete all references to City of Broken Arrow. He also stated that a utility easement will be needed to be located through Reserve A from Union Avenue to tie to a 17.5' utility easement at rear of Lot 1.

The following were discussed at the Technical Advisory Committee meeting on the **preliminary plat**:

1. Beach, staff, reminded the TAC that this was seen as a sketch plat about a month ago and noted the drainage and easement issues described in numbers one and two above.
2. Jones, applicant, described the project and submitted an exhibit showing water, storm sewer and sanitary sewer services proposed. He noted that the abutting property owner to the south had been uncooperative and they may have difficulty accessing the existing water line to complete a loop through this project and back to Union Avenue. Bolzle, developer, stated that he would cooperate with the City if condemnation was deemed necessary. Lee, Water, said he would make contact with the abutting property owner and try to resolve the issue.
3. Vaverka, Wastewater, stated the easement across Lot 9 should be 17.5 feet instead of 7.5 feet.
4. Miller, ONG, stated in absentia that a minimum 20' utility easement would be needed along the street because gas service will be provided from the front of each lot. Pierce, PSO agreed that electric service will also be provided from the front and the easement may need to be larger than 20'.
5. Somdecerrff, Transportation, stated that the reserve areas need to be included in the covenants and pointed out two discrepancies in the legal description.
6. Jones, applicant, stated that a PUD would be submitted soon and they would have no problem with delaying TMAPC approval of the preliminary plat until after the PUD, probably mid-January. He also stated that waivers of the Subdivision Regulations would be sought to require no curb and gutter on the private street.

Staff recommends approval of the preliminary plat until after approval of a PUD.

Waivers of Subdivision Regulations:

1. To allow a cul-de-sac longer than 500 feet.
2. To require no curb and gutter on the private street.

Special Requirements:

1. Easement across Lot 9 should be 17.5 feet.
2. A minimum 20' utility easement is needed along the street with the final width subject to approval by the utility providers.

Standard Conditions:

1. All conditions of PUD-606 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. 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.
3. 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.)
4. 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).
5. 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.
6. 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.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. 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.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

14. 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.
15. 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.)
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. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
18. 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.)
19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
21. The key or location map shall be complete.
22. 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.)
23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
24. 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.)
25. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
26. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.

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

TMAPC COMMENTS:

Mr. Midget asked Mr. Beach if the turn radius on the cul-de-sac will be adequate for emergency vehicles access. In response, Mr. Beach answered affirmatively.

Mr. Jackson asked Mr. Beach what staff's criteria were regarding waiving the subdivision regulations concerning curbs and gutter. In response, Mr. Beach stated that the application is a large development in terms of land area with very low density. Mr. Beach explained that there are two principal reasons for requiring curb and gutter on streets. Mr. Beach stated that the first reason is to control stormwater, and this development has such a low density that staff does not believe that the additional runoff will be significantly more than would be present without the development. Mr. Beach stated that the second reason for curbs is to keep cars on the surface of the street and not allow them to park in yards, and staff believes that the houses will be significantly back from the street and the likelihood of anyone parking in the street is remote. Mr. Beach indicated that staff agrees that it is appropriate to waive the curb and gutter condition.

Mr. Horner stated that it has been discussed on many occasions that private streets should be brought up to the City's regulations and this is voided when the Planning Commission waives the curb and gutter regulation. He commented that he is not in favor of waiving the curb and gutter regulation.

In response to Ms. Pace, Mr. Beach stated that the proposed subdivision is in the northwest quarter of the one-square-mile location. Ms. Pace asked how much of the balance of the square mile is the Page Belcher Golf Course. Mr. Beach stated that the case map indicates the subdivision and Page Belcher Golf Course lying around the north and west sides. Mr. Beach further stated that the golf course covers the north and west sides of the subdivision. Mr. Beach indicated that there is a single street coming from Union with a loop at the end, and all access to the subdivision will be through that one location. Mr. Beach stated that there is no proposal for an extension of streets beyond the subject subdivision. Mr. Beach indicated that there would be no access between or among neighboring subdivisions.

Mr. Stump stated that to the south of the subject property shows a single tract with a common drive, and it has been subdivided into large residential tracts with no street systems to connect. The topography to the west and north of the subject property is steeply sloped and cannot make any connections. Mr. Stump concluded that the subject tract of land seems to be isolated.

Mr. Ledford stated that the Planning Commission worked for a long time to get the private street guidelines to a point where there should be no lengthy discussion. He expressed concerns with the approval of the subject application would send the wrong message to other developers. He stated that the policy states that streets have to meet

the City standard cross-section regarding pavement and he asked how the Planning Commission will determine this with the next developer. In response, Mr. Beach stated that considering that there is policy in place and should always be adhered to, except in cases where there is something unique about the property. Mr. Beach explained that the subject property is unique because of the topography and the low density, and perhaps the policy is not hard and fast on every application.

APPLICANT'S COMMENTS:

Mr. Jones, 2202 East 49th Street, representing Tanner Consulting, stated that the subject tract is isolated that is close to 30 acres in size. He commented that curbs are put in place to control stormwater and off-street parking, which will not be a problem with this subject tract. He stated that for all other intents and purposes, cross-section requirements and minimal standards will be met by the City. The streets will have the proper amount of thickness and subgrade. He indicated that he has been working with traffic engineering and transportation engineering to increase the edge of the paving. The only difference in the subject tract is that the streets will not have a curb.

Mr. Jones stated that a policy couldn't be 100% applicable to every situation. He recited a previous case that mirrored this application, which was granted by the Planning Commission. He concluded that he has worked with staff and in every other way this application will meet the City's standards.

TMAPC COMMENTS:

Mr. Beach stated that the waiver of the subdivision regulations will have a condition attached that the applicant meets all the requirements of the stormwater review. If the stormwater review determines that the area would be better served with curbs, then the applicant will have to provide curbs. Ms. Pace asked if this language is in the text. In response, Mr. Beach stated that it is not written in the text, but should be part of the motion.

Mr. Horner stated that he would like it noted that the cross-section will meet the city standards for streets.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to recommend **APPROVAL** of the Preliminary Plat for Angel Wing subject to the cross-section meeting the City's standards for streets; subject to waiver of curb and gutter regulation if it is not needed for stormwater control, and subject to conditions as recommended by staff.

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OTHER BUSINESS:

Briefing on the Infill Study Task Force

Ms. Page, Urban Design Group, Chairman of the Mayor's Infill Study Task Force, expressed her gratitude for the members of the Task Force and the staff of INCOG for their part in the study.

Ms. Page stated the mission of the Task Force and read the Infill Study Task Force report, which outlined specific recommendations as a result of the study.

TMAPC COMMENTS:

Mr. Westervelt acknowledged the members of the Task Force and their hard work to finalize a concise report.

Mr. Westervelt acknowledged Mayor Susan Savage.

Mayor Susan Savage stated that there are many members of the Task Force present in the audience and all of the members did an outstanding job. She commented that the study has given the city the ability to strengthen its activities in respect to planning.

Mayor Savage indicated that two items of the report are addressed in the budget recently submitted to the City Council. One of the elements is to create a stronger neighborhood planning function within the Urban Development Department, which will enable the City to blend both neighborhood planning and implementation (specifically for the recommendation of the Task Force to select a neighborhood and create a model or pilot project that will enable the City to test some of the recommendations that are presented). The second element, assuming that there will be a fund balance, is that a location has been identified for One-Stop Permitting Center and \$1.8 million has been proposed to retrofit the center and place the technology/resources that would be necessary to accomplish the center.

Mayor Savage stated that the study is an important piece of work and in the long-term will greatly benefit the planning efforts that developers take and will make life with the neighborhoods a great deal more compatible.

TMAPC COMMENTS:

Mr. Harmon asked Ms. Page how she would accomplish encouraging small "Mom-and-Pop" type neighborhood grocery stores to locate in the neighborhoods. He asked Ms. Page if she would utilize spot-zoning or use exceptions. In response, Ms. Page stated that the best model is the PUD, in which there is an allowance for a mix of uses. Ms. Page further stated that there may be a property that is primarily for residential uses, but a PUD would allow a mix of the density of residential uses so that within that one tract there would be allowance for some RS-1 through RS-3. With a certain portion of residential, certain flexibilities might be allowed. Ms. Page commented that she is not sure that there is a specific legal mechanism at this time to allow this except through a PUD process.

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SUBDIVISIONS (continued)

Commissioner Dick announced that he will be abstaining from the Plat Waiver for Z-6681.

PLAT WAIVER:

Z-6681 (2193)

(PD-6) (CD-7)

3322 East 32nd Place

Staff Recommendation:

A change of zoning from RM-1 to CS triggered the platting requirement. The platting requirement must be met before a building permit will be issued.

The subject consists of one lot that currently contains a single-family dwelling. The house will be removed and a parking lot will be installed as part of the new Schusterman-Bernsen Library located directly north across 32nd Place.

Staff Comments and Recommendation:

Depending on how the stormwater drainage plan is designed, there may be a requirement for a PFPI.

Staff recommends approval of the plat waiver subject to approval of storm drainage plans and any required PFPI.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| 1) Has property previously been platted? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

- | | | |
|--|--------------------------|-------------------------------------|
| 4) Is right-of-way dedication required to comply with Major Street and Highway Plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- | | | |
|---|--------------------------|--------------------------|
| ii) Is an internal system required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | ✓ | <input type="checkbox"/> |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | ✓ |
| iii) Is on-site detention required? | <input type="checkbox"/> | ✓ |
| iv) Are additional easements required? | <input type="checkbox"/> | ✓ |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | ✓ |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | ✓ |
| 8) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | ✓ |
| 9) Is the property in a PUD? | | |
| a) If yes, was plat recorded for the original PUD? | <input type="checkbox"/> | ✓ |
| | N/A | |
| 10) Is this a Major Amendment to a PUD? | | |
| a) If yes, does the amendment make changes to the proposed physical development of the PUD? | <input type="checkbox"/> | ✓ |
| | N/A | |

APPLICANT'S COMMENTS:

Bill LaFortune, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he is in agreement with staff's recommendation and request the Planning Commission to approve this request.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-1** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Dick "abstaining"; Boyle "absent") to recommend **APPROVAL** of the Plat Waiver for Z-6681 subject to conditions as recommended by staff.

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PUD-417-D (793)

(Pd-6) (CD-4)

North of the northwest corner East 19th Street and South Wheeling Avenue

Staff Recommendation:

Approval of a major amendment to the PUD triggered the platting requirement. The platting requirement must be met before a building permit will be issued.

The subject consists of five residential lots that will be used for a surface parking lot to serve the St. John complex.

Staff Comments and Recommendation:

Depending on how the stormwater drainage plan is designed, there may be a requirement for a PFPI and on-site detention will be required if runoff created exceeds existing runoff.

Staff recommends approval of the plat waiver subject to approval of storm drainage plans and any required PFPI.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | YES | NO |
|--|-----|--------------------------|
| 1) Has property previously been platted? | ✓ | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | ✓ | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | ✓ | <input type="checkbox"/> |

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

- | | | |
|--|--------------------------|--------------------------|
| 4) Is right-of-way dedication required to comply with Major Street and Highway Plan? | <input type="checkbox"/> | ✓ |
| 5) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | ✓ |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | ✓ | <input type="checkbox"/> |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | ✓ |
| iii) Is on-site detention required? | ✓ | <input type="checkbox"/> |
| iv) Are additional easements required? | <input type="checkbox"/> | ✓ |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | ✓ |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | ✓ |

- 8) Change of Access
a) Are revisions to existing access locations necessary? ☐ ☒
- 9) Is the property in a PUD?
a) If yes, was plat recorded for the original PUD? ☐ ☒ N/A
- 10) Is this a Major Amendment to a PUD?
a) If yes, does the amendment make changes to the proposed physical development of the PUD. ☐ ☒ N/A

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to recommend **APPROVAL** of the Plat Waiver for PUD-417-D subject to approval of storm drainage plans and any required PFPI as recommended by staff.

CONTINUED ZONING PUBLIC HEARING

Application No.: Z-6687

RS-3 to IL

Applicant: Donald Copeland

(PD-16) (CD-6)

Location: Southwest corner East Pine Street and North Garnett

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District 2 – No Specific Land Use. The Special District is primarily planned for industrial uses due to its location to the airport, expressways and arterial streets; physical characteristics; and existing land uses.

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

Staff Comments:

Site Analysis: The subject property is approximately 4.5 acres in size and is located south of the southwest corner of East Pine Street and North Garnett Road. The property is flat, non-wooded, vacant, and zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by an industrial business, zoned CG; to the south by a single-family dwelling, zoned RS-3; to the east

by a trucking company, zoned IL; and to the west by a large manufacturing company, zoned IL.

Zoning and BOA Historical Summary: A 4.5-acre tract located approximately 165' south of the subject tract within the same subdivision was rezoned from RS-3 to IL in 1998 and the four-acre tract located on the northwest corner of East Newton Place and North Garnett Road and also south of the subject tract was rezoned to IL in 1982. Also in 1982, a request was granted to rezone a 200' x 110' tract from RS-3 to IL east of the southeast corner of East Pine Street and North Garnett Road.

Conclusion: The Comprehensive Plan designates this area as primarily planned for industrial uses due to the ideal location to transportation, the physical characteristics of soil, and slope. Based on the Comprehensive Plan and the existing development and zoning in the area, staff recommends **APPROVAL** of IL zoning for Z-6687.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to recommend **APPROVAL** of the IL zoning for Z-6687 as recommended by staff.

Legal Description for Z-6687:

Lots 2 and 3, Block 1, Lakeside Gardens Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

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ZONING PUBLIC HEARING

Application No.: Z-6689

RS-1/OL to CS

Applicant: Mark P. Abel

(PD-5) (CD-5)

Location: Northwest corner East 21st Street and South 89th East Avenue

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Linear Development Area.

According to the Zoning Matrix the requested CS zoning is in accordance with the Plan Map if accompanied by a PUD.

Staff Comments:

Site Analysis: The subject property is approximately 2.33 acres in size and is located on the northwest corner of East 21st Street South and South 89th East Avenue. The property is flat, non-wooded, contains a single-family dwelling, and is zoned RS-1 and OL.

Surrounding Area Analysis: The subject tract is abutted on the north and west by single-family dwellings, zoned RS-1; to the south across East 21st Street by the new post office distribution facility presently under construction and zoned CS/PUD-550; and to the east by a commercial business, zoned CS/PUD-439.

Zoning and BOA Historical Summary: The most recent zoning activity occurred in 1996, when a 59 acre tract located south across East 21st Street from the subject property was approved for rezoning from RS-3 and OL to CS/IL/PUD for a mixed use development for offices and a post office distribution center. The property east of the subject tract was rezoned in 1988 for a Planned Unit Development to allow commercial uses.

Conclusion: The Comprehensive Plan designates this area as being Medium Intensity – Linear Development and supports medium intensity zoning when the development is within a PUD. The applicant proposes the subject tract to be the expansion of an existing PUD. Based on the zoning and development in this area, staff recommends **APPROVAL** of CS zoning for Z-6689, contingent upon approval of the expansion of PUD 439A and conditions imposed therein.

AND

Application No.: PUD-439-A

RS-1/OL/CS to CS/PUD

Applicant: Mark P. Abel

(PD-5) (CD-5)

Location: Northwest and northeast corners of East 21st Street South and South 89th East Avenue

Staff Recommendation:

The Major Amendment to PUD-439 proposes the addition of a 2.33 acre tract (proposed Development Area A) located at the northwest corner of 89th East Avenue and East 21st Street South into the PUD, which would be combined with the existing 2.39 acres (proposed Development Area B) in the existing PUD, located at the northeast corner of the intersection. The proposed development of the resulting 4.72 acres would allow a maximum Building Floor Area of 84,000 SF for commercial uses. Concurrently, an application has been filed (Z-6689) to rezone proposed Development Area A from OL and RS-2 to CS.

Proposed Development Area A is abutted on the west and north by residential uses zoned RS-2. Proposed Development Area B is abutted on the north by a small drainageway, then residences zoned RS-3, and on the east by a PSO substation zoned

RS-3. Both areas front 21st Street on the south, across the street from Development Area A of PUD-550, which allows limited commercial uses.

If Z-6689 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-439-A as modified by staff to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-439-A 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

Net Land Area:	2.33 acres	101,495 SF
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Permitted Uses:

Uses permitted by right in the CS district, less and except Use Units 12a, 19, 21, convenience stores, service stations, lube and tune-up shops and liquor stores. Jewelry Manufacture and Repair Services listed in Use Unit 15 will be allowed by right, provided that all operations and storage are indoor. Other uses permitted by exception in the CS district are prohibited. The existing residential structure may continue to be used as a dwelling.

Maximum Building Floor Area:	42,000 SF
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Maximum Building Height:	35 FT
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Minimum Building Setbacks (new construction):

From centerline of 21 st Street	110 FT
From centerline of 89 th East Avenue	50 FT
From west boundary	50 FT if abutting residential district, 10 FT if abutting non-

residential
uses.

From north boundary:

East 158.5 FT of Development Area
Remainder of Development Area

85 FT
28 FT

Minimum Parking Setbacks (non-residential):

From centerline of 21st Street
From centerline of 89th East Avenue
From west boundary

70 FT
35 FT
20 FT if
abutting
residential
district, 0 FT
if abutting
non-
residential
district.

From north boundary

20 FT

Minimum Off-Street Parking:

As required
for the
applicable
use by the
Tulsa Zoning
Code.

Minimum Lot Frontage:

On 121st Street South
On 89th East Avenue

150 FT
150 FT

Ground Signage:

One ground sign adjacent to 21st Street shall be permitted, not to exceed 25 feet in height nor 120 SF of display surface area and located at least 150 feet from an abutting residential district, and only adjacent to the 21st Street frontage. In addition, one monument-style sign shall be permitted (for identification only), not to exceed five feet in height nor 24 SF of display surface area and set back at least 75 feet from an abutting residential district. No promotional signs shall be within 150 FT of west boundary if abutting a the residential district on the west boundary of the PUD.

Wall Signage:

Wall signs shall be permitted on south-facing building walls not to exceed 1.5 SF and on east-facing walls not to exceed 0.2 SF of display surface

area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building. Wall signs are not permitted on west- or north-facing building walls.

Minimum Landscaped Area: 15% of net lot area.

Access:

As approved by the City of Tulsa Traffic Engineer. Mutual access between non-residential lots shall be provided for any non-residential development on the tract to the west.

DEVELOPMENT AREA B

Net Land Area: 2.39 acres 104,108 SF

Permitted Uses:

Uses permitted by right in the CS district, less and except Use Units 12a, 19, 21, convenience stores, service stations, lube and tune-up shops and liquor stores. Jewelry Manufacture and Repair Services listed in Use Unit 15 will be allowed by right, provided that all operations and storage are indoor. Other uses permitted by exception in the CS district are prohibited.

Maximum Building Floor Area: 42,000 SF

Maximum Building Height: 35 FT

Minimum Building Setbacks (new construction):

From centerline of 21 st Street	110 FT
From centerline of 89 th East Avenue	50 FT
From east boundary	10 FT
From north boundary	85 FT

Minimum Parking Setbacks:

From centerline of 21 st Street	70 FT
From centerline of 89 th East Avenue	35 FT
From north boundary	20 FT
From east boundary	5 FT

Minimum Off-Street Parking: As required for the applicable use in the Tulsa Zoning Code.

Minimum Lot Frontage:

On East 21st Street South

150 FT

On 89th East Avenue

150 FT

Ground Signage:

One ground sign shall be permitted not to exceed 25 FT in height or 120 SF of display surface area and only adjacent to the 21st Street frontage. The existing monument sign may remain until replaced by new signage.

Wall Signage:

Wall signs shall be permitted not to exceed 1.5 SF of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building. Wall signs are not permitted on north-facing building walls.

Minimum Landscaped Area:

15% of net lot area.

Access:

As approved by the City of Tulsa Traffic Engineer.

3. A landscaped area of not less than twenty (20) feet in width containing screening berms or screening wall or fence or a combination, or a combination of landscaping, screening wall or fence and/or berms acceptable to TMAPC shall be located along the north and west boundaries of Development Area A if those areas abut a residential district, and along the north boundary of Development Area B. A screening wall or fence shall not be used along the west boundary of Development A. Landscaping and/or berming shall be used to buffer the residential property to the west.
4. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan, 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 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.
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 hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height and all such lights shall be set back at least 25 feet from an RS district.
9. The Department 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 the PUD have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
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 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 shall not be used for storage.

Mr. Dunlap stated that there has been discussion between the neighbors and the applicant. He indicated that the neighbors and the applicant are present and can answer any questions that the Planning Commission may have.

APPLICANT'S COMMENTS:

Jim Doherty, 616 South Boston, Tulsa, Oklahoma 74103, representing Mark Abel, stated that he did meet with the neighbors regarding this application. He indicated that the concerns were regarding drainage and uses. He stated that in general he is in complete agreement with staff's recommendation with a couple of additional points. He explained that there is a single residential home existing on the tract and it may be used

as transitional use as a dwelling and office. He stated that if the residential home is used for this it would need some signage for identification only.

Mr. Doherty stated that he discussed a small monument sign with staff and they are against that proposal. After discussing the sign proposal with the neighbor adjacent to the subject property it was determined to request a 24 SF monument sign and not to exceed five feet in height. He requested that the Planning Commission include a restriction that the monument sign cannot be any closer than 75 feet to an abutting residential use. He further requested the Planning Commission to include a prohibition on promotional business signs on the west 150 feet where it abuts residential uses.

Mr. Doherty indicated that Mr. Cosby (adjacent neighbor) does not want a screening fence between the subject property and his property. He stated that Mr. Cosby requested that there be an alternative landscape plan during the detail site plan review. He stated that his client will do whatever the Planning Commission indicates should be done regarding screening.

Mr. Doherty stated that the neighbors had requested that the uses on the western lot be restricted to OL, but after discussing it with staff, it was suggested that there be a 50-foot setback as long as it abuts residential, and if Mr. Cosby sells his property the setback can be reduced.

INTERESTED PARTIES COMMENTS:

Leta and Ray Cosby, 8705 East 21st Street, Tulsa, Oklahoma 74128, stated that their property abuts the subject property. Mr. Cosby stated that he approves the staff's recommendation and Mr. Doherty's proposal. Mr. Cosby reiterated that he requests that there be no screening between his property and the subject property. Mr. Cosby stated that he does not want any promotional signs on the subject property. He concluded that Mr. Doherty, the applicant and staff have been very cooperative. Ms. Cosby reiterated her husband's comments and statements.

Al Nichols, 8525 East 16th Street, representing Mingo Valley HOA, stated that he has no opposition to this proposal. He did expressed concerns with the traffic in the subject area. He indicated that the residents would like to have a traffic light to help with the traffic flow.

TMAPC COMMENTS:

Mr. Westervelt informed Mr. Nichols that the Planning Commission can only make decisions on land use only. He indicated that the comments Mr. Nichols made regarding traffic will be forwarded to Jon Eshelman, Traffic Engineering.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to recommend **APPROVAL** of CS zoning for Z-6689 and **APPROVAL** of PUD-439-A subject to conditions as recommended by staff and with the modifications

presented by Mr. Doherty, including the request that there be no screening fence between Mr. Cosby's property and the subject property, but an alternative landscaping plan be submitted in lieu of the screening fence, and prohibit promotional signs within the west 150' feet of the adjacent residential property of Development Area A. (Language in the staff recommendation which was deleted by TMAPC is shown as strikeout, language added or substituted by TMAPC is underlined.)

Legal Description for Z-6689:

The South 350' of the East 158.5' and the South Half of the East 157' of the West 1,122' of Block 10, O'Connor Park.

Legal Description for PUD-439-A:

Lot 1, Block 1, East Tulsa Medical Group Center and the South 350' of the East 158.5' and the South Half of the East 157' of the West 1,122' of Block 10, O'Connor Park.

* * * * *

Application No.: Z-6690

Applicant: Darin Akerman

Location: 4940 South Columbia

RS-1 to RT

(PD-6) (CD-9)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use.

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

Staff Comments:

Site Analysis: The subject property is approximately 134' x 299' in size and is located south of the southwest corner of East 49th Street South and South Columbia Avenue. The property is gently sloping, non-wooded, vacant, and zoned RS-1.

Surrounding Area Analysis: The subject tract is abutted on the north by a single-family dwelling, zoned RS-1; to the west by duplexes, zoned RS-3; to the south by an office, zoned OL; and to the east by an office complex, zoned OM.

Zoning and BOA Historical Summary: A request to rezone the subject tract from RS-1 to OM or OL was denied in 1996.

Conclusion: The subject property is designated as Low Intensity – No Specific Land Use. Based on the Development Guidelines of the Comprehensive Plan the requested RT zoning would provide a compatible transition between the low intensity residential uses to the north and west from the office uses on the south and east. Therefore, staff recommends **APPROVAL** of RT zoning for Z-6690.

APPLICANT'S COMMENTS:

Darin Akerman, 1602 South Main Street, Tulsa, Oklahoma 74103, representing Jimmie Ritchie, property owner, stated that his client is proposing residential townhouses. He indicated that there is a market for this type of housing and the proposal would be a compatible transition for the subject property.

Mr. Akerman commented that the subject property is bounded on three sides by greater intensity zoning and land use classifications. He proposed seven units total for the subject property; however, the property is capable of accommodating nine units.

Mr. Akerman stated that he discussed the following restrictions and guidelines during a neighborhood meeting April 26, 1999. The maximum height of the proposed townhouses would be 22' to 23'; there would be a screening fence along the full length of the north property line; and the second stories will have one window per unit, 15' in height and facing office property rather than residential homes. He indicated that the market price for the proposal will be \$120,000 to \$150,000 per unit. He concluded by stating that his client would be coming back under a PUD format if the rezoning is approved.

TMAPC COMMENTS:

In response to Mr. Westervelt, Mr. Stump stated that if the Planning Commission wants to assure that a PUD is filed for the subject property, the rezoning request would have to be delayed until it has a PUD accompanying it to the City Council. Mr. Stump explained that the applicant could achieve RT zoning and forget about filing the PUD. Mr. Akerman stated that his client knew this would be a controversial application and his client definitely intends to file a PUD for the proposal. Mr. Akerman stated that rather than go through the formal development of the PUD and the expense to do so, his client wanted to see if the Planning Commission would approve the RT zoning first.

Mr. Akerman displayed an illustration of the proposed townhouses. Mr. Westervelt commented that it was helpful to see the illustration, but in order to give this application any type of consideration it would need to be accompanied with a PUD. Mr. Westervelt urged Mr. Akerman to consider delaying his rezoning application until he can file a PUD. Mr. Westervelt asked Mr. Akerman if he would like to proceed with today's application. In response, Mr. Akerman stated that today's application is all he has and would like to have a rebuttal time after the interested parties speak.

INTERESTED PARTIES IN OPPOSITION TO Z-6690:

Christopher Herux, 4611 South Columbia Avenue, Tulsa, Oklahoma 74105; **Mr. & Mrs. Gilmore**, 4573 South Columbia Avenue, Tulsa, Oklahoma 74105; **Herman Meyer**, 4605 South Columbia, Tulsa, Oklahoma 74105 (submitted a petition "Exhibit A"); **David Glade**, 4633 South Columbia, Tulsa, Oklahoma 74105; **Charles Sweeny**, 4929 South Columbia Avenue, Tulsa, Oklahoma 74105; **Gary and Donna Maddux**, 4930 South Columbia, Tulsa, Oklahoma 74105; **Dr. W. Guy Logsdon and Dr. Phyllis Logsdon**, 4645 South Columbia Avenue, Tulsa, Oklahoma 74105; **Dody Nesbit**, representing **Marilyn Strader-Morris**, 2533 East Skelly Drive, Tulsa, Oklahoma 74105.

THE FOLLOWING CONCERNS WERE EXPRESSED BY THE ABOVE LISTED INTERESTED PARTIES:

Proposal will change the atmosphere of the neighborhood; traffic concerns due to Columbia Avenue being the only through-street; drainage concerns; encroachment; destroying habitats and environmental concerns; sufficient fire walls; prefer a PUD accompany the application; subject area should remain a single-family residential district; depreciation of existing homes; rental property creates a transient population.

Mr. Carnes out at 3:00 p.m.

TMAPC COMMENTS:

Mr. Westervelt informed the interested parties that the Planning Commission does not deal with stormwater issues. He explained that he stormwater drainage issues are handled by Public Works Department. He further explained that the developers would have to go through a stringent stormwater review before obtaining a building permit. He stated that stormwater issues and economic issues will not have any effect on land use decisions. He reiterated that the Planning Commission only considers land use relationships.

Applicant's Rebuttal:

Mr. Akerman stated that the concerns expressed today are the same concerns that were expressed during the meeting with the neighbors. He explained that an RM-1 or RM-3 use would allow 11 to 18 units, or an office use that would be 30% to 50% floor area ratio coverage on the site, which would create the need for 70 parking spaces. He indicated that a dental or doctors office could create an immense amount of traffic compared to 14-unit/RT zoning.

Mr. Akerman stated that he is asking for a reasonable and rational request that has been approved in the past by the Planning Commission. He requested the Planning Commission to approve this application based upon an objective standpoint as staff has recommended.

TMAPC COMMENTS:

Mr. Horner asked if the applicant is going to withdraw or put this application on hold until he can file a PUD application to accompany the zoning request.

Mr. Harmon recognized Mr. Akerman.

Mr. Akerman stated that his client wanted to know the Planning Commission's decision on the zoning before pursuing a PUD application. He indicated that he has spoken with his client and they are intending to come back with a PUD. He requested the Planning Commission to table the zoning request. He stated that he will be submitting a PUD application.

Mr. Midget stated that the Planning Commission can give the applicant a straw vote on whether the Planning Commission will approve a PUD or zoning right now. He commented that he would be more favorable toward a PUD with the zoning request, but that does not mean that he will support the PUD once it is submitted. He stated that he couldn't support today's request for the rezoning. He suggested that the applicant meet with the neighborhood and work the issues out.

Ms. Pace stated that previously there was an application on the subject property that was either CS or OL. In response, Mr. Stump stated that the request was for OL zoning. Ms. Pace stated that OL zoning would have been limited to one story and the neighbors strongly objected to the request. Ms. Pace acknowledged that the subject area is very difficult to develop due to the subject area being primarily a residential neighborhood. Ms. Pace stated that if there is an indication that the neighborhood does not want office development, then today's application looks appropriate. Ms. Pace stated that she could not support today's request without a PUD accompanying it.

Mr. Stump stated that the original request in 1996 was for OM zoning, but staff only recommended approval of OL zoning. He explained that OM zoning would allow multiple stories, but OL zoning would only allow one story. He stated that it was recommended by the Planning Commission for denial and the City Council did deny the OL zoning.

Ms. Pace asked if the individual would actually own the townhouse or rent. Mr. Stump stated that the individual usually owns the land under the unit and perhaps land in front and behind the unit as well. Mr. Stump explained that townhouses require two-hour firewalls between units and special building code requirements.

Mr. Stump stated that the applicant should request a continuance to a date certain so that he will not have to re-notice.

Mr. Akerman requested a continuance to July 7, 1999.

Mr. Ledford asked staff if the Code allows 28% coverage on an OL lot and this lot is 40,000 SF, which OL zoning would allow 12,000 SF of office building. If the site plan shows seven lots with 1500 SF and a double car garage, then it would be 1900 SF per lot or 13,300 SF for the seven buildings.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes "absent") to **CONTINUE** Z-6690 to July 7, 1999 at 1:30 p.m.

* * * * *

Midget out at 3:45 p.m.

Application No.: Z-6691/PUD-609

RS-2 to CG/PUD

Applicant: Paul Vakilzadeh

(PD-6) (CD-9)

Location: Southeast corner East 5th Street and South 129th East Avenue

Staff Recommendation for Z-6691:

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Linear Development.

According to the Zoning Matrix the requested CG zoning **may be found** in accordance with the Plan Map if accompanied by a PUD.

Staff Comments:

Site Analysis: The subject property is approximately 112' x 130' in size and is located on the southeast corner of East 5th Street South and South 129th East Avenue. The property is gently sloping, non-wooded, vacant, and zoned RS-2.

Surrounding Area Analysis: The subject tract is abutted on the north by vacant property, zoned CG/PUD-537; to the northeast by a single-family dwelling, zoned RS-2/PUD-537; to the east by a vacant lot, zoned RS-2/PUD-509; to the south by an outdoor landscape ornament sales, zoned CG/PUD-509; and to the west by a single-family dwelling, zoned CO.

Zoning and BOA Historical Summary: The Comprehensive Plan has designated this area along S. 129th East Avenue as Medium Intensity Linear Development Area and recommends that a PUD accompany any zoning changes for medium intensity uses. The most recent rezoning in this area was in 1995 which approved CG zoning with a PUD for a mini-storage facility on property located north of the subject tract and fronting S. 129th East Avenue. In 1994, PUD 509 was approved for property east and south of the subject property, with underlying zoning of CG. Proposed uses were to be retail, warehousing and office.

Conclusion: The requested CG zoning may be found in accordance with the Plan if the accompanying PUD provides adequate protection to the surrounding residential areas. Staff can support the requested CG zoning because of the existing zoning and development in the area and would recommend **APPROVAL** of CG zoning, subject to approval of the accompanying PUD 609.

AND

Staff Recommendation for PUD-609:

The PUD proposes Use Units 14, Shopping Goods and Services; 15, Other Trades and Services and 17, Automotive and Allied Activities on .34 acres located at the southeast corner of East 5th Street South and South 129th East Avenue. The subject tract has 130 feet of frontage on 5th Street and 112.5 feet on 129th East Avenue. Concurrently, an application has been filed (Z-6691) to rezone the subject tract from RS-2 to CG.

The subject tract is abutted on the east and south by PUD-509, which allows office, retail and warehouse uses; to the north, across East 5th Street South by Tract 2 of PUD-537, which is approved for a mini-storage and to the east across South 129th East Avenue by CO-zoned property.

If Z-6691 is approved, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-609 as modified by staff to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-609 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 (Gross):	14,625 SF
Permitted Uses:	Use Units 11, Office, Studios and Support Services; 13, Convenience Goods and Services; 14, Shopping Goods and Service; and

	Use Unit 17, Automotive and Allied Activities except no Vehicular Repair and Service, Auto Body Repair and Painting, Recreational Vehicle Sales or Truck Sales are permitted.
Maximum Building Floor Area:	3200 SF
Maximum Floor Area Ratio:	0.22
Maximum Building Height:	One-store not to exceed 18 FT.
Minimum Building Setbacks:	
From centerline of South 129 th East Avenue	100 FT
From centerline of East 5 th Street South	50 FT
From East Boundary of PUD	25 FT
From South Boundary of PUD	5 FT
Minimum Parking Setbacks:	
From centerline of South 129 th East Avenue	55 FT
From centerline of East 5 th Street South	30 FT
From East Boundary of PUD	30 FT
From South Boundary of PUD	5 FT
Minimum Off-Street Parking:	As required for the applicable use by the Tulsa Zoning Code.
Minimum Frontage:	The PUD shall not contain more than one lot.
Access:	
There shall be one access point onto South 129 th East Avenue that shall be approved by City of Tulsa Traffic Engineering. There shall be no access onto East 5 th Street South.	

Signs:

One ground sign shall be permitted, which shall be located on South 129th East Avenue. It shall not exceed 25 feet in height nor 100 SF of display surface area. Wall signs shall not exceed 1.0 SF of display surface area per each lineal foot of the building to which the sign or signs are affixed. No wall signs are permitted on east-facing walls.

Minimum Landscaped Area:

10% of net lot area.

Screening Fences:

No screening fences are required on the east boundary of the PUD where it abuts RS-2 zoning.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan, 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 the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height.
8. The Department 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 the PUD have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.

9. 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. 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.
12. 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 shall not be used for storage.

Mr. Dunlap stated that the applicant does not agree with staff's recommendation and will address the recommendation.

APPLICANT'S COMMENTS:

Paul Vakilzadeh, no address given, stated that he would like to open an automobile body shop and repair shop on the subject property. He indicated that to the north of the subject property there is a body shop and ¼ mile farther there is a large truck-stop repair shop.

TMAPC COMMENTS:

Ms. Hill asked the applicant what type of business he is proposing. Mr. Vakilzadeh stated that he would like to have a body shop and some repair work. Ms. Hill asked the applicant if he intended to have a salvage yard. Mr. Vakilzadeh answered negatively.

Mr. Stump stated that the reason for staff's recommendation to not allow the body shop is because 5th Street is one of the main access routes to a residential subdivision to the east across a floodplain area. There is a non-conforming truck operation one block north closer to the interstate. The PUDs to the north and south do not allow the automotive body shop and automotive repair shop uses. He stated that staff felt that automotive body shop and repair shop is too intense for being a major entrance to a residential area.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-1-0** (Dick, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; Hill "nays"; none "abstaining"; Boyle, Carnes, Midget "absent") to recommend **APPROVAL** of the CG zoning for Z-6691 and the **APPROVAL** of PUD-609 subject to conditions as recommended by staff.

Legal Description for Z-6691:

Lot 14, Block 4, Meadow Brook Heights Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Legal Description for PUD-609:

Lot 14, Block 4, Meadow Brook Heights Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

Application No.: PUD-563-2

Applicant: Roy D. Johnsen (PD-18) (CD-2)

Location: Southeast corner East 91st and South Riverside
(Minor Amendment)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to increase the number of permitted dwelling units from 256 to 261.

Staff has reviewed the request and finds the increase in dwelling units is below the 329 maximum allowed in a PUD, does not increase the originally-approved density of the development by more than 15% and maintains a livability space standard exceeding 800 SF per dwelling unit.

Staff, therefore, recommends **APPROVAL** of PUD-563-2 modifying the maximum number of dwelling units allowed in the PUD to 261. Staff notes that Detail Site and Landscape Plans have been approved for the development and will require revision prior to issuance of a building permit.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **DICK**, the TMAPC voted **10-0-0** (Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Midget "absent") to recommend **APPROVAL** of the Minor Amendment for PUD-563-2 as recommended by staff.

PUBLIC HEARING FOR COMPREHENSIVE PLAN AMENDMENTS

Proposed Amendment to the District 17 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area and Resolution No. 2202-823

Staff Recommendation:

Ms. Matthews stated that this is a proposal to move the northern boundary of a special district between 11th and the expressway and approximately 137th and 153rd north two blocks, which would currently be the Sixth Street extension. She indicated that the

proposal is to move the boundary northward to what would be the Fourth Street extension. She indicated that the recommendation was made by Councilor Art Justis and staff agrees.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Midget "absent") to recommend **APPROVAL** of the amendment to the District 17 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area and **ADOPT** Resolution No. 2202-823.

* * * * *

Mr. Ledford announced that he will be abstaining from PUD-578.

OTHER BUSINESS:

Application No.: PUD-578

Applicant: Russell Dixon (PD-26) (CD-8)

Location: North of northwest corner East 111th and South Memorial Drive
(Detail Site Plan)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 4,432 square-foot single-story restaurant with a drive-through lane on a 44,855 square foot tract within Development Area A.

Staff has reviewed the request and finds conformance to the approved bulk and area, building area, building floor area, setback, height, screening, access, mutual access, parking, circulation and total landscaped area standards of the PUD as amended.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan as submitted.

Note: Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

There were no interested parties wishing to speak.

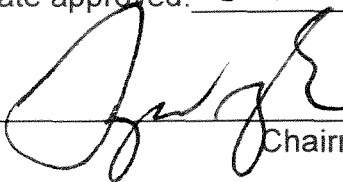
TMAPC Action; 7 members present:


On **MOTION** of **HORNER**, the TMAPC voted **7-0-1** (Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Boyle, Carnes, Midget "absent") to **APPROVE** the Detail Site Plan for PUD-578 as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 3:51 p.m.

Date approved: 5-19-99


Chairman

ATTEST: 
Secretary

