

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2203

Wednesday, May 12, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle	Carnes	Bruce	Swiney, Legal
Dick	Ledford	Dunlap	Counsel
Harmon		Huntsinger	
Hill		Stump	
Horner			
Jackson			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, May 10, 1999 at 9:30 a.m., posted in the Office of the City Clerk at 8:54 a.m., as well as in the office of the County Clerk at 8:51 a.m.

After declaring a quorum present, Chairman Boyle 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 **HORNER** the TMAPC voted **6-0-0** (Boyle, Dick, Hill, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Harmon, Jackson, Midget "absent") to **APPROVE** the minutes of the meeting of April 21, 1999 Meeting No. 2201

### REPORTS:

#### Chairman's Report:

Mr. Boyle reported that he has requested Mr. Westervelt to serve for one application on the Tax Increment Finance Review Committee in his place. He explained that the subject application deals with a topic that he has an interest in.

**Mr. Jackson in at 1:32 p.m.**

**Director's Report:**

Mr. Stump reported there are no controversial items on the City Council agenda.

Mr. Stump informed the Planning Commission that Bob Paddock, former Planning Commissioner had passed away and the funeral will be held on Thursday, May 13, 1999 at St. John's Episcopal Church at 2:00 p.m.

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**Mr. Midget in at 1:35 p.m.**  
**Mr. Harmon in at 1:37 p.m.**

**SUBDIVISIONS**

**PRELIMINARY PLAT:**

**Stonewall Estates (PUD-604) (1583)** (PD-18) (CD-8)  
South and west of East 81<sup>st</sup> Street and South Sheridan Road

**Staff Recommendation:**

This is a subdivision of 36 acres into 15 lots and one block for residential purposes. The primary access to the site is from Sheridan Road with a secondary access from 81<sup>st</sup> Street. The site is hilly with some slopes in the range of 20% (one foot of rise for every five feet of run).

The following were discussed **April 1, 1999** at the Technical Advisory Committee meeting:

**1. Streets/access:**

- Bruce, staff, noted that the streets as indicated on the plat were in the 13% - 14 % slope range. Wilkerson, (Sizemore, Weisz) indicated that the plan was being revised to show streets under 12%. The streets were to be private with a 30' ROW width.

Eshelman, Traffic: indicated that details would be required for the two entries, particularly as related to stacking distance. That portion of Sheridan to be dedicated should be indicated in the covenants and on the face of the plat.

**2. Sewer:**

- Bruce, staff, noted that sanitary sewer was available in the Sheridan Pond addition to the northeast. A 17.5' perimeter easement was indicated in the north and the east.
- Vaverka, Wastewater, indicated that a 17.5' easement would be required on the south and the west perimeters. Wilkerson (Sizemore, Weisz) indicated that the applicant would prefer not to provide the easement to the west. Vaverka indicated that the issue could be discussed further.

### **3. Water:**

- Bruce, staff, indicated that water was available on the west side of the Sheridan right-of-way.
- Lee, Water, indicated that the internal system should be looped in the cul-de-sac near the top of the hill. He also requested a restrictive easement between lots 7 and 8 or 8 and 9 to provide water line access to the areas to the south.

### **4. Storm Drainage:**

- Payne, Development Services, indicated on-site detention will be required.
- McCormick, Stormwater, indicated in a written comment that off-site improvements to move the runoff to approved drainage facilities will be required.

### **5. Other:**

- Pierce, PSO, indicated that the west ten feet of the access easement to 81<sup>st</sup> Street was also to be used for utility purposes. The setback on the south and the west sides of the internal street should also be designated as utility easement. The covenants should specifically indicate the area along the Sheridan right-of-way as appropriate for overhead use. The 17.5' easement along the east boundary should extend across the entire boundary. The covenants should specifically indicate utility crossing locations on the private streets.

**Staff recommends approval** of the preliminary plat subject to the following:

#### **Waivers of Subdivision Regulations:**

1. None needed.

#### **Special Conditions:**

1. A 17.5' utility easement should be shown along the south and west property lines.
2. An easement for water line purposes should be provided to the south.
3. Water line should be looped in the cul-de-sac to the south.
4. The setback area on the south and west sides of the street should be indicated as area for utility purposes.
5. The location for utility crossings of the private street should be provided.
6. The utility easement should be extended along the entire length of the Sheridan frontage.

7. The 10' utility easement on the west side of the northerly access should be indicated.
8. Details will be required for the entry areas.

**Standard Conditions:**

1. All conditions of PUD-604 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. Any 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. Any 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 (if applicable) are 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. In the event of a related zoning case, the zoning application Z- 6686 shall be approved and the ordinance or resolution therefor published before the final plat is released. (The plat shall conform to the applicable zoning approved.)

- 25. 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.)
- 26. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
- 27. 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.
- 28. All other Subdivision Regulations shall be met prior to release of final plat.

**APPLICANT'S COMMENTS:**

**Darin Akerman**, 1602 South Main, Tulsa, Oklahoma 74103, stated there was a zoning and PUD application for this subject property, which has already been to the City Council. He indicated that he is in agreement with all of staff's recommendations.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford "absent") to recommend **APPROVAL** of the Preliminary Plat for Stonewall Estates subject to conditions as recommended by staff.

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**TMAPC COMMENTS:**

Ms. Hill informed the chair that she has had ex parte communication on the following matter.

**CONTINUED ZONING PUBLIC HEARING**

<b>Application No.:</b> Z-6665/PUD-605	<b>AG to IL/PUD</b>
<b>Applicant:</b> Mark Polambus/Tony Farquhar	(PD-17) (CD-6)
<b>Location:</b> North of northeast corner East 11 <sup>th</sup> Street and South 145 <sup>th</sup> East Avenue.	
<b>Represented by:</b> Jeff Levinson	

**Staff Recommendation for Z-6665:**  
Relationship to the Comprehensive Plan:

As a result of a recent Plan amendment, approved by TMAPC and waiting endorsement by the City Council, the District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District – Mixed Use Development Area.

According to the Comprehensive Plan the requested IL zoning **may be found** in accordance with the Plan Map, if accompanied by an acceptable PUD.

Staff Comments:

**Site Analysis:** The subject property is approximately 20 acres in size and is located north of the northeast corner of East 11<sup>th</sup> Street South and South 145<sup>th</sup> East Avenue. The property is flat, non-wooded, vacant, and is zoned AG.

**Surrounding Area Analysis:** The subject tract is abutted on all sides by vacant property, zoned AG.

**Zoning and BOA Historical Summary:** The most recent rezoning activity in this area approved CS zoning on the south 286' of the west 537' of a tract located in the northeast corner of East 11<sup>th</sup> Street and South 145<sup>th</sup> East Avenue; this was approved in November 1998. A previous request was approved for IL zoning on a 119-acre tract located on the southwest corner of East Admiral Place and South 145<sup>th</sup> East Avenue from AG in August 1998.

**Conclusion:** Based on the Comprehensive Plan, staff recommends **APPROVAL** of IL zoning for Z-6665 if the TMAPC finds accompanying PUD-605 to be compatible.

**AND**

**Staff Recommendation for PUD-605:**

The PUD proposes light industrial uses on a 20-acre tract located north of the northeast corner of East 11<sup>th</sup> Street and South 145<sup>th</sup> East Avenue. The subject tract has 660 feet of frontage on South 145<sup>th</sup> East Avenue. The tract is abutted on all sides by vacant AG-zoned property. Related zoning case Z-6665 is requesting a change from AG to IL.

South 145<sup>th</sup> East Avenue is designated as a primary arterial on the Major Street and Highway Plan and would require 120 feet of right-of-way. The conceptual site plan indicates 50 feet of right-of-way measured from the centerline of 145<sup>th</sup> East Avenue and it should be 60 feet.

The PUD proposes one Development Area with 11 lots. There would be one access onto 145<sup>th</sup> East Avenue.

If Z-6665 is approved and the property is rezoned from AG to IL 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-605 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-605 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):	20 Acres
Permitted Uses:	As permitted by right within an IL district.
Maximum Building Eave Height:	12 FT
Minimum Building Setbacks: From north, south and east boundaries of the PUD	75 FT
Maximum Number of Lots:	11
Maximum Access Points onto 145 <sup>th</sup> East Avenue	1

Signs:

One ground sign is permitted on 145<sup>th</sup> East Avenue, which shall not exceed 25 feet in height nor 160 SF of display surface area. No other ground signs are permitted.

Wall signs shall comply with the requirements of Section 1103.B.2 of the Zoning Code.

Other Bulk and Area Requirements per Lot: As permitted within the IL district.

3. There shall be no structures other than parking in the regulatory floodplain.
4. All buildings must face the interior street. No building shall face 145<sup>th</sup> East Avenue.
5. Building material shall be concrete, masonry, or metal. Wood siding shall not be permitted. Metal siding must be painted. The front of each building shall be 100% concrete or masonry to the eave height.
6. Loading docks may not be located on the front of the building. Docks seen from the street shall be "submerged" with lowered pits (with a drain) for ground-level loading only. Raised docks are permitted only in the rear of the building.

7. Required off-street parking spaces and required off-street loading berths shall be located on the lot containing the use for which the required spaces or berths are to be provided.
8. A landscaped area of not less than ten feet in width outside street right-of-way shall extend along the entirety of all abutting street right-of-way, except at points of vehicular access. Landscaping throughout the PUD shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code.
9. 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.
10. A Detail Landscape Plan for each lot except single-family, townhouse and duplex developments 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 for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
11. 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.
12. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
13. 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 a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
14. No building permit shall be issued until the requirements of Section 1170F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
15. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

16. 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.

**APPLICANT'S COMMENTS:**

**Jeff Levinson**, 35 East 18<sup>th</sup> Street, representing the applicant, requested that the Planning Commission approve the staff recommendation and approve the change in zoning. He reminded the Planning Commission that his client submitted this application last year and there have been several continuances. He stated that his client has made every effort to work with the staff and this commission.

**INTERESTED PARTIES COMMENTS:**

**James Martino**, 14628 East 12<sup>th</sup> Street, Tulsa, Oklahoma 74108, submitted Oklahoma Statutes (Exhibit "A") **Bob Johnson**, 15324 East 13<sup>th</sup> Street, Tulsa, Oklahoma 74108, submitted a list of concerns (Exhibit "B").

**THE FOLLOWING CONCERNS WERE EXPRESSED BY THE INTERESTED PARTIES:**

Increased traffic hazards; septic systems that will not work in the subject area; increase in water flow; subject area should have been developed residentially; the proposal is not a good buffer; blasting will damage existing homes, proposal will set a precedent if approved.

**INTERESTED PARTIES COMMENTS:**

**Councilor Art Justis**, City Council, stated that the subject area creates a unique problem with regard to development due to the limestone. The limestone is a hard formation and the most economical way to deal with the limestone is to do blasting. In the past the blasting has caused damaged to homes in East Tulsa.

Councilor Justis stated that he has proposed and it is now in the process of developing a blasting ordinance for the City of Tulsa. The blasting is currently regulated by Oklahoma Department of Mines. He explained that he hopes to have the proposed ordinance in place within the next 30 to 45 days. He indicated that within the next 45 days he will be asking the Planning Commission for their input in developing the ordinance.

Councilor Justis acknowledged that the subject application has been continued several times and that the Planning Commission stated that there will be no more continuances. He requested for one more continuance of 30 days in order to have the ordinance in place before development.

**APPLICANT'S REBUTTAL:**

Mr. Levinson stated that there is an approximately-1/2-mile buffer between the residential area and the subject PUD. He commented that most of the neighboring zoning is RS-3, and with the size of the subject tract, his client could have approximately 80 houses. He stated that 80 residences would create more traffic and cause more water problems than the 11-lot use.

Mr. Levinson stated that the engineer has informed him that one end of the subject property has undercover measuring approximately twelve feet and the other side has approximately six feet. Due to the undercover the blasting on the site would be minimal.

Mr. Levinson commented that he couldn't agree to another continuance because the process has been ongoing since last year. He stated that the Councilor indicated that the ordinance would be in place between 30 and 45 days and it will be three weeks before the second reading of this PUD and zoning change before the City Council. He further stated that he will have to come back to the Planning Commission with a preliminary and final plat, and if this application is approved today, there is no way that there will be any blasting or dirt turned until long after the ordinance would be passed.

**TMAPC COMMENTS:**

Mr. Jackson asked Mr. Westervelt if the excavator is required to be bonded and insured. In response, Mr. Westervelt stated that he believes this to be true, but there are some problems and complex issues with Oklahoma law.

Ms. Pace stated that confidence in the PUD system as administered by the City of Tulsa is necessary. She commented that the subject PUD provides good protection with the landscaping. Ms. Pace asked Mr. Stump if 145<sup>th</sup> Street will eventually be widened. In response Mr. Stump stated that in this area 145<sup>th</sup> Street is planned to be a primary arterial, which would be up to seven lanes. Mr. Stump commented that typically for industrial tracts, which are much larger than residential, one street access is sufficient.

Mr. Westervelt asked Mr. Stump to give a review of the special district zoning in the subject area. In response, Mr. Stump stated that the subject square mile, until two years ago, was a typical of the eastern part of the city, with low intensity in the vast majority of it and medium intensity nodes at the intersections of Admiral and 11<sup>th</sup> and where it intersects with 145<sup>th</sup> and 161<sup>st</sup>. The change was proposed when Albertson's wanted to locate a distribution center in the area. The Planning Commission found that the distribution center was an appropriate use, especially with the other truck-related activities along Admiral farther east. The Planning Commission extended the area to the west to include the Albertson's tract and south to approximately 6<sup>th</sup> Street with an industrial area. From 6<sup>th</sup> to 11<sup>th</sup> it was reclassified to as a special district – mixed-use development, which would allow medium intensity with an acceptable PUD. The neighborhood pointed out that the line should have been at the half-section or the southern boundary of the Albertson's tract at 4<sup>th</sup> Street rather than 6<sup>th</sup>. After proper public hearing the Planning Commission changed the industrial section northern boundary, stopping at the half-section or 4<sup>th</sup> Street, and south of this is a larger special district mixed use area where in order to have medium intensity uses, such as IL or CS, an acceptable PUD has to be submitted. This has not been endorsed by the City Council at this time, but he does not see any problems with the approval. Staff feels that this is an appropriate zoning and PUD to allow the medium intensity use under the new conditions.

Mr. Westervelt moved to approve the subject application, noting that the primary reason is because there is sufficient time between now and ground-breaking time to have a blasting ordinance in place. The special district that has been set up will help to protect the neighborhood. He commented that he is struggling with the problem of development and blasting, because if there were to be residential development, to get the septic systems to work would require quite a bit of excavation, which would require more blasting and more potential damage than from industrial zoning.

Mr. Boyle stated that he supports the motion. He commented that the role of this board and the City is to find balance among the interested property owners the neighborhoods and developers, as well as between the economic interests in this city and the rights of neighboring property owners. After hearing everyone over the last several months, the balance clearly tilts in favor, at this point, of not continuing this matter further but making a decision. In this particular incidence, the balance is in favor of this PUD because of the nature of the PUD and its location. He stated that he is reluctant to oppose Councilor Justis' suggestion to continue this case, but he is confident that Councilor Justis will take care of the blasting ordinance in time to resolve that part of this issue.

Ms. Pace stated that this application will be a good buffer and there is good spacing, with the residential being ½ mile away from the subject property.

Ms. Hill stated that she is not totally opposed to a continuance; however, the applicant has to be considered.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford "absent") to recommend **APPROVAL** of the IL zoning for Z-6665 and recommend **APPROVAL** for PUD-605 subject to conditions as recommended by staff.

**Legal Description for Z-6665/PUD-605:**

The North Half of the Northwest Quarter of the Southwest Quarter of Section 3, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma.

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**ZONING PUBLIC HEARING**

**Application No.:** Z-6692

**Applicant:** Russell Smith

**Location:** Southwest corner West 37<sup>th</sup> Place and South Elwood

**RS-3 to IM**

(PD-9) (CD-2)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District 5. Plan text language indicates this area is Development Sensitive due to the presence of the 100-year floodplain. The plan text also notes that except for two smaller areas within the Special District, the majority of the area is zoned industrially. Further, the text notes that this Special District appears to be in transition and recommends that special care be given to effect an orderly transition from residential uses to industrial use.

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

Staff Comments:

**Site Analysis:** The subject property is approximately 1.08 acres in size and is located on the southwest corner of West 37<sup>th</sup> Place South and South Elwood Avenue. The property is flat, non-wooded, vacant, and zoned RS-3.

**Surrounding Area Analysis:** The subject tract is abutted on the north by vacant property, zoned IM; to the east by a public soccer field, zoned IM; to the south by vacant land, zoned IM; and to the west by vacant property zoned RS-3.

**Zoning and BOA Historical Summary:** The property has been zoned RS-3 since 1970. The industrial zoned property to the north was rezoned from RS-3 to IM in 1975.

**Conclusion:** The Comprehensive Plan recognizes future development in this area as industrial and suggests that the development in this Special District include such uses as warehousing and distribution centers. Based on the Comprehensive Plan and the existing zoning and development, staff recommends **APPROVAL** of IM zoning for Z-6692.

**APPLICANT'S COMMENTS:**

**Russell Smith**, 10908 South Elgin, Jenks, Oklahoma 74037, stated that he is in agreement with the staff recommendation.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford "absent") to recommend **APPROVAL** of IM zoning for Z-6692 as recommended by staff.

**Legal Description for Z-6692:**

Lot 1, Block 3, Garden City Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Application No.: Z-6693**

**RS-3 to RM-1**

**Applicant:** David Dooley

(PD-16) (CD-3)

**Location:** West of northwest corner I-244 and North Memorial Drive.

**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 Low-Intensity - Residential.

According to the Zoning Matrix the requested RM-1 zoning **may be found** in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject property is approximately 2.1 acres in size and is located west of the northwest corner of East I-244 and North Memorial Drive. The property is sloping, non-wooded, vacant and is zoned RS-3.

**Surrounding Area Analysis:** The subject tract is abutted on the north and east by single-family dwellings, zoned RS-3; to the west by a non-conforming outdoor movie theatre, zoned RS-3 and RD and to the south by I-244 freeway, zoned RS-3.

**Zoning and BOA Historical Summary:** The most recent action in this area granted a special exception use for a public park on property located north and west of the subject tract. A request to rezone the subject tract from RS-3 to CG was denied in March 1999.

**Conclusion:** The requested RM-1 zoning may be found in accordance with the Comprehensive Plan. The tract is abutted on the north and east by single-family dwellings, zoned RS-3 and a non-conforming drive-in theater zoned RS-3 and RD to the west. Based on the Comprehensive Plan, the existing zoning, development, and the proposed use, staff recommends **APPROVAL** of RM-1 zoning for Z-6693.

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

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford "absent") to recommend **APPROVAL** of RM-1 zoning for Z-6693 as recommended by staff.

**Legal Description for Z-6693:**

The West 176.75' of Lots 14 and 15 less and except the South 25.00' thereof, all in Bloomfield Heights, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

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**Mr. Westervelt announced that he will be abstaining from Z-6694.**

**Application No.: Z-6694**

**RS-3 to CS**

**Applicant:** Stephen Schuller

**(PD-25) (CD-1)**

**Location:** Southeast corner East 46<sup>th</sup> Street and North Lewis Avenue.

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – No Specific Land Use.

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

Staff Comments:

**Site Analysis:** The subject property is approximately 2.34 acres in size and is located at the southeast corner of North Lewis Avenue and East 46<sup>th</sup> Street North, which is not a through-street. The property is sloping, wooded, contains a vacant single-family dwelling and is zoned RS-3.

**Surrounding Area Analysis:** The subject tract is abutted on the north by a church and single-family dwelling, zoned CS; to the south by a single-family dwelling, zoned RS-3; and to the west across North Lewis Avenue by a Quik Trip convenience store zoned CS and a church, zoned RS-3.

**Zoning and BOA Historical Summary:** The tract to the north and across East 46<sup>th</sup> Street North was rezoned from RS-3 to CS in 1989 and the property to the west across North Lewis was rezoned to CS in 1982.

**Conclusion:** The proposed CS zoning is in conformance with the Plan and existing zoning patterns in the surrounding area. Staff recommends **APPROVAL** of CS zoning for Z-6694.

**APPLICANT'S COMMENTS:**

**Stephen Schuller**, 500 Oneok Plaza, 100 West 5<sup>th</sup> Street, Tulsa, Oklahoma 74103, stated that he is in agreement with staff's recommendation.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford "absent") to recommend **APPROVAL** of CS zoning for Z-6694 as recommended by staff.

**Legal Description for Z-6694:**

The West 340.00' of the North 300.00' of the NW/4, NW/4, NW/4, Section 17, T-20-N, R-13-E, Tulsa County, State of Oklahoma.

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**Application No.: PUD-131-E**

**Applicant:** Ricky Jones

(PD-17) (CD-5)

**Location:** South of southwest corner I-44 and South Garnett  
(Major Amendment)

**Staff Recommendation:**

The Major Amendment to PUD-131 proposes to increase the maximum building floor area from the existing 3,666 SF to 3,940 SF in order to add a drive-through window and additional floor space on the east end of the building (Braum's Ice Cream and Dairy Store), which is part of PUD-131-C. In addition, it is proposed that a vacant .849-acre tract abutting the existing use on the west (described as Lot 5, Block 1, Interstate Park Addition) be developed to provide additional parking for the existing uses.

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-131-E 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-131-E 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:	70,900,84 SF	1.63 Acres
Permitted Uses:		
East 250 FT of Tract		Use Units 12, 13 and 14.
Remainder of Tract		Use Unit 10
Maximum Building Floor Area:		4,000 SF
Maximum Building Height:		One story
Maximum Number of Lots Fronting Garnett Road:		One
Minimum Building Setbacks:		
From centerline of Garnett Road		110 FT
From west boundary		125 FT
From north boundary		10 FT
From south boundary		40 FT
Minimum Parking Setbacks:		
From Residential Uses:		15 FT
Signs:		Signs shall comply with Section 1103.B.2 of the Zoning Code; however, only one ground sign is permitted.
Landscaped Area:		A minimum of 10% of net lot area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter

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 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. Bulk trash containers shall be set back a minimum of 120 feet from residential areas.
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 and all such lights shall be set back at least 25 feet from a residential use.
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 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.

**APPLICANT'S COMMENTS:**

**Ricky Jones**, Tanner Consultants, 2202 East 49<sup>th</sup> Street, stated that he is in agreement with staff's recommendation. He explained that there is an existing Braum's store located on the arterial frontage and Braum's would like to add a drive-through facility and some square footage on the front of the store. In addition, they propose to purchase add to the back of the property for additional parking and room for the drive-through facility.

**INTERESTED PARTIES COMMENTS:**

**Brenda Bobbitt**, 11052 East 14<sup>th</sup> Street, Tulsa, Oklahoma 74128, expressed concerns with the placement of entrances and exits, speed controls, traffic controls and security.

**APPLICANT'S REBUTTAL:**

Mr. Jones stated that the primary access for the Braum's store will be off of Garnett Road as it is currently. The back portion of the property has been platted and has access to 14<sup>th</sup> Street, which is a mutual access easement filed of record. He explained that all of the lots within the subdivision are allowed to use the mutual access. He stated that there will be some secondary traffic using this access, but the primary access points are off of Garnett Road. He commented that he is not adding anymore access points than are allowed by the city currently.

Mr. Jones stated that the primary access points off of Garnett will be in a circular pattern in order to facilitate the drive-through facility. He acknowledged that there will be some parking and access back to 14<sup>th</sup> Street. He indicated that the customers will probably access 14<sup>th</sup> and go east to Garnett.

**TMAPC COMMENTS:**

In response to Mr. Midget, Mr. Jones reiterated that there is a mutual access easement filed of record that was approved by the City to allow all of the lots within the subdivision to have a secondary access point onto 14<sup>th</sup> Street. Mr. Jones explained that Braum's does plan to utilize the mutual access point and the curb cut that has been approved by the City. Mr. Jones stated that it is not Braum's intent for their traffic to exit onto 14<sup>th</sup> Street, but it will happen.

Ms. Hill asked if this portion of Garnett Road has been funded to be widened. In response, Mr. Jones stated that it is his understanding that the funding has been provided, but he does not know the timeframe for the project.

Ms. Hill asked Mr. Jones if the buildings to the south will be removed. In response, Mr. Jones stated that to his knowledge they would not be.

Mr. Jones stated that it is Braum's intent to work with ODOT in order to get a curb cut that will go north onto the access road. He commented that Braum's does not consider 14<sup>th</sup> Street as a primary point of access, but he is sure that people will use it.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford "absent") to recommend **APPROVAL** of PUD-131-E subject to conditions as recommended by staff.

**Legal Description for PUD-131-E:**

A tract of land being all of Lot 5, part of Lot 1 and part of Lot 2, Block 1, "Interstate Park" (formally known as "Strawberry Creek"), an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, said tract being more particularly described as follows: BEGINNING AT A POINT THAT IS THE SOUTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 90°00'00" WEST ALONG THE SOUTHERLY LINE OF LOT 5, FOR A DISTANCE OF 30.23' TO A POINT SAID POINT BEING THE SOUTHWEST CORNER OF LOT 5; THENCE ALONG THE WESTERLY LINE OF LOT 5 FOR THE NEXT FIVE (5) COURSES: NORTHERLY AND NORTHWESTERLY ALONG A 335.00' RADIUS CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF NORTH 7°12'09" WEST, A CENTRAL ANGLE OF 12°52'30", FOR AN ARC DISTANCE OF 75.28' TO A POINT OF TANGENCY; THENCE NORTH 20°04'39" WEST FOR A DISTANCE OF 115.00' TO A POINT; THENCE NORTH 28°13'23" EAST FOR A DISTANCE OF 10.00' TO A POINT; THENCE NORTH 61°46'37" WEST FOR A DISTANCE OF 139.31' TO A POINT, SAID POINT BEING THE MOST WESTERLY CORNER OF LOT 5; THENCE NORTH 51°59'46" EAST TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF LOT 5; THENCE NORTH 90°00'00" EAST ALONG THE NORTHERLY LINE OF SAID LOT 5, FOR A DISTANCE OF 30.00' TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF LOT 5; THENCE SOUTH 0°28'43" EAST ALONG THE EASTERLY LINE OF LOT 5, FOR A DISTANCE OF 26.95' TO A POINT; THENCE NORTH 90°00'00" EAST AND PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 2, FOR A DISTANCE OF 211.99' TO A POINT ON THE EASTERLY LINE OF LOT 2, SAID POINT BEING 160.33' SOUTH AS MEASURED ALONG SAID EASTERLY LINE, OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH 0°28'30" EAST ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 160.00' TO A POINT; THENCE SOUTH 90°00'00" WEST AND PARALLEL WITH SAID NORTHERLY LINE OF LOT 2, FOR A DISTANCE OF 211.99' TO A POINT ON THE EASTERLY LINE OF LOT 5; THENCE 0°28'30" EAST ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 203.33' TO THE POINT OF BEGINNING.

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**Application No.: PUD-179-C-14**

**Applicant:** Darin Akerman

(PD-18) (CD-7)

**Location:** Northeast corner East 73<sup>rd</sup> Street and South Memorial Drive  
(Minor Amendment)

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to split a 5.815 acre portion of Lot 3 into two tracts consisting of Tract A containing 1.634 acres and Tract B with 4.181 acres. The applicant is also requesting approval of an off-site signage easement along South Memorial within Tract A and running to the user of Tract B.

Staff has examined the request and finds the overall parcel currently contains a vacant 8,194 SF single-story restaurant and single-story 50,678 SF retail furniture showroom with attached two-story accessory office and warehouse uses. Staff notes that in 1995 the Board of Adjustment granted a variance from the off-street parking requirements to allow expansion of the existing accessory warehouse uses. The existing and expanded warehouse uses were recognized as accessory to the furniture showroom not requiring off-street parking. The proposed 16,044 SF warehouse expansion was never constructed.

The application also indicates the provision of an off-site signage easement and a mutual access easement. The applicant has represented to staff that these easements will be provided by separate instruments filed with Tulsa County.

Staff finds the provision of a signage easement within Tract B for the benefit of Tract A, the mutual access easement for both tracts and the current parking provided for the 58,872 SF of building floor area for existing uses conform to the zoning code and the approved PUD standards. Staff, therefore, recommends **APPROVAL** of the lot-split subject to the following conditions:

1. Detail Site Plan approval will be required for any proposed changes to the accessory warehouse uses on Tract B.
2. An application for TMAPC lot-split approval will contain the recorded instruments for an off-site signage easement and mutual access easement.
3. Lot-split approval will be conditioned on including the conditions herein set forth as Minor Amendment PUD-179-C-14.

**The applicant indicated his agreement with staff's recommendation.**

**INTERESTED PARTIES COMMENTS:**

**Susan Duffy**, Petro-Chem, 8310 East 73<sup>rd</sup> Street South, stated that her company is adjacent to the subject property. She requested that the application be continued in order for her employer to find out what type of business that will be developed and where the sign will be located.

**Mr. Horner out at 2:30 p.m.**

**TMAPC COMMENTS:**

Mr. Boyle asked staff to explain the site plan to Ms. Duffy. Staff provided Ms. Duffy with a staff recommendation, a case map and site plan.

Mr. Boyle informed Ms. Duffy that the approval requested for today is for the off-site signage. Mr. Stump stated that the application is also for allocation of floor area between the two tracts, Tract A and Tract B. Mr. Stump explained that the allocation of floor area is necessary in case the tracts are sold separately.

Mr. Boyle asked Ms. Duffy if she understood what the proposal is. Ms. Duffy stated that she understands the proposal. Mr. Boyle asked Ms. Duffy if she had any specific objections that she would like to raise. Ms. Duffy stated that she does not know if there is a specific objection, but her employers would like to have the information.

Mr. Westervelt stated that the application is basically administrative and the Mathis Brothers are relocating in the near future. This application would allow the subject property to be used by multiple owners rather than by a single ownership. He explained that there would not be much change to the existing property that would be noticed from the street.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Dick, Harmon, Hill, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Ledford "absent") to **APPROVE** the Minor Amendment for PUD-179-C-14 subject to conditions as recommended by staff.

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**OTHER BUSINESS:**

**Application No.: PUD-417-D**

**Applicant:** Pamela Deatherage (PD-6) (CD-4)

**Location:** South and west of South Wheeling Avenue and East 17<sup>th</sup> Place South (Detail Site Plan)

**Staff Recommendation:**

The applicant is requesting Detail Site Plan approval for a 41,557 SF surface parking lot within Development Areas B and H. Major and Minor Amendment approval allowed the parking lot use as well as the joining of portions of the two development areas.

Staff has examined the request and finds conformance to the approved PUD specifications and zoning requirements relating to setback, access, screening, and total landscaped area.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-417-D as submitted.

**The applicant indicated his agreement with staff's recommendation.**

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

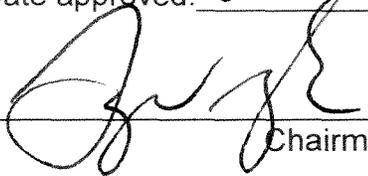
**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Dick, Harmon, Hill, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Horner, Ledford "absent") to **APPROVE** the Minor Amendment for PUD-417-D as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 2:36 p.m.

Date approved: 5-26-99

  
Chairman

ATTEST:   
Secretary

