TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2207

Wednesday, June 9, 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		Stump	
Horner			
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 8, 1999 at 8:50 a.m., posted in the Office of the City Clerk at 8:43 a.m., as well as in the office of the County Clerk at 8:39 a.m.

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

Minutes:

Approval of the minutes of June 2, 1999, Meeting No. 2206

On **MOTION** of **HORNER** the TMAPC voted **8-0-0** (Carnes, Dick, Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Jackson, Midget "absent") to **APPROVE** the minutes of the meeting of June 2, 1999 Meeting No. 2206.

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REPORTS:

Chairman's Report:

Mr. Westervelt reminded the Planning Commission that they are a recommending commission and that it should be reflected in their motion.

Committee Reports:

Policies and Procedures Committee

Mr. Carnes reported that there will be a work session next week immediately following the TMAPC meeting in the Francis Campbell City Council Meeting Room.

Mr. Carnes asked Mr. Stump to explain what the committee will be reviewing. In response, Mr. Stump stated that the Mayor requested that the staff analyze the fee structure and compare it with other fees that are being charged by comparable communities. He indicated that staff has preliminary information and would like to present it to the committee and receive some direction from the committee regarding the fee structure.

Director's Report:
Mr. Stump reported that there are several cases at the City Council meeting and none seem to be controversial.

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

SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-18833 – Irene Cody (1582) (PD-8) (CD-2)
2515 West 91st Street South

TMAPC COMMENTS:
Mr. Westervelt stated that there is a request for a timely continuance to June 16, 1999.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:
On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, , Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **CONTINUE** L-18833 to June 16, 1999 at 1:30 p.m.

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Mr. Midget in at 1:36 p.m.

CHANGE OF ACCESS TO RECORDED PLAT:

Lot 1, Block 1, Riverport
West 71st Street South, between South Elwood Avenue and Arkansas River

STAFF RECOMMENDATION:
Mr. Beach stated that the subject property has been recently platted. He indicated that everything is in order and the Traffic Engineer has reviewed and approved this request. Staff recommends approval.

There were no interested parties wishing to speak.

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 **APPROVE** the Change of Access to Recorded Plat for Lot 1, Block 1, Riverport as recommended by staff.

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CONTINUED ZONING PUBLIC HEARING

Application No.: Z-6467-SP-3
Applicant: John W. Moody (PD-18) (CD-8)
Location: Northeast corner Mingo Valley Expressway and South Mingo Road (Corridor Site Plan)

TMAPC COMMENTS:
Mr. Westervelt stated that there is a request for a continuance to September 15, 1999.

There were no interested parties wishing to speak.

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 **CONTINUE** Z-6467-SP-3 to September 15, 1999 at 1:30 p.m.

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ZONING PUBLIC HEARING

Application No.: Z-5763-SP-1
Applicant: R.L. Reynolds (PD-17) (CD-6)
Location: North of northwest corner East 7th Street and South 129th East Avenue

STAFF RECOMMENDATION:
Staff has requested a continuance to June 16th in order for the applicant to provide adequate information.

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 **CONTINUE** Z-5763-SP-1 to June 16, 1999 at 1:30 p.m.

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ZONING PUBLIC HEARING (continued)

Application No.: PUD-523-A-2
Applicant: William LaFortune (PD-18) (CD-8)
Location: South and East of East 81st Street and South Memorial
(Minor Amendment)

Mr. Ledford announced that he will be abstaining from this item.

STAFF RECOMMENDATION:
The applicant is requesting Minor Amendment approval to modify the approved development standards for Development Area B-1 as follows:

1. To increase the maximum floor area ratio from .35 to .36.
2. To increase the maximum two story building height from 35 feet to 39 feet.
3. To decrease the required parking space setback from Memorial Drive from ten feet to five feet.

Staff has examined the Detail Site Plan submitted with the application and finds the requested modification of the height; setback and floor area standards do not substantially alter the character and intent of the original approval. Development to the west across South Memorial is multi-story office commercial with five-foot parking setbacks along the arterial street frontages.

Staff, therefore, recommends **APPROVAL** of Minor Amendment PUD-523-A-2 as submitted.

Note: Minor Amendment approval does not constitute Detail Site Plan approval.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC COMMENTS:
Mr. Midget asked if the setback for the parking to the north will affect the landscaping. In response, Mr. LaFortune, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that a detail site plan and landscaping plan will be forthcoming. Mr. LaFortune submitted photographs (Exhibit A-1) of the subject property and the surrounding area.

Mr. Stump stated that the reason staff is willing to go back to five feet is that it is the minimum requirement of the Landscape Ordinance. Memorial had right-of-way acquired by the State Highway Department and was much in excess of the normal primary arterial right-of-way. There is significantly more grassed area between the street and the edge of the right-of-way than normal, which will result in more green space.

TMAPC Action; 10 members present:
On **MOTION** of **CARNES**, the TMAPC voted **9-0-1** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Boyle "absent") to recommend **APPROVAL** the Minor Amendment for Z-6467-SP-3 as recommended by staff.

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ZONING PUBLIC HEARING

Application No.: Z-6701 **RS-3 to OL**
Applicant: Bruce G. Bolzle (PD-6) (CD-4)
Location: 1509-1517 South Victor

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 property Low Intensity – Residential; Cherry Street Special Consideration Area – Area D – Residential Sub-area.

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

Staff Comments:

Site Analysis: The subject property is approximately 90′ x 121.8′ in size and is located south of the southeast corner of East 15th Street South and South Victor Avenue. The property is flat, non-wooded, contains two single-family dwellings, and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north and east by office use, zoned OL; on the south by single-family dwellings, zoned RS-3; and on the west across S. Victor Avenue by single-family dwellings, zoned RS-3.

Zoning and BOA Historical Summary: A request to rezone the north portion of the subject tract from RS-3 to OL was denied in 1991.

Conclusion: Although the subject tract abuts office uses on two sides, staff cannot support the requested OL zoning. If the subject tract is rezoned to OL, the existing residential zoning and uses to the west will face directly into office uses. The Comprehensive Plan, Section 3.5.4.3 of the Planning District 6 Plan states that any request for higher intensity zoning than Low Intensity – Residential should be encouraged to be included within a PUD. Therefore, staff recommends **DENIAL** of OL zoning for Z-6701.

APPLICANT'S COMMENTS:

Bruce Bolzle, 400 South Boston, Suite 500, Tulsa, Oklahoma 74103, stated that he specifically held these two properties out of the Yorktown Historical Preservation District. He explained that he intended to rezone the two properties for office use.

Mr. Bolzle stated that understanding the staff's recommendation he would like to request a continuance in order to file a PUD. He commented that the plan he has developed for the site (occupying 30% of the total land area) respects the neighborhood's concerns. He indicated that he is willing to meet with the neighborhood and address any concerns that they may have.

Mr. Bolzle indicated that he will be prepared to file the PUD on June 10, 1999 in order to make the July 21st meeting. He further requested that the staff allow his plat waiver to be heard by TAC. He explained a new policy by staff, which holds platting issues from TAC or the Planning Commission until all of the zoning actions are completed. He stated that he will be 30 days behind schedule with the continuance, and if his plat waiver is held back until all zoning actions are completed he will be 60 days behind schedule.

TMAPC COMMENTS:

Mr. Westervelt asked staff if the applicant's plat waiver could be heard by TAC out of order. Mr. Stump stated that the policy mentioned is less stringent than the applicant stated. He explained that staff would like the Planning Commission to have the opportunity to make a recommendation on a PUD before TAC reviews it. He stated that if the Planning Commission has already made recommendations on the PUD then TAC would know the conditions of the PUD while reviewing it, which might affect the platting of the property. He indicated that if the Planning Commission directs staff to allow the plat waiver to go to TAC out of order then it will be done.

Mr. Bolzle stated that the PUD will not be a traditional PUD because it is a single building with multiple lots combined. The PUD will be simple, with one building and one type of use. He commented that he hopes there will not be a multitude of PUD requirements that might complicate the TAC review.

INTERESTED PARTIES COMMENTS:

Denise DeGerolamo, 1803 East 16th Place, Tulsa, Oklahoma 74104, stated that she understands that it is normal to grant a continuance when it will be beneficial for the neighborhood and applicant. She commented that she would like more information on Mr. Bolzle's intentions regarding the existing buildings. She reminded the Planning Commission that the subject property is not in the Yorktown Historical Preservation District, however it does directly abut the district and the Planning Commission would be remiss in allowing an office building.

TMAPC COMMENTS:

Mr. Westervelt suggested to Ms. DeGerolamo that her issues would be better addressed during the PUD hearing on July 21st.

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** Z-6701 to July 21, 1999 at 1:30 p.m. in order for the applicant to submit a PUD application.

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Application No.: Z-6702 **AG to CS & RS-3**
Applicant: William B. Jones (PD-26) (CD-8)
Location: Northwest corner East 121st Street and South Sheridan

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the southeast 467′ x 467′ corner as Medium Intensity – No Specific Land Use, the western 200′ adjoining this node as Low Intensity – No Specific Land Use and the remaining small portion of the tract as Special District 1, an area of steep slopes and highly erodible soils.

According to the Zoning Matrix the requested CS zoning **is** in accordance with the Plan Map and the requested RS-3 zoning **is** also in accordance with the Plan, except for that portion in Special District 1, which the plan recommends for development at no greater intensity than RS-1 without a PUD.

Staff Comments:

Site Analysis: The subject property is approximately 10 acres in size and is located in the northwest corner of the intersection of East 121st Street South and South Sheridan Road. The property is sloping, wooded, vacant and zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north by a single-family dwelling, zoned RS-1; to the west by vacant land and a single-family dwelling, zoned AG; and to the south and east by vacant property, zoned AG.

Zoning and BOA Historical Summary: The most recent zoning action in this area was in 1996, when a 14.3-acre tract located northwest of the subject property was rezoned from AG to RS-2/PUD for a residential development.

Conclusion: Based on the Comprehensive Plan, the existing zoning patterns and development in this area, staff recommends **APPROVAL** of CS zoning on the southeast 467′ x 467′ corner of the tract at the intersection of East 121st Street South and South Sheridan Road and recommends **APPROVAL** of RS-3 zoning on the balance of the

tract. Owing to the small portion of the site in Special District 1, staff sees no benefit in requiring a PUD.

TMAPC COMMENTS:
Ms. Hill asked staff if the City plans to do any drainage improvements in this area. In response, Mr. Stump stated that he is unaware of any drainage projects for the subject area.

APPLICANT'S COMMENTS:
Bill Jones, 3800 1st National Tower, Tulsa, Oklahoma 74103, stated that he has had his engineer look at the drainage problems. He explained that the drainage problems are supposed to be addressed with the improvements that are being made in the subject area. He commented that a portion of the subject property is shown within the FEMA maps and within the Tulsa maps, which he is trying to address now.

Mr. Jones indicated that he will be filing a PUD and he will probably decrease the CS portion and increase the residential portion. He stated that he is planning on a gated community.

INTERESTED PARTIES OPPOSING CS AND RS-3 ZONING:
Bruce Charles, 6107 East 121st Street, Bixby, Oklahoma 74008, submitted listed objections (Exhibit B-1); **Bea Kennedy**, 1207 South Broadway, Henryetta, Oklahoma 74437, represented her mother, 1018 South Sheridan, Bixby, Oklahoma 74008.

THE FOLLOWING CONCERNS WERE EXPRESSED BY THE INTERESTED PARTIES LISTED ABOVE:
Protecting the wetlands; drainage problems; flooding; narrow roads and increased traffic; subject property is not compatible for RS-3 zoning; no funds available for drainage improvements.

TMAPC COMMENTS:
Mr. Westervelt informed the interested parties that the Planning Commission does not address stormwater drainage issues, but land use issues only. He explained that their concerns with drainage will be part of the record.

Mr. Ledford stated that the recognized wetland issue will be answered through the platting process.

Mr. Westervelt asked staff to enlighten the Planning Commission on any Federal regulations regarding wetlands. In response, Mr. Stump stated that he cannot list all of the requirements, but there are significant safeguards for recognized wetlands.

Mr. Westervelt asked if the Planning Commission is able to take action on this issue today and not be in any difficulty with Federal law. In response, Mr. Swiney stated that the Planning Commission can rule on the request of the application and that in no way supercedes the Federal ability to manage wetlands and other concerns.

Mr. Ledford stated that today's request is no different from part of the property being in a floodplain. The Planning Commission could rezone the subject property, but the applicant would still have to recognize that there is floodplain on the property and follow Public Works' regulations.

APPLICANT'S REBUTTAL:

Bill Jones stated that he is familiar with wetlands and the regulations. He recognized that he will have to address the wetland issues and meet all the regulations.

Mr. Jones indicated that the City of Tulsa is planning a drainage ditch that will parallel Sheridan on the east side of the subject property. During the platting process the City is expecting drainage easements to be granted for their plans.

Ms. Pace recognized Mr. Charles.

Mr. Charles reiterated his concerns with floodplains, wetland issues and runoff stormwater. Mr. Westervelt reminded Mr. Charles that during the platting process all of the issues he has raised will be addressed. Mr. Charles commented that it would make sense to have the information on the various problems before making a decision so that the Planning Commission will make a fully informed decision. Mr. Westervelt stated that according to Legal the Planning Commission will be making an informed decision today and the concerns have been brought to the Planning Commission's attention. Mr. Westervelt reiterated that Public Works will address these issues at the next step and the applicant has indicated that he is aware of the issues.

After the public hearing it was discovered that the legal description for Z-6702 is incorrect and will have to be reheard. The date is unknown at this time.

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Application No.: CZ-253/PUD-612 **AG to RS/PUD**
Applicant: David M. Dryer (PD-20) (CD-County)
Location: East of northeast corner East 181st Street and South 145th East Avenue

STAFF RECOMMENDATION CZ-253:

Relationship to the Comprehensive Plan:

The subject property is not within any adopted district plans. The Development Guidelines, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, provide for evaluation of the existing conditions, land uses, existing zoning and site characteristics for the goals and objectives of areas that have not been specifically defined for redevelopment. Provisions of the Development Guidelines would designate this site Low Intensity.

Staff Comments:

Site Analysis: The subject property is approximately 50 acres in size and is located east of the northeast corner of East 181st Street South and South 145th East Avenue. The property is flat, wooded, vacant, and zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north, west and east by vacant property, zoned AG; and to the south across E. 181st Street South by scattered single-family dwellings, zoned RE.

Zoning and BOA Historical Summary: No activity has occurred in this area.

Conclusion: Based on the lack of existing development of similar-intensity development in the surrounding area and the relative lack of infrastructure, staff cannot support the requested RS zoning. This appears to be a case of "leapfrog" development. Staff recommends **DENIAL** of RS zoning on the subject property. If the Planning Commission is inclined to rezone the site, AG-R zoning may be appropriate.

AND

STAFF RECOMMENDATION PUD-612:
The applicant has submitted a proposed private street subdivision and Deed of Dedication and Restrictive Covenants (enclosed) to be reviewed as a PUD. The 50-acre tract is located east of 145th East Avenue on the north side of East 181st Street South. The tract is currently zoned AG. Concurrently an application has been filed CZ-253 to rezone the tract from AG to RS. There is AG-zoned property to the north, east and west of the subject tract and RE zoning to the south in the city limits of Bixby. The PUD proposes 26 residential lots (based on sketch plat) with private streets that do not meet the requirements of the subdivision regulations or the draft guidelines for private streets (enclosed).

The proposed PUD is not consistent with the PUD chapter of the Tulsa County Zoning Code. The proposal does not:

1. Maintain appropriate limitations on the character and intensity of use and does not assure compatibility with adjoining and proximate properties.

2. Utilize the unique physical features of the site.

3. Provide and preserve meaningful open space.

4. Achieve a continuity of design within the development.

Therefore, staff finds recommends **DENIAL** of PUD-612.

Attached are comments from the City of Bixby Planner.

TMAPC COMMENTS:
Mr. Harmon asked staff what can be done in an RS zoning that cannot be done in an AG-R zoning. In response, Mr. Dunlap stated that an RS zoning allows more density.

Mr. Westervelt stated that the zoning being requested is in excess of the zoning needed to carry out the density the applicant has in mind. He further commented that staff is not in support of the PUD because it would allow private streets and there is concern that the private streets are inadequate.

Mr. Stump stated that staff cannot support this application because the subject area will eventually be developed into subdivisions, and to have a large area with private streets and not provide access to other developments on either side or to the north is not the kind of development pattern desired. In addition, this would have over a half of mile of private streets to be maintained. He commented that the substandard streets will end up in the County's lap and it is not a good precedent to set. He stated that the applicant needs to meet the County standards for public streets and there is nothing unique to this development to warrant the private streets.

APPLICANT'S COMMENTS:
David Dryer, 5540 South Lewis, Suite 720, Tulsa, Oklahoma 74105, stated that his client has submitted a sketch plat in which there will be a Phase II at the back of the subdivision. He indicated that his client is proposing to develop approximately 19 lots. If the AG-R zoning is sufficient for the plat to go through the process then he has no problem with the AG-R or RS zoning.

Mr. Dryer stated that the owner owns the property to the north and does not intend to develop it at this time. There is a creek running through where Phase I and Phase II meet and it impacts the developmental cost. He indicated that there will be very little or no development to the north property. The west property owner has indicated that she is not interested in developing her property and that leaves basically the east side of the property that may develop.

Mr. Dryer explained that his client wanted private streets because it is an extremely wooded area and he wanted to minimize the street sizes to preserve the green area in order to enhance the market ability of the lots. He stated that the proposal is not a sprawling subdivision and is not that large.

Mr. Dryer recommended that the PUD be approved and allow the street standards to be modified or augmented in order to save the green area. He stated that his client would like to modify his application to 19 lots instead of 26 lots because Phase II is stricken.

TMAPC COMMENTS:
Mr. Carnes asked the applicant if he has consulted with staff regarding this proposal. In response, Mr. Lee Beaumont, owner of subject property, stated that he had a preliminary meeting with the County. He indicated that he tried to get the County to put

in a road, but he was advised that he is not on a section line and there will never be any public road brought to the subject area. Mr. Beaumont stated that the City of Bixby has already approved a water tap. He commented that the development across the street from the subject property is in agreement with the proposal.

Mr. Westervelt stated that staff has found that the zoning classification (AG-R) that will allow the applicant to construct the number of residences that he requested. The problem is within the PUD and the street standards. The City of Bixby is also unwilling to accept the PUD as well. The staff is stating that the manner in which the applicant is proceeding is not proper but they are willing to support AG-R, which will allow the requested number of units. The street standards will be different from the proposal.

Mr. Beaumont indicated that there are other subdivisions in the subject area with below-standard streets. In response, Mr. Westervelt stated that the Planning Commission has to keep in mind what will happen in the future and the way development will unfold. If the Planning Commission did not do this there would be nothing but large masses of nonconforming properties.

Ms. Pace asked the applicant who owns the property that is excluded in the middle of the subject property. In response, Mr. Beaumont stated that the excluded property was sold before the planning had begun. Ms. Pace stated that it would be difficult to change the zoning on the excluded property in the future for a higher density then that requested for the surrounding property because of the size. In response, Mr. Stump stated that staff would encourage AG-R zoning on the excluded property and the subject property no longer needs to be rezoned since the applicant has lowered the number of units they are developing. Mr. Stump commented that staff would encourage the applicant to plat his property and begin the development with public streets. Mr. Stump stated that the applicant is not proposing to build private streets at the County standards and the Planning Commission has required this in the past.

Mr. Ledford stated that this is a County plat and the Planning Commission's policy has been that pavement standards meet the County's standards. The City of Bixby's letter states that they will allow the applicant to tap into the water lines, but they are not responsible for maintenance, installation, removal or replacement of the waterlines, storm sewers and the sewer facility. There are some problems with the subject PUD and the Planning Commission only has two choices today. The Commission can deny the application as it stands or suggest that the applicant go back and work with the City of Bixby staff and work out the problems.

Mr. Dryer stated that his client would be agreeable to continuing the application and discussing the issues with the County and the City of Bixby.

Mr. Stump stated that if the applicant changed the proposed street standards to the required public streets, staff would still feel that a gated community this size and depth into the section is inappropriate.

Mr. Dick suggested that the applicant continue his application for two weeks and revisit with Ray Jordan and Larry Glenn. He explained that it is the County's policy to not accept dedication of roadways that do not meet County standards. He encouraged the applicant to build the streets to County standards in order for the County to automatically put the streets on the maintenance system. The County is only allowed to build roads on the section line, but the County is permitted to maintain other roads that are built to standard.

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 **CONTINUE** CZ-253/PUD-612 to July 7, 1999 at 1:30 p.m.

TMAPC COMMENTS:
Mr. Westervelt recognized Dr. James Derby, interested party.

INTERESTED PARTIES COMMENTS:
Dr. James Derby, 4047 East 43rd Street, Tulsa, Oklahoma 74135, stated that he owns the adjacent property. He indicated that he did have some concerns with the subject application but he would wait until the July 7th meeting to discuss his concerns.

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Mr. Carnes out at 2:43 p.m.
Mr. Midget out at 2:45 p.m.

Application No.: PUD-206-C
Applicant: Roy D. Johnsen (PD-18) (CD-8)
Location: West of southwest corner of East 91st Street South and South Sheridan Road (Major Amendment).

STAFF RECOMMENDATION:
The property, which is subject to this amendment to PUD-206, consists of 2.68 acres of land situated on the south side of East 91st Street South approximately 275 feet west of South Sheridan Road.

The subject tract has 275 feet of frontage on East 91st Street South and extends south from 91st Street a distance of 375 feet. Properties on the north side of 91st and across from the site are developed for commercial purposes. Properties east and south of the site are developed for commercial purposes and include a drugstore and a bank facility. The westerly boundary of the site is adjoined by the Sheridan South single-family subdivision.

This proposed Major Amendment to PUD-206 would permit the development of an assisted living facility. The development is proposed as a one-story structure, residential in architectural style and containing 46 living units. The proposal would also permit the previously-approved commercial uses and standards. These previously-approved standards do not maintain appropriate limitations on the character and intensity of use and do not assure compatibility with the adjoining single-family subdivision on the west. Staff cannot support commercial uses with the existing standards, but could support commercial uses with the standards now proposed by the applicant.

The subject tract is a part of Development Area A of PUD-206. Development Area A consists of 15 acres and was approved in 1977 for retail commercial uses ("...as permitted within a CS district") not to exceed 200,000 square feet of floor area. To date, pursuant to various minor amendment and site plan applications, 81,386 square feet of floor area has been allocated to three platted areas (Food Lion Plat-4889, Walgreen I Plat-4928, Boatmen's Bank Plat-5061). Assuming a proportional allocation of floor area to land area, the site allocation is computed at 17.8%, which equals 35,600 square feet.

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-206-C 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-206-C 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:**

STANDARDS FOR DEVELOPMENT ALERNATIVE I

Net Land Area:	2.36 acres
Permitted Uses:	Assisted Living Facility
Maximum Number of Lots:	1
Maximum Number Dwelling Units:	50
Maximum Floor Area:	35,600 SF
Maximum Building Height:	One story (not to exceed 25 FT.)

Minimum Building Setbacks:	
From arterial street right-of-way	50 FT
From west boundary	25 FT*
From south boundary	20 FT
From east boundary	50 FT
Minimum Livability Space Per Unit:	1,000 SF
Minimum Access Drive and Parking Area Setback:	
From west boundary of PUD	25 FT*
Parking Ratio	As provided within the applicable use unit
Minimum Landscaped Area:	10% of net lot area

Signage:

One monument-style ground sign shall be permitted, not to exceed six feet in height or 60 SF of display surface area and only adjacent to the 91st Street frontage. No sign shall be within 150 feet of the west boundary of the PUD.

Landscaping and Screening:

A landscaped area of generally not less than 25 feet in width and six-foot high or higher screening fence shall be located along the westerly boundary adjoining the residential developments. Landscaping throughout the project shall meet the requirements of the landscape chapter of the Tulsa Zoning Code.

*Minor portions of buildings or parking areas may be allowed to within 20' of the west boundary if approved by TMAPC as part of the Detail Site Plan approval.

STANDARDS FOR DEVELOPMENT ALTERNATIVE II**

As a mutually exclusive alternative use to the proposed assisted living facility, commercial use shall be permitted subject to the following development standards.*

Permitted Uses:	Use Units 11, 12, 13 and 14
Maximum Building Floor Area:	35,600 SF

Maximum Building Height:

Within 50 feet of west boundary	one story/25 FT
Other buildings	two story

Minimum Building Setbacks:

From centerline of 91st Street	100 FT
From west boundary	25 FT
From south boundary	10 FT
From east boundary	10 FT

Parking Area Setback from West Boundary: 15 FT

Bulk Trash Container Setback from West Boundary: 75 FT

Minimum Landscaped Area: 10% of net lot area

Lighting:

Parking area lighting shall be limited to shielded fixtures designed to direct light down and away from residential areas. Light standards shall not be permitted within 25 feet of the west boundary, and within 50 feet of the west boundary, light standards shall not exceed 12 feet in height.

Signage:

Ground signs shall be limited to one sign not to exceed 25 feet in height nor 150 SF of display surface area. The permitted ground sign shall be set back from the west boundary not less than 140 feet. Wall signage shall be limited to one and one half square feet of display surface area per lineal foot of building wall to which affixed, provided however, wall signage shall be prohibited on west building walls.

Landscaping and Screening:

A landscaped area of not less than 15 feet in width and a six-foot screening fence shall be located along the west boundary. Within the required landscaped area, trees meeting the requirements of Chapter 10 of the Tulsa Zoning Code shall be installed and maintained at a spacing interval of not greater than 35 feet.

**These are the additional standards which staff agreed to add to the staff recommendation.

3. Mutual access directed toward East 91st Street South must be provided to the adjoining property to the south and east.

4. 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.

5. 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.

6. 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.

7. 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 at least 150 feet from the west boundary of the PUD.

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 12 feet in height and within 50 feet of the west boundary of the PUD no such lights shall exceed eight feet in height. There shall be no light standard nor building-mounted light within 25 feet of the west boundary of the PUD.

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 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.

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.

Mr. Dunlap indicated that the applicant and staff have met since the mailing of the agenda packets and have new standards to submit to the Planning Commission. Mr. Dunlap stated that the staff, at this time, recommends **APPROVAL** of the PUD-206-C with the additional standards submitted today.

Mr. Stump stated that the applicant will either develop the subject property as an assisted living facility with the standards included in the agenda packet or develop as commercial, which was previously approved but it would have more limitations. The new standards can be incorporated into the staff recommendation as an alternative development standard. He stated that the applicant couldn't build an assisted living facility and commercial development, rather one or the other.

TMAPC COMMENTS:
Mr. Westervelt asked if staff is comfortable with the restraints added to both situations as compared to the original PUD standards that existed. In response, Mr. Stump answered affirmatively.

APPLICANT'S COMMENTS:
Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that he has reached an agreement with staff regarding the standards for the alternative commercial use. He explained that the extension of the building to the west is between 20' to 25' and the staff recommendation is 25' for the building setback. He stated that there might be two parking spaces within the 25' landscaped area. The overall west boundary has a substantial amount of open space, though there are two points where it is slightly less than 25' in width. He requested that the record reflect that minor departures in the landscaped area maybe permitted pursuant to detail site plan review consistent with the concept plan.

Mr. Stump stated that staff did agree that a small portion of the building could be closer if approved at detail site plan review.

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 Major Amendment for PUD-206-C subject to conditions as recommended by staff and modified by applicant.

Legal Description for PUD-206-C:
Commencing at a point that is the Northeast corner of said NE/4, NE/4; thence S 89°57'27" W along the Northerly line of the NE/4, NE/4, for a distance of 275.00' to the Point of Beginning; thence S 0'09'03" E along the Westerly lines, and the extension thereof, of Block 1, Walgreen I, and Block 1, Boatmen's Bank I, both being additions to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plats thereof, for a distance of 425.00' to a point; thence S 89°57'27" W and parallel with the

North line for a distance of 275.00′ to a point on the Easterly line of Block 1, Sheridan South, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, thence N 00°09′03″ W along said Easterly line and the extension thereof, for a distance of 425.00′ to a point on the Northerly line of the NE/4, NE/4; thence N 89°57′27″ E along said Northerly line for a distance of 275.00′ to the Point of Beginning.

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Application No.: Z-5527-SP-1
Applicant: Charles Norman/William LaFortune (PD-17) (CD-6)
Location: South and east of southeast corner East 51st Street and South 129th East Avenue. (Corridor Site Plan)

STAFF RECOMMENDATION:
The Corridor Site Plan proposes an outdoor advertising sign on a tract of land located north of the Broken Arrow Expressway in the 1300 block east in Tulsa, Tulsa County. The subject tract is to the east of the Metropolitan Life Insurance Company, south of East 51st Street and directly across the Broken Arrow Expressway from the Ford Glass Plant. The tract is zoned CO and is abutted on the north by AG-zoned property, to the east by property zoned CO and on the west by property zoned OL. There is IL-zoned property to the south across the Broken Arrow Expressway.

Based on the following conditions, staff finds Z-5527-SP-1, 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 Z-5527-SP-1 subject to the following conditions:

1. The outdoor advertising sign shall be located ten feet from the newly expanded Broken Arrow Expressway right-of-way 175.2 feet from the west boundary of the tract. The sign shall be separated a minimum distance of 1,200 feet from any other outdoor advertising sign. Spacing limitations shall not apply between signs separated by the expressway.

2. The outdoor advertising sign shall have a maximum height of 50 feet and a maximum display surface area of 672 SF.

3. The outdoor advertising sign shall meet the conditions of Section 802.B.3 of Zoning Code for the City of Tulsa.

Mr. Carnes in at 2:50 p.m.

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 **HORNER**, the TMAPC voted **9-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to recommend **APPROVAL** of the Corridor Site Plan for Z-5527-SP-1 subject to conditions as recommended by staff.

Legal Description for Z-5527-SP-1:
A part of the N/4, Section 33, T-19-N, R-14-E, Tulsa County, Oklahoma, being more particularly described as follows: commencing at the Northwest corner of the NW/4 of Section 33, T-19-N, R-14-E, Tulsa County, Oklahoma, thence N 89°57′48″ E along the North line of said NW/4 a distance of 1,614.45′ to the point of beginning thence continuing N 89°57′48″ E along the North line of said NW/4 a distance of 155.66′; thence S 00°07′19″ E a distance of 1,134.25′; thence N 89°57′48″ E a distance of 873.00′ to a point on the East line of said NW/4; thence S 00°07′19″ E along the East line of said NW/4 a distance of 964.85′ to a point on the North right-of-way line of the Broken Arrow Expressway; thence N 64°33′00″ W along said North right-of-way line a distance of 764.17′; thence N 58°58′00″ W along said North right-of-way line a distance of 389.63′ to the Southeast corner of Metropolitan Center, an Addition to Tulsa County, Oklahoma, according to the recorded Plat thereof; thence N 00°20′27″ W along the East line of said Metropolitan Center a distance of 1,569.27′ to the point of beginning, less and except the Broken Arrow Expressway right-of-way and taking.

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OTHER BUSINESS:

Application No.: PUD-516-A
Applicant: James P. Boswell (PD-26) (CD-8)
Location: South of southeast corner of East 101st Street and South Yale
(Detail Site Plan)

STAFF RECOMMENDATION:
The applicant is requesting Detail Site Plan approval for a 4,500 SF single-story dental office on a 22,127 SF lot within Development Area IV.

Staff has examined the site plan and finds conformance to the approved PUD standards for building floor area and height, building setback, parking, access, mutual access and minimum landscaped spaces.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-516-A, Development Area IV as submitted.

Note: Detail Site Plan approval does not constitute Landscape plan approval. Trees shown on the approved Site Plan for PUD-516-A, Area IV, do not meet the landscape requirements of the Tulsa Zoning Code.

Mr. Midget in at 2:51 p.m.

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 **APPROVE** the Detail Site Plan for PUD-516-A, Development Area IV as recommended by staff.

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There being no further business, the Vice-Chairman declared the meeting adjourned at 2:55 p.m.

Date approved: 6-23-99

Chairman

ATTEST: Secretary