

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2210

Wednesday, July 7, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, July 2, 1999 at 11:00 a.m., posted in the Office of the City Clerk at 10:50 a.m., as well as in the office of the County Clerk at 10:47 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 June 16, 1999, Meeting No. 2208

On **MOTION** of **HORNER** the TMAPC voted **6-0-1** (Dick, Hill, Horner, Midget, Pace Westervelt "aye"; no "nays"; Boyle "abstaining"; Carnes, Harmon, Jackson, Ledford, "absent") to **APPROVE** the minutes of the meeting of June 16, 1999 Meeting No. 2208.

Minutes:

Approval of the minutes of June 23, 1999, Meeting No. 2209

On **MOTION** of **WESTERVELT** the TMAPC voted **6-0-1** (Boyle, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; Dick "abstaining"; Carnes, Harmon, Jackson, Ledford "absent") to **APPROVE** the minutes of the meeting of June 23, 1999 Meeting No. 2209.

REPORTS:

Director's Report:

Mr. Stump reported that the receipts for May were average totaling 12500 receipts taken. He stated that there are two items on the City Council agenda and requested a Planning Commissioner to attend the meeting. Mr. Horner indicated that he will be attending the City Council meeting.

SUBDIVISIONS

Marco Industrial Park (PUD-605) (394) (PD-17) (CD-6)
East 4th Street and 145th East Avenue

STAFF RECOMMENDATION:

The PUD has not been approved for this final plat and should be stricken from the agenda.

There were no interested parties wishing to speak.

The Preliminary Plat for Marco Industrial Park was stricken from the agenda.

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

CONTINUED ZONING PUBLIC HEARING

Application No.: Z-6690
Applicant: Darin Akerman
Location: 4940 South Columbia

RS-1 to RT
(PD-6) (CD-9)

TMAPC COMMENTS:

Mr. Boyle stated that there is a request for a continuance to October 6, 1999. Mr. Stump stated that this is a rezoning case, which the Planning Commission requested that the applicant consider filing a PUD. Mr. Stump indicated that the applicant, at this time, does not have a PUD ready to file and would like a continuance.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford "absent") to **CONTINUE** Z-6690 to October 6, 1999 at 1:30 p.m.

Application No.: Z-6685

Applicant: Patsy R. Slagle

Location: 1147 and 1153 North Columbia Place

(Applicant has requested this application to be withdrawn.)

RS-3 to PK

(PD-3) (CD-3)

There were no interested parties wishing to speak.

Withdrawn.

Application No.: CZ-253/PUD-612

Applicant: David M. Dryer

Location: East of northeast corner East 181st Street and South 145th East Avenue

AG to RS/PUD

(PD-20) (CD-County)

TMAPC COMMENTS:

Mr. Boyle stated that there is a request for a continuance to July 28, 1999.

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, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford "absent") to **CONTINUE** CZ-253/PUD-612 to July 18, 1999 at 1:30 p.m.

ZONING PUBLIC HEARING

Application No.: Z-6706

Applicant: Bob Nichols

Location:

(Interested party made a timely request for a continuance.)

RM-1 to IM

(PD-3) (CD-3)

STAFF RECOMMENDATION:

Mr. Stump stated that an interested party has requested a continuance. He explained that the Kendall-Whittier neighborhood boundaries on the map were incorrect and the neighborhood was not notified of this request in a timely manner.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford "absent") to **CONTINUE** Z-6706 to July 28, 1999 at 1:30 p.m.

Application No.: Z-6708

RS-3 to IL

Applicant: John Moody

(PD-18) (CD-8)

Location: Southwest corner East 61st Street and South 104th East Avenue

(Applicant has requested a continuance to August 4, 1999 in order to re-advertise with corrected legal description.)

STAFF RECOMMENDATION:

Mr. Stump stated that the applicant has submitted a new legal description and a new notice will be given.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford "absent") to **CONTINUE** Z-6708 to August 4, 1999 at 1:30 p.m.

PLAT WAIVER:

Z-5763-SP-1 (594)

(PD-17) (CD-6)

Northwest of East 7th Street and South 129th East Avenue

STAFF RECOMMENDATION:

Mr. Stump stated that there is a request to continue this item for two weeks.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford "absent") to **CONTINUE** the Plat Waiver for Z-5763-SP-1 to July 21, 1999 at 1:30 p.m.

Mr. Carnes in at 1:40 p.m.

SUBDIVISIONS (Continued)

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- L-18869 – Jack Cox (583)** (PD-18) (CD-9)
6617 South Atlanta Place
- L-18872 – Larry Clark (2813)** (PD-12) (County)
8133 North Harvard
- L-18873 – Allison Baltzer (3104)** (PD-16) (CD-6)
11000 East Newton
- L-18878 – Bill Jones (2083)** (PD-18) (CD-2)
Southeast corner of East 91st Street South and Riverside Drive
- L-18880 – Steven A. Stecher (1313)** (PD-15) (County)
8427 East 106th Street North
- L-18881 – Brandon Perkins (874)** (PD-19) (County)
13290 South 121st East Avenue
- L-18887 – Anna Jo Culp (2272)** (PD-21) (County)
15401 South 26th West Avenue
- L-18888 – City of Tulsa (3592)** (PD-8) (CD-2)
Northeast corner of West 61st Street and Union

STAFF RECOMMENDATION:

Mr. Beach stated that these lot-splits are all in order and staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Jackson, "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

FINAL PLAT:

Hillcrest Medical Center (793)

(PD-4) (CD-4)

Southwest corner East 11th Street and South Utica Avenue

STAFF RECOMMENDATION:

Mr. Beach stated that everything is in order and all release letters have been received. Staff recommends approval subject to final review of the deed-of-dedication language.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to **APPROVE** the Final Plat for Hillcrest Medical Center subject to final review of deed-of-dedication and restrictive covenants as recommended by staff.

Home Center (PUD-595) (0684)

(PD-18) (CD-8)

North of northeast corner of South 101st East Avenue and East 71st Street

STAFF RECOMMENDATION:

Mr. Beach stated that everything is in order and all release letters have been received. Staff recommends approval subject to final legal review.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to **APPROVE** the Final Plat for Home Center subject to final review of deed-of-dedication and restrictive covenants as recommended by staff.

PRELIMINARY PLAT:

Ashton Creek Office Park (PUD-600) (2183)

(PD-18) (CD-8)

West of the intersection of Yale and East 91st Street South

STAFF RECOMMENDATION:

Nine lots, two blocks, two reserves. Area of land under application is unknown but this plat represents approximately the north 2/3 of Development Area A of PUD-600, which consists of 13.5 acres. PUD approved 140,000 SF of one-story and two-story offices in Development Area A. The site is situated west of "The Charter" containing

condominium offices and east of "Rolling Oaks Memorial Gardens" containing a cemetery. "Thousand Oaks" containing single-family residences is to the north across 91st Street.

The following were discussed **June 17, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Beach, staff, noted that a 60' wide public residential collector street is proposed from 91st Street to the south boundary of the platted area. It will ultimately be extended through the PUD to Development Area B and from that point south, will become a private street within a townhouse development. The PUD requires all lots in Development Area A to have at least 50' of frontage. Lots 5 & 6, Block 1 do not. There is a mutual access easement proposed to serve these two lots but it is not sufficient to serve Lot 6.
- Coon, Applicant, stated that this would be corrected.
- French, Traffic, stated that the street name shown on the plat needs to be changed to a name acceptable to the City. He also noted that the covenants need to be changed to eliminate the references to private streets. He stated that sidewalks are required on both sides of the collector street.
- Somdecerff, Transportation, stated that the plat needs to show the book and page number of the 91st Street right-of-way. He also stated that additional right-of-way will be needed to make a 30' radius-curve at each corner of the intersection with 91st Street and the new proposed street.

2. Sewer:

- Beach, staff, noted there is an existing sewer along the south boundary, on the other side of the creek.
- Vaverka, Wastewater, stated that the two 7.5' easements between Lots 1 and 2 and between Lots 2 and 6, Lots 3 and 5, and Lots 4 and 5 need to be increased to two 11' easements. Also the 15' easement along the west side of Lot 4 needs to be increased to 17.5'. He also advised the applicant that a \$3,000 lift station fee would be due at the time of escrow.

3. Water:

- Beach, staff, noted there is a 12" water line along the north side of 91st Street that crosses the street near the northeast corner of the property.
- Lee, Water, requested that the waterline be looped to the proposed street between Lots 2 and 3 after serving Lots 5 and 6.

4. Storm Drainage:

- Beach, staff, noted that the two areas labeled as "common lots" are in the floodplain and the PUD specifically does not allow development in these areas.
- Coon, applicant, stated that these would be dedicated for floodplain.
- McCormick, Stormwater, stated that these must be dedicated and language needs to be included in the covenants.

5. Other:

- Pierce, PSO, requested a 17.5' perimeter easement with provisions for overhead service written in the covenants.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. All lots must have at least 50' of frontage on a public street.
2. Modify easements as directed in TAC review.
3. Dedicate floodplain areas.

Standard Conditions:

1. All conditions of PUD-600 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.

10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
15. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
16. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
17. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
18. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
21. The key or location map shall be complete.
22. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)

24. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

25. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to **APPROVE** the Preliminary Plat for Ashton Creek Office Park subject to special conditions and standard conditions as recommended by staff.

Sterling Cottage (PUD-206-C) (2283)

(PD-18) (CD-8)

West of southwest corner of East 91st and South Sheridan Road

STAFF RECOMMENDATION:

One lot, one block on 2.683 acres; assisted living facility under PUD-206C. The site is situated between an existing Walgreen's store to the east and a single-family residential development to the west. The abutting property to the south and to the southeast is unplatted and undeveloped. Based on existing zoning and the Comprehensive Plan, the development in the immediate area is occurring as would be anticipated.

The following were discussed **June 17, 1999** at the Technical Advisory Committee meeting:

1. Streets/access:

- Beach, staff, noted no new streets are proposed. A single access point from 91st Street is proposed that leads into an existing mutual access easement between this tract, the Walgreen's tract and properties to the south.
- Jones, applicant, briefly described the project and noted that the assisted living facility would be situated in the southwesterly portion of the property and would be served by a drive and parking lot with two points of access to the access easement.

2. Sewer:

- There were no comments regarding sanitary sewer.

3. Water:

- Lee, Water, advised the applicant to check with the Fire Marshal to see if there is adequate hydrant coverage.

4. Storm Drainage:

- There were no comments regarding storm sewer.

5. Other:

- There were no other comments.

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

Waivers of Subdivision Regulations:

1. To allow the scale of 1"=30'.

Special Conditions:

1. None.

Standard Conditions:

1. All conditions of PUD-206-C shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. Limits of Access or LNA, as applicable, shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
15. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
16. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
17. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
18. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
24. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
25. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
26. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to **APPROVE** the Preliminary Plat for Sterling Cottage subject to special conditions and standard conditions as recommended by staff.

PLAT WAIVER: (Continued)

Z-6687 (3104)

(PD-16) (CD-6)

Southwest corner East Pine Street and North Garnett

STAFF RECOMMENDATION:

Approval of rezoning from RS-3 to IL triggers the platting requirement. TMAPC has the authority to waive the plat and require sufficient conditions to insure that the intent of the platting requirement is met. No building permits may be issued until the property is either platted or all conditions of a plat waiver are met.

The property is part of an area that is situated near the airport and contains other industrial uses. No site plan was submitted. The applicant intends to build an 18,000 SF building and parking for 30 cars. North 111th East Avenue abuts the property to the west but is not open. Garnett Road is a secondary arterial in this location with a minimum right-of-way of 100 feet. The existing right-of-way is only 40 feet west of the centerline.

Staff Comments and Recommendation:

Staff recommends approval of the plat waiver subject to dedication of right-of-way to meet the requirements of the Major Street and Highway Plan and subject to filing limits of access acceptable to the Traffic Engineer.

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

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

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

- | | | |
|--|--------------------------|--------------------------|
| 4) Is right-of-way dedication required to comply with major street and Highway plan? | ✓ | <input type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument? | ✓ | <input type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input type="checkbox"/> | ✓ |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | ✓ |
| iii) Is on-site detention required? | <input type="checkbox"/> | ✓ |
| iv) Are additional easements required? | <input type="checkbox"/> | ✓ |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | ✓ |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | ✓ |
| 8) Change of Access | | |
| a) Are revisions to existing access locations necessary? | ✓ | <input type="checkbox"/> |
| 9) Is the property in a PUD? | <input type="checkbox"/> | ✓ |
| a) If yes, was plat recorded for the original PUD? | N/A | |

10) Is this a Major Amendment to a PUD?

a) If yes, does the amendment make changes to the proposed physical development of the PUD?

N/A

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to **APPROVE** the Plat Waiver for Z-6687 subject to dedication of right-of-way to meet the requirements of the Major Street and Highway Plan and subject to filing limits of access acceptable to the Traffic Engineer; subject to a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office as recommended by staff.

Z-6701 (PUD-614) (793)

(PD-6) (CD-4)

Southeast corner of East 15th Street and South Victor Avenue

STAFF RECOMMENDATION:

Mr. Beach stated that the PUD associated with this plat waiver has not proceeded enough to be considered today. He suggested that this item be stricken from the agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to **STRIKE** the Plat Waiver for Z-6701 as recommended by staff.

ZONING PUBLIC HEARING

Application No.: CZ-254

AG to RS

Applicant: Pat Garner

(PD-23) (County)

Location: West of northwest corner West 61st and South 161st West Avenue

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 23 Plan, a part of the Sand Springs Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Residential.

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

Staff Comments:

Site Analysis: The subject property is approximately 28.3 acres in size and is located west of the northwest corner of West 61st Street South and South 161st West Avenue. The property is sloping, wooded, vacant, and zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north by single-family dwellings, zoned RS; to the east by single-family dwellings, zoned AG-R; to the northwest and west by vacant property, zoned RS; and to the south by vacant land, in Creek County.

Zoning and BOA Historical Summary: The most recent rezoning in this area rezoned a 48.5-acre tract abutting the subject tract on the north and west from AG to RS.

Conclusion: The Sand Springs Planning Commission supports RS zoning in this area and recommended approval of RS zoning at their June 1, 1999 meeting. Based on the existing zoning and development, staff recommends **APPROVAL** of RS zoning for CZ-254.

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, Carnes, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to recommend **APPROVAL** of RS zoning for CZ-254 as recommended by staff.

Legal Description for CZ-254:

A tract of land that is part of the SW/4, SE/4, Section 31, T-19-N, R-11-E of the IBM, Tulsa County, State of Oklahoma, according to the recorded U. S. Government survey thereof, said tract of land being described more particularly as follows: beginning at the Southwest corner of the SW/4, SE/4 of said Section, thence on a bearing of N 00°07'59" W along the Westerly line of the SW/4, SE/4 for 730.27'; thence on a bearing of N 89°56'58" E parallel with the Northerly line of the SW/4, SE/4 of Section 31 for a distance of 289.49' to a point on a curve; thence Southeasterly along a curve to the right

with a central angle of 42°52'04" and a radius of 25.00' for a distance of 18.70' to a point of reverse curve; thence Southeasterly, Easterly, Northeasterly and Northerly along a curve to the left having a central angle of 169°46'52" and a radius of 50.00' for a distance of 148.16'; thence on a bearing of N 89°56'58" E parallel with said Northerly line of the SW/4, SE/4 for a distance of 274.06'; thence along the West line of Pleasant Oaks III on a bearing of N 00°00'44" E for a distance of 179.84' to the Southwest corner of Lot 3, Block 1, Oak Haven I; thence along the South line of Oak Haven I on a bearing of S 89°58'40" E for a distance of 660.00'; thence along the West line of Pleasant Oaks II on a bearing of S 00°00'44" W for a distance of 970.33' to the Southeast corner of the SW/4, SE/4 of said Section; thence along the South line of said SW/4, SE/4 on a bearing of S 89°59'28" W for a distance of 1,312.64' to the Point of Beginning, containing 28.34 acres.

Application No.: Z-6538-SP-2

Applicant: Wayne Alberty

(PD-18) (CD-8)

Location: South of southwest corner East 91st Street and South Mingo Road
(Corridor Site Plan)

STAFF RECOMMENDATION:

The applicant is requesting Corridor Site Plan approval for a three story 42,500 SF medical and general office building on 3.38 net acres.

Staff has examined the Detail Site and Landscape Plan provided with the application and finds conformance to the Corridor District requirements of the Tulsa Zoning Code including building coverage and floor area, building setback, parking, signage and landscaping.

Staff notes, however, that the Corridor District requirement that access be principally from internal collector streets is not met and will require Board of Adjustment approval of a Variance from Section 804 of the Code. In 1996, the Board of Adjustment granted a Variance from the access requirements for the subject parcel for an indoor/outdoor hockey facility citing the narrowness of the lot and its proximity to the Haikey Creek Channel. The facility received Corridor Site and BOA approval but was never built. Since the 1996 Variance was approved per Site Plan submitted it is non-transferable.

Site specific and surrounding area conditions have not changed since TMAPC and BOA review and approvals were given. Staff is of the opinion that a request by the applicant for relief from Section 804 of the Code would be reasonable and not counter to the spirit or intent of the Corridor District Chapter of the Tulsa Zoning Code.

Staff, therefore, finding conformance to Corridor District and other applicable standards of the Tulsa Zoning recommends **APPROVAL** of Corridor Site Plan Z-6538-SP-2 subject to the following condition:

Tulsa Board of Adjustment approval of a Variance form Section 804 of the Tulsa Zoning Code.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to recommend **APPROVAL** of the Corridor Site Plan for Z-6538-SP-2 subject to conditions as recommended by staff.

Legal Description for Z-6538-SP-2:

As Part of the N 330' of the S 660' of Government Lot 1, Section 19, T-18-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at a point on the South line of said N 330' of the S 660', said point lying 50' East of the Southwest corner thereof; thence N 01°09'30" W parallel to the West line of said Lot 1, a distance of 165.24' to a point; thence N 88°58'07" E a distance of 325.66' to a point; thence S 86°47'19" E a distance of 234.21' to a point; thence S 78°55'39" E a distance of 92.99' to a point; thence S 68°32'06" E a distance of 81.25' to a point; thence N 64°03'00"E a distance of 40.81' to a point; thence S 89°29'03" E a distance of 107.20' to a point; thence S 71°05'02" E a distance of 236.74' to a point; thence S 52°21'25" E a distance of 49.39' to a point on the said South line of the North 330' of the South 660'; thence S 88°58'08" W along said South line a distance of 1,130.13' to the point of beginning, containing 3.38 acres more or less.

* * * * *

Application No.: Z-6707

RD, RM-2, CS, CH to RS-4, RM-2 to RD

Applicant: TMAPC

(PD-7) (CD-2)

Location: Between Broken Arrow Expressway on the north of Riverside Drive on the south; the lots on the west side of South Jackson Avenue on the west and the lots on the east side of South Elwood Avenue to the east.

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 7 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates most of the subject area as Medium Intensity-Residential and Area D – Riverview Residential Area. Policies in the Plan text call for protection of the residential uses here and recommend that any new development or redevelopment be restricted to residential uses only. A smaller portion, the corridor along both sides of Denver Avenue, is designated as Medium Intensity-No Specific Land Use and Area B – Special Development District; the Plan text refers to this as an area of medium intensity uses

needing special attention and support for development and redevelopment. Portions of this neighborhood were recommended for rezoning to single-family residential use in the 1990 Blanket Zone Feasibility Study.

According to the Zoning Matrix the requested RS-4 zoning is in accordance with the Plan Map. As a point of information, if the rezoning is granted, staff will recommend that the District 7 Plan map be amended to designate this area Low Intensity-No Specific Land Use or Low Intensity-Residential for further protection of existing development.

Staff Comments:

Site Analysis: The subject property is approximately 53.5 acres in size and is located south of the Broken Arrow Expressway extending to Riverside Drive on the south; from South Jackson Avenue on the west to those lots fronting South Elwood on the east. The property is sloping, partially wooded, contains single-family homes, apartments, and duplexes, and is zoned RM-2, CH, CS, PUD, and RD.

Surrounding Area Analysis: The subject tract is abutted on the north by the Broken Arrow Expressway, zoned RS-3 and mixed use zoned CH; to the south and west by Riverside Drive, zoned RM-2, RM-3 and OH; farther to the south and west by the Arkansas River; and to the east by a mixed office/residential/commercial strip fronting Denver Avenue and zoned OL, OM, RM-2 and CS.

Zoning Historical Summary: Parts of the Riverview neighborhood have been zoned RM-2 since 1970 and maintained as a mixture of older single-family dwellings, apartments, duplexes, and offices. In 1997 a Planned Unit Development was approved for two lots located north of the northeast corner of W. 13th Street and S. Frisco Avenue to allow six townhouse units on the property, but was later amended to allow one single-family dwelling on the tract.

A 1969 State Supreme Court case involving the property lying between 14th Place and 15th Street, Elwood and Denver Avenues enjoined the City of Tulsa from preventing commercial uses in the area.

Conclusion: Based on the recommendations of the Blanket Zone Feasibility Study, the Comprehensive Plan for the Tulsa Metropolitan Area, existing development and trends in the area, and the desire of a significant number of neighborhood property owners, staff recommends **APPROVAL** of RS-4 zoning, as indicated on Exhibit A, for this area.

The area recommended for rezoning differs somewhat from the originally proposed area in the following ways. First, several properties on the peripheries of the original boundaries contain uses other than single-family residential and are recommended for exclusion. Second, some areas appeared to be too far into transition to be candidates for rezoning to the single-family residential category and staff recommends their exclusion. Third, a non-single-family use at an intersection, the other three corners of which contained non-single-family uses, is recommended for exclusion.

Staff would note that some commercially-zoned properties may have had an error in advertising and staff recommends they be excluded from consideration. If the TMAPC deems it appropriate to rezone these at a later date, they must be re-advertised. Staff recommends that the area northeast of the 13th Street and Frisco Avenue be re-advertised for RS-4 zoning.

Due to the previously mentioned court case, staff recommends that property involved not be considered for rezoning.

TMAPC COMMENTS:

Mr. Boyle asked Ms. Matthews to point out on the map the areas that will be left out of the rezoning and the portion that needs to be re-advertised (Exhibit A). Ms. Matthews explained that the properties on the map that are crosshatched are the properties recommended to be left out of the rezoning.

Mr. Westervelt asked Ms. Matthews to explain the reasoning for re-advertising the node in PUD-558. In response, Ms. Matthews stated that the node was incorrectly advertised and will need to be re-advertised. Mr. Westervelt asked if the node will still be included with the down zoning after it is re-advertised. Ms. Matthews answered affirmatively. Mr. Westervelt asked Ms. Matthews if the owner of the subject property is in agreement with the down zoning. In response, Ms. Matthews stated that she understands that the owner has signed a support letter. She further stated that a new single-family home was built in the subject area. Mr. Stump stated that the lots to the south, which are north of thirteenth, are also single-family dwellings and they agreed to the rezoning.

Mr. Boyle informed the interested parties that there are several people wishing to speak and therefore he proposes a time limit of four minutes for each speaker. He explained that Mr. Westervelt will be keeping track of the time and will turn on the yellow light when there is one-minute left and a red light when the time is up.

THE FOLLOWING INTERESTED PARTIES INDICATED THEIR OPPOSITION AND REQUESTED THEIR PROPERTY TO BE LEFT OUT OF THE REZONING:

Sam Daniel, 738-740 West 13th Street, 74104; **Margaret Lowery**, 1639 South Cheyenne, 74119; representing Ruth Condon, 1219 South Jackson (in), 1343 South Riverside (out) and 1339 South Indian (out); **Jim Thomas**, 1220 South Galveston, 74127; **Sandra Tolliver**, 1208 South Indian and 1201 South Indian, 74127; **Paul Uttinger**, 1324 South Elwood, 74119; **Harold Nixon**, 3843 South 99th East Avenue, 74146, regarding 411 West 13th Street, 74119; **Carl and Nina Richardson**, 1416 South Frisco, 74119; **Jack McNulty**, 601 South Boulder #600, 74119; **Jim Watkinson**, P.O. Box 700960, Tulsa, OK 74170, regarding Galaxy Apartments, 515 West 15th; **Greg Guerro**, 2223 East 20th, 74104, regarding 1309-1313 South Elwood, 74119.

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

Concerns that the commercial and multifamily property could not be rebuilt if it were destroyed by a storm or fire; may not be able to sell property if it is rezoned; rezoning

would adversely affect property value and would be adverse to the City's tax base; prejudicial to leave out only apartment buildings; concerned that the property left out of the rezoning will be included at a later date; not appropriate to rezone an interurban neighborhood to exclusively single-family usage; the interested parties stated that they would be supportive of rezoning Riverview, as long as their properties are left out of the rezoning application.

THE FOLLOWING INTERESTED PARTIES SUPPORT THE REZONING:

Norma Turnbo, 1421 South Guthrie, 74119; **Tuija Cardosa**, 1311 Frisco, 74119; **Cliff Michaels**, 1625 South Elwood, 74119; **Bill Compton**, 1315-1323 South Indian, 74127; **Joan Hoar**, 1415 South Frisco, 74108; **Renee Michalupulus**, 1221 South Jackson, 74127; **Norma Haren**, 1336 South Indian, 74127.

THE FOLLOWING COMMENTS WERE EXPRESSED BY THE ABOVE LISTED INTERESTED PARTIES IN SUPPORT OF THE REZONING:

The integrity of the single-family homes need to be protected; commercial and multifamily property should be left out of the rezoning; new garage apartments, duplexes or multifamily units would be allowed if approved through the Board of Adjustment; neighbors expressed concerns with large businesses purchasing homes and converting into more multifamily units; more multifamily units and commercial property will be detrimental to the neighborhood; several of the protestants have sign the petition in favor of the rezoning proposal; several of the protestants (commercial property and multifamily) have been told that these properties would be left out of the rezoning proposal; subject area has historic homes and should be protected; past twenty years the neighborhood has improved and new homes have been built; the downtown area needs this neighborhood to support the businesses in downtown; the neighborhood needs the single-family homes as an anchor to retain the residential atmosphere and add value to the neighborhood.

TMAPC COMMENTS:

Mr. Westervelt commented that he served on the Infill Task Force with Ms. Turnbo and asked Ms. Turnbo if this proposal would affect the goals of the Infill Study regarding encouraging mixed uses in neighborhoods. In response, Ms. Turnbo stated that the neighborhood is currently mixed zoning and meets the Infill Study goals. Ms. Turnbo reminded Mr. Westervelt of the multifamily units that will not be rezoned and commercial properties that will not be rezoned. Ms. Turnbo stated that the neighborhood currently has mixed use and should protect the single-family homes in the neighborhood. Ms. Turnbo commented that the homeowners are not against the existing mixed uses and RS-4 is high enough intensity in case a large home is bought and wants to be converted.

Mr. Westervelt asked Ms. Turnbo would she rather see the neighborhood protected in this fashion rather than use the approach that was in the Infill Study. Ms. Turnbo stated that the neighborhood currently meets the goals of the Infill Study, but if it is not protected, then there may be no single-family homes in the near future. Ms. Turnbo commented that the downtown area needs the stability of single-family homes.

Mr. Boyle asked Ms. Cardoso if she would support the TMAPC excluding Mr. Uttinger's property. In response, Ms. Cardoso stated that if the TMAPC considered excluding Mr. Uttinger's property she would not be opposed to that, but she has concerns with what Mr. Uttinger may expand in the future. Ms. Cardoso expressed concerns with regard to Mr. Uttinger's property being small. She stated that Mr. Uttinger would have to go before the Board of Adjustment if he wanted to expand because he has no property available to expand on and still meet the Zoning Code. She commented that if Mr. Uttinger went to the Board of Adjustment, she would not oppose his request unless he wants to tear down his home and build duplexes or fourplexes. She explained that the neighborhood is concerned with vehicles parking on the streets.

Mr. Midget stated that the neighborhood association did a good job. He commented that the application represents the kind of diversity and types of residential structures in the subject area that are currently existing. He stated that there is a need to protect the integrity of the neighborhood and this type of zoning will accomplish that objective, particularly in relationship to the single-family structures. The RS-4 designation is quite adequate for the structures existing in the subject area. Regarding the ability to add garages or build duplexes, there are opportunities to do that within the proposed zoning. The proposed zoning is consistent with the goals and objectives of the Infill Study because of the type of diversity already existing and the opportunity to maintain the single-family nature of the subject area. Mr. Midget concluded that overall this is a good proposal and he supports the rezoning application.

MOTION of MIDGET to recommend APPROVAL of RS-4 zoning for Z-6707 subject to eliminating the out parcels that are indicated on Exhibit A and eliminate the property to the north that will need to be re-advertised as recommended by staff.

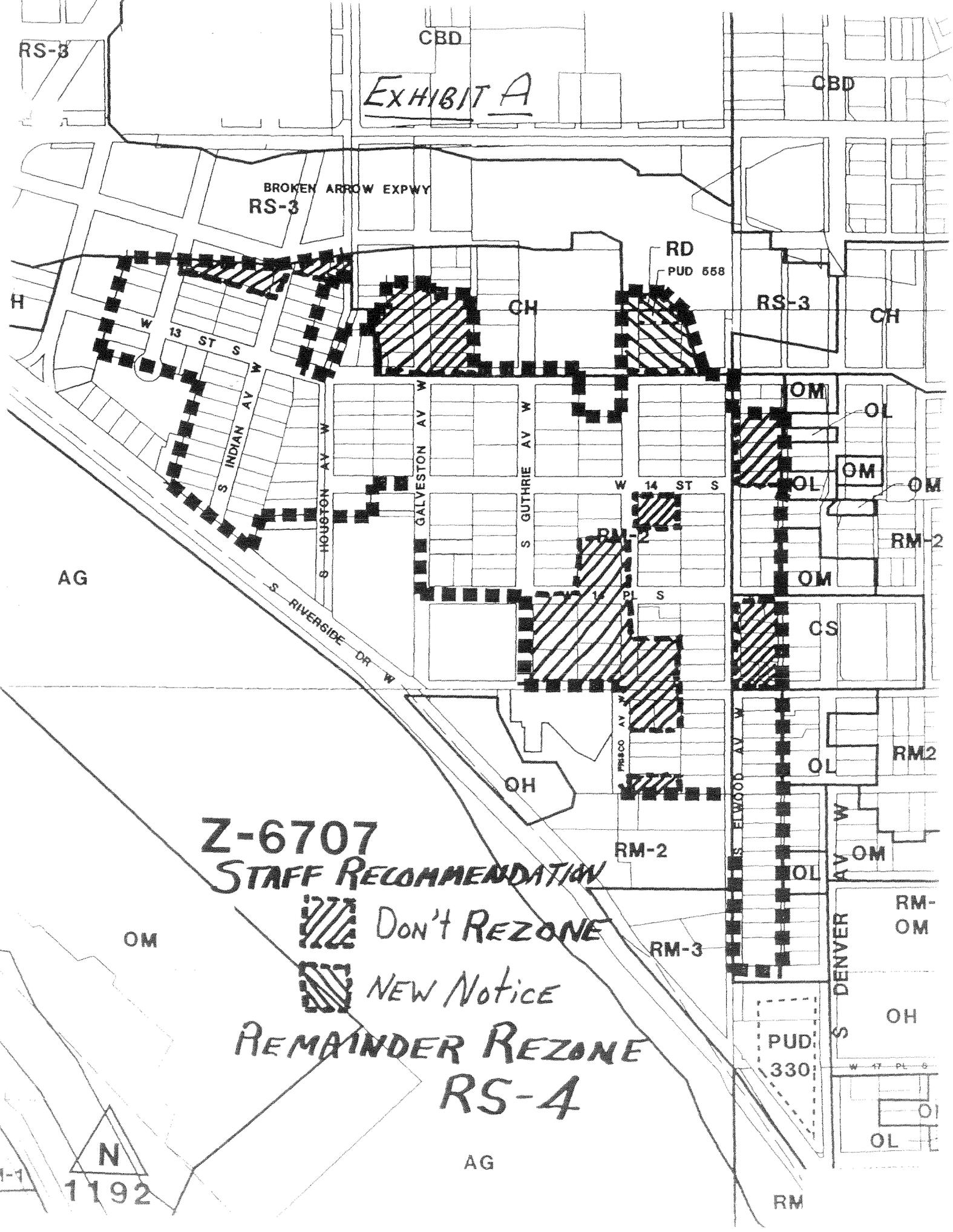
TMAPC COMMENTS:

Mr. Carnes asked Mr. Midget if he was including Mr. Uttinger's property. In response, Mr. Midget stated that the subject property is located on the interior and though he can appreciate Mr. Uttinger's concerns, this is one instance where the proposal should be accepted as presented.

Mr. Westervelt stated that until the interested parties that prefer their property not to be included are actually excluded he cannot support this application. He commented that someone needs to address private property rights and there are economic changes that can occur when down zoning. He agreed to look at the application again if staff could go back and show the property owners that wish to be excluded and that would ensure that they are excluded. He concluded that he cannot support the application that is before the Planning Commission today.

Ms. Pace asked Ms. Lowery to explain her client's position regarding the three properties in the application. Ms. Lowery stated that her client is requesting that the properties at 1343 South Riverside and 1339 South Indian be excluded; however the property located at 1219 South Jackson does not cause a problem being included in the rezoning.

EXHIBIT A



Z-6707
STAFF RECOMMENDATION

 **DON'T REZONE**

 **NEW NOTICE**

REMAINDER REZONE
RS-4



M-1

AG

RM

Mr. Carnes stated that he agrees with Mr. Westervelt and would prefer to see a new map indicating the properties that will be out of the rezoning. He suggested that the case be continued to July 21, 1999.

Mr. Boyle stated that he is uncomfortable with the fact that there are more people that would be included that were objecting to this application. He agreed with the suggestion to continue the application one-week.

Ms. Pace stated that the neighborhood has come to a compromise of RS-4 zoning and it will allow development. She commented that she would stay firm with her second of Mr. Midget's motion.

Mr. Midget asked for a continuance for one week in order to have an updated map. He stated that he is not interested in increasing the intensity for the subject area.

Mr. Stump recommended that if the Planning Commission is in concurrence with the staff's recommendation that certain areas be excluded from the rezoning, they should be denied today and continue the balance of the application.

Mr. Boyle asked staff to highlight the new map where owners have opposed the rezoning today.

Mr. Midget withdrew his previous motion.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford "absent") to recommend **DENIAL** of the rezoning on the crosshatched properties recommended for denial by staff (see Exhibit A), exclude the areas requiring re-advertising, without prejudice and continue the balance of Z-6707 to July 21, 1999 at 1:30 p.m.

Application No.: Z-6709
Applicant: Jack Spradling
Location: 86th and Peoria

AG to IL
(PD-8) (CD-2)

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity-Industrial Land Use.

immediately west of the Mingo Valley Expressway. The site is the present location of Thrifty Car Rental, Inc.'s fleet sales lot. PUD-599 was approved by the City Council on January 15, 1999. The underlying zoning consists of IL, OL and RS-3. Concurrently an application has been filed to rezone a portion of the tract to IL.

The subject tract has 430 feet of frontage of East 61st Street, 287 feet of frontage on East 62nd Street and approximately 311 feet of frontage on South 104th East Avenue. South 104th East Avenue abuts the Mingo Valley Expressway right-of-way. The rental car operation is presently located on the IL portion of the tract. There are commercial and industrial uses zoned IL to the north across East 61st Street South. The Union 7th Grade Center, zoned RS-3, abuts the tract on the west. There is vacant OL-zoned property abutting the tract at the southeast corner, and to the south across East 62nd Street South is vacant property and an elementary school zoned RS-3.

Planned Unit Development 559 was approved to provide future expansion of the Thrifty Rental Cars fleet, automobile sales lot. The property was to be developed and used in two phases. The first phase consisted of the existing building and the East 286 feet of the North 299.04 feet of the property. Phase II was to be developed in two to five years by removing the existing building and constructing a new 6,450 SF building for Thrifty. Since that time, however, Thrifty has determined not to expand into the Phase II area. Development Area B, therefore, consists of the existing Thrifty Automobile sales lot. The new proposed development plan for the Phase II area now consists of a three-story, 49,600 SF office building on Development Area A and a three-story, hotel containing 61 rooms and one resident apartment on Development Area C. Proposed access to the hotel would be provided to South 104th East Avenue, East 61st Street and East 62nd Street.

Because of access, abutting uses such as the elementary school and residential area to the south and zoning, staff cannot support the location of a hotel on this portion of the tract or the access onto East 62nd Street. Staff can support the amended PUD if the hotel use is only permitted on the northern portion abutting 61st Street and no access is permitted onto 62nd Street. PUD-599 currently prohibits access onto 62nd Street.

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-559-A, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-559-A subject to the following conditions:

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

2. Development Standards:

DEVELOPMENT AREA I*

Lot Area: 158,020 SF

Permitted Uses:

~~All of Development Area I* Use Unit 11, Offices, Studios, and Support Services, including all accessory uses permitted in the OL district, including drive-in bank facilities.~~

~~North 336.32 FT of Development Area I* Use Unit 11, Offices, Studios Services, including all accessory uses permitted in the OL district, including drive-in bank facilities and; Use Unit 19, Hotel and accessory uses to hotel, only.~~

Maximum Total Floor Area: 81,420 SF
Use Unit 11 Uses (offices) 81,420 SF less area devoted to Use Unit 19 uses.
Use Unit 19 Uses (hotels) 31,820 SF if total floor area of office and hotel uses does not exceed 81,420 SF.

Maximum Building Height: three stories

Minimum Lot Frontage:
On East 61st Street South 235 FT
On East 62nd Street South 285 FT

Off-Street Parking:

As required by the applicable Use Unit of the Tulsa Zoning Code.

Maximum Number of Hotel Rooms:

61 plus one resident manager apartment unit.

Minimum Building Setbacks:

From the centerline of East 61 st Street South	100 FT
From east boundary of Development Area	25 FT
From west boundary of Development Area	50 FT
From the centerline of East 62 nd Street South	75 FT

Minimum Parking and Access Road Setback:

From the west boundary of Development Area	25 <u>5</u> FT
From the south boundary of Development Area	25 FT <u>To be determined at Detail Site Plan approval.</u>
From the south 258.87' of east boundary of the Development Area	5 FT

Landscaping and Screening:

A six-foot screening wall or fence shall be provided along the west and south boundaries of the Development Area. A ~~25~~ 5-foot wide landscaped buffer strip shall be provided immediately adjacent to and inside all this required screening fences ~~on the perimeter of the Development Area~~. A five-foot wide landscaped buffer strip shall be provided along the south 258.87 feet of the east boundary of the Development Area. A buffer strip or berming, landscaping and/or fencing of adequate width and design to present acres to or from 62nd Street and screening the parking area of the motel shall be provided. The exact design of the buffer strip, shall be approved by the TMAPC at the time of Detail Site Plan approval.

Minimum Landscaped Open Space Within Each Lot:

10%

*Applicant's proposed Development Areas A and C

DEVELOPMENT AREA II**

Lot Area:

56,175 SF

Permitted Uses: Use Unit 17,
Automobile Sales
and Rentals,
including detailing
of Automobiles for
sale and rental.

Maximum Floor Area: 3,000 SF

Maximum Height: two stories

Minimum Lot Frontage, E. 61st St. 143.45 FT

Off-Street Parking:
As required by the applicable Use Unit of the Tulsa Zoning Code.

Building Setbacks:
From the centerline of East 61st Street South:
New construction 100 FT
From the west boundary of the Development Area 10 FT
From the south boundary of the Development Area 75 FT
From the centerline of South 104th East Avenue 50 FT

Minimum Parking and Access Road Setback:
From south boundary of Development Area 5 FT

Landscaping:
A five-foot landscaped buffer strip shall be provided along the south
boundary of the Development Area. A minimum of 10% of each lot shall
be landscaped open space.

**Applicant's proposed Development Area B.

3. None of the Development Areas include the Cross-Access Easement, which is a 30-foot strip immediately south of the applicant's proposed Development Area B.
4. Two access points are permitted onto East 61st Street South. One access point is permitted from Development Area II (Applicant's proposed Development Area B) onto 104th East Avenue and one at the Cross Access Easement location. There shall be no access onto East 62nd Street South. All access points shall be approved by Traffic Engineering. Each lot in the PUD shall have access to all other lots in the PUD through the use of mutual access easements.

5. Two ground signs are permitted on the 61st Street frontage, which shall not exceed 25 feet in height nor 150 square feet each of display surface area. No other ground signs are permitted. No ground sign shall be within 100' of the west boundary of the PUD. Wall signs are permitted on the north- and east-facing walls of buildings not to exceed 1 ½ square feet of display surface area for each lineal foot of building wall to which it is attached.
6. 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.
7. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan 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.
8. 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.
9. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
10. 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.
11. 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.
12. 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.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

14. 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.
15. 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:

John W. Moody, 7146 South Canton Avenue, Tulsa, Oklahoma 74136-6303, representing Tom Earnhart, stated that Sonny Patel, the purchaser and development of the tract for hotel use is present today as well. He reminded the Planning Commission of prior approvals for PUD-599. He stated that Thrifty determined that only an additional 50 feet is needed adjacent to their existing site and will be not expanding to the entire site.

Mr. Moody reminded the Planning Commission that when PUD-599 was approved a condition was imposed by the staff that there would be no access on 62nd Street from the commercial sales car lot. He commented that he did not object to that condition; however, he was not happy with that condition. He stated that there is a significant difference between today's proposal then the previous application and access onto 62nd Street should be permitted.

Mr. Moody stated that this is a Residence Inn type of hotel and there will be no lounge, restaurant or banquet facilities. There will be 61 rooms and 60% or 41 rooms is the average occupancy. The proposed office building is 49,600 SF, three-story office building, located on the northwestern portion of the property (adjacent to East 61st Street). The office building will be comprised of tenants of small and medium type service tenants, which will require 185 parking spaces. The office building use (7:30 a.m. to 6:00 p.m.) will generate more traffic than the hotel. Because of the differences in the proposed hotel and a traditional hotel, these types of uses are less in intense at this location then the three-story office building would be. He indicated that the hotel usually has customers checking in at 5:00 p.m. and the majority leaves before 11:00 a.m. He commented that the hotel stay will average about two days and usually corporate-type of customers. He explained that these types of hotels are no longer being located on the arterial street frontages because land is more economical farther away from the frontages.

Mr. Moody stated that East 62nd Street is basically vacant, except for the school use. The land along East 62nd Street is undeveloped and a majority of the property is owned by the Union School District. Mr. Moody described the surrounding properties on East 62nd Street and submitted photographs (Exhibit A-1). He indicated that there was only one residential home along East 62nd Street between U.S. 169 and Mingo Road. The subject property does abut the Union 7th Grade Center, which is a two- and three-story building.

Mr. Moody stated that the subject property is zoned OL and the owner has access on East 62nd Street for office use. If the owner develops the subject property without a PUD, he could build a 40,000 SF office building and would still have traffic on East 62nd Street. He indicated that the property owners immediately abutting the subject property on the southeast side are two weeks away from obtaining a building permit for their office building and they have no objections to this proposal (the abutting property's office building will have access on East 62nd Street).

Mr. Moody indicated that the traffic pattern for the subject area is important. South 104th East Avenue intersects with East 61st Street and does not have a median cut, therefore vehicles have to turn right or go east. The properties south of the subject property along US 169 has been redeveloping corridor uses and a service road has been proposed, which will tie along US 169 and connect to East 62nd Street and 104th East Avenue. All of the properties being developed will be able to utilize East 62nd Street to access South 102nd East Avenue. South 102nd East Avenue will be utilized by people needing to turn left on East 61st Street in order to go west. All of the properties located south of the subject property will have the ability to use East 62nd Street to go to 102nd East Avenue in order to turn left. If the TMAPC enforces the access restriction on East 62nd Street on the subject property, his client will be the only property owner who will not have access on East 62nd Street. A major traffic problem will not be solved by denying access on East 62nd Street. The area is not being redeveloped as residential and if it should redevelop residential it will probably be for multifamily type of uses. Mr. Moody concluded that his client's proposal will not impact East 62nd Street.

Jon Crowdus, Architect, 616 South Boston, Tulsa, Oklahoma 74119, stated that the proposed hotel is an interior corridor hotel without exterior corridors. Nationwide the occupancy rate of these hotels has been approximately 62%. This type of hotel is for the average business-type person with a stay of two to three days.

Mr. Crowdus stated that the hotel cannot afford to locate on the frontage of 61st Street due to economics and therefore the proposal indicates the hotel in the back portion of the subject tract of land. The west side of the subject property is a one-way drive for the school buses to drop the kids off by entering on 61st Street and exiting on 62nd Street. He commented that he did not consider the hotel a detriment to the subject area.

Mr. Crowdus stated that staff recommended landscaping and a six-foot screening fence on the west and south boundaries of the subject property, which would be located along the bus drive for the Union Schools. He commented that he has no objection to constructing a six-foot screening fence, but he does not believe it is reasonable to be required to have a 25-foot landscaped buffer strip between the area for development and the fence. This requirement would take utilize half of the space needed for the driveway and his client would not be able to have sufficient parking for the hotel and office building. He requested the Planning Commission to delete the requirement for the additional landscaping. The five-foot buffer for landscaping is reasonable and he supports that requirement.

Gail Carnes out at 3:00 p.m.

TMAPC COMMENTS:

Mr. Harmon asked why it would be an inconvenience to the applicant to utilize 61st Street instead of 62nd Street since it was suggested that the vehicular traffic would be minimal. In response, Mr. Crowdus stated vehicles cannot turn left onto 61st Street from the subject parcel. Mr. Harmon commented that it would be contrary to what is seen in most cases to have an exit out into a residential area. Mr. Harmon agreed that there are some undeveloped land in the subject area, but this in the Union School District and there are students who congregate in this area waiting for their parents to pick them up. Mr. Harmon stated that it is not appropriate to have out-of-town businessmen exiting out into the neighborhood. In response, Mr. Crowdus stated that the national statistics show that most of the business guests are leaving between the 6:30 a.m. and 7:30 a.m. hours before school begins and usually do not check into the hotel until after 5:00 p.m. Mr. Crowdus indicated that the amount of traffic that would be generated at the same time that school is in session would be minimal. Mr. Crowdus stated that patrons could exit onto 61st Street by going across the property and expect some patrons to do so. Mr. Crowdus explained that he does not expect 100% of the patrons to use 62nd Street. Mr. Crowdus indicated that he expects less than 20 cars to exit onto 62nd Street per day. Mr. Harmon stated that with this type of commercial development it is intended to have exists onto arterial streets, not neighborhood streets.

Mr. Stump stated that the office would have access to 62nd Street as proposed and asked Mr. Crowdus to comment on how many trips per day would be generated by the office onto 62nd Street. Mr. Crowdus stated that he understands that the office building is already allowed to have access on 62nd Street. Mr. Stump stated that the office building is OL zoned and it is not allowed access onto 62nd Street. Mr. Crowdus stated that the office building would generate more traffic during the day then the hotel.

Mr. Boyle stated that staff recommends development of the office tract on the south side and not allow access to 62nd Street. Mr. Crowdus stated that the recommendation will not work for either the current property owner or the proposed hotel owner. Mr. Crowdus commented that the hotel owner cannot afford the property fronting 61st Street.

Ms. Pace commented that the applicant will have a cross-access easement that will go out to 104th East Avenue. She expressed concerns with the office building generating a large volume of vehicular traffic during the day. She stated that the office building and the hotel should use the 61st Street access and 104th East Avenue access. Ms. Pace asked the applicant if it would hamper the hotel to be limited to have an access onto 104th and 61st Street. Mr. Crowdus stated that it does hamper the hotel because the patrons would have to access the hotel by going through someone else's parking lot.

INAUDIBLE

Dwain Midget out at 3:20 p.m.

Mr. Moody stated that the hotel was designed with a porte-cochere and with the entry on the south side of the property, it made more sense to place the hotel as indicated on the proposal. He indicated that it is possible that the hotel could be turned around and still be located on the south side of the tract. He stated his client would agree to the restriction of no access on East 62nd Street if the hotel can be developed on the south side of the tract.

Mr. Boyle reviewed the issues as being the hotel being turned around and the buffer inside of the screening fence. Mr. Moody agreed. Mr. Boyle asked Mr. Moody that if the hotel is allowed on the south side of the tract will his client agree to no access on 62nd Street. Mr. Moody answered affirmatively.

Ms. Pace stated that the back portion of the hotel will now be along 62nd Street. She asked the applicant what type of screening and landscaping will be installed. In response, Mr. Moody stated that there will be a six-foot high screening fence. Mr. Crowdus stated that the six-foot screening wall along the west property line is no problem and it will help keep school children off of the subject property. Mr. Crowdus further stated that this type of hotel does not have a back, but rather two fronts. Mr. Crowdus explained that the hotel will be two-story and he does not feel that there is a need for a six-foot fence along the south side of the property if there was a landscaped buffer between 62nd Street and the hotel. Mr. Crowdus repeated that he has no problem with a fence along 62nd Street, but asked if it would be reconsidered because the landscaped buffer would be more attractive between 62nd Street and the hotel rather than a fence.

Ms. Pace stated that there should be some type of physical barrier to keep people from creating their own exit. She expressed concerns with patrons driving across an unobstructed landscaped barrier. She suggested a combination of berms and fencing that equals the landscaping requirement. Mr. Crowdus suggested a bermed buffer with trees and plants rather than an opaque fence.

Ms. Hill asked if the subject property will have enough access for emergency vehicles with the modifications. In response, Mr. Stump stated that emergency vehicles could access 104th East Avenue and 61st Street. He explained that paving all around the hotel and the office building will be required.

Mr. Horner stated that the proposal fits the area and there is no need for a fence and a landscaped buffer. He commented that he prefers the berm and landscaping to the south versus a fence.

Mr. Boyle suggested that the fencing and landscaping issues be addressed during the detail site plan. In response, Mr. Stump verified that the 25-foot wide landscaping on the west and south boundary would not be a requirement. Mr. Boyle answered affirmatively. Mr. Westervelt suggested that the landscaping and berming be addressed during the detail site plan and leave the hotel building at the rear of the tract and the office building on the front. Mr. Westervelt further suggested that there be no access

onto 62nd Street. Mr. Stump stated something will need to be required so that when the detail site plan is reviewed the staff knows what requirements to look for.

TMAPC Action; 7 members present:

On **MOTION** of **PACE**, the TMAPC voted **7-0-0** (Boyle, Dick, Harmon, Hill, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Midget "absent") to recommend **APPROVAL** of the Major Amendment for PUD-599-A as recommended by staff and as modified; subject to there being no access on 62nd Street; subject to a screening fence and a five-foot landscaped strip on the west boundary, and a combination of landscaping, berming or fencing will be required for adequate buffering to the south, which will be determined at detail site plan. (Language in the staff recommendation, which was deleted by TMAPC, is shown as ~~strikeout~~, language added or substituted by TMAPC is underlined.)

Legal Description for PUD-599-A:

The North 336.32' of Lot 4, Block 1, Union Gardens, a Subdivision in Tulsa County, State of Oklahoma, according to the recorded Plat thereof, less and except a portion of said Lot 4, Block 1, being more particularly described as follows to-wit: Beginning at the Northwest corner of said Lot 4, thence South along the West line of said Lot 4 a distance of 17.55'; thence S 88°15'13" E a distance of 143.46' to a point on the East line of said Lot 4; thence N along said East line a distance of 25.11' to the Northeast corner of said Lot 4; thence West along the North line of said Lot 4 a distance of 143.25' to the Point of Beginning; and Lot 5, Block 1, Union Gardens, a Subdivision in Tulsa County, State of Oklahoma, according to the recorded Plat thereof, less and except a portion of said Lot 5, Block 1, being more particularly described as follows, to-wit: beginning at the Northwest corner of said Lot 5, thence South along the West line of said Lot 4 a distance of 10.00'; thence S 88°15'13" E a distance of 143.46' to a point on the East line of said Lot 5; thence North along said East line a distance of 17.55' to the Northeast corner of said Lot 5; thence West along the North line of said Lot 5 a distance of 143.25' to the Point of Beginning, and Lot 6, Block 1, Union Gardens, a Subdivision in Tulsa County, State of Oklahoma, according to the recorded Plat thereof, less and except the North 10' thereof, and located in the southwest corner of East 61st Street S. and South 104th East Avenue, Tulsa, Oklahoma.

Application No.: PUD-166-10

Applicant: Jeff Levinson

(PD-18) (CD-8)

Location: 6941 East 92nd Street and South Yale
(Minor Amendment)

STAFF RECOMMENDATION:

The applicant is requesting Minor Amendment approval to reduce the front building setback from 20 feet to 17.5 feet for a portion of a partially constructed single-family dwelling. The request seeks to respond to a front yard encroachment discovered as a

result of a land survey for mortgage purposes. The survey indicates the stemwall is 1.8 feet over the building line and further notes that a 2.5-foot encroachment will occur after the brick fascia is installed.

Staff has reviewed the land survey and notes that only the southeastern portion of the dwelling, consisting of a two-car garage, crosses the 20-foot front building line.

Staff is of the opinion that the request is minor in nature, does not alter the character of the PUD or substantially change the approved setback standards and is not detrimental to surrounding properties. Staff, therefore, recommends **APPROVAL** of PUD-166-10 per the submitted land survey for Lot 4, Block 1 reducing the front building setback from 20 feet to 17.5 feet.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Boyle, Dick, Harmon, Hill, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Midget "absent") to **APPROVE** the Minor Amendment PUD-166-10 as recommended by staff.

OTHER BUSINESS:

Application No.: PUD-435

Applicant: Roy D. Johnsen

(PD-18) (CD-7)

Location: East of northeast corner East 66th Street and South Yale
(Detail Site Plan)

STAFF RECOMMENDATION:

The applicant is requesting approval of a revision to an approved Detail Site Plan to allow the placement of two temporary buildings adjacent to an existing parking garage and surface parking area. The temporary buildings will serve as a sales office and model apartment unit for a continuing care retirement center planned elsewhere within the medical center complex. The proposed uses conform to the allowed uses within the PUD.

The retirement center will be constructed on vacant land to the southeast in PUD-435-B, south of East 66th Street South. According to the applicant, details of the senior care center, including an exact location, have not yet been determined. The applicant anticipates that the temporary sales office and model apartment unit will be located on the site for 3 years corresponding to the project development and construction of the senior care retirement center.

Staff has examined the Site Plan and finds the temporary structures do not remove any required parking from the site, do not interfere with access and circulation of the existing parking areas and conform to the required building setback from East 66th Street. Staff is of the opinion that the revision to the Site Plan to allow temporary buildings is minor in nature and does not substantially alter the original approval of PUD-435.

Staff, therefore recommends **APPROVAL** of PUD-435 subject to the following conditions:

1. The temporary buildings must be approved for a Building Permit and meet all City of Tulsa building code requirements prior to occupancy.
2. The structures must be removed from the site on or before July 7, 2002.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Dick, Harmon, Hill, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Midget "absent") to **APPROVE** the Detail Site Plan for temporary structures in PUD-435 subject to conditions as recommended by staff.

Application No.: PUD-569

Applicant: Jerry Ledford, Jr. (PD-18) (CD-8)

Location: Southeast corner East 81st Street South and 10th East Avenue
(Detail Site Plan)

STAFF RECOMMENDATION:

The applicant is requesting Detail Site Plan approval for 4,377 SF convenience store on a 52,169 SF (net) lot within the western portion of Development Area A. The Site Plan proposes a convenience store, fueling and car wash facility.

Staff has examined the Detail Plan and finds conformance to bulk and area, building square footage and height, setback, parking, access, mutual access screening and total landscaped area standards approved for Development Area A within PUD-569.

Staff notes that the Detail Site Plan also conforms to a Preliminary Plat approved by TMAPC on 6/16. Staff recommends **APPROVAL** of the Detail Site Plan as submitted subject to this approval being void if the Site Plan is in conflict with the recorded Final Plat of *Phillips 66 Centre No. 57348*.

NOTE: Detail Site Plan approval will require approval of the Phillips 66 Centre No. 57348 Final Plat before transmittal to Customer Services. The Detail Site Plan must conform to all standards and conditions outlined in the Final Plat. Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

There were no interested parties wishing to speak.

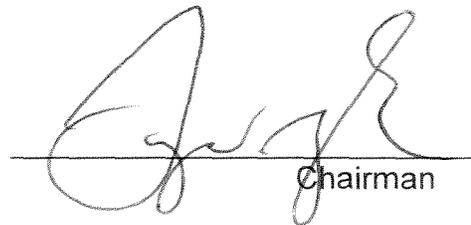
The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HILL**, the TMAPC voted **7-0-0** (Boyle, Dick, Harmon, Hill, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Jackson, Ledford, Midget "absent") to **APPROVE** the Detail Site Plan for the western portion of Development Area A of PUD-569 subject to conditions as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 3:46 p.m.

Date approved: 7-21-99


Chairman

ATTEST: 
Secretary

