

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2220

Wednesday, October 20, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, October 18, 1999 at 2:30 a.m., posted in the Office of the City Clerk at 2:28 a.m., as well as in the office of the County Clerk at 2:22 a.m.

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

### Minutes:

#### **Approval of the minutes of October 6, 1999 Meeting No. 2219**

On **MOTION** of **PACE** the TMAPC voted **5-0-1** (Carnes, Hill, Ledford, Midget, Pace, "aye"; no "nays"; Horner "abstaining"; Boyle, Dick, Harmon, Jackson, Westervelt "absent") to **APPROVE** the minutes of the meeting of October 5, 1999 Meeting No. 2219.

### REPORTS:

#### Committee Reports:

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

Mr. Horner announced that there will be a Budget and Work Program Committee meeting immediately following today's TMAPC meeting in room 1102, City Hall.

##### **Policies and Procedures Committee**

Mr. Carnes announced that there would be a committee meeting in room 1102 immediately following today's TMAPC meeting. He encouraged everyone to attend the meeting in order to have a quorum.

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**Director's Report:**

Mr. Stump reported that there are five zoning items on the City Council meeting for October 21, 1999.

Mr. Stump informed the Planning Commission of policy feedback from the City Council on two residential PUD's. He explained that the PUD located at 34<sup>th</sup> and Lewis was denied by the City Council as being inappropriate and not compatible with the subject area. The PUD on 31<sup>st</sup> Street was also denied by the City Council for not being consistent with the existing development.

**TMAPC COMMENTS:**

Mr. Midget stated that when the TMAPC makes their recommendations to the City Council, the TMAPC is looking at the land use issues and not the pressures that some of the Councilors may be facing. He recommended that the TMAPC Chair arrange a meeting between the TMAPC and City Councilors.

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Mr. Jackson in at 1:35 p.m.

**SUBDIVISIONS**

**LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:**

**L-18948 – Steve Compton (3214)**  
7272 North 117<sup>th</sup> East Avenue

(PD-15) (County)

**STAFF RECOMMENDATION:**

The applicant has applied to split a 329' X 331' parcel into two 164' X 331' tracts. Both tracts meet the RE bulk and area requirements. The Subdivision Regulations require a passing perc test for each lot created that does not have public sewage, Section 6.5.4(e). The Oklahoma Department of Environmental Quality recently adopted new guidelines regarding the lot sizes for septic systems as well as alternative systems. DEQ adopted a policy, which states that it would no longer review lot-splits because there is an acceptable system available for any lot over one-half or one acre. The applicant needs a waiver of the Subdivision Regulation that requires an approved perc test for each lot created.

This application is before the TMAPC because the applicant has indicated that an individual alternative system will be placed on Tract 1 rather than having a septic system. Tract 2 will have a septic system installed. TMAPC is requested to review this application in regard to using an alternative system versus the septic system as stated in the Subdivision Regulations.

Since the proposed lot meets the lot size guidelines of ODEQ and the applicant has the responsibility to provide a permitted sewage disposal system, staff recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

**TMAPC COMMENTS:**

Mr. Ledford stated that it appears that the Subdivision Regulations need to be updated in this area in order to eliminate cases like this coming before the board. In response, Mr. Beach stated that he is currently working on a draft of the changes to the subdivision regulations. Mr. Beach further stated that he hopes to have a draft form before the Rules and Regulations Committee by the end of this year.

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle Dick, Harmon, Westervelt "absent") to **APPROVE** the waiver of Subdivision Regulations for L-18948 as recommended by staff.

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**L-18955 – Stephen Schuller (1703)**

(PD-25) (CD-1)

South of the southeast corner of East 46<sup>th</sup> Street North and North Lewis

**STAFF RECOMMENDATION:**

The applicant has applied to split off a 250' X 135' tract in the northwest corner of a 165' X 1320' tract, which will be tied to the tract immediately to the north. This property will house a QuikTrip convenience store. The configuration of the remaining tract will have four side-lot lines. The applicant is seeking a waiver of Subdivision Regulations that each tract have no more than three side-lot lines.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

**TMAPC Action; 7 members present:**

On **MOTION** of **LEDFORD**, the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Westervelt "absent") to **APPROVE** the waiver of subdivision regulations for L-18955 as recommended by staff.

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**Mr. Ledford stated that he would be abstaining from lot-split L-18962.**

**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

**L-18608 – Marvin McDonald (3492)**

(PD-9) (CD-2)

West 61<sup>st</sup> Street and South 33<sup>rd</sup> West Avenue

**L-18644 – Sisemore Hall & Weisz, Inc. (2783)**

(PD-26) (CD-8)

4959 East 105<sup>th</sup> Street South

**L-18645 – Sisemore Hall & Weisz, Inc. (2783)** (PD-26) (CD-8)  
4939 East 105<sup>th</sup> Street South

**L-18941 – Hammond Engineering Co. (883)** (PD-18) (CD-2)  
7157 South Evanston

**L-18959 – Mansur-Daubert-Strella (2393)** (PD-17) (CD-5)  
Northwest corner East 31<sup>st</sup> Court and 79<sup>th</sup> East Avenue

**L-18963 – Crestview II Housing Partners (2402)** (PD-25) (CD-1)  
338 East 36<sup>th</sup> Street North

**L-18965 – Doris Stilwell (2772)** (PD-21) (County)  
2405 West 171<sup>st</sup> Street South

**L-18967 – Stephen Schuller (1694)** (PD-17) (CD-6)  
12916 East 21<sup>st</sup> Street

**L-18968 – Stephen Schuller (1694)** (PD-17) (CD-6)  
2121 South 129<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Westervelt "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

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**L-18962 – Jerry W. Ledford, Jr. (1093)** (PD-5) (CD-4)  
Northeast corner East 21<sup>st</sup> Street and Yale

**STAFF RECOMMENDATION:**

Mr. Beach stated that the subject lot-split is in order and staff recommends approval.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-1** (Carnes, Hill, Horner, Jackson, Midget, Pace "aye"; no "nays"; Ledford "abstaining"; Boyle, Dick, Harmon, Westervelt "absent") to **RATIFY** L-18962 lot-split given Prior Approval, finding it in accordance with Subdivision Regulations.

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## **CONTINUED ITEMS:**

### **Crown Colony (3314)**

(PD-15) (County)

East of southeast corner of East 76<sup>th</sup> Street and North 129<sup>th</sup> East Avenue

### **STAFF RECOMMENDATION:**

This plat consists of 46 lots and one reserve in four blocks on 14.03 acres in unincorporated Tulsa County. The property is being developed for single-family residential use. The surrounding area consists of RE, RS and FD zoning with single-family residences. The FD zoning follows Elm Creek and abuts the subject property along its entire southeasterly boundary.

The following were discussed **September 16, 1999** at the Technical Advisory Committee meeting:

#### **1. Streets/access:**

- Beach, staff, noted that access limits need to be shown on the plat. Two of the proposed streets are shown stubbed to the southeast property line but the abutting property contains a creek. These streets should be reconfigured or eliminated.
- Rains, County Engineer, concurred on the redesign of the streets, stating that the County does not want the maintenance responsibility on stubbed streets that will not ever be extended because of the creek.
- Hodo, DLH Engineering, stated that the developer intends to develop the flood plain as parkland and the stub streets would serve as access to the park.
- Warlick, Owasso City Planner, requested 60 feet of right-of-way south of the centerline of 76<sup>th</sup> St. N. to meet Owasso's Comprehensive Plan requirement for a primary arterial street.
- Hodo, DLH Engineering, indicated that 60 feet of total dedication on 76<sup>th</sup> St. would be acceptable.

#### **2. Sewer:**

- At the sketch plat review, it was revealed that sanitary sewer is available to the southeast of the property in the creek.
- The preliminary plat application states that the lots would have individual septic systems. However, ODEQ requirements are for minimum lot size of ½ acre. This proposal is for ¼ acre lots. Public sanitary sewer must be used.

#### **3. Water:**

- Staff has no information on the availability of water to the project. The applicant stated that the RWD #3 would be the provider.
- There was no representative from RWD #3.

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

- Elm Creek is adjacent to the property to the southeast. This is a waterway regulated under Section 404 of the Clean Water Act. No dredged or fill material may be placed in this waterway without Army Corps of Engineers approval.
- Rains, County Engineer, stated that the limits of the floodplain must be shown on the plat including off-site.

**5. Other:**

- Pierce, PSO, commented by e-mail. He stated this property is not served by PSO unless it is annexed into Owasso. However, there is a 138Kv circuit crossing the property in the 100-foot easement shown on the plat. He listed several requirements:
  1. No permanent buildings or other structures within the easement.
  2. No swimming pools within the easement.
  3. No trees or other vegetation within the easement.
  4. Utility easements on the easterly and westerly bounds of the easement should not be more than ten feet wide inside the easement.
  5. All utilities, including water and sanitary sewer, within the bounds of the 100-foot easement should be within the ten-foot utility easements, not in the street right-of-way. No utilities should cross the 100-foot easement.
  6. All conflicts with required clearances (both NESC and OSHA) will be resolved at the developer's expense.
  7. No grade changes will be allowed within 30 feet of PSO structures.
  
- Electric service by REC Okmulgee; phone by Bixby Telephone; no gas or TV utilities will be provided.

Staff recommends a **continuance** of the preliminary plat to November 3, 1999 because the revisions suggested to the applicant have not been completed.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **PACE**, the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Westervelt "absent") to **CONTINUE** the preliminary plat for Crown Colony to November 3, 1999 at 1:30 p.m.

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**Application No.:** PUD-355-4

**Applicant:** Michael E. Bezanson (PD-18) (CD-8)

**Location:** Southwest corner East 89<sup>th</sup> Street and South Yale Avenue  
(Minor Amendment)

**STAFF RECOMMENDATION:**

Staff requests a continuance to November 3, 1999 for additional notice.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Westervelt "absent") to **CONTINUE** the minor amendment for PUD-355-4 to November 3, 1999 at 1:30 p.m. in order to give additional notice.

**CHANGE OF ACCESS TO RECORDED PLAT:**

**Cherokee Expressway Industrial District**

7100 Block of North Whirlpool Drive

**STAFF RECOMMENDATION:**

Mr. Beach stated that the Traffic Engineer has reviewed and approved this application. Staff recommends approval of the change of access to recorded plat for Cherokee Expressway Industrial District.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Westervelt "absent") to **APPROVE** change of access to recorded plat for Cherokee Expressway Industrial District as recommended by staff.

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**PRELIMINARY PLAT:**

**Grace Acreage (PUD-221-F) (2894)**

(PD-17) (CD-6)

Southeast of East 41<sup>st</sup> Street and South 129<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

Three lots in one block on 38.88 acres. PUD 221-F, major amendment, approved 28,480 SF of one-story offices in Lot 1 (1.63 acres), 250,000 SF of church and accessory uses in Lot 2 (11.91 acres), and 265,000 SF of private school and athletic fields in Lot 3 (24.37 acres). The site is situated southeast of the intersection of East 41<sup>st</sup> Street and South 129<sup>th</sup> East Avenue Observation Point subdivision, containing an apartment complex, abuts to the northwest. Quail Ridge subdivision, containing single-family residences, abuts to the southeast and unplatted, vacant land is to the east.

The following were discussed **August 5, 1999** at the Technical Advisory Committee meeting:

**6. Streets/access:**

- Beach, staff, noted some of the requirements from the PUD:
  - Lot 1 would have its primary access to 129<sup>th</sup> E. Avenue at its northwest corner through a mutual access easement with Lot 2.
  - The PUD does not prohibit access from Lot 1 onto 43<sup>rd</sup> Place but it does prohibit access from Lot 2 and Lot 3 to 43<sup>rd</sup> Place.
  - All access from Lot 2 will be to 129<sup>th</sup> E. Avenue or to 41<sup>st</sup> Street through Lot 3.
  - All access from Lot 3 will be to 41<sup>st</sup> Street or 129<sup>th</sup> E. Avenue through Lot 2.

**A mutual access easement should be shown through Lots 2 and 3 to provide access for both lots to both arterial streets. Limits of No Access should be shown along Lot 2's entire frontage on 43<sup>rd</sup> Place.** Right-of-way is being dedicated along the entire frontage of both arterial streets.

**7. Sewer:**

- There were no comments regarding the sanitary sewer system.

**8. Water:**

- Lee, Water, requested that the applicant provide plans for the water system so he could review and determine requirements. He agreed to approval of the preliminary plat subject to satisfactory design of the water system and fire service and appropriate easements.

**9. Storm Drainage:**

- There were no comments regarding the storm sewer system.

**10. Other:**

- No other comments.

This plat was continued from the September 22, 1999 TMAPC hearing so the applicant could make revisions to bring it into conformance with the PUD requirements. It went back to TAC on October 7 and there were no additional comments.

Staff recommends **APPROVAL** of the preliminary plat subject to the following conditions:

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Water service design and easements shall meet the requirements of Public Works Department and the Fire Marshall.
2. All conditions of PUD 221-F 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.

**Standard Conditions:**

1. All conditions of PUD 221-F 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 stormwater facilities, and PUD information as applicable.)
24. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
25. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
26. All other Subdivision Regulations shall be met prior to release of final plat.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HILL**, the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Westervelt "absent") to **APPROVE** the preliminary plat for Grace Acreage subject to conditions as recommended by staff.

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**Coventry Gardens – Amended (PUD-469) (1814)**  
96<sup>th</sup> Street North and Mingo Road

(PD-15) (County)

**STAFF RECOMMENDATION:**

The Coventry Gardens Plat was given final approval in January of 1997, was filed and has since gone to construction. The amended plat is in conformance with the approved final with the exception that the total lot count has been reduced from 44 to 39. The plat continues to contain 12.84 acres and two blocks.

Streets and easements will remain the same; internal lot lines will be moved.

*The following were discussed **October 5, 1999** at the Technical Advisory Committee meeting:*

*Given the nature of the request there were no comments from TAC.*

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

**Waivers of Subdivision Regulations:**

1. None needed.

**Special Conditions:**

1. Changes to the approved plat shall be limited to internal lot line adjustments

**APPLICANT'S COMMENTS:**

**Ron Tracy**, no address given, reiterated the staff recommendation and stated that the proposal was done from a marketing standpoint. He explained that there seems to be a market for larger lots at this time.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Westervelt "absent") to **APPROVE** the preliminary plat for Coventry Gardens subject to conditions as recommended by staff.

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**Crescent Center One (PUD-608) (1483)**

(PD-8) (CD-8)

Southeast corner of East 81<sup>st</sup> Street South and Sheridan Road

**STAFF RECOMMENDATION:**

The project is a one-block, one-lot plat of approximately 9.8 acres net. The proposed plat encompasses Development Area A of the PUD. Development Area B lies to the south. Uses allowed by the PUD are primarily office, entertainment and eating, retail sales (convenience and shopping) and drive-in restaurants. The floor area approved by the PUD is 89,050 square feet.

The following were discussed **October 5, 1999** at the Technical Advisory Committee meeting:

**1. Streets/access:**

- Bruce, staff, noted that the site was accessed off of 81<sup>st</sup> Street on the north by two access points and Sheridan Road on the west by three access points. The northernmost Sheridan access would be right in-right out; the remainder would be full movement. The plat indicated 50' of right-of-way to be dedicated along 81<sup>st</sup> Street and along Sheridan. Additional width would be dedicated in the right-turn area. No through access was proposed to the south.
- Somdecerff, Traffic, indicated that the northern access along Sheridan was in the right-turn area. He questioned the sight distance of the easterly access on 81<sup>st</sup> and commented that the rights-of-way had been dedicated. Tanner, consultant, indicated that the Sheridan access would be moved to the south; that a traffic engineer had been hired and was addressing the sight distance issue, with the potential of moving the access to the west; and that the book and page numbers for the dedications would appear on the plat.

**2. Sewer:**

- Bruce, staff, indicated that the PUD concept tied the system into the existing system to the east.
- Bolding, Wastewater, indicated that no service lines could be tied directly into manholes.

**3. Water:**

- Bruce, staff, indicated that the PUD concept proposed to connect to the existing 12" line in the eastern Sheridan right-of-way and the northern 81<sup>st</sup> Street right-of-way.
- Lee, Water, requested copies of the site plan.

**4. Storm Drainage:**

- Bruce, staff, noted that the plat included a detention basin to the south.

- Payne, Stormwater, indicated that fees in lieu would be acceptable if the down stream system constructed with the remainder of the PUD was sized sufficiently to accommodate runoff from this site. If additional capacity were required a PFPI would be required.

**5. Utilities:**

- Bruce, staff, noted the proposed utility easements; utility providers were not in attendance.
- Tanner, consultant, indicated that topography and attendant walls in the northwest corner might affect the locations of utilities and the sizes of the easements in that area.

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

**Waivers of Subdivision Regulations:**

1. None needed.

**Special Conditions:**

1. Access points will be cleared and approved by Traffic Engineering.

**Standard Conditions:**

1. 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.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. 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.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. 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.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

22. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **LEDFORD**, the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Westervelt "absent") to **APPROVE** the preliminary plat for Crescent Center One subject to standard conditions and subject to access points will be cleared and approved by Traffic Engineering as recommended by staff.

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**CONTINUED ZONING PUBLIC HEARING**

**Application No.:** Z-6690

**Applicant:** Darin Akerman

**Location:** 4940 South Columbia

**RS-1 to RT**

(PD-6) (CD-9)

**STAFF RECOMMENDATION FOR Z-6690:**

Relationship to the Comprehensive Plan:

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

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

Staff Comments:

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

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

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

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

**AND**

**Application No.:** PUD-622  
**Applicant:** Darin Akerman  
**Location:** 4940 South Columbia

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

**STAFF RECOMMENDATION FOR PUD-622:**

The PUD proposes a townhouse development with a maximum of six dwelling units on a 1.01-acre tract located approximately 200 feet north of the northwest corner of South Columbia Avenue and the I-44 (Skelly Drive) service road. The tract has 134.8 feet of frontage on South Columbia Avenue. The proposed development would have a single private roadway providing access from South Columbia Avenue.

The subject tract is currently zoned RS-1. Concurrently, an application has been filed (Z-6690) to rezone the tract to RT. The tract is abutted on the north by a single-family dwelling, zoned RS-1; to the west by duplexes, zoned RS-3; to the south by an office, zoned OL; and to the east across South Columbia Avenue by an office complex, zoned OM.

If Z-6690 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-622 to be, as modified by staff: (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-622 subject to the following conditions:

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

**2. Development Standards:**

Land Area (Gross)	1.01 AC	44,351 SF
(Net)	0.925 AC	40,307 SF

Permitted Uses:  
Use unit 7.a, Townhouse dwelling.

Maximum Number of Dwelling Units:	Six
Minimum Lot Width:	40 FT
Minimum Lot Area:	3,200 SF
Maximum Access Points onto South Columbia Avenue:	One *
Maximum Building Height:	Two-story not to exceed 30 FT
Minimum Building Setbacks:	
From centerline of South Columbia Avenue	65 FT
From the private street right-of-way	10 FT, with the exception of five feet minimum setback on west side of building Unit #4 (per attached Exhibit A).
From the north boundary of the PUD	20 FT
From the west boundary of the PUD	20 FT
From the south boundary of the PUD	20 FT
Minimum Setback of Private Street From North Boundary	50 FT
Minimum Number of Enclosed Parking Stalls Per Dwelling Unit:	Two
Minimum Width of Private Street Right-of-way	30 FT
Other Bulk and Area Requirements:	As provided within a RT district.

Screening and Landscaping:

An eight-foot screening wall or fence shall be provided along the north boundary of the PUD. Landscaping shall be in substantial compliance with the standards described in the text of the applicant's outline development plan and depicted on the applicant's conceptual site plan.

Building Window Placement & Exterior Restrictions:

Second-story building windows along the north and west faces or roof structures of all units shall be prohibited. Exterior lighting on the north and west sides of all building units shall be limited to one (1) permanently mounted fixture per building unit. Placement of each allowable lighting fixture unit shall not exceed eight feet in height, as measured from the finished floor grade of each building unit, and no greater than 100 watt illumination capacity shall be allowed per lighting fixture unit. Each allowable lighting fixture unit shall be adequately shielded to prevent illumination of abutting properties.

\*Access point shall be approved by Traffic Engineering.

3. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly-owned structures within the PUD.
4. All private roadways shall be a minimum of 26' in width, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.
5. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets, or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
6. 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.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process and are approved by TMAPC.
8. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC prior to issuance of a building permit.

9. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.

**APPLICANT'S COMMENTS:**

**Darin Ackerman**, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that he submitted the zoning application and heard for the first time on May 5, 1999. He explained that the Planning Commission recommended that he submit a PUD and at this point he is back with a PUD. He stated that the PUD addresses the concerns expressed by the interested parties and the adjacent property owners.

Mr. Ackerman listed three concerns of the neighborhood: 1) intensity of the site; 2) design considerations; 3) future maintenance of the subject property. He commented that the submitted PUD addresses these three issues.

**THE FOLLOWING INTERESTED PARTIES EXPRESSED THEIR CONCERNS:**

**Richard Gilmore**, 4573 South Columbia, Tulsa, Oklahoma 74105; **David Glade**, 4633 South Columbia, Tulsa, Oklahoma 74105; **Helen Sweeny**, 4929 South Columbia, Tulsa, Oklahoma 74105; **Christopher Heroux**, 4611 South Columbia, Tulsa, Oklahoma 74105; **Charles Sweeny**, 4929 South Columbia Avenue, Tulsa, Oklahoma 74105; **Joanna Chapman**, 4920 South Columbia, Tulsa, Oklahoma 74105;

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

The proposal will aggravate the stormwater runoff; encroachment into the neighborhood; prefer that the subject area remain single-family residential; the proposal will increase the population density; increased traffic; two-story buildings are not compatible with the subject area; concerned with long-term maintenance of the subject property; the proposal will change the character of the neighborhood; existing neighborhood is 40 to 50 years old with large lots and mature trees; proposal will set a precedent in the neighborhood; subject property is currently unkempt; concerns with drainage problems.

**INTERESTED PARTIES COMMENTS:**

**Jodie Strader-Nesbit**, 2533 East Skelly Drive, Tulsa, Oklahoma 74105, stated that her property is on the west side of the proposal. She commented that there has always been a water drainage problem in the subject area. She explained that she met with the applicant, Mr. Ritchie, to discuss the water drainage problems. She described Mr. Ritchie as a humane developer and he is willing to listen to the neighbors' concerns.

Ms. Strader-Nesbit stated that she feels that the proposal will be an improvement and she trusts the applicant.

**APPLICANT'S REBUTTAL:**

**Darin Akerman** stated that he respects the neighbors' concerns and the majority of the concerns will be addressed during the platting process. He indicated that there is an issue regarding the impervious surface, which will be addressed by Stormwater Management. **Inaudible.**

Mr. Akerman indicated that his client agrees with the staff recommendation. He stated that the proposal is a good proposal for the subject property and area. He commented that the proposal meets the compatibility with the Comprehensive Plan and the Infill Development Task Force findings.

**INAUDIBLE.**

**TMAPC COMMENTS:**

Mr. Horner stated that he completely agrees with staff concerning the guidelines, Comprehensive Plan and the transition from RS-1 to RT.

Ms. Pace stated that the subject property has been before the TMAPC before on several occasions. She commented that the subject property would probably never be developed as single-family. She stated that the proposal is a reasonable transition and agrees with the staff recommendation.

Mr. Stump stated that the surrounding uses consist of a parking lot for an office building, duplexes and a single-story office building.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Westervelt "absent") to recommend **APPROVAL** of RT zoning for Z-6690 as recommended by staff; and recommend **APPROVAL** of PUD-622 subject to the conditions as recommended by staff.

**Legal Description for Z-6690/PUD-622:**

Lot 4, Block 2, South Lewis View Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Application No.:** PUD-411-8/PUD-411-C-7

**Applicant:** Roy D. Johnsen (PD-26) (CD-8)

**Location:** Southeast corner East 98<sup>th</sup> Street and South Memorial  
(Minor Amendment)

**STAFF RECOMMENDATION:**

The applicant is requesting Minor Amendment approval to permit a lot-split (LS 18897) and modification of development areas and a reallocation of floor area affecting portions of PUD-411 and 411-C as amended. The Minor Amendment also relates to the Jim Norton II Preliminary Plat and a Detail Site Plan currently under review by TMAPC.

The subject area is bounded on the north by East 96<sup>th</sup> Street South, on the west by South Memorial Drive, on the south by 101<sup>st</sup> Street South and on the east by South 84<sup>th</sup> East Avenue.

The purpose of the request is to remove land area (1.49 acres) from Tract I, returning it to the overall Development Area 1-A and remove land area from overall Development Area 1-A (.034 acres), adding it to Development Area 2, specifically the Tract II portion of that Development Area.

**HISTORICAL OVERVIEW OF THE SITE:** (note attached maps with numbering corresponding to paragraphs, below)

1. (1986) PUD 411 established Development Areas 1 and 2. Development Area 1 is in the south, Development Area 2 is in the north as follows:

Development Area 1	19.46 acres net	150,600 SF of floor area
Development Area 2	7.38 acres net	39,300 SF of floor area

2. (1993) PUD 411 was amended (411-C). Development Area 1 was reconfigured and becomes 1-A, Development Area 2 is not changed. **Note that Area 1-A is completely contained in PUD 411-C. Area 2 is completely contained in PUD 411. The boundary between the Development Areas is the boundary between the original PUD and the amended PUD.**

Development Area 1-A	24.10 acres net	262,500 SF of floor area
Development Area 2	7.38 acres net	39,300 SF of floor area

3. (1994) PUD 411-C was amended (411-C-1). The amendment split Development Area 1-A into two pieces, those being Tract 1 and the Remainder of 1-A. It also reassigned floor area as follows:

Tract 1	4.55 acres net	49,500 SF of floor area
Remainder of 1-A	19.56 acres net	213,000 SF of floor area

4. (1995) PUD 411(411-6) and 411(411-C-2) are amended. The amendment has three purposes; to divide Development Area 2 (contained in PUD 411) into three parts; to reallocate floor area in Development Area 2; and, to expand and rename Tract 1, extending it beyond the northern limit of the Development Area 1-A/PUD 411-C boundary into Development Area 2/PUD 411. The area of the new Tract I in Development Area 2 is 1.24 acres. Development Area 2 now is divided into the Jim

Norton Center, Tract II and the northern portion of Tract I. Tract I is primarily contained in Development Area 1-A. **Note that all of the floor area (39,300 SF) of Development Area 2 was allocated between the Jim Norton Center and Tract II. The size of Tract I is increased but the floor area remains the same (49,500 SF).**

Development Area 2 undivided	7.38 acres net	39,300 SF of floor area
Jim Norton Center	4.23 acres net	26,035 SF of floor area
Tract II	1.91 acres net	13,265 SF of floor area
Tract I	1.24 acres net	0 SF of floor area

Tract 1 is renamed Tract I and increased to 5.79 acres net with 49,500 SF of floor area (4.55 acres in Development Area 1-A, 1.24 acres in Development Area 2)

Development Area 1-A is not affected.

**NEW ACTION (current Minor Amendment request)**

5. (1999) PUD 411-8/PUD 411C-7. The current request proposes two actions. The first action is to remove land area (1.49 acres) from Tract I and return it to the Remainder of Development Area 1-A (see No. 3, above).

The second action is to remove land area (.034 acres) from Development Area 1-A and add it to Development Area 2, specifically to Tract 2. Development Area 1-A lies within PUD-411-C and Development Area 2 lies within PUD 411.

The proposed action of moving land area from Development Area 1-A to Development Area 2 will have the effect of expanding Development Area 2 and Tract II into PUD 411-C, it will not affect the boundary line between the PUDs.

PUD-411 and 411-C. The reconfiguration of land area results in a revision of Development Areas as follows:

**REVISED TRACT I\***

Tract 1/Tract I decreased to: 4.31 acres net      36,779 SF of floor area

**REVISED TRACT II\***

Development Area 2/Tract II: 1.94 acres net      13,265 SF of floor area

**REVISED DEVELOPMENT AREA 1-A**

Remainder 1-A increased to: 21.05 acres net      225,721 SF of floor area

**JIM NORTON CENTER**

Jim Norton Center: 4.23 acres net      26,035 SF of floor area

**TOTAL      31.53 acres      301,800 SF**

\*Revised Tract I and Revised Tract II comprise proposed Lot 1, Block 1 of the pending plat of Jim Norton Center II.

The request results in no change to the total floor area within Development Area 1-A or within Development Area 2. There is a negligible increase in FAR in Development Area 1-A and a negligible decrease in FAR in Development Area 2 due to a shift in land area without an accompanying floor area change.

#### **STAFF RECOMMENDATION**

Staff notes that the request proposes no modification of permitted uses or development standards within the four development areas except for the proportional floor area allocations and reconfiguration of land area. Having examined the current request, including the pending lot split and preliminary plat, staff finds the proposal maintains the character and intent of the original or amended approvals of PUD-411 and PUD-411-C.

Staff, therefore, recommends **APPROVAL** PUD-411-8 and 411-C-7 subject to the following:

1. The development standards of the area being added to Area 1-A (**Revised Development Area 1-A**) shall be the same as the permitted uses and development standards (except floor area and tract size) of Area 1-A established by PUD-411-C as approved by TMAPC 10/27/93 and the City Council on 12/20/93.
2. The development standards of **Revised Tract I and Revised Tract II** shall be the same as the permitted uses and development standards (except maximum floor area and tract size) established by PUD-411 Development Area 2 as approved by TMAPC 6/18/86 and the City Commission on 2/18/86.
3. Subject to incorporation of the Development Standards herein outlined in the current approval into the Deed of Dedication and Restrictive Covenants of the Jim Norton Center II Plat.

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

Development Standards for Area 2 affecting future development within the area encompassed in the Jim Norton Center II Plat must conform to Corridor District internal collector requirements of the Tulsa Zoning Code as well as the approved PUD-411 Area 2 development specifications that set standards for the display of automobiles along South Memorial Drive.

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** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Westervelt "absent") to recommend **APPROVAL** of the minor amendments for PUD-411-8/PUD-411-C-7 subject to conditions as recommended by staff.

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**ZONING PUBLIC HEARING**

**Application No.:** Z-6721

**Applicant:** Susanne E. Thompson  
**Location:** 1440 North Quanah Avenue

**RS-3 to OL**  
**(PD-11) (CD-1)**

**STAFF RECOMMENDATION:**

Relationship to the Comprehensive Plan:

The District 11 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity-No Specific Land Use.

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

Staff Comments:

**Site Analysis:** The subject property is approximately 100' x 150' in size and is located on the southwest corner of West Pine Street and North Quanah Avenue. The property is flat, non-wooded, contains a single-family dwelling and is zoned RS-3.

**Surrounding Area Analysis:** The subject tract is abutted on the north by part of the Gilcrease Hills residential area, a large stormwater detention facility and to the northwest a vacant grocery store, zoned CS/RM-1/PUD-441; to the south by single-family residential uses; to the west by a smoke shop; and to the east by single-family residential uses, zoned RS-3.

**Zoning and BOA Historical Summary:** The most recent zoning activity in this area was in 1998 when a request was approved to amend PUD-232 located on the northwest corner of West Pine Street and North Union and west of the subject tract to reduce the number of dwelling units on the PUD, and changing the 198-unit condominium to 82 single-family homes.

**Conclusion:** Based on existing development, the provisions of the District 11 Plan and land use trends, staff cannot support the requested OL zoning on this site. The adjacent smoke shop has generated significant traffic at peak periods both on Pine

Street and into the adjacent single-family residential neighborhood. The site is directly across the street from single-family residential uses that would face into the OL and probably would eventually transition into non-residential uses in the future. Staff therefore recommends **DENIAL** of the requested OL zoning.

**INTERESTED PARTIES COMMENTS:**

**Devetta Montgomery**, 1604 North Tacoma, Tulsa, Oklahoma 74127, stated that she opposes this proposal. She explained that the neighborhood should remain residential because it is still a single-family residential neighborhood. The proposed lot is a large lot and is on a corner, which would make a nice lot for a home. She reiterated that there is a smoke shop on the same street and it does create a large amount of traffic.

Ms. Montgomery expressed concerns that the medical office will not remain because the neighborhood cannot substantially support it. She fears that if the medical office did move out, then the rezoning would remain with the property and other businesses could move in.

**APPLICANT'S COMMENTS:**

**Dr. Jerome Wade**, 1145 South Utica, Tulsa, Oklahoma 74104, stated that the purpose for the zoning change is in order to provide a medical office in the residential space. He commented that the subject property is an appropriate location due to the proximity of the Gilcrease Hills development, as well as the proposed development north of Apache.

Dr. Wade stated that the proposed property has been dormant for several years. He explained that there is an increase in the need for health care in the subject area. He commented that the proposal will invigorate the community. He indicated that the rezoning will be the first step in economic revitalization for the community.

**INAUDIBLE**

**Dr. Susanne E. Thompson**, no address given, stated that she concurs with Dr. Wade's statements. She explained that she would like to stay in the north side of town and revitalize the area. She stated that the subject area is experiencing a shortage of providers.

**TMAPC COMMENTS:**

Mr. Pace stated that she applauds the applicants for trying to provide services to the subject area. She commented that if the TMAPC granted this rezoning it would be a classic case of spot zoning and this board can not do that, nor has it ever allowed spot zoning.

Ms. Pace stated that the smoke shop cannot be used as a precedent because it is under Indian Law and not Tulsa Zoning Code. She reiterated that this application would be an absolute spot zoning case and she cannot support it.

Mr. Midget asked if the medical office could be done under a PUD. Mr. Midget stated that he is not opposed to the medical facility if it could be developed in a way that it wouldn't detract from the residential character. He indicated that the smoke shop has detracted from any residential use in the area.

Mr. Jackson stated that the proposal will be an enhancement to Pine Street. He commented that the medical office would take away from the blight of the smoke shop because it is a singlewide mobile home without paving. He stated that if the proposal was developed under a PUD with requirements and constraints on the usage, this proposal could be an asset to the neighborhood.

**After a lengthy discussion it was determined that the application should be continued and it was suggested that the applicant file a PUD.**

**TMAPC Action; 7 members present:**

On **MOTION** of **JACKSON**, to recommend **DENIAL** of Z-6721 and apply all fees toward the PUD process.

Mr. Stump recommended that the TMAPC continue case Z-6721 and have the applicant file a PUD. He explained that the zoning case and PUD could be heard together at a later date.

**TMAPC Action; 7 members present:**

On amended **MOTION** of **JACKSON**, the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Westervelt "absent") to **CONTINUE** Z-6721 to January 5, 2000, at 1:30 p.m. and recommend that the applicant consider filing a PUD.

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**Application No.:** PUD-621

**Applicant:** Charles Norman

**Location:** East side of Harvard between East 27<sup>th</sup> Street and East 27<sup>th</sup> Place

**CH, OL, PK, RS-3 to PUD**

**(PD-6) (CD-4)**

**STAFF RECOMMENDATION:**

The PUD proposes office and commercial uses on 3.35 acres located between East 27<sup>th</sup> Street South and East 27<sup>th</sup> Place South on the east side of South Harvard Avenue. The subject tract has 300' of frontage on South Harvard Avenue; 280' on East 27<sup>th</sup> Street South, which is a one-way-east-bound access to the Broken Arrow Expressway; and 430' of frontage on East 27<sup>th</sup> Place South. The tract is currently zoned CH, OL, PK and RS-3.

There is a strip shopping center and parking to the north of the tract across 27<sup>th</sup> Street, zoned CH and OL; there are single-family dwellings, zoned RS-3 to the northeast (on the south side of 27<sup>th</sup> Street) on the east; there are commercial uses and single-family

dwellings to the south of the tract across 27<sup>th</sup> Place, zoned CH, OL and RS-3; and there is a strip shopping center, zoned CH, to the west of the tract, across Harvard Avenue.

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-621 to be, as modified by staff: (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-621 subject to the following conditions:

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

2. **Development Standards:**

Land Area (Gross)	3.3471 AC	145,800 SF
(Net)	2.4387 AC	106,232 SF

Permitted Uses:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios, including drive-in bank facilities; 12, Entertainment Establishments and Eating Establishments Other Than Drive-ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 18, Drive-in Restaurants, and uses customarily accessory to permitted principal uses; provided the east 150 feet along East 27<sup>th</sup> Place may be used only for uses permitted as a matter of right in Use Units 10 and 11.

Maximum Building Floor Area:

Commercial uses (west 280 feet)	32,000 SF
Office uses (east 150 feet)	6,500 SF

Maximum Building Height:

West 280 feet	30 FT
East 150 feet	25 FT

Architectural elements may exceed maximum building height with Detailed Site Plan approval.

Minimum Lot Frontage on South Harvard Avenue: 100 FT

Minimum Lot Frontage on East 27<sup>th</sup> Street South: 50 FT

Minimum Lot Frontage on East 27<sup>th</sup> Place South: 150 FT

Maximum Number of Access Points on to Harvard	2
Minimum Building Setbacks:	
From the center line of South Harvard Avenue	100 FT
From the centerline of East 27 <sup>th</sup> Street	60 FT
From the centerline of East 27 <sup>th</sup> Place South	60 FT
From the north 150 FT of the east Boundary of the PUD	15 FT
From the south 150 FT of the east Boundary of the PUD:	
For Commercial Uses	125 FT
For Use Unit 11 Uses	25 FT
From the east 150 FT of the north boundary of the PUD	15 FT*

Minimum Parking Area Setback:	
From the north 150 FT of the east boundary of the PUD	10 FT
From the south 150 FT of the east boundary of the PUD	15 FT
From the east 150 FT of the north boundary of the PUD	15 FT

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

Signs:  
One ground sign shall be permitted for each lot along the South Harvard Avenue frontage with a maximum of 120 square feet of display surface area and 25 feet in height for each sign; if the property is developed for one user, one ground sign shall be permitted along the South Harvard frontage with a maximum of 180 square feet of display surface area and 35 feet in height and set back a minimum of ten feet from the planned right-of-way if over 25 feet.

\*Plus two feet of setback for each one-foot building height exceeding fifteen feet.

Wall signs shall be permitted not to exceed 2.0 SF of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building. No wall signs shall be permitted on east-facing walls anywhere in the PUD nor on south-facing walls in the South 150 feet of the east 150 feet of the PUD.

Landscaped Area:  
A minimum of 10% of the net lot area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code if used for commercial purposes and a minimum of 15% of the net lot area if used for office purposes. A heavily landscaped area shall be provided along the east 150 feet of the 27<sup>th</sup> Place frontage at least ten feet in width.

Screening:

A six-foot high solid screening fence shall be constructed along the east boundary and the east 150 feet of the north boundary of the PUD.

Lighting:

Light standards shall not exceed 25 feet in height and shall be hooded, directed downward, and away from the east, north and south boundaries of the property. Within 150 feet from the east boundary of the south 150 feet of the PUD, light standards shall not exceed eight feet in height. All such lights shall be set back at least 25 feet from an RS district.

Loading Docks Screening:

Loading docks and loading or unloading areas shall be screened from south and east boundaries.

Outside Storage:

There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks, truck-trailers or containers be parked in the planned unit development except while they are actively being loaded or unloaded. Truck trailers or outside containers shall not be used for storage.

3. 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.
4. 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.
5. 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.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level. No bulk trash container shall be within 50 feet of an RS district outside of the PUD.

7. The Department of 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.
8. 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.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.

**APPLICANT'S COMMENTS:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that the subject property is the former site of the Harvard Club, which was destroyed by fire several years earlier. He indicated that he is in agreement with the modified staff recommendation.

**INTERESTED PARTIES COMMENTS:**

**Boyd Phillips**, 7617 S. Maplewood, Tulsa, Oklahoma 74136, stated that he and his brother, Leroy Phillips, are in agreement with the proposal. Mr. Phillips cited the history of the subject property.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Westervelt "absent") to recommend **APPROVAL** of PUD-621 as modified and recommended by staff.

**Legal Description for PUD-621:**

Lots 7 through 21, Block 8, Kirkmore Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Application No.: Z-6722**

**Applicant:** Wayne Alberty

**Location:** West side of Memorial south of East 101<sup>st</sup> Street South

**AG to CS, OL, RS-3**

**(PD-26) (CD-8)**

**STAFF RECOMMENDATION FOR Z-6722:**

**Relationship to the Comprehensive Plan:**

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the east 400' extending along South Memorial Drive right-of-way as Medium Intensity - Linear Development – No Specific Land Use. The balance of the property is designated as Low Intensity – No Specific Land Use.

According to the Zoning Matrix the requested CS, OL and RS-3 zoning are all in **accordance** with the Plan Map in the area designated as Medium Intensity - Linear Development. However, the Comprehensive Plan states that a PUD is required in this area.

The requested RS-3 designation **is in** accordance with the Plan Map in the area designated as Low Intensity – No Specific Land Use; the proposed OL zoning **may be found** in accordance with the Plan Map in the area designated as Low Intensity – No Specific Land Use; but the proposed CS zoning **is not** in accordance with the Plan Map in the area designated Low Intensity – No Specific Land Use.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 34 acres in size and is located on the west side of South Memorial Drive, south of East 101<sup>st</sup> Street South. The property is sloping, partially wooded, contains a golf driving range and vacant land and is zoned AG.

**Surrounding Area Analysis:** The subject property is abutted on the northeast by a church, church parking and a telecommunication tower, zoned RS-2/RM-1/PUD-370; to the northwest by vacant property, zoned RS-2/PUD-370; to the south by vacant property, zoned RS-3/PUD-578 and an indoor/outdoor athletic center, zoned CS/PUD-485-A; to the west by vacant property, zoned AG; and to the east, across South Memorial Drive by a commercial shopping center within the Bixby City Limits.

**Zoning and BOA Historical Summary:** The subject tract was granted a special exception for a golf driving range by the Board of Adjustment in 1987. The property abutting the subject tract on the north was rezoned from AG to RS-2/RM-1 PUD-370 to allow a church; the property abutting the subject tract on the southeast was rezoned from AG to CS to permit an indoor/outdoor sports facility and to the southwest the property was rezoned from CS, OL and RM-2 to CS/RM-1/RS-3/PUD-578 for a mixed used development.

**Conclusion:** This rezoning request is accompanied by PUD-619, which proposes commercial, office and residential development. The request is compatible with the surrounding zoning patterns and the existing development. Therefore, staff recommends **APPROVAL** of CS on 14.86 acres fronting Memorial, OL and RS-3 on 16.81 acres west of Area A, subject to the approval of the accompanying PUD-619.

**AND**

**Application No.:** PUD-619

**AG to CS, OL, RS-3/PUD**

**Applicant:** Wayne Alberty

**(PD-26) (CD-8)**

**Location:** West side of Memorial south of East 101<sup>st</sup> Street South

**STAFF RECOMMENDATION FOR PUD-619:**

The PUD proposes commercial, office and residential uses on 34.11 acres located north of the northwest corner of 111<sup>th</sup> Street South and Memorial Drive. The subject tract has approximately 985 feet of frontage on Memorial Drive. The tract is currently zoned AG. Concurrently, an application has been filed (Z-6722) to rezone the tract to CS, OL and RS-3. Approximately 2.5 acres adjacent to the site at the southeast corner is zoned AG, CS/PUD-485-A (Champions Athletic Complex). The remainder of the south boundary of the PUD abuts property that is zoned CS, RM-1, RS-3/PUD-578 and has been approved for commercial and residential uses. There is undeveloped AG zoned property to the west of the tract. The Trinity Presbyterian Church, zoned RM-1, RS-2/PUD-370-A and vacant property zoned RS-2/PUD-370 (approved for an elderly housing complex) abut the subject tract on the north. To the east of the tract, across Memorial Drive and in the city limits of Bixby, are commercial uses zoned CS and CG.

Development Area A, located along the Memorial Drive frontage, would allow 162,560 SF of commercial on 14.86 acres. Development Area B, located west of A, proposes a mix of dwelling unit types (single-family, duplexes, townhouses and multifamily) and church, nursing home and school uses, on 16.81 acres.

Staff can generally support the proposed PUD, but has some concerns with the unplanned nature of the proposal and the adequacy of the buffer provided for potential single-family residential subdivisions abutting the PUD to the south and west. Staff proposes modifications and additions to the applicant-proposed development standards to address these concerns.

If Z-6722 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-619 to be, as modified by staff: (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-619 subject to the following conditions:

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

**Development Area A**

Land Area (Gross)	17.30 AC	753,588 SF
(Net)	14.86 AC	647,302 SF

Permitted Uses:

Those uses permitted as a matter of right in the CS district, excluding Use Unit 12 A.

Maximum Building Floor Area: 162,560 SF

Maximum Building Height: 35 FT

Off-Street Parking:

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

Minimum Building Setbacks:

From the west property line of South Memorial Drive	50 FT
From the north boundary of Development Area A	50 FT
From the south boundary of Development Area A	20 FT
From the west boundary of Development Area A	75 FT*

Maximum Number of Access Points onto South Memorial Drive 3\*\*

Bulk Trash Container Setbacks:

From all boundaries of Development Area A 75 FT

Signs:

Ground signs shall be limited to two signs with a maximum of 160 SF of display surface area and 25 FT in height. All ground signs shall be within 50 FT of the Memorial Drive right-of-way.

Wall signs shall be permitted not to exceed 2.0 SF of display surface area per lineal foot of building wall to which attached. The length of a tenant wall sign shall not exceed 75% of the frontage of the tenant space. No wall signs are permitted on walls facing north or in Development Area B within the west 450 FT of Development Area A.

A monument sign shall be permitted with a maximum of 45 SF of display surface area and three feet in height to advertise development in Development Area B.

\*If abutting property to west is already development as a Use Unit 8 use then the setback is 50 FT.

\*\*All access points shall be approved by Traffic Engineering.

**Development Area B**

Land Area: 16.81 AC 732,244 SF

Permitted Uses:

Single-family, duplexes, townhouses and multifamily; and Use Unit 2, Area Wide Special Exception on Uses limited to church, nursing home and schools only.

Maximum Number of Dwelling Units: 252\*

Maximum Dwelling Unit Density Per Lot: 15 units/acre

Maximum Building Height:

Multifamily 42 FT  
All other dwelling types 35 FT

Off-Street Parking:

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

Minimum Building Setbacks:

From the west and south boundaries of Development Area B.

One story buildings 25 FT  
Two story buildings 50 FT\*\*  
Three story buildings 100 FT\*\*

From north and east boundaries of Development Area B: 25 FT

All other bulk and area standards shall be as required of the following zoning district when in a PUD:

Development Type:

Multifamily RM-1  
Townhouse RT  
Duplexes RD  
Single-family RS-3

Minimum Parking Lot or Access Road Setbacks:

From the west and south boundaries of Development Area B	25 FT
From the north and east boundaries of Development Area B	10 FT

\*For each acre of Use Unit 2 uses, the maximum number of dwelling units permitted shall be reduced by 15.

\*\*Buildings containing seven units and above, add an additional 25 feet.

3. Landscaping and Screening:

Development Area A shall have a minimum landscaped area per lot for retail uses of 10% of the net land area and for office uses 15% of the net land areas and it shall be improved in accord with the Landscape Chapter of the Tulsa Zoning Code. A six-foot high or higher screening wall or fence shall be provided along the boundary between Development Areas A and B. A landscaped area of not less than 25 feet in width shall be located along the west and north boundaries of Development Area A (this may be modified at detail site plan approval depending on the type of screening and dwellings constructed). If duplexes, townhouses or multifamily is developed along the south and west sides of Development Area B a 25-foot wide landscaped buffer and six-foot high or greater screening fence or wall may be required by TMAPC at detail site plan review.

4. A Public Collector Street shall stub to the west boundary of Development Area B.
5. If Development Area A is subdivided, uses and intensities of uses, access and development standards shall be established by minor amendment or subdivision plat.
6. Development Area B may not contain more than one use unless approved by minor amendment or subdivision plat. Uses within the same Use Unit in the Tulsa Zoning Code are considered the same use.
7. No Zoning Clearance Permit shall be issued within a development area of the PUD until a Detail Site Plan for the development area, 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.
8. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval 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 that development area 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.

9. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
10. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
11. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height and all such lights shall be set back at least 25 feet from a residential area. Light standard height and placement within the west 100 feet of Development Area A & B shall be determined at site plan review.
12. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
13. A homeowners association shall be created for Development Area B and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
14. All private roadways serving single-family, duplex, townhouse and multifamily development shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meet the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
15. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets, or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
16. 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.

17. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
18. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC prior to issuance of a building permit.
19. 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.
20. 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.

**Midget out at 3:15 p.m.**

**APPLICANT'S COMMENTS:**

**Wayne Alberty**, 201 West 5<sup>th</sup>, Suite 570, Tulsa, Oklahoma 74103, stated that he is in agreement with the modified staff recommendation. He commented that the uses established are within the guidelines of the District 26 Plan. The only use that is known at this date is a bank that will be located on the northeast corner of the subject property.

Mr. Alberty stated that the John Jacobs Driving Range is the site of the subject proposal and is still under a contract to remain for three years, which the owners of the subject property will honor.

**INTERESTED PARTIES COMMENTS:**

**Alan Carlton**, 10770 South 77<sup>th</sup> East Avenue, Tulsa, Oklahoma 74133, submitted a letter opposing the application (Exhibit B-1) and stated he is representing himself and the homeowners association. Mr. Carlton requested that the application not be approved as proposed, but instead that it be modified. He stated that the OL zoning should be denied and the RS-3 area be expanded to include that acreage, which would be 26.65 acres in total.

Mr. Carlton stated that the dense development is not in keeping with the subject area profile and should not be established as a precedent. He commented that by requesting RS-3 zoning, it is implied that the applicant desires single-family development on the western portion of the subject tract.

Mr. Carlton requested that the Planning Commission either deny the OL zoning or use what other means that are appropriate. He indicated that the neighborhood is not opposed to the outlying PUD-619 development areas with commercial, retail, office development over the 14.6 acres adjoining Memorial. He stated that the neighborhood is not opposed to the 16.1 acres in Development Area B being all single-family residential. He explained that the neighborhood's concern is the limitation of all

residential to single-family. Mr. Carlton proposed new standards for Development Area B, which he submitted with Exhibit B-1.

**Tony Solow**, 10400 S. Memorial, Tulsa, Oklahoma 74133, stated that he owns the property to the north of the subject proposal. He explained that he is not present in specific opposition or support of this application. He indicated that the map is incorrect and the property to the north is not as it is represented on the map, because he owns the property to the north.

Mr. Stump stated that Mr. Solow's property is indeed included in PUD-370 and there will be an application before the TMAPC requesting that a rezoning be initiated in order to eliminate Mr. Solow's strip of land the PUD. Mr. Stump explained that the strip of land is not related to the application before the TMAPC today.

**APPLICANT'S REBUTTAL:**

Mr. Alberty stated that what he is requesting today is the right to consider a spectrum of uses on Area B. He explained that he is not actually asking the TMAPC to approve any specific use today. It is very likely that it will develop single-family in Area B and therefore will have no dispute with the neighbors to the west. He commented that three years from the today the market may be right for apartments and he would like to have the right to come back with a plan. Mr. Alberty stated that when he comes back with a detail site plan, the actual uses will be determined for the subject property.

**TMAPC COMMENTS:**

Ms. Hill recognized Mr. Carlton. Mr. Carlton requested the TMAPC narrow the spectrum of uses for the PUD.

Ms. Pace asked staff if they were objecting to multifamily use. In response, Mr. Stump stated that staff has no problem with the multifamily use. Mr. Stump further stated that the CS proposal is in accordance with the plan if the section line is the centerline of Memorial. Ms. Pace asked if the neighborhood objected to the CS proposal. In response, Mr. Stump stated that the neighborhood has no problems with the CS proposal. Mr. Stump explained that the OL buffer is acceptable to staff; however, the RS-3 area is misleading because a PUD has been applied and it allows multifamily. Mr. Stump informed the TMAPC that this exists throughout the City of Tulsa and it is within the guidelines of the PUD.

On **MOTION** of **HORNER** to recommend **APPROVAL** of Z-6722/PUD-619 the motion failed due to a lack of a second.

Ms. Pace stated that if the TMAPC granted the PUD as it is written, the applicant would have to return with a detail site plan indicating the uses. In response, Mr. Stump stated that the applicant would have to come back with a detail site plan; however, once the TMAPC stated that apartments are an appropriate use in Area B then the decision is made and it is off the table. Mr. Stump explained that the detail site plan would merely be the layout of the apartments that would come before the TMAPC.

Ms. Pace asked Mr. Stump if the applicant could come back with an amendment to the PUD if in three years it seems appropriate for apartment use. She suggested that the TMAPC eliminate the apartment usage. In response, Mr. Stump stated that the TMAPC could eliminate the apartment usage and the density would be high for single-family duplexes or townhouses. However, it could be eliminated and it would require a major amendment to change the PUD.

Ms. Pace asked Mr. Alberty and Mr. Carlton if they had a problem with the approval of the PUD minus the apartment use and allowing townhouses and duplexes. Mr. Alberty stated that he would like to have the application approved as it has been applied for. Mr. Alberty further stated that the application is reasonable and he would not be willing to compromise or amend the application today. Mr. Carlton stated that he would appreciate it if the TMAPC would consider the Development Area B plan that he submitted, which conforms to the format that the staff has used.

Mr. Jackson stated that if Development Area B did develop into multifamily, RM-1 with 15 units to an acre, the density would be low and with the land cost in the subject area for the multifamily units would have to be on the upper end. He commented the multifamily units would provide a buffer from Development Area A, which would be CS.

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **5-1-0** (Carnes, Hill, Horner, Jackson, Ledford "aye"; Pace "nays"; none "abstaining"; Boyle, Dick, Harmon, Midget, Westervelt "absent") to recommend **APPROVAL** of CS, OL and RS-3 for Z-6722 and recommend **APPROVAL** of PUD-619 as modified by staff.

**Legal Description for Z-6722:**

The following described tracts of land are located in the NE/4 of the SE/4 of Section 26, T-18-N, R-13-E, IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows:

**From : AG (Agriculture District) To: CS (Commercial Shopping Center District)**

Commencing at the SE/c of said Section; thence N 0°00'31" W 1655.09' along the Section line to the point of beginning; thence S 88°47'01" W a distance of 330'; thence N 01°01'04" W a distance of 985.27'; thence E along the N line of said NE/4, SE/4 a distance of 330' to the NE/c, of SE/4, Section 26, T-18-N, R-13-E; thence S 01°00' 31" E a distance of 985.27' to the point of beginning, said tract being 7.46 acres M/L.

**From: AG (Agriculture District) To: OL (Office Low Intensity District)**

Commencing at the SE/c of said Section; thence N 0°00'31" W 1655.09' along the Section line to a point; thence S 88°47'01" W a distance of 330' to the point of beginning; thence S 88°47'01" W a distance of 250'; thence N 01°01'04" W a distance of 985.27'; thence E along the N line of said NE/4, SE/4 a distance of 250'; thence S 01°00'31" E a distance of 985.27' to the point of beginning, said tract being 5.65 acres M/L.

**From: AG (Agriculture District) To: RS-3 (Residential Single-family High Density District)** Commencing at the SE/c of said Section; thence N 0°00'31" W 1655.09' to a point; thence S 88°47'01" W a distance 580' to the point of beginning; thence S 88°47'01" W a distance of 185.15'; thence S 01°00'31" E 335'; thence S 88°47'01" W 554.71'; thence N 01°01'04" W 1320.15'; thence N 88°47'15" E 740'; thence S 01°00'31" E a distance of 985.27' to the point of beginning; said tract being 21.00 acres M/L.

**Legal Description of PUD-619:**

The North 10 acres of the NE/4, SE/4, Section 26, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, less and except a tract deeded for Highway described as follows, to-wit: beginning at the Northeast corner of said NE/4, SE/4; thence S along the East line of said NE/4, SE/4 a distance of 330.00'; thence West a distance of 105.00'; thence N 1°00'31" W a distance of 292.49'; thence N 4°35'05" W a distance of 37.17' to a point on the North line of said NE/4, SE/4; thence East along said North line a distance of 107.32' to the Point of Beginning, and a tract of land located in the NE/4, SE/4 of Section 26, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, more particularly described as follows: commencing at the intersection of the center line of Memorial Drive and 111<sup>th</sup> Street South, this also being the Southeast corner of said Section; thence N 0°00'31" W 1,655.09' along the existing centerline of Memorial Drive; thence S 88°47'01" W 115.00' to a point on the West right-of-way line of Memorial Drive (U. S. Highway 64) being the Point of Beginning; thence S 88°47'01" W 650.15'; thence S 01°00'31" E 335.00'; thence S 88°47'01" W 554.71'; thence N1°01'04" W 990.15'; thence N 88°47'15" E 1,215.02' to a point on the west right-of-way line of Memorial Drive; thence S 1°00'31" E 307.73'; thence S 4°42'07" W 100.50'; thence S 1°00'31" E 247.37' to the Point of Beginning.

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**Application No.:** PUD-569-A/Z-6054-SP-4

**Applicant:** William D. LaFortune (PD-18) (CD-8)

**Location:** Northwest corner East 91<sup>st</sup> Street and South Garnett Road  
(Major Amendment)

**STAFF RECOMMENDATION:**

PUD-569 encompasses 30.74 acres located at the southeast corner of East 81<sup>st</sup> Street South and South Mingo Valley Expressway. The PUD consists of five development

areas and has been approved for commercial, multifamily, church, school, office, nursing home and single-family uses. This major amendment/corridor site plan proposes an outdoor advertising sign on Development Area C. Development Area C, containing ten acres is located at the southwest corner of the PUD and was approved for church and accessory uses, church-sponsored children and adult daycare, and a school which offers a compulsory education curriculum. Development Area C has approximately 800 feet of frontage on South Mingo Valley Expressway.

The subject tract (Development Area C) is abutted on the north by Development Area B of PUD-569, which has been approved for multifamily dwellings; to the east by Development Areas D and E, which have been approved for office use, a nursing home or an assisted living facility and single-family residences; to the south by vacant land, zoned CO, which has an approved corridor site plan for single-family residential and is about to be developed; and to the west by the Mingo Valley Expressway, zoned AG and beyond the expressway to the west is Tulsa Community College, zoned AG.

The proposed sign would have a maximum height of 50 feet, a maximum display surface area of 672 square feet and would be located 228.6 feet north of the south boundary of the subject tract and more than ten feet from the Mingo Valley Expressway right-of-way.

The Oklahoma Department of Transportation (ODOT) has a policy of not approving outdoor advertising on tracts that are not zoned for Industrial or Commercial Uses. If the tract is zoned CO or PUD, ODOT's policy is that the property must be developed or in the process of being developed for industrial or commercial purposes. It is also a requirement that outdoor advertising be spaced 500 feet from a church if the property is not zoned. ODOT has represented to staff that this request does not meet their requirements.

The proposed outdoor advertising sign would be on a tract that is approved for non-commercial uses and is abutted on three sides by tracts approved for residential uses. This request is not in harmony with the existing and expected development of the surrounding area, and doesn't meet the requirements of the Oklahoma Department of Transportation.

Therefore, staff recommends **DENIAL** of PUD-569-A/Z-6054-SP-4.

**APPLICANT'S COMMENTS:**

**William LaFortune**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, submitted photographs and maps (Exhibit A-1) and stated that he disagrees with staff's recommendation. **INAUDIBLE**.

Mr. LaFortune stated that the major amendment requests an additional permitted use in Development Area C for outdoor advertising. Mr. LaFortune displayed photographs indicating the different existing signs and development areas. He indicated that a precedent had been set when PUD-559-A was allowed an outdoor advertising sign in

the same corridor on April 1999. He stated that BOA-18263 approved a variance, which allowed the Tulsa Community College a flashing sign on 81<sup>st</sup> Street across from PUD-569. He summarized that since the approval of PUD-569 there have been three major outdoor advertising signs approved by either the TMAPC or BOA in the same corridor, which is across the expressway from today's application.

**INAUDIBLE.**

Mr. LaFortune stated that the application is in a CO zoning district that underlies the PUD, which allows for outdoor advertising as a permitted use. It is in a freeway corridor and it meets all of the Zoning Code requirements for outdoor advertising. He indicated that the proposed sign is 200' north of a school.

Mr. LaFortune stated that he surprised to see that the State permit issue was included in the staff recommendation. He confirmed that ODOT only allows permits in areas that will be developed industrially or commercially. He stated that ODOT is reconsidering this policy. He indicated that the Donrey Sign Company has never been denied a permit by ODOT. He indicated that ODOT is struggling with PUD/Corridor zoning, because it is unique to Tulsa.

Mr. LaFortune stated that he submitted a corridor site plan before the TMAPC on the Broken Arrow Expressway several months ago with the same situation as this application and the State permit was not mentioned by staff at that time. He indicated that he did have problems with the State permitting for the application on the Broken Arrow Expressway for the same reasons that staff has indicated on today's application. He explained that after proving to the State that there would not be residential development in that particular site, the State granted the permit. He commented that his client is doing the same thing in this situation. He further commented that the State permit is not an issue for the TMAPC to consider, but rather for Donrey to consider. He stated that the State permitting issue is irrelevant to whether or not this application is approved.

Mr. LaFortune submitted a letter of support from the pastor of the church (Exhibit A-2).

**TMAPC COMMENTS:**

Mr. Stump stated that the area to the southwest in PUD-559-A, which has the hospital in it, Area A, is where one of the signs were allowed. He explained that all sorts of retail uses and restaurants, which are considered commercial activities, were allowed in Area A in large amounts. He stated that a portion of Area A has been developed for the hospital, but a great deal of retail and restaurant activity could still be built there today. Area A is considered a commercial development area and staff did not object to a sign being located on the property. The sign to the north, closest to the subject property, is more debatable. One of the alternatives was multifamily, but at the time the billboard request came through, Tulsa Community College had already purchased the property and planned to put in large multi-story buildings for their nursing program and classrooms. He explained that this sort of use would have the appearance and use of

an office building and would buffer the area. He stated that the property to the north is approximately one quarter of a mile away from the residential uses, which were allowed in the rest of Development Area B to the west.

Mr. Stump explained that regarding using the State regulations in the staff recommendations, it is part of staff's intention to fully inform the TMAPC of what other agencies that are involved with the same issue have as their policies. He commented that the TMAPC can use the information or ignore the information.

Mr. Jackson asked if staff's opinion would change in light of the developmental areas being schools and church uses. In response, Mr. Stump stated that staff's opinion would remain the same. Mr. Stump explained that staff has not historically thought of churches as being commercial or industrial areas. Mr. Stump stated that staff has always thought of multifamily as being where people live. Mr. Stump commented that elementary schools are closer to a church type of use than across the expressway (a university use, which typically develops more like an office park and generates more traffic). Mr. Stump stated that staff does not consider the potential of the elementary school district to be high intensity use by any means.

Ms. Pace stated that the intention of the sign ordinance is to reduce clutter. Ms. Pace asked if the precedent regarding the South Crest sign will cause problems if this application is denied. Mr. Stump reiterated that one sign was located in a commercial development area, which also allowed hospitals, and the other one was in a more debatable area that allowed university use or multifamily. The university use would be more like office development, which is non-residential.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **LEDFORD**, the TMAPC voted **4-2-0** (Carnes, Hill, Ledford, Pace "aye"; Horner, Jackson "nays"; none "abstaining"; Boyle, Dick, Harmon, Midget, Westervelt "absent") to recommend **DENIAL** of the Major Amendment and Corridor Site Plan for PUD-569-A/Z-6054-SP-4 as recommended by staff.

**Legal Description for PUD-569-A/Z-6054-SP-4:**

A tract of land situated in the NE/4 of Section 18, T-18-N, R-14-E, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: commencing at the Southeast corner of the NE/4 of said Section 18; thence S 89°01'17" W and along the South line of the NE/4 for 2,197.42' to the East ROW line of Highway 169; thence N 11°23'21" W a distance of 157.91'; thence N 02°16'48" W a distance of 684.87' to the point of beginning; thence N 89°01'17" E a distance of 1,034.56'; thence N 01°27'04" W a distance of 381.72'; thence S 89°04'29" W a distance of 116.29'; thence N 01°16'37" W a distance of 660.01'; thence N 89°04'29" E for a distance of 65.00'; thence N 01°16'37" W for a distance of 675.01' to a point on the Southerly ROW line of East 81<sup>st</sup> Street South; thence S 89°04'29" W along said Southerly ROW line parallel with and 50.00' Southerly of as measured

perpendicularly to the Northerly line of Section 18 for 734.21' to a point on the Easterly ROW line of Highway 169; thence Southerly along said Easterly ROW as follows: S 34°06'16" W a distance of 181.91', thence S 06°33'43" W a distance of 455.41'; thence S 11°45'22" W a distance of 309.23'; thence S 02°16'48" E a distance of 300'; thence S 02°29'01" W a distance of 301.04'; thence S 02°16'48" E a distance of 215.13' to the Point of Beginning.

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**Application No.:** PUD-206-C-1

**Applicant:** Roy D. Johnsen

(PD-18) (CD-8)

**Location:** Southwest corner East 91<sup>st</sup> Street and South Sheridan  
(Minor Amendment)

**STAFF RECOMMENDATION:**

The applicant is requesting Minor Amendment approval to increase the permitted maximum building height from 25 feet to 32 feet.

The development specifications approved in June 1999, allowed a one-story building, not to exceed 25 feet in height for *Development Alternative I* or a 50 unit assisted living facility. The *Alternative I* minimum building setback from the western boundary abutting single-family dwellings was approved for 25 feet with minor portions of buildings or parking allowed to within 20 feet if approved by TMAPC as part of Detail Site Plan Approval.

The development specifications also permitted a *Development Alternative II* intended for commercial/office uses of the site allowing a building height of one-story/25 feet if from 25 feet to 50 feet of the western PUD boundary. The height restrictions also allowed "other buildings" to be two stories in height if setback greater than 50 feet from the western property boundary abutting existing single-family dwellings.

Staff has examined the request and finds the increase in height relates to the proposed assisted living facility. The applicant has represented to staff that the attached building elevations showing the ridge or roofline at 27 feet and the existing grading of the lot as well as the possibility of site grading (that could raise the building pad an additional amount) represent the request for a 7-foot building height increase. The applicant upon further investigation has determined that the maximum height of the roof ridge measured from the lowest point around the building would not exceed 29 feet.

Staff finds the request minor in nature noting the assisted living facility maintains the residential character of the surrounding area, has no second floor and is in keeping with the spirit and intent of the original approval as presented in the *Alternative I* Conceptual Site Plan.

Staff, therefore, recommends **APPROVAL** of PUD-206-C-1 increasing the building height for a one-story assisted living facility from 25 feet to a maximum roof ridgeline height of 29 feet per the building elevations submitted.

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

**TMAPC COMMENTS:**

Mr. Carnes announced that the TMAPC received a letter of opposition (Exhibit C-1) from Mr. Saterback.

**APPLICANT'S COMMENTS:**

**Mr. Johnson**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, stated that he informed the abutting neighbor to the west that he would amend the height to 29 feet .

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Midget, Westervelt "absent") to recommend **APPROVAL** of Minor Amendment PUD-206-C-1 as recommended by staff.

\* \* \* \* \*

**Application No.: PUD-272-4**

**Applicant:** Ralph Sigler

(PD-18) (CD-8)

**Location:** 6130 East 81<sup>st</sup> Street South  
(Minor Amendment)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a Minor Amendment to modify the approved 1981 development specifications to increase the height of the single permitted ground sign within Development Area A from 20 feet to 25 feet with a maximum of 128 square feet of display surface area. The request also seeks approval of a monument ground sign 4.3 feet in height with 40 feet of display surface area within Development Area B. Staff has examined the request and finds that Development Area A (Shopping Area) and Development Area B (Office Development) have recently built out as a single site containing a bank with drive-through lanes. The location and size of the proposed monument sign 25 feet east of the western property boundary along East 81<sup>st</sup> Street would conform to the existing PUD Development Standards for Development Area B and can be eliminated from this review.

The requested height increase of the permitted ground sign with 81<sup>st</sup> Street frontage in Area A to 25 feet is in keeping with existing or allowed signage for PUD and other CS uses at the intersection of 81<sup>st</sup> and Sheridan. PUD-300-1 allowed an increase from 20 feet to 35 feet for the shopping area signage at the northeast corner of 81<sup>st</sup> and Sheridan. Existing commercial and convenience uses immediately east of the subject property allow 25-foot ground signs.

Staff can support the request for increased height of the single ground sign in Development Area A, finding the request does not alter the intent of the original approval nor alter the character of PUD-272 or that of the surrounding existing or future development.

Staff notes that the proposed placement of the 25-foot tall ground sign in Area A will alter the approved site and landscape plans. The placement of the sign will not, however, reduce required access, parking or landscaped areas. A minor revision of the Detail Site and Landscape Plans will be required before a Sign Plan application can be processed.

Staff, therefore, recommends **APPROVAL** of PUD-272-4 modifying the development standards for signage for Development Area A to one ground sign, 25 feet in height with 128 SF of display surface area. Sign plan approval of the permitted ground sign in Area A is subject to approval of a minor revision of the existing Detail Site and Landscape Plans.

**NOTE:** Minor Amendment approval does not constitute Detail Site, Sign or Landscape Plan approval.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Midget, Westervelt "absent") to recommend **APPROVAL** of Minor Amendment PUD-272-4 as recommended by staff.

\* \* \* \* \*

**OTHER BUSINESS:**

**Application No.:** 179-V

**Applicant:** Pete Hines

(PD-18) (CD-7)

**Location:** East of northeast corner of East 74<sup>th</sup> Place South and South Memorial Drive (Detail Site Plan)

**STAFF RECOMMENDATION:**

The applicant is requesting Detail Site Plan approval for a 6,800 SF single-story office building on a 32,964 (net) SF lot.

Staff has reviewed the request and finds conformance to the approved bulk and area, building square footage and height, setback, parking, access, lighting, screening and total landscaped area standards for PUD-179-V Lot 3, Block 1.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-179-V, Lot 3, Block 1, as submitted.

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Midget, Westervelt "absent") to **APPROVE** the detail site plan for PUD-179-V, Lot 3, Block 1, as recommended by staff.

\* \* \* \* \*

**Application No.: PUD-521**

**Applicant:** Ted Sack

(PD-18) (CD-8)

**Location:** South of the southwest corner of 71<sup>st</sup> Street South and Mingo Valley Expressway  
(Detail Site Plan for Lowes)

**STAFF RECOMMENDATION:**

The applicant is seeking revised Detail Site Plan approval affecting parking and landscaped areas for a portion of the existing *Lowe's* site within Tract A to meet the landscape requirements and facilitate the development of the proposed *Staples* in Tract B.

The proposed revision involves removing 5,800 SF of designated landscaped area from the eastern boundary of Tract A (Lowe's) and adding it to the western boundary of Tract B (Staples). The revision also involves adding 6,309 SF of landscaped area to the Lowe's site by extending a 15-foot strip along the entire southern boundary of Tract C (undeveloped). Finally, the revision adds a landscaped parking island to the easternmost tier of the Tract A parking area.

Staff has examined the request and finds the requested revisions result in the Tract A (Lowe's) Detail Site Plan meeting the applicable portions of both the Zoning Code and the approved specifications for PUD-521. The revisions do not affect building floor area allocations for Tracts A or B.

Staff finds the request minor in nature, necessary to meet the required landscaping for Tract B and an overall improvement to the existing Lowe's site. Staff, therefore, recommends **APPROVAL** of the revision to the Lowe's Detail Site Plan subject to the following condition:

No occupancy permit will be issued for the Staples facility in Tract B until all required landscaping has been installed in Tract A (Lowe's) and in Tracts B and C (Staples and the southern boundary of Tract C).

**NOTE:** Revised Detail Site Plan approval does not constitute Landscape Plan approval.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Midget, Westervelt "absent") to **APPROVE** of the revised detail site plan for Lowes as recommended by staff.

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**Application No.:** PUD-521

**Applicant:** Ted Sack

(PD-18) (CD-8)

**Location:** South of the southwest corner of 71<sup>st</sup> Street South and Mingo Valley Expressway  
(Detail Site Plan for Staples)

**STAFF RECOMMENDATION:**

The applicant is requesting Detail Site Plan approval for a 23, 942 SF retail office supply facility on Tract B containing 2.3 acres. In order for the Detail Site Plan to meet parking and landscape requirements of the Zoning Code, approval of a revised Detail Site Plan for the Lowe's facility to the west on Tract A is necessary. The revised Lowe's Detail Site Plan essentially places landscaped areas into Tract B in order to meet the requirements of the Landscape Chapter.

Staff has examined the Site Plan and finds conformance to bulk and area, building square footage, height, setback, parking, access and mutual access and landscaped area standards outlined in PUD-521 and the Zoning Code. This conformance is based on approval of revisions to the existing Detail Site Plan for the Lowe's on Tract A. Revisions to the Lowe's Site Plan enable the proposed Staples on Tract B to meet minimum landscaped area and parking requirements.

Staff, therefore, having found conformance to the approved development standards for PUD-521 Tract B and the parking and landscaped area requirements of the Zoning Code based on the revised Lowe's Site Plan, recommends **APPROVAL** of the Detail Site Plan for Tract B. This recommendation for approval is subject to the following conditions:

1. Approval of the Revised Detail Site Plan for Lowe's in Tract A.
2. No occupancy permit will be issued for the Staples facility in Tract B until all required landscaping has been installed in Tract A (Lowe's) and in Tracts B and C (Staples and the southern boundary of Tract C).

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Midget, Westervelt "absent") to **APPROVE** the detail site plan for Staples as recommended by staff.

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**Consider TMAPC's 2000 Meeting Dates**

Mr. Stump stated that the TMAPC needs to adopt the dates if they meet approval.

**TMAPC Action; 6 members present:**

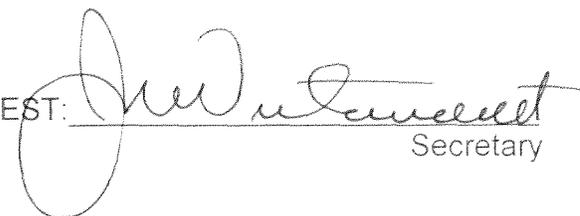
On **MOTION** of **PACE**, the TMAPC voted **6-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Dick, Harmon, Midget, Westervelt "absent") to **APPROVE** the TMAPC's 2000 meeting dates.

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There being no further business, the Chairman declared the meeting adjourned at 4:15 p.m.

Date approved: 11-17-99

  
Chairman

ATTEST:   
Secretary

