

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2227

Wednesday, January 19, 2000 1:30 p.m.

Aaronson Auditorium, Tulsa County/City Library

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, January 14, 2000 at 9:08 a.m., posted in the Office of the City Clerk at 8:56 a.m., as well as in the office of the County Clerk at 8:52 a.m.

After declaring a quorum present, Chair Boyle called the meeting to order at 1:32 p.m.

### Minutes:

#### **Approval of the minutes of December 15, 1999 Meeting No. 2225**

On MOTION of WESTERVELT the TMAPC voted 10-0-1 (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Collins "abstaining"; none "absent") to APPROVE the minutes of the meeting of December 15, 1999 Meeting No. 2225.

### Minutes:

#### **Approval of the minutes of January 5, 2000 Meeting No. 2226**

On MOTION of WESTERVELT the TMAPC voted 11-0-0 (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining none "absent") to APPROVE the minutes of the meeting of January 5, 2000 Meeting No. 2226.

## **REPORTS:**

### **Chairman's Reports:**

Mr. Boyle announced that this would be his last meeting as Chairman of the TMAPC. He thanked the TMAPC members and staff for their support during his two-years as Chairman.

### **Committee Reports:**

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

Mr. Horner reported that there would be a work session immediately following today's meeting to discuss the budget and work program for FY 2001.

#### **Director's Report:**

Mr. Stump reported that the TMAPC receipts for the month of November 1999 were average. He stated that there is one item on the City Council meeting agenda and Mr. Dunlap would be attending the meeting.

Mr. Stump announced that the January 26<sup>th</sup> TMAPC meeting will be held at the Tulsa County Administration Building, Room 119 at 1:30. He indicated that the new location would be posted at the Francis Campbell City Council Room in order to direct the public to the correct meeting location.

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## **WITHDRAWN ITEMS:**

### **PRELIMINARY PLAT:**

**The Estates of Posey Creek Farms (1773)** (PD-21) (County)  
One half mile west of South Harvard Avenue, north side of East 151<sup>st</sup> Street

#### **Staff Recommendation:**

Staff announced that the subject preliminary plat has been withdrawn.

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Chairman Boyle announced that Item 24 would be heard at the top of the agenda due to scheduling difficulties for interested parties.

**APPLICATION NO.: Z-6748**

**Applicant:** Kenney Russell

**Location:** Southwest corner of West Skelly Drive (I-244) and South 34<sup>th</sup> West Avenue

**RS-3 TO CS**

(PD-8) (CD-2)

**Staff Recommendation:**

**Relationship to the Comprehensive Plan:**

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Skelly Drive Frontage Area Special District Subarea B – Medium Intensity – Commercial Land Use. Plan text policies call for its development in highway-related commercial uses.

According to the Zoning Matrix the requested CS zoning **may be found** in accordance with the Plan Map by virtue of its location within a special district.

**Staff Comments:**

**Site Analysis:** The subject property is approximately one acre in size and is located on the southwest corner of West Skelly By-pass (I-44) and South 34<sup>th</sup> West Avenue. The property is sloping, partially wooded, contains a residential dwelling and is zoned RS-3.

**Surrounding Area Analysis:** The subject property is abutted by single-family dwellings on the south, west and east that are all zoned RS-3; and to the north is the Skelly By-pass access road, zoned RS-3.

**Zoning and BOA Historical Summary:** The most recent rezoning activity near the subject property approved CS zoning on the southwest corner of I-44 and S. 33<sup>rd</sup> West Avenue but denied CS zoning on the south 25' and the west 50' which was granted PK zoning to provide a buffer for the residential uses to the south and west.

**Conclusion:** The Comprehensive Plan text calls for development in this area that would be highway-related commercial uses. The site in question appears to be surrounded on three sides by relatively stable single-family residential uses, most of which appear to be in very good condition. Except for the commercial use on the southwest corner of the Skelly By-pass and S. 33<sup>rd</sup> West Avenue, this neighborhood does not appear to have experienced commercial intrusion or otherwise be in transition at this time. Although the plans for the area may support the requested CS zoning at some time in the future, staff cannot support this zoning at the present time.

Approval of CS zoning as proposed would represent a significant intrusion into the neighborhood and may result in de-stabilizing an otherwise viable area. Therefore, staff recommends **DENIAL** of Z-6748.

Applicant was not present.

**Interested Parties Comments:**

**Councilor Darla Hall**, District 2, 200 Civic Center, City Council, Tulsa, Oklahoma 74103 stated that the neighborhood opposes this application. She indicated that CS zoning would encroach into the neighborhood, and it is a stable neighborhood. She commented that the CS zoning would be detrimental to the neighborhood and she opposes this application. Councilor Hall requested the Planning Commission to deny this application.

**The following Interested Parties were present and concurred with Councilor Hall's Opposition:**

**M.J. Leedy**, 5164 South 34<sup>th</sup> West Avenue, Tulsa, Oklahoma 74107; **Clarissa Beaty**, 5167 South 34<sup>th</sup> West Avenue, Tulsa, Oklahoma 74107; **Kathern Thomas**, 5177 South 34<sup>th</sup> West Avenue, Tulsa, Oklahoma 74107; **Zoe Abel**, 5157 South 34<sup>th</sup> West Avenue, Tulsa, Oklahoma 74107; **Richard Nelson**, 5197 South 34<sup>th</sup> West Avenue, Tulsa, Oklahoma 74107; **Jim & Maurine Hutchings**, 5192 South 34<sup>th</sup> West Avenue, Tulsa, Oklahoma 74107; **Eric Patte**, 5154 South 34<sup>th</sup> West Avenue, Tulsa, Oklahoma 74107.

**TMAPC Comments:**

Chairman Boyle stated that the Planning Commission would not take action on this item at this time, due to the applicant not being present and the item being taken out of order of the posted agenda. He assured Councilor Hall that if the Planning Commission is inclined to approve this application, then it would be continued for one week, to January 26, 2000. In response, Councilor Hall agreed with Chairman Boyle and thanked the Planning Commission for hearing Item No. 24 out of order due to her scheduling conflict.

Case No. Z-6748 Action will be considered in the original order of the posted agenda.

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**SUBDIVISIONS**

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

**L-18990 – Executive Title (814)**

12505 East 106<sup>th</sup> Street North

**Interested Parties Comments:**

**Charles Knight**, 12111 East 107<sup>th</sup> Street North, Owasso, Oklahoma 74055, stated that his property abuts the subject property and he opposes this application. He expressed concerns with water drainage problems and the proposed sewer system.

**TMAPC Comments:**

Mr. Boyle asked Mr. Knight how the lot-split would impact the neighborhood. In response, Mr. Knight stated that the entire neighborhood except for one residence is on five acres and it should stay that way.

**Interested Parties Comments:**

**Murray Adams**, 12822 East 107<sup>th</sup>, Owasso, Oklahoma 74055, stated that 107<sup>th</sup> Street North is a dead end and he fears that the lot-split will cause more traffic. He commented that the two homes would generate more traffic. He requested the Planning Commission to deny this application.

**Applicant's Comments:**

**Odell Nesvold**, 12505 East 106<sup>th</sup> North, Owasso, Oklahoma 74055, stated that he is the potential buyer of the subject property and he would like the lot-split to be granted. He commented that the lot-split would not impact the neighborhood.

**Debi Douthit**, 11621 North 106<sup>th</sup> North, Owasso, Oklahoma 74055, stated that she is the realtor for the sale of the subject tract. She commented that she lives within one mile of the neighborhood and she did not see any problems with the lot-split. She indicated that several neighbors in the subject area have approached her about splitting their property as well.

**Interested Parties Comments:**

**James Adair**, 533 South Rockford, Tulsa, Oklahoma 74120, stated that he is representing his mother. He questioned how the property owner would get water and gas to the subject property after it is split. He expressed concerns with the value of homes and property decreasing in the subject area if the lot-split was allowed.

**Toni Summers**, 12601 East 107<sup>th</sup> Street North, Owasso, Oklahoma 74055, stated that she lives across the street from the subject property. She indicated that she opposes the lot-split.

**TMAPC Comments:**

Jerry Ledford stated that the Subdivision Regulations are in the process of being updated and asked Mr. Stump how this case and area would be treated with the revisions. In response, Mr. Stump stated that the proposed disposal system would be allowed on one acre or two and one-half acres minimum. The subject property is zoned AGR and it requires that lots be one acre minimum. Mr. Stump stated that there are several disposal systems and they are approved by the DEQ for county use only.

Ms. Pace stated that there does not appear to be any reason not to approve this lot-split and that it is acceptable.

**TMAPC Action; 11 members present:**

On MOTION of MIDGET, the TMAPC voted 11-0-0 (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend APPROVAL of the waiver of Subdivision Regulations and of the lot-split for L-18990 as recommended by staff.

\* \* \* \* \*

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

<u>L-18947 – Robert Lee Bearer (1482)</u>	(PD-8) (CD-2)
8160 South Elwood	
<u>L-18979 – Dennis Hall (3492)</u>	(PD-8) (CD-2)
5700 South Xenophon	
<u>L-18986 – Tom Stanton (1923)</u>	(PD-13) (County)
1321 East 153 <sup>rd</sup> Street North	
<u>L-18993 – John B. Wimbish (2393)</u>	(PD-17) (CD-5)
West of northwest corner East 31 <sup>st</sup> Street & 79 <sup>th</sup> East Avenue	
<u>L-18994 – Darin L. Akerman (192)</u>	(PD-1) (CD-4)
116 North Detroit	
<u>L-18995 – Mike Marrara (1903)</u>	(PD-2) (CD-3)
Northwest corner Apache and Lewis	
<u>L-18996 – Sack &amp; Associates (2483)</u>	(PD-18) (CD-8)
East of southeast corner East 91 <sup>st</sup> Street & Memorial	
<u>L-18999 – J. Douglas Malone (1483)</u>	(PD-18) (CD-8)
7827 East 91 <sup>st</sup> Street	
<u>L-19000 – Stephen Schuller (1562)</u>	(PD-21) (County)
20708 South Vancouver	
<u>L-19003 – William D. LaFortune (583)</u>	(PD-18) (CD-9)
116 North Detroit	
<u>L-19005 – Bernard Campbell (2702)</u>	(PD-11) (CD-1)
West of southwest corner Seminole & Union	
<u>L-19006 – Sack &amp; Associates (883)</u>	(PD-18) (CD-2)
7123 South Lewis	

**Staff Recommendation:**

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

**TMAPC Action; 11 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **11-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations.

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**PRELIMINARY PLAT:**

**COLLEGE CENTER AT MEADOWBROOK – PUD-625/Z-6735-SP-1**

East of southeast center of East 81<sup>st</sup> Street South and (PD-18) (CD-8)  
129<sup>th</sup> East Avenue

**Staff Recommendation:**

The following background information was provided at the **January 6, 2000** TAC meeting.

**GENERAL**

The site is bounded on the north by 81<sup>st</sup> Street South, on the east by the TCC Southeast Campus, on the south by the South Towne Square Extended Addition and on the west by Meadow Brook Village and unplatted land. It is the previous site of a small airport and contains a single-family dwelling with several airplane hangars and storage buildings. The site is gently sloped to the east and west with the ridge running north/south in the central portion of the property.

**ZONING**

The site been zoned AG has in the past, but is currently being considered for redesignation to the CO district with a PUD overlay. The Commission has recommended approval of the redesignation with revisions as recommended by staff.

The PUD is broken into two Development Areas (A and B) with Area A (6.9 AC) to the north. A variety of retail commercial and office uses are allowed in Area A (including hotels) to a maximum of 225,000 square feet. Allowed uses in Area B include offices, mini-storage, detention and parking to a maximum of 25,000 square feet.

**STREETS**

The site is bounded by 81<sup>st</sup> Street on the north. The plat indicates 50' of right-of-way to be dedicated. Three access points are allowed by the PUD and the plat indicates three access points.

A 30' mutual access easement is indicated by the plat. The easement is in compliance with the private drive indicated in the site plan, which provides access to internal lots, parking and Area B. Details of the intersection with 81<sup>st</sup> Street are not indicated.

### **SANITARY SEWER**

The concept plan indicates that the project will tie into the existing line along the south side of the north property line and to the east side of the easterly property line. An existing easement is indicated along the north property line.

On-site easements are not indicated to facilitate the proposed sewer alignment.

### **WATER**

The concept plan indicates that the project will tie into the existing line located along the south side of the 81<sup>st</sup> Street right-of-way.

On-site easements are not indicated to facilitate the proposed water alignment.

### **STORM DRAIN**

The conceptual storm drain alignment indicates infrastructure in the east and west. It appears that stormwater will be directed to an existing swale along the north property line and to a basin in the southeast corner.

On-site easements for line or access to the basin are not indicated.

### **UTILITIES**

The plat indicates 11' utility easements on the east, south and west.

Staff provides the following comments from the TAC meeting.

**1. Streets/access:**

- Eshelman, Traffic: indicated that parking should be configured to prohibit backing onto the primary access way.
- Calkins, Fire: indicated that the configuration of the parking areas provided acceptable circulation.

**2. Sewer:**

- Bolding, Public Works/Engineering: indicated that easements would be required for new line locations

**3. Water:**

- Lee, Public Works/Water: indicated standard extensions and easements to serve individual lots would be required.

**4. Storm Drainage:**

- McCormick, Stormwater: indicated that on-site detention and an access easement to serve the proposed basin would be required.

**5. Utilities:**

- Pierce, PSO: In writing, PSO requested an 11' easement along the north perimeter.

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

**Waivers of Subdivision Regulations:**

- None needed.

**Special Conditions:**

- Parking areas situated so that backing does not occur onto primary access way.
- Water and sanitary sewer easements indicated as required.
- Provision of an access easement to the proposed detention area.
- Provision of an 11' utility easement along the north property line.

**Standard Conditions:**

- 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.
- 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.)
- 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).
- Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department prior to release of final plat.
- Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
- Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
- 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 Public Works Department.
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 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.)
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. 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.)
19. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
20. 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.

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

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

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

**TMAPC Action; 11 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **11-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for College Center at Meadowbrook subject to special conditions and the standard conditions as recommended by staff.

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**TANGLEWOOD ESTATES – (2183)**

(PD-18) (CD-8)

East side of South Harvard at East 94<sup>th</sup> Street South

**Staff Recommendation:**

The following background information was provided at the **January 6, 2000** TAC meeting.

**GENERAL**

The site bounded on the north, east and southwest by unplatte land, along a portion of the south boundary by the Creek Nation Turnpike on the west boundary by Harvard Avenue.

The site falls approximately 45 feet from southeast to northwest a distance of approximately 1170 feet. A significant drainage channel runs from southeast to northwest through the central portion of the site.

**STREETS**

The site is bounded on the west by Harvard Avenue, a residential collector on the major street and highway plan. The site plan indicates two access points off of Harvard; the internal street is public and 50 feet in width.

The East 93<sup>rd</sup> Street access includes a center island and may require detail plan review.

**SEWER**

A 15" line is located to the north in the unplatte area.

**WATER**

A 10" line is located north at the southwest corner of the intersection of Harvard and 91<sup>st</sup> and west on the west side of Harvard.

## **STORM DRAIN**

Reserve A will be utilized for overland drainage, conveying water from this project and the property to the south and east. Information provided to staff does not include the method of access to the drainage area and/or the method of discharge into the larger system.

## **UTILITIES**

A 17.5-foot utility easement bounds the property.

Staff provides the following comments from the TAC meeting.

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

- Eshelman, Traffic: indicated that access was acceptable. Additional details of the 93<sup>rd</sup> Street entry should be submitted.
- Somdecerff: indicated that dedications as indicated were acceptable as was proposed internal circulation.

### **2. Sewer:**

- Bolding, Public Works/Engineering: indicated that typical extensions and easements to serve individual lots would be required.
- Weisz, Consultant: indicated that main line extension would come from the north, cross under the creek and turn west to Harvard.

### **3. Water:**

- Lee, Public Works/Water: indicated standard extensions and easements to serve individual lots would be required.

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

- McCormick, Stormwater: indicated that additional information would be required regarding off-site storm sewer easements and the means to enter and exit the proposed drainage reserve. Restrictions should be revised to indicate maintenance by an association, not individual lots.

### **5. Utilities:**

- Pierce, PSO:(Written) requested that the front building line (30') be redesignated to include a utility easement. In addition he requested that the following easements be provided:

South 5' of lot 22, block 1/north 5' of lot 21, block 1

Southwesterly 5' of lot 28, block 1/northeasterly 5' of lot 29, block 1

Northeasterly 5' of lot 29, block 1

South 5' of lot 10, block 2/north 5' of lot 11, block 2

Also, utility easement rights should be conveyed within Reserves B, C, D and E.

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

**Waivers of Subdivision Regulations:**

1. None needed.

**Special Conditions:**

1. Off-site drainage easements and method of drainage reserve access and exit should be provided.
2. The restrictions should be amended to indicate association maintenance of the drainage reserve rather than maintenance by individual homeowners.
3. Utility easements should be provided as requested in No. 5, above.

**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 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 Public Works Department.
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 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.)
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. 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.)
19. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
20. 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.
21. All other Subdivision Regulations shall be met prior to release of final plat.

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

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

**TMAPC Action; 11 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-1** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Collins "abstaining"; none "absent") to **APPROVE** the preliminary plat for Tanglewood Estates subject to special conditions and standard conditions as recommended by staff.

\* \* \* \* \*

**THREE OAKS OFFICE COMPLEX – (PUD-613) (3293)** (PD-18) (CD-9)

Southeast corner of East 53<sup>rd</sup> Street South and South Lewis Avenue

**Mr. Ledford announced that he would be abstaining from this item.**

**Staff Recommendation:**

The following background information was provided at the **January 6, 2000 TAC** meeting.

**GENERAL**

The subject parcel is located at the southeast corner of Lewis Avenue and East 53<sup>rd</sup> Street South. It proposes the creation of three lots in the south and east portions of the site and common area for parking and landscaping in the north and west.

The site is gently sloping, partially wooded and contains a single-family residence.

**ZONING**

Zoning and the PUD were approved in July of 1999. The previous zone was RS-2.

The proposed development carries an OL (office light) designation and is overlain by PUD-613. The area to the east is zoned RS-2; the areas to the south, north (across 53<sup>rd</sup> Street) and northwest (across Lewis) are zoned OL; the area to the west across Lewis is zoned RS-3 with lots backing onto Lewis, facing west.

The PUD allows office and studio use and a maximum 15,000 SF of floor area. It is the applicant's intent to refurbish the existing residence for office use if economically feasible. If not, a two-story office structure will be built in its place.

## **STREETS**

The project is bounded by Lewis Avenue on the west and 51<sup>st</sup> Street on the north. The plat indicates that access will be restricted to two points off of East 53<sup>rd</sup> Street. The PUD requires that a minimum 23' separation be maintained between the eastern access point and the eastern boundary. The plat conforms to this requirement.

The plat indicates the reserve area as parking. This area should also be designated as a mutual access easement.

The OL district requires a minimum of 50' of frontage on a non-arterial street. The plat as presented indicates that the proposed three lots will not have frontage on a public street. Review of the PUD indicates that the frontage requirement was not addressed. Staff recommends a Minor Amendment to the PUD.

## **WATER**

On the north side of 53<sup>rd</sup> Street 6" water is available and 12" water on the east side of Lewis.

## **SEWER**

An eight-inch sewer is available in the easement on the east side of the east property line in the southeast portion of the site.

## **STORM DRAIN**

The plat does not provide drainage-related information

## **UTILITIES**

Utility easements are not indicated on the plat.

Staff provides the following comments from the TAC meeting.

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

- Eshelman, Traffic: indicated that access was acceptable.
- Somdecerff, Streets: indicated that the right-of-way radius at Lewis and 53<sup>rd</sup> should be 35 feet.
- Bruce, staff: indicated that the lots as shown did not have sufficient frontage (50'). A minor amendment to the PUD would be required.

### **2. Sewer:**

- Ledford, consultant: indicated that sanitary sewer would run in the southern portion of the property, entering from the east.
- Bolding, Public Works/Engineering: indicated the sewer would have to be more completely located and that the appropriate easement would be required.

**3. Water:**

- Lee, Public Works/Water: indicated that a hydrant would be required on the east side of the east access.

**4. Storm Drainage:**

- McCormick, Stormwater: indicated that additional information would be required indicating the method by which the site tied into the existing underground system.

**5. Utilities:**

- Pierce, PSO:(Written) requested that ten-foot easements be located along all perimeters.

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

**Waivers of Subdivision Regulations:**

6. None needed.

**Special Conditions:**

1. Right-of-way radius should be 35' at the Lewis/53<sup>rd</sup> Street intersection.
2. Sanitary sewer location(s) and easement(s) should be indicated as noted above.
3. A fire hydrant should be located east of the easterly access.
4. Ten-foot utility easements should be shown along all perimeters.
5. The PUD should be amended to allow 0' frontage for lots in this development.
6. Connections to the existing underground storm drainage system should be indicated.

**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 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 Public Works Department.
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 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.)
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)

- 18.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.)
- 19.Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
- 20.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.
- 21.All other Subdivision Regulations shall be met prior to release of final plat.

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

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-0-1** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; none "absent") to **APPROVE** the preliminary plat for Three Oaks Office Complex subject to special conditions and standard conditions as recommended by staff.

\* \* \* \* \*

**Walgreen No. 06268 (1803)**

(PD-25) (CD-1)

Southeast corner East 46<sup>th</sup> Street North and North Peoria Avenue

**Staff Recommendation:**

The following background information was provided during the **January 6, 2000** TAC meeting.

**GENERAL**

The 250' x 300' site is located at the southeast corner of North Peoria and 46<sup>th</sup> Street North. The aerial photograph indicates existing structures on the site. The structure to the north along 46<sup>th</sup> Street appears to be of commercial or agricultural use, the structures to the south appear to be residential in nature, and a number of vehicles are parked on-site. The proposed use of the site will be the construction of a Walgreen's Drug Store.

The site slopes gently to the south, dropping approximately eight feet across its 300-foot length. Trees appear along the southern and eastern property lines.

## **ZONING**

The site is zoned CS (shopping center) as is the area to the south, north across 46<sup>th</sup> and west across Peoria. The parcels to the east are of similar or larger size and zoned RS-3.

## **STREETS**

The site is bounded by 46<sup>th</sup> Street on the north and Peoria on the west. The plat indicates two access points, one in the southern portion of the parcel and one in the eastern portion.

The plat indicates that eight feet of right-of-way will be dedicated along the Peoria frontage, bringing the total to 58 feet. Peoria is a secondary arterial on the Major Street and Highway Plan.

The 46<sup>th</sup> Street frontage is indicated as having 50' of right-of-way.

## **WATER**

A 12" water line is present along the south side of 46<sup>th</sup> and west side of Peoria.

## **SEWER**

Sewer is present approximately ½ mile to the east and a stub is present west of the southwest corner of the Peoria and the 46<sup>th</sup> Street intersection.

## **STORM DRAIN**

The plat does not address drainage issues.

## **UTILITIES**

The plat indicates a 17.5-foot easement along the west and the north boundaries and an 11' easement along the east and south boundaries.

Staff provides the following comments from the TAC meeting.

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

- Eshelman, Traffic: indicated that access was acceptable and that the median in Peoria was eligible to be removed at the applicant's option.
- Somdecerff, Streets: indicated book and page references should be provided for existing dedications.

### **2. Sewer:**

- Bolding, Public Works/Engineering: no comment.

### **3. Water:**

- Lee, Public Works/Water: no comment.

**4. Storm Drainage:**

- McCormick, Stormwater: indicated that additional information would be required indicating the method by which the site would tie into the existing Peoria storm sewer.

**5. Utilities:**

- Pierce, PSO:(Written) requested that 17.5' easements be located along the south and east perimeters.

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

**Waivers of Subdivision Regulations:**

- None needed.

**Special Conditions:**

- Coordination with utilities regarding additional easement width at south and east perimeters.

**Standard Conditions:**

- 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.
- 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.)
- 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).
- Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department prior to release of final plat.
- Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
- Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
- 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 Public Works Department.
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 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.)
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. 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.)
19. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
20. 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.

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

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

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

**TMAPC Action; 11 members present:**

On MOTION of HORNER, the TMAPC voted 11-0-0 (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to APPROVE preliminary plat for Walgreen No. 06268 subject to special conditions and standard conditions as recommended by staff.

\* \* \* \* \*

**PLAT WAIVER:**

**BOA-18274 – (293)**

(PD-5) (CD-3)

Northwest corner of East 7<sup>th</sup> Street and South Memorial

**Staff Recommendation:**

**Trigger:** Special Exception to allow elderly housing in the OL and CS districts, approved 1/12/99.

The following background information was provided during the **January 6, 2000** TAC meeting.

**GENERAL:**

The site is located at the northwest corner of Memorial and 7<sup>th</sup> Street South. The proposed use is 48 units of elderly housing in two stories.

It is defined by Memorial on the east, 7<sup>th</sup> on the south, the Vance Resubdivision on the west and unplatted land on the north.

**STREETS:**

The site is bounded by Memorial on the east and 7<sup>th</sup> on the south. Two access points are indicated off of Memorial in the northern portion of the site and one is indicated off of 7<sup>th</sup> in the central portion of the site. Fifteen-foot radius returns are indicated.

Memorial is indicated as a primary arterial in this area. The right-of-way shown on the plan is sufficient. Seventh Street is shown to have 35' of right-of-way. This would be sufficient for a residential collector.

**SEWER:**

Sewer is available on site.

**WATER:**

Water is available on the north side of 7<sup>th</sup> Street.

**STORM DRAIN:**

Staff does not have information regarding drainage/detention.

**UTILITIES:**

The applicant indicates that a 17.5' utility easement will be provided around the perimeter. This would be provided by separate instrument.

A ten-foot PSO easement running east/west in the central portion of the site would be vacated.

Staff provides the following comments from the TAC meeting.

**1. Streets/access:**

- Eshelman, Traffic: indicated that access was acceptable.
- Somdecerff, Streets: indicated that no return radius was required on the right-of-way at the corner, based on available width. Existing dedications were sufficient.

**2. Sewer:**

- Bolding, Public Works/Engineering: a letter will be required requesting abandonment of the existing east/west sewer line that runs in the PSO easement.

**3. Water:**

- Lee, Public Works/Water: a new hydrant will be required at 7<sup>th</sup> and Memorial.

**4. Storm Drainage:**

- McCormick, Stormwater: indicated that the book and page reference should be indicated on the existing ten-foot easement along the west boundary and that the ultimate requirement there would be 35'. A separate instrument would be required for the easement.

**5. Utilities:**

- Pierce, PSO:(Written) indicated that the easements as shown on the site plan were sufficient. Separate instruments would need to be recorded.

**Conclusions:**

TAC discussion indicates that the subject area is bounded by existing streets on two sides and a plat on the third side. No right-of-way dedications or mainline extensions will be required. Separate instruments will need to be filed for drainage and private utility easements. An existing easement will be vacated.

The individual purveyors indicate that separate instruments are acceptable to them as individuals. Discussion indicates that the preference is to see the information at one place on a plat.

Based on the TAC discussion and the checklist, which reflects the policies of TMAPC, it appears that the primary benefit of the plat will be consolidation of information. While staff would prefer this consolidation, **APPROVAL** of the request for plat waiver is acceptable.

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

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

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

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

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

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

If, after consideration of the above criteria, a plat waiver is granted on unplattd properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

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

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

**TMAPC Action; 11 members present:**

On MOTION of MIDGET, the TMAPC voted 11-0-0 (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to APPROVE the plat waiver for BOA-18274 subject to a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office as recommended by staff.

\*\*\*\*\*

South of the southeast corner of Admiral and Garnett

**Staff Recommendation:**

Area of requested waiver, approximately four acres – total area in ownership, approximately 8.6 acres

The purpose of the request is to allow the construction of a mini-storage.

**Trigger:** Zone change from RS-3 to IL, 6/13/89

The following background information was provided at the **January 6, 2000 TAC meeting.**

**GENERAL**

The site is a portion of a larger ownership (three lots), separated from Garnett by the remainder of the ownership. It has frontage on 117<sup>th</sup> Avenue to the east, which at this time is a paper street. It is bounded by residential lots to the north. The ownership is bounded by residential zoning to the south.

In 1993 plat waiver was approved for the area shown as Tract 2 on the attached information. In 1995 a request for plat waiver for the remainder was recommended for denial by TAC and denied by the Planning Commission. The major items of concern at that time were stormwater issues, the size of the parcel and right-of-way needs on Garnett and 117<sup>th</sup>.

The proposed use is mini-storage, accessed from Garnett.

**STREETS**

Garnett bounds the property on the west and is shown as a secondary arterial. The attached information indicates 33' of right-of-way at present.

South 117<sup>th</sup> East Avenue is a paper street, bounds the property on the east and is indicated as having 20' of right-of-way at present.

**SEWER**

No information is available on sewer.

**WATER**

No information is available on water.

**STORM DRAIN and UTILITIES**

Staff does not have information regarding easements or improvements.

Staff provides the following comments from the TAC meeting.

**Streets/access:**

- Eshelman, Traffic: questioned the applicant regarding the fact that the subject parcel was accessed through another parcel.
- Somdecerff, Streets: indicated that Garnett has a 50' ultimate right-of-way on this side and that the site sketch indicated the ROW to be 33'. Additional right-of-way would be required.

**6) Sewer:**

- Bolding, Public Works/Engineering: The property is not currently served by sanitary sewer.

**7) Water:**

- Lee, Public Works/Water: the subject lot does not abut public street frontage. An extension will be required from Garnett to the west or from Pine to the south.

**8) Storm Drainage:**

- McCormick, Stormwater: indicated that on-site detention and overland easements would be required. He indicated that separate instruments were being pursued.

**9) Utilities:**

- No comments

Conclusions:

TAC discussion indicates that the subject area is landlocked, separated from a public street by lots under the same ownership. Additional right-of-way will be required along Garnett. Public Works will require the extension of a water line from Garnett (approximately 388 feet) or from the south in the Pine Street area. On-site detention will be required as well overland easement to convey the water to the existing system.

Staff research indicates that a waiver was approved (in two separate actions) for the area indicated as Tract 2 on the information provided by the applicant. The areas indicated as Tracts 2 and 3 were the subject of a request for waiver in 1995 with the result that it was denied by the Planning Commission. The circumstances raised as concerns by the Commission at that time (drainage, sewer and water, access, size of the remainder) are primarily unchanged.

Although drainage issues may be addressed by separate instrument, it is staff's understanding from Public Works/Stormwater that a plat would be preferable.

Based on the TAC discussion and the checklist, which reflects the policies of TMAPC, it appears that significant issues remain to be addressed. Platting of the property to establish easements and access and to dedicate right-of-way will be of significant benefit. Staff **recommends denial of the request for plat waiver.**

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

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

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

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

- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 5) Will restrictive covenants be filed by separate instrument?                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 6) Infrastructure requirements   |                                     |                                     |
| a. Water   |                                     |                                     |
| i. Is a main line water extension required?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii. Is an internal system or fire line required?                                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iii. Are additional easements required?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Sanitary Sewer  |                                     |                                     |
| i) Is a main line extension required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Is an internal system required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iii) Are additional easements required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c. Storm Sewer   |                                     |                                     |
| i. Is a P.F.P.I. required?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii. Is an Overland Drainage Easement required?                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii. Is on-site detention required?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv. Are additional easements required?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

- 7) Floodplain
- a) Does the property contain a City of Tulsa (Regulatory) Floodplain?
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain?
- 8) Change of Access
- d. Are revisions to existing access locations necessary?
- 9) Is the property in a P.U.D.?
- a) If yes, was plat recorded for the original P.U.D.?
- 10) Is this a Major Amendment to a P.U.D.?
- a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?

If, after consideration of the above criteria, a plat waiver is granted on unplattd properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

**Applicant was not present.**

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

**TMAPC Action; 11 members present:**

On MOTION of MIDGET, the TMAPC voted 11-0-0 (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to DENY the plat waiver for Z-6237 as recommended by staff.

\* \* \* \* \*

Z 6726 – (PUD 623)(494) (PD 17) (CD 6)  
Southeast corner of East 5<sup>th</sup> Street and South 129<sup>th</sup> East Avenue .34 acres (130' x 112.5')

**Staff Recommendation:**

The purpose of the request is to facilitate the construction of 2700 SF (90' x 30') structure.

**Trigger:** Zone change from RS-2 to CG/PUD, 12/99.

The following background information was provided at the **January 6, 2000 TAC** meeting.

**GENERAL:**

The site is located at the southeast corner of South 5<sup>th</sup> Street and 129<sup>th</sup> East Avenue. It is flat, non-wooded and vacant. The site is bounded by PUD 509 on the east and south, which allows office retail and warehouse uses.

**ZONING:**

The PUD allows office, studio, convenience and shopping uses. The maximum floor area is 3200 SF.

**STREETS:**

One access point is shown onto 129<sup>th</sup> East Avenue in the southern portion of the site. The PUD does not allow access onto 5<sup>th</sup> Street.

South 129<sup>th</sup> East Avenue is shown as having 50 feet of right-of-way. It is a secondary arterial.

East 5<sup>th</sup> Street is shown as having 25 feet of right-of-way.

**SEWER:**

Staff does not have information on sewer.

**WATER:**

Presently a six-inch water line is present in 5<sup>th</sup> Street.

**STORM DRAIN and UTILITIES:**

Staff does not have information regarding drainage or utility provision.

Staff provides the following comments from the TAC meeting.

**1) Streets/access:**

- Eshelman, Traffic: no comment
- Somdecerff, Streets: indicated that the right-of-way radius at the corner of 129<sup>th</sup> East Avenue and 5<sup>th</sup> Street should be 30'.

**2) Sewer:**

- Bolding, Public Works/Engineering: The property is not currently served by sanitary sewer. He questioned the applicant regarding provision of sewer. The applicant indicated that he had approval from DEQ regarding the installation of a septic system. He indicated that in fact the system had been installed. Mr. Bolding questioned the applicant regarding approval from Public Works. The applicant indicated that Public Works had approved the system – the nearest sewer line was over 300' away. Mr. Bolding indicated to staff that he would research the situation prior to the Commission hearing.

- Mr. Bolding has since responded that Public Works did in fact approve the use of a septic system, although the preference is to move away from septic use in this area.

**3) Water:**

- Lee, Public Works/Water: no comment.

**4) Storm Drainage:**

- McCormick, Stormwater: no comment.

**5) Utilities:**

- Pierce, PSO: (Written) easement will be required; separate instrument will be acceptable.

**Conclusions:**

TAC discussion indicates that the subject will not require dedication, extensions or easements. An on-site detention system has been approved and is in place.

Based on the TAC discussion and the checklist, which reflects the policies of TMAPC, it appears that the waiver of a plat on this parcel does not surrender significant benefits. Staff **recommends approval of the request for plat waiver.**

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC Staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

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

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

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

- |  |                          |   |
|--|--------------------------|---|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input type="checkbox"/> | ✓ |
| 5) Will restrictive covenants be filed by separate instrument?                       | <input type="checkbox"/> | ✓ |

6) Infrastructure requirements

a) Water

- |  |                          |   |
|--|--------------------------|---|
| i) Is a main line water extension required?      | <input type="checkbox"/> | ✓ |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required?          | <input type="checkbox"/> | ✓ |

b) Sanitary Sewer

- |   |                          |   |
|---|--------------------------|---|
| i) Is a main line extension required?   | <input type="checkbox"/> | ✓ |
| ii) Is an internal system required?     | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |

c) Storm Sewer

- |  |                          |   |
|--|--------------------------|---|
| i) Is a P.F.P.I. required?                     | <input type="checkbox"/> | ✓ |
| II) Is an Overland Drainage Easement required? | <input type="checkbox"/> | ✓ |
| III) Is on-site detention required?            | <input type="checkbox"/> | ✓ |
| IV) Are additional easements required?         | <input type="checkbox"/> | ✓ |

7) Floodplain

- |   |                          |   |
|---|--------------------------|---|
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | ✓ |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain?         | <input type="checkbox"/> | ✓ |

8) Change of Access

- |  |                          |   |
|--|--------------------------|---|
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | ✓ |
|--|--------------------------|---|

9) Is the property in a P.U.D.?

- |   |                          |   |
|---|--------------------------|---|
| a) If yes, was plat recorded for the original P.U.D.? | <input type="checkbox"/> | ✓ |
|---|--------------------------|---|

10) Is this a Major Amendment to a P.U.D.?

- |  |                          |   |
|--|--------------------------|---|
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | <input type="checkbox"/> | ✓ |
|--|--------------------------|---|

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 11 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **11-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the plat waiver for Z-6726 subject to a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office as recommended by staff.

\* \* \* \* \*

**CONTINUED ZONING PUBLIC HEARING**

**APPLICATION NO.: PUD-478-3**

**MINOR AMENDMENT**

**Applicant:** Dean Day

(PD-6) (CD-2)

**Location:** 1413 South Owasso

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to reduce the required north side yard setback from five feet to zero feet to construct a fountain. Staff reviewed the initial request in August and advised the applicant that the structure would encroach into a utility easement. The applicant's property abuts City-owned land, which is adjacent to the Broken Arrow Expressway ROW.

On August 18, 1999 the applicant requested a continuance in order to secure the closing of the easement. The City Council approved the easement closure on November 4, 1999.

Staff, therefore, recommends **APPROVAL** of PUD-478-3 as submitted, noting the necessary documentation reflecting closure of the easement has been provided and that the reduction in side yard setback does not affect other residential properties in the addition.

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

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

**TMAPC Action; 11 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **11-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor amendment for PUD-478-3 as submitted, noting the necessary documentation reflecting closure of the easement has been provided and that the reduction in side yard setback does not affect other residential properties in the addition, as recommended by staff.

\* \* \* \* \*

**APPLICATION NO.: Z-6730**

**AG TO RS-2**

**Applicant:** Ronald Spencer

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

**Location:** Southwest corner of East 108<sup>th</sup> Street South and South Sheridan Road

**Staff Recommendation for Z-6730:**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the western approximately three-quarters of the subject tract as Low Intensity-Residential Land Use. The eastern approximately one-quarter is designated as within Special District One and Development Sensitive. This is an area of steep slopes and erodible soils, and plan policies encourage use of the Planned Unit Development (PUD) to ensure that use of the land is in accord with its natural and manmade characteristics.

According to the District 26 Plan, the requested RS-2 zoning **is** in accordance with the Comprehensive Plan Map for the western portion and **may be found** to be in accordance with the Plan Map for the eastern portion, by virtue of its location within a Special District. Staff notes that a PUD accompanies this zoning request.

**Staff Comments:**

**Site Analysis:** The subject property is approximately ten acres in size and is located on the southwest corner of East 108<sup>th</sup> Street South and South Sheridan Road. The property is wooded, steeply sloping, has a single-family dwelling located on it, and is zoned AG.

**Surrounding Area Analysis:** The subject tract is abutted on the north by single-family dwellings, zoned RS-2; to the west by vacant property, zoned AG; to the south by a single-family dwelling and vacant land, zoned AG; and to the east, across Sheridan Road, by single-family dwellings, zoned RS-2 but developed at greater than RS-1 lot sizes.

**Zoning and BOA Historical Summary:** This area has been established with RS-1 and RS-2 with past zoning actions.

**Conclusion:** The Comprehensive Plan supports low intensity residential zoning and specifically recommends RS-1 density for this area. Due to the density of surrounding development, the nature of the site and the Comprehensive Plan, staff recommends **DENIAL** of RS-2 zoning and can recommend **APPROVAL** of RS-1 if the Planning Commission finds the accompanying PUD-627 to be satisfactory.

**Staff Recommendation for PUD-627:**

The PUD proposes 25 single-family dwellings on ten acres (gross) located at the southwest corner of East 108<sup>th</sup> Street and South Sheridan Road. The tract has 330' of frontage on South Sheridan Road. The PUD proposes two development areas. One would have private streets, be gated and contain 20 lots, and the other would contain five lots, which would all have access to a public street.

The subject tract is zoned AG. Currently an application has been filed to rezone the tract to RS-2 (Z-6730). The tract is abutted on the north by single-family dwellings, zoned RS-2; to the west by vacant property, zoned AG; to the south by a single-family dwelling and vacant land, zoned AG; and to the east, across Sheridan Road, by single-family dwellings, zoned RS-2, developed at greater than RS-1 lot sizes.

Development Area A would contain 20 single-family dwellings on approximately eight acres. The proposed access to this area would be from Sheridan Road through a private street. Development Area B would contain five single-family dwellings on the west two acres ( $\pm$ ) of the subject tract. The proposed access to Development Area B would be from the extension of South Lakewood Avenue, a public street that currently stubs to the north. This proposed street would then stub at the west boundary of the proposed PUD for future extension to an undeveloped area to the west. The PUD proposes a cul-de-sac off of Sheridan Road that is over 900' long. This does not comply with Section 4.2.7 of the Subdivision Regulations, which states that "cul-de-sacs shall not exceed five hundred (500) feet in length, measured from the entrance to the center of the turnaround". The radius of the cul-de-sac depicted on the conceptual site plan is not large enough.

If the applicant addresses the access and circulation issues and if Z-6730 is approved as recommended by staff, i.e., approval of RS-1 instead of the requested RS-2, 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-627, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-627 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

Gross Land Area:	8.0042 Acres
Permitted Uses:	Use Unit 6, detached single- family dwellings.
Maximum Number of Dwelling Units:	20
Minimum Lot Width:	99 FT
Minimum Land Area per Dwelling Unit Per Lot:	14,000 SF
Minimum Width of Required Yards from the Private Street Right-of-Way:	
Residences abutting a cul-de-sac	30 FT
Residences not abutting a cul-de-sac	15 FT
Garages	30 FT
Other Minimum Bulk and Area Requirements:	As provided within an RS-1 district.

## DEVELOPMENT AREA B

Gross Land Area:	2.0467 Acres
Permitted Uses:	Use Unit 6, detached single- family dwellings
Maximum Number of Dwelling Units:	5
Minimum Lot area per Dwelling Unit per Lot:	12,000 SF
Other Minimum Bulk and Area Requirements:	As required within an RS-2 district.
Access:	South Lakewood Avenue shall be extended from the north boundary of Development Area B to the west or south boundary of Development Area B as a public street.

3. Crash gates shall be provided at the end of the cul-de-sac in order to provide emergency access from Development Area A to South Lakewood Avenue.
4. 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, guardhouses or other commonly owned structures within the PUD.
5. All private roadways 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 meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10-12 percent. A cul-de-sac acceptable to the City shall be provided at the west end of the private street.
6. 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.
7. 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.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
9. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC and Traffic Engineering prior to issuance of a building permit.
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.

**TMAPC Comments:**

Mr. Westervelt asked staff if they would prefer to see the proposed cul-de-sac extended and connected through to the adjacent street to avoid the long cul-de-sac. In response, Mr. Dunlap stated that staff prefers that the cul-de-sac not be as long as the proposal. Mr. Dunlap commented that there are different designs that could be done to prevent the long cul-de-sac.

**Applicant's Comments:**

Jeff Levinson, 35 East 18<sup>th</sup> Street, Tulsa, Oklahoma 74119, stated that he agrees with the RS-1 zoning with the PUD. He indicated that there will be a maximum of 25 lots and this is within the RS-1 intensity.

Mr. Levinson stated that subject property has some unique conditions and there is a good deal of variability in the terrain, which would make this proposal ideal for a private street. He explained that the private gated street would be harmonious with the surrounding area.

Mr. Levinson indicated that he has consulted with his clients and his clients have agreed to address staff's concerns regarding the lack of an emergency or secondary access. He stated that his client proposes a crash gate at the end of the cul-de-sac, which would extend through to Lakewood Avenue for emergency access.

Mr. Levinson requested the Planning Commission to approve this application as staff has recommended with one minor change to the PUD-627 standards. He requested that on number four, regarding the grading, to allow the grade to be what is acceptable to Public Works.

Mr. Levinson stated that he understands that there are a few homeowner association's representatives here today who have some concerns. He indicated that he has talked with some of the homeowner associations and he would like to reserve his time for rebuttal.

**Midget out at 2:24 p.m.**

**TMAPC Comments:**

Mr. Boyle reminded Mr. Levinson that there are several Commissioners who abhor lengthy cul-de-sac of this nature. He commented that this is bad policy to allow a cul-de-sac with half the length of the proposed cul-de-sac. He asked Mr. Levinson why his client couldn't go through to the street. In response, Mr. Levinson stated that there are some concerns regarding traffic flow patterns if Lakewood Avenue were to be extended. Mr. Levinson commented that after the neighborhood representatives stated their concerns, his client may be able to alter his plan to take the private street through to Lakewood Avenue. Mr. Levinson stated that staff has expressed concerns with Lakewood Avenue not being extended. Mr. Levinson stated that his client and some of the homeowners do not agree that the public street should be extended. Mr. Levinson explained that, given the size of the lots, he does not think that the size of the cul-de-sac is a problem.

**Midget in at 2:25 p.m.**

**Interested Parties Comments:**

**James Fatigante**, 4815 South Harvard Avenue, Tulsa, Oklahoma 74135, submitted a letter of protest (Exhibit B-1) and stated that he is representing Mr. and Mrs. Turner, who are homeowners in the lot adjacent to the proposed rezoning. He indicated that his clients object to this proposal due to property values, which could be substantially reduced if the proposed road goes through. He stated that his clients are concerned about the traffic flow increasing if 25 lots are allowed as proposed. The reduced setback requirements would be in contrast to the homes that his clients and the adjacent neighborhoods have. Mr. Fatigante requested the Planning Commission to deny the rezoning.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Fatigante if the Planning Commission decided to go with keeping the subdivisions separated by a crash gate, his clients would be affected. In response, Mr. Lyle Turner, 10702 South Lakewood, Tulsa, Oklahoma 74137, stated that eventually this proposal would turn the street into a racetrack.

Mr. Dunlap stated that Mr. Turner's property would be to the north of the proposed development on the west side of East 107<sup>th</sup> Street South.

Mr. Midget asked Mr. Turner if the street, the way it is configured now, was in place when he purchased his property. In response, Mr. Turner answered affirmatively. Mr. Midget asked Mr. Turner if the street was a stub when he purchased his property. In response, Mr. Turner stated it was a dead end.

**Interested Parties Comments:**

**Dick Green**, 10610 South Lakewood, Tulsa, Oklahoma 74137, stated that he does not want to see Lakewood Avenue extended into the proposed neighborhood. He expressed concerns with traffic and explained that currently the street dead ends and there is very little traffic. He expressed concerns with speeding vehicles and the safety for the children in the neighborhood.

Mr. Boyle asked Mr. Green if the extended street would relieve traffic from 106<sup>th</sup> and 107<sup>th</sup> Streets. In response, Mr. Green stated that currently Lakewood Avenue does not have any traffic problems, only 106<sup>th</sup> Street does. Mr. Boyle stated that if the street was extended, it would give residents from Lakewood Avenue another exit and they would not have to worry about 106<sup>th</sup> Street. In response, Mr. Green stated that the extended street may help relieve the traffic on 106<sup>th</sup> Street, but most residents would be going north rather than south.

**Interested Parties Comments:**

**Bill Wilkinson**, 10910 South Sheridan, Tulsa, Oklahoma 74133, stated that he is an adjoining landowner to the south of the subject property. He commented that he is an attorney; however, he has no experience with zoning matters. He indicated that the applicant never contacted him and he did not receive notice of the meeting today.

Mr. Wilkinson cited the past history of the zoning case. Mr. Wilkinson requested the Planning Commission to deny this application and require the applicant to refile with a new plat that meets the RS-1 requirements. He commented that it is difficult to determine what the applicant is requesting.

Mr. Wilkinson indicated that in the near future there would be approximately 350 homes developed west and south of Lakewood. He commented that all of the cars from the proposed 350 homes would start cutting through Lakewood and creating a hazard. He concluded that it would be better for the neighborhoods if the traffic were directed back onto the arterial streets.

**TMAPC Comments:**

Mr. Boyle asked Mr. Wilkinson how this application would cause traffic to go through the Lakewood area. In response, Mr. Wilkinson stated that today's application would cause traffic to go through Lakewood. Mr. Boyle stated that today's application would not connect to Lakewood. Mr. Wilkinson stated that it all comes down to the philosophy of whether one wants residents to use the arterial streets or residential streets in the neighborhoods.

Mr. Westervelt stated that the staff recommendation suggests denial of the RS-2 and approval in the alternative RS-1, and this is an ongoing negotiation that staff and Planning Commission do to get things in a satisfactory format. He commented that there is nothing inconsistent regarding the applicant being willing to drop back to RS-1 in order to accomplish their densities. Having a PUD to accompany the zoning application is an added safeguard to make sure that everything is satisfactory. He concluded that the application is very straightforward, and it is the way things are done on a regular basis. The plat will have to be consistent with the PUD and zoning, which will occur.

**Interested Parties Comments:**

**Tom Wenrick**, 10623 South Oxford, Tulsa, Oklahoma 74133, stated that he is a developer of several subdivisions in the subject area. He indicated the various subdivisions he has developed on the case map. He commented that he developed Rockhurst Subdivision and it is considered one of the finest developments in the City of Tulsa.

Mr. Wenrick stated that he believes that the subject plat meets the RS-1 standards. He indicated that he has no problems with the RS-1 proposal. He expressed concerns with the traffic patterns. Mr. Wenrick suggested a different

layout for the proposal and explained how it would direct traffic out of the neighborhood. He explained that rather than a cul-de-sac, the developer could make a dogleg and have a point of access on Sheridan Road, which would prevent throwing all of the traffic onto 107<sup>th</sup> Street.

Mr. Wenrick requested that the Planning Commission not throw the burden of connecting the neighborhoods onto the developer and do not throw the burden of the traffic flow upon Forrest Park. The subject property should have private streets.

**TMAPC Comments:**

Mr. Carnes stated that he takes offense to Mr. Wenrick's comments regarding the City and the planners wanting neighborhoods connected for circulation. He commented that the other subdivisions were approved and developed with stub streets, and now Mr. Wenrick is suggesting to throw away what has been done before and eliminate the stub streets. In response, Mr. Wenrick stated that he does not mean to be offensive. Mr. Wenrick gave several situations where the stub streets would not be connected.

Mr. Ledford asked Mr. Wenrick what the length of the cul-de-sac is in the subdivision that he developed immediately north of the subject property (Rockhurst). In response, Mr. Wenrick stated that the cul-de-sac exceeded 500 feet. Mr. Ledford asked for the dimensions. In response, Mr. Wenrick stated that it is very close to 900 feet.

**Interested Parties Comments:**

**Pamela Vining**, 6048 East 104<sup>th</sup> Street, Tulsa, Oklahoma 74137, stated she concurs with the previous interested parties. Ms. Vining expressed concerns with traffic. **INAUDIBLE**.

**Demaris Turner**, 10702 South Lakewood, stated that she lives on the second lot from the proposed development. She expressed concerns regarding traffic and connecting to Lakewood. She indicated that she opposes the street connecting to Lakewood.

**Lee Keith**, 6105 East 106<sup>th</sup> Place South, Tulsa, Oklahoma 74137, stated that she always avoids 107<sup>th</sup> Street because it is hilly and is a dangerous entrance.

**Applicant's Rebuttal:**

**Jeff Levinson** reiterated that he did discuss this application with several different members of the Homeowners Association. He stated that he does not see an issue with the proposed circulation.

Mr. Levinson stated that he agrees with staff's recommendation except for the grade issue. He would like it to be a 12% grade. He explained that the subject property is unique situation because it is a 330', ten-acre strip. He stated that he

is agreeable to accepting the staff recommendation with the one change to the grade. **INAUDIBLE.**

Mr. Levinson stated that he believes that by having 108<sup>th</sup> Street as a public street all the way through would be dangerous and not the best use of the property.

**TMAPC Comments:**

Mr. Jackson asked Mr. Levinson if his solution is to have a private street. In response, Mr. Levinson stated that this is due mainly to the property only being a 330' strip; there are plenty of other access points with proper planning to handle traffic through the 100 acres.

Mr. Jackson asked Mr. Levinson how his client would feel about the proposal of an "L" shaped street to eliminate the cul-de-sac. Mr. Levinson stated that his client would probably agree to that proposal.

Ms. Pace asked staff if they are comfortable with the subject proposal if it connected with Lakewood. In response, Mr. Stump stated that staff prefers some type of public street system that would interconnect with the vacant tract to the west and south. Mr. Stump stated that staff would not like to see a public street system that would put a significant amount of traffic on 108<sup>th</sup> because is too steep when it approaches Sheridan.

Mr. Boyle stated that based on everything he has heard today, he feels that staff has handled every issue in the recommendation except for the grade change from ten percent to an acceptable grade change and the crash gates. Mr. Boyle concluded that based on everything that has been stated from the opposing parties and the applicant, staff has this recommendation right.

Mr. Westervelt informed the interested parties that he has found that the Mayor's office and Traffic Engineering are willing to install numerous four-way stops in order to control traffic in neighborhoods. He suggested that this would be a better way of handling traffic concerns than changing policy and not connecting streets between subdivisions.

Mr. Midget stated that the stub street existed when the property owner purchased his home. He commented that he is puzzled to what one could have thought was going to happen to the stub street because the stub street was going to go through somewhere. Mr. Midget concluded that staff has worked out an acceptable alternative in order to try and control traffic.

**TMAPC Action; 11 members present:**

On MOTION of MIDGET, the TMAPC voted 10-0-1 (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Collins "abstaining"; none "absent") to recommend DENIAL of RS-2 zoning for Z-6730 and to recommend APPROVAL of the RS-1 zoning for Z-6730 as recommended by staff; to recommend APPROVAL of PUD-627 subject to conditions and modifications regarding the acceptable grade and installing crash gates between the cul-de-sac and Lakewood, as recommended by staff.

**Legal Description for Z-6730/PUD-627:**

The S/2, S/2, NE/4, SE/4 Section 27, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma from AG (Agriculture District) to RS-2/PUD-627 (Residential Single-family Medium Density District/Planned Unit Development.)

\* \* \* \* \*

**ZONING PUBLIC HEARING**

**APPLICATION NO.: Z-6744**

**RS-1 TO IL**

**Applicant:** Stephen Schuller

(PD-17) (CD-6)

**Location:** East of northeast corner East Admiral Place and South 165<sup>th</sup> East Avenue

**Mr. Westervelt announced that he would be abstaining from this item.**

**Staff Recommendation:**

**Relationship to the Comprehensive Plan:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as First Special District – Industrial Area.

According to the Zoning Matrix the requested IL zoning **may be found** in accordance with the Plan Map by virtue of its location within a Special District.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 2.8 acres in size and is located east of the northeast corner of East Admiral Place and South 165<sup>th</sup> East Avenue. The property is sloping, non-wooded, contains a vacant church, accessory storage building and garage, and is zoned RS-1.

**Surrounding Area Analysis:** The subject tract is abutted on the north by a small triangular, vacant tract, zoned RS-3, a small vacant wooded tract, zoned IL and beyond those small tracts is the expressway, I-44, that is zoned RS-3; to the east is a trailer service and repair business and an asphalt company, zoned IL; to the west is a trucking establishment and convenience store, zoned IL; and to the south across East Admiral Place are single-family homes, zoned RS-3.

**Zoning and BOA Historical Summary:** Most of the tracts lying north of East Admiral Place and south of I-44 have been rezoned from RS-3 to IL within the last few years and only a few remain residential. There are several tracts on the south side of East Admiral Place and west of the subject property that have recently been rezoned to CS to a depth of 350'.

**Conclusion:** The Comprehensive Plan supports IL zoning between Admiral Place and I-44 as a special industrial area. Based on the existing zoning and development in the area, staff recommends APPROVAL of IL zoning for Z-6744.

The applicant indicated his agreement with staff's recommendation.

**Interested Parties Comments:**

**Sandra Chambers**, 16609 East Admiral Boulevard, Tulsa, Oklahoma 74116, stated that she lives across the street from QuikTrip and opposes this application. She indicated that the subject area already has enough truck stops. She expressed concerns with traffic noise and trash collecting on her property from the truck stops.

**TMAPC Comments:**

Mr. Boyle informed Ms. Chambers that one of the problems that the Planning Commission faces with this application is that there is IL zoning on both sides of the existing tract. He explained to Ms. Chambers that the Planning Commission has to look at the zoning and the zoning is IL on both sides and if the Commission were to deny this application then the applicant would be able to take this case to court. In response, Ms. Chambers asked if there could be some type of control to keep another truck stop from going in along the same street. In response, Mr. Boyle asked Ms. Chambers what the subject property is currently being used for. In response, Ms. Chambers stated that currently the subject property is for church use.

**Applicant's Rebuttal:**

**Stephen Schuller** stated that Ms. Chambers is probably not aware that this application is not for a single additional truck stop, but for an addition to the existing QuikTrip convenience store located on the corner. This addition will permit the expansion of the facility and improve the traffic flow within the QuikTrip property. He indicated that the subject property would provide driveways for the truck gasoline bays and truck wash farther north along the expressway. The impact on the surrounding area will be minimal.

Mr. Schuller stated that the proposal is along the expressway and IL zoning is on both sides of the subject property. The IL zoning is appropriate for the area and is appropriate with the Comprehensive Plan. He reiterated that this is not an additional facility, but merely an expansion of the existing facility. Mr. Schuller concluded that the church has already sold the subject property to QuikTrip and will no longer be used for church use.

**TMAPC Comments:**

Mr. Midget asked Mr. Schuller if the proposal will increase the access points off of Admiral. In response, Mr. Schuller stated that there is an existing access point onto Admiral and it will remain. Mr. Schuiler stated that there would not be any additional access points onto Admiral.

**TMAPC Action; 11 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **10-0-1** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, "aye"; no "nays"; Westervelt "abstaining"; none "absent") to recommend **APPROVAL** IL zoning for Z-6744 as recommended by staff.

**Legal Description for Z-6744:**

That part of the W/2 of Lot 3, Section 2, T-19-N, R-14-E, Tulsa County, State of Oklahoma, described as follows, to-wit: beginning at a point 230' West of the Southeast corner of the W/2 of said Lot 3, thence North and parallel to the East boundary of said Lot 3 a distance of 477' to a point, thence West and parallel to the North line of said Lot 3 a distance of 282' to a point, thence South and parallel to the East line of said Lot 3 a distance of 477' to a point, thence East along the South line of said Lot 3 a distance of 282' to the point of beginning. **From RS-1 (Residential Single-family Low Density District) To IL (Industrial Light District.**

\* \* \* \* \*

**APPLICATION NO.: Z-6745**

**RM-2 TO CH**

**Applicant:** Stephen Schuller

**(PD-3) (CD-3)**

**Location:** Southwest corner of East Admiral Place and North Utica Avenue

**Staff Recommendation:**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as High Intensity – Special District 2/Industrial. Plan text calls for development and redevelopment here to be compatible with adjacent residential areas.

According to the Zoning Matrix the requested CH zoning **may be found** in accordance with the Plan Map by virtue of its location within a special district. Staff would note that even if the area were not in a special district, CH zoning would be a "may be found" use in a High Intensity-designated area.

Staff Comments:

**Site Analysis:** The subject property is approximately 130' x 250' in size and is located on the southwest corner of East Admiral Place and North Utica Avenue. The property is flat, non-wooded, vacant, and zoned RM-2.

**Surrounding Area Analysis:** The subject property is abutted on the north and west by single-family residential uses, zoned RM-2; to the east across N. Utica Avenue, by vacant property, zoned RM-1 and to the south by a convenience store and other commercial businesses, zoned CH. Staff notes that this application appears to be for an expansion of the existing convenience store to the south.

**Zoning and BOA Historical Summary:** The most recent rezoning in this area approved RS-4 on an area east of the subject tract and bounded by lots on the west side of North Victor Avenue east to North Gillette Avenue, and from East Archer on the north to I-244 on the south. This rezoning request was to change this area from RM-1 to RS-4.

**Conclusion:** The Comprehensive Plan calls for this area to be a high intensity area, however the Plan text also states that development and/or redevelopment here should be compatible with adjacent residential uses. The existing single-family residential area to the north and west is an older neighborhood that appears relatively stable. No other commercial or industrial uses appear to have penetrated this area. For these reasons, staff cannot support the requested CH zoning and recommends **DENIAL** of CH and **APPROVAL** of CS in the alternative.

**Mr. Westervelt announced that he would be abstaining from this item.**

Interested Parties Comments:

**Dorie Abbott**, 1606 East Admiral Place, Tulsa, Oklahoma 74120, stated that she lives on the second lot from the corner of the subject property. She expressed concerns for the safety of the neighborhood children. She commented that the neighborhood has a large number of residents who are Spanish and do not understand our Zoning Code,. She expressed concerns that the Spanish community does not know or understand what the proposal means.

Ms. Abbott stated that the QuikTrip will cause traffic problems and she reiterated her concerns for the safety of the children in the neighborhood. Ms. Abbott opposes this application.

**Steve Haskins**, 3320 South 148<sup>th</sup> East Avenue, Tulsa, Oklahoma 74134, stated that he owns the property located at 1635 East Admiral Place, which he rents. He indicated that his property is directly across from the subject property.

Mr. Haskins expressed concerns with debris coming from the QuikTrip and is currently having problems with the existing facility. He indicated that his property is for sale; however, he is not able to sell because of potential buyers' concerns with the new facility creating more traffic.

**Applicant's Comments:**

**Stephen Schuller**, 100 West 5th Street, Suite 500, Tulsa, Oklahoma 74103, stated that the Comprehensive Plan for the subject area calls for it to be high intensity commercial development. He commented that the proposal represents a substantial economic investment and commitment by QuikTrip for improvement of the subject property and the neighborhood.

Mr. Schuller indicated that there is some industrial zoning in the vicinity of the property, as well as commercial zoning. The proposal will be a better-unified treatment of the subject property. He commented that he requested CH zoning; however, CS zoning is appropriate and would permit the use.

**TMAPC Comments:**

Mr. Midget asked if there would be an access point going into the neighborhood. In response, Mr. Schuller stated that he does not know whether his client plans an access point into the neighborhood. Mr. Schuller stated that in the past the access points are located on the arterial streets.

Mr. Midget asked Mr. Schuller what his client planned to do with the existing facility. In response, Mr. Schuller stated that the existing facility will be torn down and the site will be expanded to have a better site.

Mr. Stump clarified that since the subject property abuts RS-zoned property on the north and west, there will be a screening fence requirement with no accesses allowed into the residential area.

Mr. Boyle stated that the access points would have to be on Admiral to the south and Utica.

Ms. Pace recognized Ms. Abbott.

Ms. Abbott stated that if the proposal is approved, the applicant should take some type of safety precaution during construction to protect the children in the neighborhood. She explained that half of the children in the neighborhood are Spanish and do not understand English. She requested that QuikTrip install a fence in the back of the store.

Mr. Boyle assured Ms. Abbott that the QuikTrip Corporation is a reputable company and will be good neighbors.

**TMAPC Action; 11 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **10-0-1** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; Westervelt "abstaining"; none "absent") to recommend **DENIAL** of the CH zoning and recommend **APPROVAL** of the CS zoning in the alternative for Z-6745 as recommended by staff.

**Legal Description for Z-6745:**

Lots 1, 2, 3, 4, and 5, Block 8, Lynch and Forsythe Addition, An addition to the City of Tulsa, Tulsa County, State of Oklahoma. **From RM-2 (Residential Multifamily Medium Density District) to CS (Commercial Shopping Center District).**

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**APPLICATION NO.: Z-6746**

**RS-3/CH TO CH**

**Applicant:** Ray Meldrum

(PD-2) (CD-1)

**Location:** Southeast corner of East Apache and North Owasso Avenue

**Staff Recommendation:**

Ms. Matthews stated that this application is for relocation of a dry cleaning facility. She explained that the City is widening North Peoria and Tulsa Development Authority (TDA) is committed to working with property owners in the subject area who would like to relocate and remain in the area.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – No Specific Land Use. The area is part of the North Peoria Corridor, so designated because of the planned widening of North Peoria and related property acquisitions and relocations.

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

**Staff Comments:**

**Site Analysis:** The subject property is approximately 130' x 174.9' in size and is located at the southeast corner of East Apache Street and North Owasso Avenue. The property is flat, non-wooded, vacant, and zoned RS-3 and CH. Staff notes that the CH-zoned portion is on the east edge of the property and is part of an older (now obsolete) CH-zoned node at the intersection of North Peoria and Apache. Much of that frontage now is being acquired for the North Peoria widening.

**Surrounding Area Analysis:** The subject tract is abutted on the north across East Apache Street by vacant property and to the northwest by a single-family dwelling, zoned CS; to the south and west by some vacant residential lots and scattered single-family dwellings, zoned RS-3; to the southeast by a dry cleaning business, zoned CH; and to the east by vacant property, zoned CH. (Staff notes that some of the vacant property has been acquired for the widening of Peoria, and the dry cleaners is to be acquired for that same project.)

**Zoning and BOA Historical Summary:** The most recent rezoning in the area approved RS-4 from RM-1 and RM-2 on the Lincoln Dunbar neighborhood in 1994. The property is located between East Zion Place to the north to East Pine Street on the south; the Union-Pacific Railroad on the west to Peoria on the east.

**Conclusion:** Based on the Comprehensive Plan, existing development and past TMAPC reluctance to rezone to the CH designation, staff recommends **DENIAL** of the requested CH zoning and **APPROVAL** of CS zoning for Z-6746 in the alternative. Staff would also note that Owasso is a residential street and staff would have some concerns with increased through-traffic in the surrounding neighborhood if the primary entrance/exit were to be from Owasso.

**TMAPC Comments:**

Mr. Westervelt asked if the CS zoning would give the dry cleaning facility the immediate zoning that is needed. In response, Ms. Matthews stated that the applicant would have to go before the Board of Adjustment (BOA). Mr. Westervelt asked staff if CG would adequately serve the needs for the dry cleaners. In response, Ms. Matthews answered affirmatively. Ms. Matthews called the Planning Commission's attention to staff's concerns regarding where the primary entrance would be located. Ms. Matthews explained that Owasso does carry residential traffic primarily and staff would not like to increase through traffic in the neighborhood. Ms. Matthews suggested it would be best if the primary entrance would be located off of the frontage that will become Peoria or Apache.

Mr. Boyle announced that Mr. Jackson would be abstaining from this item.

**Applicant's Comments:**

Brenda Miller, TDA, representing Farley Dry Cleaners, stated that she is requesting CH zoning; however, CG zoning would be acceptable. Ms. Miller cited the schedule for widening North Peoria and estimated time of completion. She indicated that Farley Dry Cleaners wish to remain in the area and TDA is helping to relocate the facility.

Ms. Miller stated that the Farley Dry Cleaners would rebuild in essentially the same location and have access to both Peoria Avenue, as well as the back street (Owasso) for access to the business.

Ms. Miller indicated that in order to finalize the land transaction between the Farley Dry Cleaners and TDA, the subject property would need to be rezoned to CH. She indicated that all of the intersections in the subject area are zoned CH. The CH zoning is preferred because right allows the dry cleaner use and there would be no need to go before the Board of Adjustment. She explained that she did not request CG; however, based upon the information from the architect and speaking with the Farley's, it has been determined that CG would be acceptable.

Ms. Miller concluded that TDA would continue to assist the Farleys in their redevelopment efforts.

**TMAPC Comments:**

Mr. Stump asked Ms. Miller if she knew how large the buildings would be. In response, Ms. Miller stated that the buildings would be 50' x 60' or 3,000 SF. Mr. Stump stated that since the dry cleaners is under 5,000 SF it would be allowed by right in CG.

Mr. Stump stated that if the subject property were developed as a single tract, access into the neighborhood (Owasso) would not be permitted unless the Board of Adjustment grants a variance. Mr. Stump explained that this is the same with any commercial development. He explained that the applicant would have to install a screening fence along the back of the property.

**TMAPC Action; 11 members present:**

On **MOTION** of CARNES, the TMAPC voted **10-0-1** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Jackson "abstaining"; none "absent") to recommend **DENIAL** of the requested CH zoning and recommend **APPROVAL** of CG zoning for Z-6746 in the alternative, subject to the applicant having the right to return with no additional charge if this zoning is not sufficient for the relocation of the dry cleaners.

**Legal Description for Z-6746:**

Lots 15 and 16, Block 2, Emerson Addition an addition to the City of Tulsa and the South 175' of the West 20' of the East 200' of the North 250' of Section 25, T-20-N, R-12-E, Tulsa County, State of Oklahoma. **From RS-3 & CH (Residential Single-family High Density District and Commercial High Intensity District) to CG (Commercial General District).**

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**APPLICATION NO.: PUD-506**

**RS-3, RM-0, CS, CO/PUD TO RS-3, RM-0, CS, CO**

**Applicant: Gail R. Runnels**

**(PD-18) (CD-8)**

**Location: Southwest corner of East 91<sup>st</sup> Street and South Garnett Road  
(ABANDON PUD-506)**

**Staff Recommendation:**

The subject tract is approximately 158.2 acres in size and is located at the southwest corner of East 91<sup>st</sup> Street and South Garnett Road. The tract is zoned CO, CS, RM-0, RS-3/PUD-506 and is being used for agricultural purposes. The PUD has been approved for a mixed use development including uses permitted by right in a CS district, Use Unit 8 (Multifamily and similar uses), Use Unit 6 (Single-Family Dwellings), Use Unit 7 (Duplex Dwellings), Use Unit 11 (Office Studios, and Support Services), Use Unit 10 (Off-Street Parking) uses and Hotel and Motel Uses. Concurrently an application has been filed to rezone the tract to CO (Z-6747).

The southwest and southern portion of the PUD is within the area proposed for the Broken Arrow Loop. The tract is abutted on the north by vacant land, zoned CO; to the west by the Mingo Valley Expressway, zoned CO, RM-0 and RS-3; to the south by a church, zoned AG, and to the east by single-family dwellings and a nursery, within the Broken Arrow City limits.

The existing underlying zoning is in accordance with the Comprehensive Plan and based on existing development and trends in the area, staff recommends approval of Z-6747 (see attached staff recommendation for Z-6747) and recommends **APPROVAL** of the request to abandon PUD-506.

**APPLICATION NO.: Z-6747**

**RS-3, RM-0, CS, CO TO CO**

**Applicant:** Gail R. Runnels

(PD-18) (CD-8)

**Location:** Southwest corner East 91<sup>st</sup> Street and South Garnett Road

**Staff Recommendation:**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN: PLAN:** The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the five-acre node at the intersection of East 91<sup>st</sup> Street South and South Garnett Road as Medium Intensity – No Specific Use and the balance of the tract as Low Intensity – No Specific Land Use.

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

**Staff Comments:**

**Site Analysis:** The subject property is approximately 99.67 acres in size and is located on the southwest corner of East 91<sup>st</sup> Street South and South Garnett Road. The property is sloping, non-wooded, vacant and zoned RS-3, RM-0, CS and CO with a PUD-506 overlay. Staff notes that this zoning application is a companion to an application to abandon existing PUD-506.

**Surrounding Area Analysis:** The subject tract is abutted on the north by vacant land, zoned CO; to the west by the Mingo Valley Expressway, zoned CO, RM-0 and RS-3; to the south by a church, zoned AG; and to the east by single-family dwellings and a nursery, within the Broken Arrow City Limits.

**Zoning and BOA Historical Summary:** The history of zoning actions in this area indicates that Corridor zoning has been approved along both the west and east sides of the Mingo Valley Expressway.

**Conclusion:** Based on existing development and trends in the area, staff can support the rezoning of Z-6747 to CO and therefore recommends **APPROVAL**, subject to approval of the abandonment of PUD-506. Staff also notes that if the Planning Commission recommends approval of both of these applications, staff should be directed to prepare amendments to the District 18 Plan map to designate the area in question as Medium Intensity Corridor.

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

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

**TMAPC Action; 11 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **11-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the request to abandon PUD-506 and recommend approval of CO zoning for Z-6747 as recommended by staff.

**Legal Description for PUD-506-Abandon/Z-6747:**

A tract of land that is part of the NE/4, Section 19, T-18-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, said tract of land being described as follows: commencing at the Southeast corner of the NE/4 of said Section 19; thence N 00°03'02" W along the Easterly line thereof for 312.15' to the Point of Beginning of said tract of land; thence S 89°56'58" W for 121.24'; thence N 67°09'54" W for 306.41'; thence N 73°07'33" W for 454.06'; thence N 70°12'25" W for 816.87'; thence N 53°11'54" W for 572.67'; thence N 24°13'39" W for 570.80'; thence N 00°21'59" E for 787.63' to a point that is 165.00' Southerly of the Northerly line of said NE/4; thence S 89°42'38" E, parallel with said Northerly line, for 57.42'; thence N 00°17'22" E for 25.00'; thence S 89°42'38" E for 100.00'; thence N 00°17'22" E for 80.00'; thence S 89°42'38" E for 350.00'; thence N 00°17'22" E for 60.00' to a point on the Northerly line of the NE/4 of said Section 19; thence S 89°42'38" E along said Northerly line, for 1,729.22' to a point that is 55.00' Westerly of the Northeast corner thereof; thence S 00°03'02" E for 25.00'; thence S 44°52'50" E for 42.55'; thence S 89°42'38" E for 25.00' to a point on the Easterly line of said NE/4 said point falling 55.00' Southerly of the Northeast corner thereof; thence S 00°03'02" E along said Easterly line, for 2,276.83' to the Point of Beginning of said tract of land. **From RS-3/RM-0/CS/CO/PUD**

(Residential Single-family High Density District/Residential Multifamily Lowest Density District/Commercial Shopping Center District/Corridor District/PUD) to CO (Corridor District).

\* \* \* \* \*

**APPLICATION NO.: Z-6748**

**RS-3 TO CS**

(PD-8) (CD-2)

**Applicant:** Kenney Russell  
**Location:** Southwest corner of West Skelly Drive (I-44) and South 34<sup>th</sup> West Avenue

Midget out at 3:50 p.m.

**TMAPC Comments:**

Mr. Boyle indicated that the applicant is present; however, the case had been heard earlier in the meeting. He explained to the applicant that there were several interested parties present for this application at 1:30 p.m. Mr. Russell explained that he went to the wrong location for the meeting.

Mr. Boyle informed Mr. Russell that there were several interested parties, including Councilor Darla Hall, who were against this application. He cited a brief summary of the concerns expressed by the interested parties in order to inform Mr. Russell.

After discussion it was determined to continue this application one week in order to allow the applicant to hear the concerns of the interested parties.

**TMAPC Action; 10 members present:**

On amended MOTION of HORNER, the TMAPC voted 10-0-0 (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to CONTINUE Z-6747 to January 26, 2000 at 1:30 p.m. in the Tulsa County Administration Building, Room 119.

\* \* \* \* \*

**APPLICATION NO.: CZ-262**

**AG TO RS**

(PD-15) (County)

**Applicant:** James Baker  
**Location:** East of southeast corner East 106<sup>th</sup> Street North and North Memorial Drive

Midget in at 3:52 p.m.

**Staff Recommendation:**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 15 Plan, a part of the Owasso Comprehensive Plan, designates the subject tract as Rural Residential Intensity.

According to the Owasso Comprehensive Plan's Land Use – Intensity Policies (3, pg. 5), the areas designated rural-residential intensity may be transitional and may be redeveloped to low intensity uses upon availability of public services.

Staff Comments:

**Site Analysis:** The subject property is approximately 36 acres in size and is located east of the southeast corner of East 106<sup>th</sup> Street North and North Memorial Drive. The property is sloping, partially wooded, contains a single-family dwelling, and is zoned AG.

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

**Zoning and BOA Historical Summary:** There has been no activity in this area.

**Conclusion:** The existing Owasso Comprehensive Plan's Land Use policies state that low intensity development may occur when public services are available. The subject tract has access to an existing Owasso water line, and sanitary service would require an extension to the east. The applicant is proposing development of half-acre lots, which would accommodate septic systems.

Based on the Owasso Comprehensive Plan and the existing development in the area, staff recommends **DENIAL** of RS zoning and **APPROVAL** of RE zoning for CZ-262.

Applicant's Comments:

**Brian Kellogg**, 6755 South Hugo, Talala, Oklahoma 74080, stated he is the engineer of the development and he does not understand the recommendation for denial. He explained that his sketch plat has been approved and RE zoning is not quite affordable because of the type of restrictions to the County road, water and sewer.

Mr. Stump stated that the development is one half-acre lots and the lots would be zoned RE. He explained that the surrounding developments are zoned RE and the proposed development is similar to the surrounding developments.

**TMAPC Comments:**

Mr. Harmon asked staff if there were no interested parties present to object to the RS zoning, what the harm is in approving it. In response, Mr. Stump stated that the surrounding developments have established RE zoning.

Mr. Kellogg stated that he did not anticipate the denial and RS is what he would prefer. He explained that he did not want to be tied to half-acre lots if it would not work. He indicated that the County has required 60' right-of-ways and it would be difficult to meet the RE zoning. He commented that he would take whatever zoning is approved.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-0-1** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Midget "abstaining"; none "absent") to recommend **DENIAL** of RS zoning and **APPROVAL** of RE zoning for CZ-262 as recommended by staff.

**Legal Description for Z-262:**

All that part of the following described property lying South of the County Road; the E/2, NE/4, NW/4 and the W/2, NW/4, NE/4 in Section 13, T-21-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, and located east of the northeast corner of E. 106<sup>th</sup> Street North and North Memorial Drive, Tulsa, Oklahoma. From AG (Agriculture District) to RE (Residential Single-family, Estate District).

\* \* \* \* \*

**OTHER BUSINESS:**

**APPLICATION NO.: PUD-518**

**DETAIL SITE PLAN**

**Applicant:** Lee Roy Smith

(PD-18) (CD-8)

**Location:** 8816 South Sheridan Road

**Mr. Midget out at 4:01 p.m.**

**Staff Recommendation:**

The applicant is requesting Detail Site Plan approval for a three-story office building with 6,997 SF of total floor area on a 34,890 SF (net) parcel. The building proposed is 38 feet in height and contains offices, product display areas and media and equipment display areas related to the principal office uses.

A recent Minor Amendment modified the development specifications to allow an increase in building height from one to three stories.

Staff has examined the request and finds conformance to bulk and area, building floor area, height, setback, parking, screening and total landscaped area standards as approved or amended for PUD-518 Development Area D.

Staff notes that the site slopes significantly with a 44-foot increase (before grading) from the southeast to the northwest. The slope will provide adequate buffering and transition between the proposed office facility and residential uses to the west, but will present difficulty in the development of the parking area. Staff has worked with the site architect and engineer to modify the slope. Due to the amount of slope retainage required, the design team could only reduce the slope from 12% to 9%. Staff sought assistance from City Engineering to require that the parking surface slope be reduced to the 5%-6% range with additional requirements that the City approve all retaining structures. City Engineering is of the opinion that the parking slope and retaining structures will not impact public improvements, and therefore, does not wish to impose any requirements on the design or review of structures in the parking area.

Staff also notes that the second floor of the commercial office structure is configured as a residence. The owner has provided documentation that this layout is to provide showroom spaces for home technology products in a realistic setting.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-518 subject to the following conditions:

1. No residential occupancy of the structure will be allowed.
2. No parking of service vehicles or warehousing of merchandise will be allowed on the premises.

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

**The applicant was not present.**

**TMAPC Action; 11 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **11-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the detail site plan for PUD-518, subject to conditions as recommended by staff.

\* \* \* \* \*

**APPLICATION NO.: PUD-287**

**DETAIL SITE PLAN**

**Applicant:** Neil Erickson

(PD-18) (CD-9)

**Location:** North of northwest corner East 71<sup>st</sup> Street South and South Utica Avenue

**Staff Recommendation:**

The applicant is requesting Detail Site Plan approval for a 5,650 square foot one-story church and related activity center on 1.72 net acres. Recent changes to the Tulsa Zoning Code allow church uses within OM Districts.

Staff has examined the request and finds conformance to the bulk and area, building square footage and height, setback, parking, circulation, screening and total landscape area development specifications of PUD-287.

Staff notes that the current detail plan represents a revision of a prior submission denied by TMAPC on March 24, 1999 because parking requirements could not be met. The applicant has reduced the building size and worship area and provided the necessary parking that meets Zoning Code requirements.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-287 as submitted.

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

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

**Applicant was not present.**

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the detail site plan for PUD-287 as recommended by staff.

\* \* \* \* \*

**ELECTION OF TMAPC OFFICERS:**

**Nominating Committee:**

Mr. Horner reported that the committee has recommended for approval of the following:

Joe Westervelt, Chair  
Gary Boyle, 1<sup>st</sup> Vice Chair  
Brandon Jackson, 2<sup>nd</sup> Vice Chair  
Wesley Harmon, Secretary

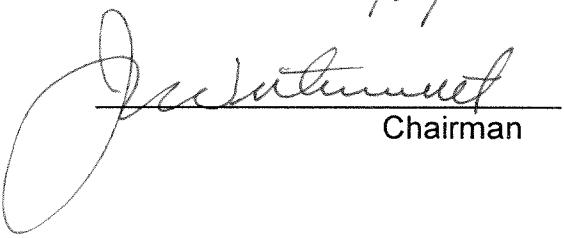
**TMAPC Action; 10 members present:**

On MOTION of HORNER, the TMAPC voted 10-0-0 (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to APPROVE the nomination of the following: Joe Westervelt, Chair, Gary Boyle, 1<sup>st</sup> Vice Chair, Brandon Jackson, 2<sup>nd</sup> Vice Chair and Wesley Harmon, Secretary.

\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 4:10 p.m.

Date approved: 02/16/08

  
Chairman

ATTEST:   
Secretary

