

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2238

Wednesday, May 3, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, May 1, 2000 at 9:05 a.m., posted in the Office of the City Clerk at 8:57 a.m., as well as in the office of the County Clerk at 8:45 a.m.

After declaring a quorum present, Chair Westervelt called the meeting to order at 1:35 p.m.

REPORTS:

Chairman's Reports:

Mr. Westervelt announced that he would be moving items 26 and 27 to the beginning of the agenda. He explained that the time for interested parties would be limited to three minutes on Item 26.

Committee Reports:

Rules and Regulations Committee

Mr. Boyle announced that the Rules and Regulations Committee recommend setting a public hearing for the RE zoning request for Oakview Estates/Timberlane.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, the TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Jackson, Ledford, Midget "absent") to set the Oakview Estates/Timberlane RE zoning request for public hearing on June 28, 2000 at 1:30 p.m.

Director's Report:

Mr. Stump reported that a record has been set for the March TMAPC receipts taken.

Mr. Stump indicated that there are no City Council items on the Thursday agenda.

Mr. Jackson in at 1:37 p.m.

SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-18750 – City of Tulsa (983) (PD-18) (CD-8)
Southwest corner East 71st Street & Pittsburg

L-19047 – White Surveying (193) (PD-5) (CD-3)
205 South 85th East Avenue

L-19048 – Electronic Research & Development (494) (PD-17) (CD-6)
Northwest corner East 11th Street & 141st East Avenue

L-19050 – Chris Johnson (1792) (PD-9) (County)
4949 West 28th Street

L-19051 – Jerry Burd (113) (PD-15) (County)
8718 East 116th Street North

L-19052 – Stephen A. Schuller (1193) (PD-5) (CD-5)
1220 South Memorial

Staff Recommendation:

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

TMAPC Action; 7 members present:

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

CHANGE OF ACCESS ON FINAL PLAT:

South Pond Estates (463)

(PD-20) (County)

West side of South Yale Avenue at East 185th Street South

Staff Recommendation:

The proposal is to change the platted access locations along Yale Avenue to include an additional 30' location for the purpose of providing access to Yale from another of the residential lots. One exhibit, labeled "Platted Access Points", shows the access locations as approved in the original plat. The other exhibit, labeled "New Access Points", shows the proposed access locations.

The subdivision is located in an area of Tulsa County that is mostly rural residential. Most of the lots that have frontage on Yale have their primary access on Yale. The County Engineer has reviewed and approved these changes.

Staff recommends **approval**.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to **APPROVE** the change of access on recorded plat for South Pond Estates as recommended by staff.

* * * * *

FINAL PLAT:

Restoration Church

(PD-17) (CD-6)

North of northwest corner of 11th Street South and 145th East Avenue

Staff Recommendation:

Mr. Bruce stated that everything is in order and staff recommends approval of the final plat.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to **APPROVE** the final plat for Restoration Church as recommended by staff.

* * * * *

PRELIMINARY PLAT:

The Village at Centennial Park (192)(PUD 629)

(PD-4) (CD-

4)

North and west of northwest corner of Peoria Avenue and 8th Street

Staff Recommendation:

NOTE: The following information was presented at the TMAPC meeting of April 26. At that time the discussion was continued until May 3. The requested additional information specifically related to parking will be presented at the meeting.

The following background information was provided at the April 4, 2000 TAC meeting.

GENERAL

The subject parcel is located north and west of the northwest corner of Peoria and 8th. Several parcels at the corner are not a part of the project. Centennial Park, now Centennial Park, bounds the site on the north. The Cherokee Expressway is across Madison Avenue to the west. The cemetery is across 8th Street to the south. The site was previously developed with single-family structures, which have since been removed.

ZONING

The project lies within PUD 629, which is divided into two development areas (A and B) and allows a mix of residential densities as well as commercial and office use.

STREETS

The project is bounded by Peoria on the east, 8th Street on the south and Madison Avenue on the west. The project includes three access points into the residential area off of 8th Street with one off of Madison. Access to the parking for the commercial/office area will be off of Peoria via a new entry through Centennial Park.

The plat indicates a proposed 16' dedication along Peoria.

The proposed internal circulation system is a combination of 50' public streets and 37' wide public alleys.

WATER

Water is present from the previous development with a 6" line on the south side of 8th Street.

SEWER

Sewer is present from the previous development.

STORM DRAIN

It appears that the project will use the existing detention facility in the west.

UTILITIES

Staff does not have information regarding utility easements at this time.

Staff provides the following comments from the TAC meeting.

1. Streets/access:

- Somdecerrff, Streets: indicated that the proposed dedication was to be 11' to accommodate parallel parking, putting the ROW at 46' from the centerline. Diagonal parking had been proposed and was not acceptable. He also indicated that the "Public Alley" behind the commercial structures would not be acceptable and that the area should be labeled Public Parking. A Limits of No Access should be placed along the Peoria right-of-way and the subdivision regulations should be waived regarding radii at intersections, on a site-specific basis.
- Staff questioned Tanner (engineer) regarding parking and the setbacks of garage doors from the right-of-way line. Tanner indicated that parking had been an item of discussion and that setbacks would vary; in most cases driveways would not be long enough to accommodate a vehicle on a lot in front of the garage.

2. Sewer:

- Bolding, PW/Engineering: indicated that the easterly run would be maintained and that the rest would need to be abandoned.

3. Water:

- Lee, PW/Water: no comments.

4. Storm Drainage:

- McCormick, Stormwater: indicated that an easement would be specifically required for the storm sewer, or it should be included in the Reserve. Language should be included to allow the use of the existing basin the park.

5. Utilities:

- Pierce, PSO: requested a 10' easement along the Peoria right-of-way. Discussion ensued regarding building setbacks, potential landscaping and paving, the parallel parking in the area and the need to serve future development. Tanner indicated that such an easement may not be possible and requested not to include it.
- Miller, ONG: requested easement outside the Norfolk and Owasso rights-of-way. Discussion ensued regarding franchise agreements and the utilities' ability to locate in the ROW. Miller indicated that the requirement to relocate a

line at the City's request made location in the ROW unacceptable. Tanner indicated that the project was too tight to accommodate an easement outside the ROW. No agreement was reached.

Additional Staff Comments:

This project is fairly unique in the Tulsa area. Described as an infill project, it incorporates mixed uses (commercial/office/residential) along the Peoria frontage and small lots (typically 26' x 75') with a limited variety of housing types in the remainder. Side yard setbacks are zero. Pedestrian access to units is from one side (typically the public street); garages are on the opposite side (typically accessed from an alley). A purpose of this arrangement is to create an urban feel, oriented to the pedestrian rather than the vehicle.

Given the proposed setback of the garage from the property line (typically less than five feet), parking will primarily occur within garages. Some on-street parking is available, primarily on Norfolk, Owasso and abutting the development on 8th Street. Additional parking is available in the City lot to the northwest and in the parking associated with the commercial area.

Vehicular access to the commercial area will be via a new parking area to the north, accessing through the park. Multi-use lots are also 25' wide. The current intent is for retail use on the ground floor with offices and living space above. Garages will be located at the rear of each lot with doors facing to the west; access from the parking area to the commercial space will be via rear entries, grouped to serve two 25' spaces at a time.

Regarding easements: PSO has voiced concern regarding the ability to obtain an easement along the eastern boundary of the site. Staff would note that this area is zoned CH which allows zero building setbacks. The PUD allows structures to the property line. ONG voiced a concern regarding obtaining easement along the interior public streets. The engineer indicated that dedicating this easement would adversely impact project density, creating issue as to viability. ONG indicated concern regarding using the public right-of-way, noting that the franchise agreement required lines to be moved at the City's request at the utilities' cost. Discussions with Bill Cyganovich of Public Works indicate additional agreements providing some protection to the utility would violate the franchise agreement. He also indicated that he believed the chances were small of the City asking for the line to be moved in a street such as Owasso or Norfolk, particularly when not used for driveway access.

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

Waivers of Subdivision Regulations:

1. Waiver of the 25' radius requirement for right-of-way at minor street intersections.

Special Conditions:

1. Resolution of the utility easement issues as noted above.
2. Sanitary sewer line abandonment through written request.
3. Access from Peoria will be prohibited.
4. Street dedications should be clearly noted/referenced.
5. Storm drain easement to the satisfaction of Public Works.

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 method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
17. The key or location map shall be complete.
18. 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.)
19. 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.)
20. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
21. 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.
22. All other Subdivision Regulations shall be met prior to release of final plat.

Applicant's Comments:

Ricky Jones, Tanner Consulting, 2202 East 49th Street, Tulsa, Oklahoma 74105, stated that the plat meets the Subdivision Regulations, the Zoning Code for off-street parking requirements and the PUD requirements. He explained that he

has designed an exhibit, which indicates the visitor parking availability (exhibit was not submitted to the Planning Commission).

Mr. Jones explained that in Block 2 there is a large vacant area and it is for off-street parking (57 parking spaces). There is a curved circular area that is owned by the City and is in agreement with the subject development to provide off-street parking. There is parking available off-site in the park at the Senior Citizens Center as well.

Mr. Jones stated that within the Subdivision Plat there is on-site parallel parking on the street and public parking available along 8th Street, plus along Peoria. These streets are constructed to be 30 feet in width, which will provide parking on the street and could possibly allow parking on both sides of the street; however that is not the desire.

Mr. Jones indicated that the greatest distance anyone would have to walk is approximately 185', which would be from the west end of the project. He stated that there are 103 residential lots and each have two parking spaces that are enclosed. There are approximately 12,000 SF of commercial uses that are permitted by the PUD in Block 2, and there will be over 32 parking spaces allowed for visitor parking. The parking shown today exceeds what is required by the Zoning Code.

TMAPC Comments:

Mr. Westervelt asked how many parking spaces are in each highlighted place on his exhibit. Mr. Jones stated that there are approximately 143 parking spaces available for visitors, not counting the Senior Citizen Center, which has 90 spaces.

Ms. Pace asked if Madison Avenue is currently wide enough for parking on one side. In response, Mr. Jones stated that it is not currently wide enough for parking on one side; however, it will be brought up to the 30-foot standard. Mr. Jones explained that parking along Madison Avenue is not desired because the detention area will be an esthetic feature, which the cars would block if they were allowed to park along Madison Avenue. Ms. Pace asked Mr. Jones if he would be requesting posted no parking on either side of Madison Avenue. In response, Mr. Jones stated that to his knowledge there would not be a request for no parking along Madison Avenue. Mr. Jones stated that if parking becomes a problem along Madison Avenue, the homeowners or the developer could go to the City and request a no parking zone. Mr. Jones indicated that seven parking spaces would be available on one side along Madison Avenue.

Interested Parties Comments:

Michael Bates, 4727 East 23rd, Tulsa, Oklahoma 74114, representing Midtown Coalition of Neighborhood Associations, stated that he is in support of this application.

TMAPC Comments:

Mr. Boyle stated that Mr. Jones has made a compelling presentation that there is parking available at various locations. This is a unique proposal and it causes some concerns regarding parking, but it is a good development and the parking is addressed.

Mr. Carnes stated that he would be abstaining from voting on this issue.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-1** (Boyle, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Carnes "abstaining"; Collins, Hill, Ledford, Midget "absent") to **APPROVE** the preliminary Plat for the Village at Centennial Park, subject to waiver of Subdivision Regulations and subject to special conditions and standard conditions as recommended by staff.

* * * * *

Asbury United Methodist Church - (684)

(PD-18) (CD-8)

Southeast corner of East 66th Street South and Mingo Road

Staff Recommendation:

This plat consists of one lot in one block on 34.97 acres. It will be developed as a church and church accessory uses.

The following were discussed **April 20, 2000** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- The property was rezoned from CO to AG in November 1999 and the City Board of Adjustment approved church use on this property in December 1999. The BOA approval triggered the platting requirement.

2. Streets/access:

- The plat dedicates 30 feet of right-of-way for 66th Street and establishes limits of access along Mingo Road. Are the access limits ok? What is the purpose of the configuration of right-of-way at the northwest corner of the property?
- French, Traffic, asked that the location of the school drives across Mingo be verified. The access limits are fine. He also asked if 66th Street would be a collector, and if so, it would require sidewalks.
- Sack, applicant, stated that the odd configuration in the northwest corner is to allow alignment with the existing drive across Mingo. He also stated that 66th Street would be a collector.
- Beach, staff, stated that sidewalks would be required on both sides of the collector street according to the Subdivision Regulations.

- French, Traffic, stated that the improvements to 66th street would need to be included in a PFPI.
- Somdecerff, Transportation, stated that the book and page numbers for the notch in the northwest corner of the property need to be shown on the plat.

3. Sewer:

- Our atlas doesn't show any sewer adjacent to the property. Where will service come from? Are easements needed to extend the sewer to other adjacent properties? Where?
- Bolding, Wastewater, stated that the sewer would be extended along Mingo from about 500' north as part of the intersection improvement project at 66th and Mingo. Additional easements probably won't be needed within this project.

4. Water:

- Our atlas shows an 8" water line off-site along the south property line and a 48" water line along the east side of Mingo. Where will service come from? Are additional easements needed? Where? What provisions need to be made for fire service?
- Murphree, Water, stated that water mains are available on all sides of the property. There may be a requirement for additional easements and an extension, depending what the Fire Marshal will require. No one was in attendance from the Fire Marshal's office.

5. Storm Drainage:

- No grading plans or site plans were submitted. The natural drainage is from southwest to northeast. Are there drainage issues or detention requirements? PFPI's?
- McCormick, Stormwater, stated that fees in lieu of detention would be permissible on this project. All drainage should be toward Mingo and a PFPI would be required if the on-site drainage system is tied to the public storm sewer.

6. Other:

- Are the perimeter easements acceptable as shown? Are there any other issues?
- Pierce, PSO requested that the 11-foot easements shown be enlarged to 17.5'. There were no other issues mentioned.

TAC voted unanimously to recommend approval of the preliminary plat.

Staff recommends approval of the preliminary plat subject to the standard and special conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. None needed.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to **APPROVE** the preliminary plat for Asbury United Methodist Church, subject to standard conditions as recommended by staff.

Oak Point - (2093)

(PD-6) CD-9)

West side of South Birmingham Avenue at East 33rd Street

Staff Recommendation:

This plat consists of five lots and one reserve in one block on 1.92 acres. It will be developed as single-family residential lots under RS-1 zoning.

The following were discussed **April 20, 2000** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- The property is zoned RS-1 which allows for minimum lot sizes of 13,500 square feet and minimum average lot width of 100 feet. All lots appear to meet these requirements, so no Board of Adjustment action would be required to create these lots. There is no PUD or zoning change anticipated. The building lines shown are consistent with Zoning Code requirements except along Birmingham. If garages are accessed from this side, they will be required to set back 20 feet.

2. Streets/access:

- All lots have frontage on a proposed public cul-de-sac to be called East 33rd Street South. The street would be accessed from South Birmingham Avenue and is approximately 150 feet long.
- Somdecerff, Transportation, asked that the book and page number for the Birmingham Avenue right-of-way be shown on the face of the plat.

3. Sewer:

- Our atlas page 94 shows sanitary sewer along the west end of the north property line and along the west property line through the existing easement in Reserve A. Staff is not aware of any sewer issues.
- Bolding, Wastewater, stated that the sewer will need to be extended to serve Lots 4 and 5.

4. Water:

- Our atlas page 94 shows an existing 6" water line in Birmingham Avenue along the east property line. Staff is not aware of any water issues.
- Murphree, Water, stated that the water main would need to be extended from Birmingham Ave.

5. **Storm Drainage:**

- No grading plans or site plans were submitted. The natural drainage is from east to west. The Reserve "A" shown between Lots 2 and 3 is for stormwater detention.
- There were no concerns related to storm drainage.

6. **Other:**

- Deed of Dedication language should be changed to say "...dedicate to the public...", rather than, "...for public use...", per recent Legal Department comments. Are the perimeter easements acceptable as shown? Are there any other issues?
- Pierce, PSO requested two 5' U/E's along the side lot line between Lots 3 and 4.
- There were no other issues mentioned.

TAC voted unanimously to recommend approval of the preliminary plat.

Staff recommends approval of the preliminary plat subject to the standard and special conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. None needed.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.

6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on the sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.

19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

Applicant's Comments:

Ted Sack, 111 South Elgin Avenue, Tulsa, OK 74120, stated that at the southeast corner of Lot 5 there is a small portion of the subject property that will be added to the final plat. He indicated that he is in agreement with staff's recommendation.

Mr. Sack stated that there is a letter of support submitted (Exhibit A-1) by the neighbor to the north. He explained that he has answered the neighbor's questions regarding the vacated the street to the north and drainage. He stated that the drainage would not go onto the neighbor's land because the detention pond is lower than the neighbor's land.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

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

Southern Crossing Second – (PUD 570) (2683)

(PD-26) (CD-8)

Northwest corner East 111th Street and South Memorial Drive

Staff Recommendation:

This plat consists of three lots in two blocks and one reserve on 2.79 acres. It will be developed for commercial and office uses under PUD 570.

The following were discussed **April 20, 2000** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- The PUD was approved in late 1997 and allows all uses permitted by right in the CS (Commercial Shopping) zoning district except Use Unit 12a (Adult Entertainment Establishments). The number of lots, lot areas and building setbacks shown on the plat are consistent with the approved PUD.

2. Streets/access:

- The PUD allows a maximum of two access locations to Memorial. There is a mutual access easement shown from the north boundary to the south boundary that will provide access among all of the lots in this subdivision, as well as between this development and the abutting ones to the north and south. This is consistent with the PUD.

There is a Reserve "A" shown for a private street and utility easement from the Memorial frontage to the west property line, between Block 1 and 2. There is no discussion of this in the PUD and it is not included in the covenants. No site plan was submitted to indicate why this is needed and how it will be used. What is its purpose?

- Representative from Tulsa Engineering and Planning, applicant, stated that he believes the abutting PUD required access across this property to Memorial. That is the purpose of this Reserve.
- Beach, staff, stated that he would research the abutting PUD for additional information but if it had been a requirement, this PUD should have described standards for this element and the standards need to be included in these covenants. He reiterated that this PUD makes no mention of such a private street or access easement.
- Somdecerff, Transportation, stated that the public street dedication language needs to be deleted from the covenants and the Reserve and any private street language needs to be included.
- French, Traffic, stated that the 40' access at the private street needs to be reduced to 30' to match the width of the reserve.

3. Sewer:

- Our atlas page 1576, dated March 19, 1999 shows the nearest sanitary sewer about a half-mile to the west. Presumably it has been extended closer with the newer developments to the south. Staff is not aware of any sewer issues.
- There were no concerns with sanitary sewer.

4. Water:

- Our atlas page 1576, dated March 19, 1999 shows the nearest water about ¼ mile to the west and north. Presumably it has also been extended closer with the newer developments to the south. Staff is not aware of any water issues.
- Murphree, Water, stated that the water main has been extended and is adjacent to this property. However, it will need to be extended through the private street area along its south side to the west side of this property.

5. **Storm Drainage:**

- No grading plans or site plans were submitted. The natural drainage is from north to south. Will detention be required? Are there any other drainage issues?
- There were no concerns related to storm drainage.

6. **Other:**

- Deed of Dedication language should include a section for the reserve area. Are the perimeter easements acceptable as shown? Are there any other issues?
- There were no other concerns mentioned.

TAC voted unanimously to recommend approval of the preliminary plat.

Further research found no requirements imposed by PUD 570 on this property, nor by PUD 578 on the abutting property, related to access across this tract. In residential developments, the reserve area with the private street would be addressed in the PUD as a significant design and functional element. The resulting standards would be included in the covenants of the plat, but in a commercial and office development, the "private street" has characteristics more similar to a common access drive or part of a parking lot. Based on these differences, staff sees no need to delay the processing of the plat in this case. Therefore, **staff recommends approval of the preliminary plat** subject to the standard and special conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Amend the PUD if needed to establish standards for the private street and include the standards in the restrictive covenants prior to submittal of the final plat.
2. Include language related to the reserve area and delete the language about public street dedication in the covenants.

Standard Conditions:

1. All conditions of PUD 570 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to applicable sections of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

3. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
5. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
6. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Public Works Department and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. 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.)
14. 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.
15. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]

16. The owner(s) shall provide the following information on the 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.)
17. The method of water supply and plans therefor shall be approved by the City/County Health Department.
18. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
19. The key or location map shall be complete.
20. 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.)
21. 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.)
22. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
23. All other Subdivision Regulations shall be met prior to release of final plat.

TMAPC Comments:

Mr. Boyle asked Mr. Beach if there is an agreement on what the language would be for the restrictive covenants. In response, Mr. Beach answered negatively.

Mr. Boyle asked Mr. Beach how staff would ensure that the language is correct. In response, Mr. Beach stated that staff would have to review the language compared to what was approved in the PUD. Mr. Beach explained that if there is a question regarding the language it could be brought back to the TMAPC for discussion. Mr. Beach stated that in this case, a private street doesn't carry the same weight in a PUD as it might in a residential subdivision. Mr. Beach explained that the private street really functions like a driveway in this application and does not warrant holding the plat. Mr. Beach indicated that staff felt it would be best to approve the preliminary plat subject to revisions to the PUD and the plat if needed before final plat.

Mr. Boyle questioned the second condition regarding the reserve area. In response, Mr. Dunlap stated that the discussion at TAC was that if there were a reserve area, then it would need to have the standard language that is used for all reserve areas. Mr. Dunlap further stated that if it is indeed shown as a

reserve area on the plat, then there have to be standards in the PUD stating the reserve area standards.

Applicant's Comments:

Jack Tabor, Tulsa Engineering, 8209 East 63rd Place South, Tulsa, OK 74133, indicated that he is in agreement with staff's recommendation. He indicated that he understood that the conditions were agreed upon at the TAC meeting regarding this preliminary plat.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to **APPROVE** the preliminary plat for Southern Crossing Second, subject to special conditions and standard conditions as recommended by staff.

* * * * *

Victory Christian Dream Center – (1402)

(PD-25) (County)

West of the southwest corner of West 46th Street North and North Cincinnati Avenue

Staff Recommendation:

This plat consists of one lot in one block on 10.91 acres abutting the City of Tulsa. It will be developed for church and accessory uses.

The following were discussed **April 20, 2000** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- On November 16, 1999 in case number CBOA 1690, the County Board of Adjustment approved a special exception to allow a Use Unit 5 use in the AG district, including children's nursery, chapel, counseling center, and community center with recreation, food and clothing distribution, and nursing station. Approval of Use Unit 5 uses triggers the platting requirement. A plat waiver request was denied by the TMAPC on March 1, 2000.

2. Streets/access:

- 46th Street North is a secondary arterial on the Major Street and Highway Plan with a minimum right-of-way of 100 feet. Additional dedication will be required to make a total of 50 feet from the centerline. Two access locations are shown, one 60' and the other 50'. The 50' wide access is on the east boundary of the property. The site plan shows a divided drive at

the 60' wide location and no drive at the 50' location. What is planned for the easterly location?

- Beach, staff, noted that the site plan approved by the County Board of Adjustment is significantly different from the one being presented today. The site plan they approved was for a larger land area, had two drives entering 46th Street North, a different parking arrangement, building footprint, and outdoor recreation area. He advised the applicant that such a change to the site plan would require another review by the CBOA.
- Gunn, applicant, stated that the easterly access location was moved to the east property line to avoid oil wells on the site. He explained that in the real estate transaction, the land area was reduced and since then, the site plan has been revised. He explained that the single divided drive is the only one anticipated to be built at this time but they were proposing the easterly access to allow for future expansion.
- Somdecerrff, Transportation, concurred that the total right-of-way must be 50' from the centerline and additional dedication is required. He also wants the face of the plat noted with book and page number for existing right-of-way and the remainder labeled as dedicated by this plat.
- French, Traffic, asked that the 60' access be changed to 50' and the 50' access be moved west as much as the site constraints will allow and be reduced to 40'.

3. Sewer:

- Our atlas page 351, dated December 30, 1999 shows sanitary sewer along the rear of the abutting residential lots to the east. Staff is not aware of any sewer issues.
- There were no concerns with sanitary sewer.

4. Water:

- Our atlas page 351, dated December 30, 1999 shows water along the south side of 46th Street. Staff is not aware of any water issues.
- Murphree, Water, stated that the water main needs to be extended and a 20' restricted waterline easement dedicated with a fire hydrant near the building.

5. Storm Drainage:

- No grading plans were submitted. The natural drainage is from north to south. Will detention be required? Are there any other drainage issues?
- Rains, County Engineering, stated that detention would not be required.

6. Other:

- Deed of Dedication language should be changed to say "...dedicate to the public...", rather than, "...dedicate for public use...", per recent Legal Department comments, even though this is not under City Legal Department jurisdiction. Are the perimeter easements acceptable as shown? Are there any other issues?
- Pierce, PSO, stated that a 17.5' easement would be needed along 46th Street.
- There were no other concerns mentioned.

TAC voted unanimously to recommend approval of the preliminary plat.

Staff recommends approval of the preliminary plat subject to the standard and special conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Modify the access locations in a manner satisfactory to the Traffic Engineering Department.
2. Extend the water main and provide fire hydrant(s) satisfactory to the Fire Marshal.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.

10. Bearings, or true N/S, etc., shall be shown on the perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on the sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to **APPROVE** the preliminary plat for Victory Christian Dream Center, subject to special conditions and standard conditions as recommended by staff.

* * * * *

PLAT WAIVER:

CZ-263 (3392)

(PD-8) (County)

5609 West Skelly Drive

Staff Recommendation:

Approval of a change of zoning to CH on this property triggered the platting requirement. The applicant is seeking the plat waiver to satisfy lender requirements. This is an existing motel with a new owner. Since the property is "subject to plat", the lender perceives a cloud on the title and will not proceed with closing until the cloud is removed. There will be no new construction. Only the east half of the motel site is subject to plat.

Staff Comments and Recommendation:

Staff recommends APPROVAL of the plat waiver based on the reasons for the request and the answers to the checklist below.

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) Would restrictive covenants or deeds of dedication be needed by separate instrument? | <input type="checkbox"/> | √ |

- 6) Infrastructure requirements
- a) Water
 - i) Is a main line water extension required? ☐ √
 - ii) Is an internal system or fire line required? ☐ √
 - iii) Are additional easements required? ☐ √
 - b) Sanitary Sewer
 - i) Is a main line extension required? ☐ √
 - ii) Is an internal system required? ☐ √
 - iii) Are additional easements required? ☐ √
 - 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.? **N/A**
- 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.? **N/A**

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to **APPROVE** the plat waiver for CZ-263 as recommended by staff.

APPLICATION NO.: PUD-541**DETAIL SITE PLAN****Applicant:** Darin Akerman

(PD-6) (CD-9)

Location: Northeast corner of East 43rd Court South and South Peoria Avenue**Staff Recommendation:**

The applicant is requesting Detail Site Plan approval for a single-story 5,298 SF bank and drive-through facility on 1.23 (net) acres constituting all of Development Area C. Access to the proposed facility will be from East 43rd Court (a private street) or from mutual access from Development Area B. Access crossing points have been built into the existing median strip of East 43rd to accommodate the end user of Development Area B. No access to South Peoria is allowed.

Staff has examined the site plan and finds conformance to bulk and area, building square footage, building setback and height, lighting, parking, mutual access and total landscaped area standards of PUD-541 Development Area C.

Staff notes that the PUD requires a 75-foot setback of bulk trash containers from abutting residential development unless modified at the time of Site Plan review. Due to the screening effect of the concrete wall separating Area G from Areas C and B and the landscape screening and trash enclosure screening, staff does not believe the 75-foot setback is necessary. The automotive repair facility to the north also has adequate screening that provides sufficient buffering between the residential uses to the east and the trash container set less than 75 feet from the rear of the residential wall.

Staff notes that residents of the Brooktowne Homeowners Association have expressed concern regarding the possible queuing of traffic attempting to cross the median to gain access to the bank and related drive-through facility. The homeowners are also concerned with a possible shortening of the existing median strip in front of the entry gatehouse placing automobiles within striking distance of the building.

Staff sees no evidence that the median access cuts will be shortened or modified from their original size when first constructed. The planning and paving of East 43rd Court anticipated the need for access to Development Area C. The drive entry points shown on the Detail Plan match the median cuts associated with the construction of East 43rd Court. Staff also does not see queuing of traffic waiting to turn into the bank drive-through lanes. The length of teller drive lanes and size of the paved area in front of those lanes provide sufficient room for traffic to exit 43rd Court.

Staff, therefore, having found conformance to the development specifications of PUD-541 Development Area C, recommends **APPROVAL** of the Detail Site Plan as submitted.

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

TMAPC Comments:

Mr. Westervelt announced that a letter requesting a continuance was received (Exhibit F-2); however, it is not a timely request. He explained that the application was continued from the April 26 meeting and unless there are any objections, this application should be heard today.

Mr. Dunlap reminded the Planning Commission that a revised site plan has been submitted, in which the changes were to address some of the concerns of the neighborhood. Staff has reviewed the revised site plan and it is consistent with the standards of the development area. Staff recommends approval of this request.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma, 74114, stated that regarding the issue of a continuance, he is not certain that any of issues can be further accomplished with the neighborhood. He explained that he has met with the neighbors and believed that there was a consensus and then other issues came up. He indicated that the bank was unable to produce a traffic count that the neighbors had requested. He explained that the bank keeps track of transactions, not vehicular traffic. The bank has estimated that at no time would there be more than 20 cars going through the drive-in facility.

Mr. Reynolds stated that he worked out a design for cars to come out of the office park to prevent them from having to do a U-turn. He explained that the design was done in a method that the neighbors preferred. There is a median cut and a left-turn lane into the facility. He stated that originally the left-turn lane was designed for two cars, and the neighbors thought it would be better for one car. He indicated that it has now been designed for one and one-half cars.

Mr. Reynolds commented that there is still an issue regarding the portion paid by the bank for the maintenance of the road. He explained that the PUD indicates that the maintenance for the 300' road is provided 50% by the residential neighborhood to the east and 50% by the commercial neighborhood on the west. The commercial neighborhood breaks the 50% portion pro rata, which works out to be 12 ½% for each commercial use. In the aggregate, the Auto Collection will use the road very little because their access will primarily come onto and off of Peoria. The office complex and shopping center pays 12 ½ % as well, and they have access on and off of Peoria. The burden of maintaining the 300' road is very equally, equitably and fairly placed upon the commercial sector. This is the bank's position regarding this issue.

Mr. Reynolds stated that the only other issue that has not been completely resolved is for one light that may bleed into the neighborhood. He indicated that

he is authorized by the bank to state that the light will be hooded in order to keep it from bleeding into the neighborhood.

Interested Parties Comments:

Barbara Hess, 1356 East 43rd Court, Tulsa, Oklahoma, 74105-4124, representing Brooktowne Homeowner's Association, stated that she has met with Mr. Reynolds and Mr. Winters. She commented that there is an agreement on the traffic flow, but there are a few concerns still pending. She stated that the traffic flow is still an issue, as is the maintenance of the 300' boulevard.

Ms. Hess stated that the bank had indicated that they would provide traffic numbers, but found out later that they are not available. Based on the transactions in the past and other drive-in facilities that did provide a traffic count, there is a possibility of 600 transactions per day. Even if this is one car per 300 transactions, that would still be 200 cars per day and this will create a tremendous amount of usage by the one commercial use paying 12 ½% toward the maintenance of the boulevard. She stated that the bank's usage will have a tremendous impact on the ability to maintain the boulevard, compared to the 50 homeowners who will utilize the boulevard two times a day. She expressed concerns with a lot of traffic and congestion, plus paying for the maintenance of the boulevard.

TMAPC Comments:

Mr. Jackson stated that the average home will have two cars, and with two people making two round trips per day that would be 200 trips. The bank is not open every day and the ATM would not generate 200 trips a day. He commented that in reality the residents would be using the access road equally compared to the bank. In response, Ms. Hess stated that was not according to the calculations she generated. Ms. Hess commented that the residents are not trying to be unfair regarding this issue. Mr. Jackson stated that 200 trips multiplied by seven would make it 1400 trips for the residential area in one week and 200 trips multiplied by six for the bank is 1200.

Mr. Stump stated that the average number of trips generated by a single-family home is approximately ten trips per day. He further stated that if there are 50 houses, then there are probably 500 trips per day generated from the residential area. Mr. Stump indicated that the figures are from the International Traffic Engineers study.

Mr. Westervelt stated that it is his understanding that a maintenance agreement is a private covenant that was filed for the addition prior to development. He explained that it is referenced in the PUD, but not in the PUD. Mr. Westervelt asked Mr. Jackere if the Planning Commission had the authority to deal with this civil issue or to grant Ms. Hess and the neighborhood any relief regarding this issue. In response, Mr. Jackere stated that if the Planning Commission did have that jurisdiction it would be the first time. Mr. Jackere explained that typically the

private street issue is simply that, a private issue between the association and the commercial.

Mr. Boyle stated that the neighbors expected a particular type of use that would not generate large amount of traffic. He commented that what the neighbors are suggesting is that the Planning Commission has now changed the deal by allowing more cars in the subject area than they had planned on. He stated that this would be a reason for denying the application or changing the application. He explained that he doesn't agree with the neighbors' position, but he thinks that this is what they are talking about.

Mr. Westervelt asked if the Planning Commission has the authority to deny this particular application because of not being satisfied with the arrangement of the covenants, and thereby putting Mr. Reynolds' client and Ms. Hess' group in a position to resolve this issue to the Planning Commission's satisfaction. In response, Mr. Jackere stated that the Planning Commission has the authority to deny this application if it is found that the traffic generator or anything about the application creates problems for surrounding land uses.

Mr. Boyle stated that this is a detail site plan and it could be denied on the same basis as any denial of a detail site plan is. In response, Mr. Westervelt stated that by denying this application the Planning Commission could be placing the applicant in a position where he is unable to get the covenants modified because of the ownership structure of the remaining lots.

Ms. Pace clarified that 43rd Court, which is the access from Peoria to the gated community, is also a private street. In response, Ms. Hess affirmed that the streets within the residential subdivision are private, as well as 43rd Court. Ms. Pace questioned why the Planning Commission is handling this issue regarding the private covenant for maintenance of private streets.

Mr. Westervelt agreed that the issue regarding the percentage paid by homeowners and businesses regarding the maintenance of the private streets is a civil matter and the Planning Commission does not normally get involved with this type of issue.

Ms. Pace stated that this seems to be private matter and the Planning Commission shouldn't be considering this issue. In response, Mr. Boyle stated that this is a detail site plan and the neighbors are saying that by allowing this detail site plan and these uses that require driving through a particular space, the Planning Commission would be rearranging the original percentage arrangement the neighbors agreed to, and this could be a reason for denying the detail site plan. Ms. Pace stated that the current zoning allowed for a broad mix of uses and the neighborhood knew this from the beginning. Ms. Pace commented that she doubts that the bank would allow the street to deteriorate to a point that it

can't serve its valued customers. Ms. Pace stated that one incurs certain obligations when one opts for a private street for a gated community.

Mr. Boyle asked Ms. Hess if the bank wanted to make improvements to the private street and the homeowners did not want to make the improvements, what would happen. In response, Ms. Hess stated that she would like to think that if the homeowners were against the improvement, then the bank would have to pay for the improvement alone, but she is not sure that is the case.

Mr. Boyle indicated that the bank would be a good neighbor and they have made some concessions to make sure that the traffic wouldn't get any more backed up than it has to. In response, Ms. Hess stated that she does appreciate that the bank has been willing to work with the neighborhood on this issue, but the issue today is that the neighborhood does not want to put them in a position to support a commercial entity from the standpoint of maintaining the boulevard.

Interested Parties Comments:

Sam Morales, 1410 East 43rd Court, Tulsa, Oklahoma 74105, stated he is not particularly worried about the cost of the maintenance of the private street. He expressed concerns with the traffic flow. He objects to this proposal due to the traffic issue.

Mr. Morales stated that the traffic flow problems will more than likely occur around 3:00, 4:00 or 5:00 p.m., especially on Friday. He fears that at these times it will be difficult to enter the subdivision. Mr. Morales reiterated that it is not the facility or the maintenance that he opposes, but the traffic that this use will generate.

Mr. Morales requested that the Planning Commission to deny this application and force the bank to come to the homeowners and work on an agreeable site plan.

TMAPC Comments:

Mr. Jackson questioned if a car could pass another car that may be stacked into the street. In response, Mr. Morales stated that it would be a very tight fit for two cars to pass on 43rd Court and that would also have to assume that the traffic would stack up in one lane only.

Interested Parties Comments:

Fred Wagner, 1415 East 43rd Court, stated that is concerned with the volume of traffic that will be generated by MidFirst. Mr. Wagner submitted a traffic count from similar facilities (Exhibit F-1). He indicated that seven out of every ten transactions are for single car/single transactions. He stated that the traffic count would indicate that there could be an average per day of 101 transactions per bay on the high end and for six bays that would be 606 transactions per day or on the low end it would be 306 transactions per day.

Mr. Wagner commented that the traffic counts from similar facilities are reliable indications of the volume of cars that would be doing business at this bank. He indicated that using the numbers gathered from the similar facilities and taking into consideration the lobby transactions, drive-through transactions for six bays, and the ATM, it would probably be close to 1000 transactions per day.

Mr. Wagner expressed his concerns of the volume of traffic entering the bank through the 43rd Court Boulevard during the morning hours, lunch hours and evening hours. He indicated that the boulevard is only 18' wide and cars being able to pass would be difficult. He concluded by requesting the Planning Commission to deny this application.

Interested Parties Comments:

Andy Johnson, 1342 East 43rd Court, Tulsa, Oklahoma 74105, an officer of the Brooktowne Homeowner's Association, stated that the key issue is that the boulevard is long and the vehicles will not necessarily know to move to the left edge of the road to allow another car by.

Mr. Johnson stated that the solution would be to access the bank at the first median cut on the boulevard and funnel the traffic past the main bank and around to the back of the property. He indicated that he discussed this with Mr. Reynolds and Mr. Reynolds stated that it was too many turns for the customer. Mr. Johnson stated that this would be a logical solution and should be considered.

Mr. Johnson requested that the detail site plan be denied and have the homeowners and the bank work on a solution that is agreeable to both sides.

TMAPC Comments:

Mr. Boyle stated that with the proposal of Mr. Johnson's, it would stack cars up onto Peoria into the left-turn lanes and then the residents would not be able to get on their street. The traffic would back up going north and south as well.

Mr. Johnson stated that once the vehicles turn onto the boulevard, they would be able to turn left immediately. In response, Mr. Boyle asked if that were so, why there would be a problem with cars coming in farther down the boulevard and turning left onto the property. Mr. Johnson stated that there would be a problem with backup on the bank property. Mr. Johnson informed the Planning Commission that with today's proposal, there would be a guardhouse that will obstruct the view of vehicles turning left. Mr. Johnson stated that the gates to the gated community are left open at this time and may be closed when all construction is completed. Mr. Johnson indicated that this could be several years down the road.

Applicant's Rebuttal:

Lou Reynolds stated that there is no change in the PUD permitted uses. In general, a bank use is less than many others regarding generating traffic. He stated that the traffic counts submitted by the interested parties indicate that the residents make as many trips as the bank will generate during the day. The statistics that Mr. Stump referred to are a national average and take all walks of life into consideration.

Mr. Reynolds stated that his client is the last to develop within this PUD and he feels that his client has resolved the traffic concerns. He commented that the changes to the detail site plan were designed to the neighborhood's satisfaction at a recent meeting. He informed the Planning Commission that the bank's facility would hold 36 cars in the stacking lanes for the parking. He stated that there are 31 parking spaces and only 18 spaces are required by the Zoning Code. Mr. Reynolds concluded that the bank has plenty of room and the landscaping plan is well thought out. He stated that the detail site plan complies with the Code and complies completely with the PUD standards.

TMAPC Comments:

Mr. Westervelt asked Mr. Reynolds to address the issue regarding the guardhouse and the view for vehicles turning left. Mr. Westervelt asked if there were any way to improve the left turn by moving the drive opening to the west. In response, Mr. Reynolds stated that the bank would be happy to move the south driveway ten feet.

Ms. Pace asked if the median and driving lanes are wide enough for two cars. Mr. Reynolds stated that there is enough room for two cars to pass each other. Mr. Reynolds indicated that he has parked on the street and vehicles have passed him to drive into the neighborhood. Mr. Stump confirmed that the street is wide enough for two cars to pass. Mr. Reynolds stated that the speed of the traffic is slow due to calming effects.

Mr. Boyle stated that he is not necessarily excited about the subject plan, but it does comply with the PUD and the Codes. The bank has gone beyond what is normally expected to work with the traffic, and the fact that they have a lesser burden than the neighborhood to maintain the boulevard is not relevant because the use is within the uses allowed.

Mr. Harmon stated that the bank has gone to great lengths to accommodate the neighbors and make this proposal work. He commented that he couldn't imagine the subject street not being able to handle 1,000 cars a day.

Ms. Pace stated that she has always thought that the subject PUD should have had more than one ingress/egress. She pointed out that the emergency access onto 43rd is the only other access. Ms. Pace asked if the residents could request a modification to activate the emergency exit as an entrance if needed. In

response, Mr. Stump stated that it is an activated exit at this time; when a car comes close enough to the arm/gate on the inside, it goes up and allows an exit.

Mr. Westervelt stated that a well-designed facility will build far more bays than will actually be utilized, and therefore, it is not fair to average the traffic flow if there are six bays. He explained that the extra bays are built to make sure that the peaks are kept to a minimum and prevent stacks going into the arterial streets. Mr. Harmon concurred with Mr. Westervelt's statement. Mr. Harmon stated that he has been in the banking business for over 30 years and the bank does not want their customers to overflow into the street and have to wait 30 to 45 minutes to be waited on.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-541, subject to the west end of the driveway of the southeast corner of the tract being moved up to ten feet to the west as recommended by the Planning Commission.

* * * * *

ITEMS CONTINUED:

APPLICATION NO.: PUD-405-H

MAJOR AMENDMENT

Applicant: Wayne Alberty

(PD-18) (CD-8)

Location: South of the southwest corner of East 91st Street and South Memorial Drive

Staff Comments:

Mr. Dunlap stated that staff has received a timely request for a continuance on PUD-405-H.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to **CONTINUE** the major amendment for PUD-405-H to May 24, 2000 at 1:30 p.m.

* * * * *

**PUBLIC HEARING TO CONSIDER AMENDING THE CITY OF
TULSA ZONING CODE TEXT, TITLE 42 TULSA REVISED
ORDINANCES**

Proposed amendments to the following Sections: 1212 B & C, 1212a.C.3.b and c., 1212a.C.4.d., 1212A.C.3.c, 1214.C.3., relating to the regulation and/or definition of restaurants, accessory bars, adult entertainment establishments, blood banks, plasma centers, day labor centers, liquor stores, pawn shops and other similar uses.

Staff Recommendation:

AMEND SECTION 1212 B & C AS FOLLOWS:

(Language deleted is shown as strikeout; language added or substituted is underlined.)

USE UNIT 12 – EATING ESTABLISHMENTS OTHER THAN DRIVE-INS

B. Included Uses:

Cafeteria,
Coffee shop,
Delicatessen,
Restaurant, and
other similar eating establishments*

~~*An accessory use bar which is customarily incidental and subordinate to a principal use restaurant is included in this use unit.~~

C. Use Conditions

1. The uses included in Use Unit 12 shall take place within a completely enclosed building, except outdoor customer seating is permitted, whether uncovered or covered by a tent or canopy, provided:
 - a. The outdoor customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;
 - b. the outdoor customer seating area shall not occupy or use required parking spaces or access aisles;
 - c. the outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein; and
 - d. ~~noise from any outdoor entertainment activity shall not be audible from any abutting R District.~~

2. The uses included in Use Unit 12, when located within a district other than an R District and located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District."
3. The uses included in Use Unit 12 shall be open to persons of all ages anytime such establishments are open for business.

AMEND SECTIONS 1212a.C.3.b. AND c. & 1212a.C.4.d. AS FOLLOWS:

(Language deleted is shown as strikeout; language added or substituted is underlined.)

SECTION 1212a. USE UNIT 12A. ADULT ENTERTAINMENT ESTABLISHMENTS

C. Use Conditions:

1. The uses included in Use Unit 12a, when located on a lot which is abutting an R District shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.
2. Sexually Oriented Businesses shall meet the conditions set forth in Section 705 of this Code.
3. Adult Entertainment Establishments, other than Sexually Oriented Businesses, shall meet the following spacing standards: ~~provided, however, that the spacing standards shall not apply to accessory use bars as defined in this Code:~~
 - a. Public entrance doors shall be located at least 50 feet from an R District, which shall be measured in a straight line from the nearest point on a residential zoning district boundary line (not including residentially zoned expressway right-of-way) to the nearest public entrance door of the Adult Entertainment Establishment; and

- b. ~~Shall be located a minimum of 300 feet from a public or private park school or church property primarily and regularly used for worship services and religious activities. which The distance shall be measured from the nearest point on the property line of a park such school or church to the nearest perimeter wall public entrance—door of the Adult Entertainment Establishment. measured along the street right of way line providing the nearest direct route usually traveled by pedestrians between such points; for purposes of determining measured distance, property situated on the opposite side of the street from such park, school or church shall be considered as if it were located on the same side of the street with the park, school or church; and~~
 - c. ~~Shall be spaced 300 feet from any other Adult Entertainment Establishment listed in Use Unit 1212a., except in the Centennial Business District (CBD), which 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which said business is conducted, to the nearest point of the wall of the portion of the building in which another adult entertainment business is conducted.~~
4. The uses included in Use Unit 12a. shall take place within a completely enclosed building, except outdoor customer seating is permitted, whether uncovered or covered by a tent or canopy, provided:
- a. The outdoor customer seating area shall abut the building wall of the business, but extend no closer to the street than the building setback requirements;
 - b. The outdoor customer seating area shall not occupy or use required parking spaces or access aisles;
 - c. The outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein; and
 - d. ~~Noise from any outdoor entertainment activity shall not be audible from any abutting R. District.~~

AN ALTERNATIVE TO DELETING SECTION 1212A.C.3.c. ABOVE WOULD BE TO ADD THE FOLLOWING SUBSECTION TO SECTION 1608A:

(Language deleted is shown as strikeout; language added or substituted is underlined.)

A. General

The Board of Adjustment upon application and after hearing subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

18. Reduction of the 300-foot spacing requirement between Adult Entertainment Establishments, other than Sexually Oriented Business, and a public park, school, church or any other Adult Entertainment Establishment as provided in Section 1212a.C.3.b. and c.

DELETE SECTION 1214.C.3 AS FOLLOWS:

(Language deleted is shown as strikeout; language added or substituted is underlined.)

SECTION 1214 – USE UNIT 14 SHOPPING GOODS AND SERVICES

C. Use Conditions

3. ~~Blood banks, plasma centers, day labor hiring centers, liquor stores and pawn shops shall be spaced a minimum of 300 feet from each other.~~

DELETE THE FOLLOWING DEFINITIONS FROM CHAPTER 18:

(Language deleted is shown as strikeout; language added or substituted is underlined.)

~~Accessory Use Bar
Bar/Tavern
Beer Bar
Night Club
Principal Use Restaurant~~

Explanation of Possible Zoning Code Revisions To Be Considered at a Public Hearing on May 3, 2000 Before the Tulsa Metropolitan Planning Commission

These Code revisions were developed by a task force of City of Tulsa and INCOG staff primarily to aid in differentiating between restaurants and bars which serve food; to eliminate redundant provisions in City Codes; and to eliminate or relax existing spacing requirements between various uses which, in staff's opinion, were not needed.

An explanation of the proposed changes and the reasons for these changes are as follows: (Please consult the copy of the actual proposed code revisions mailed to you last week for details.)

1. No changes are proposed to the regulation of Sexually Oriented Adult Entertainment Establishments.

2. These revisions were an attempt to provide enforcement staff, the public and business owners with a clearer idea of the difference between a restaurant and a bar that serves food. To this end the definition of accessory bars within restaurants is proposed to be eliminated because it produced more questions than it answered. Also a new proposed use condition that all restaurants must meet is that they be open at all times to persons of all ages if they are to be considered a restaurant. Some existing establishments have a "bar" type of liquor license from the State. Establishments with this type of license are not allowed to have persons under 21 on the premises. Under the City's Zoning Ordinance, if amended, they could not be classified as a restaurant, but would be a bar and need to comply with the more stringent requirements for bars.
3. The restriction on both restaurants and bars, that noise from outdoor entertainment not be audible from any abutting R district, is proposed to be deleted from the Zoning Code. In the past enforcement of noise problems has always been by using the City's law against creating a nuisance, not our poorly-drafted Zoning Code provision. As an example many types of music that are "audible" in abutting residential districts are not a problem to the residents, but would be a Zoning Violation under this current provision. Other music that is harmful to residential areas, but which comes from an establishment which does not "abut an R district", would not be a zoning violation under the current provisions. The current nuisance laws of the City appear to be the best way to protect residential areas.
4. The method of measuring the setback between school or churches and bars is proposed to be updated to be the same as the new State Law on how that spacing is measured. The new way should produce a greater setback between schools or churches and bars. Since the State Law did not have a setback between public parks and bars, it is proposed that the City's Code be amended to be the same as the State.
5. The requirement that a bar be spaced at least 300' from another bar is proposed to be eliminated, or in the alternative, the 300' spacing requirement could be reduced by the Board of Adjustment's granting of a Special Exception if the Board finds that it is not harmful to the surrounding area. This change was proposed so that places like Brookside and Cherry Street could develop entertainment areas with bars and similar establishments within easy walking distance of each other.
6. A few years ago a 300' spacing requirement was established between any of the following establishments; Blood Bank, Plasma Center, Day Labor Hiring Center, Liquor Store, and Pawn Shop. The Task Force could see no reasonable public purpose for this spacing and so recommended it be deleted.

7. The deletion of definitions for "Accessory Bar", "Bar/Tavern", "Beer Bar", "Night Club", and "Principal Use Restaurant" is proposed because these definitions seemed to do more to confuse than clarify the task of determining if an establishment is a restaurant or a bar that serves food.

Mr. Stump stated that this proposal is for Zoning Code amendments primarily dealing with the Use Unit 12 and Use Unit 12a. The authors of the proposal is composed of a task force of City staff personnel and INCOG. The proposal was established in response to a problem that City staff was having enforcing the Zoning Code and trying to differentiate between restaurants and bars that serve food. There has been typically a very great deal of motivation to have a facility classified as a restaurant rather than a bar because the bar requires greater off-street parking requirements and grandfathering in parking for bars has ended as of 1993. If a bar has grandfathered in parking it has to be up to Code as of 1993. Restaurants do not have to bring their grandfathered parking into compliance. Many of the restaurants were operating as bars and staff need the Code changed to make it easier to make this determination and enforce the intent of the ordinance.

Mr. Stump stated that the task force looked into other changes in the Section 12 Chapters and recommended other amendments as well. The task force was comprised of the Chief Zoning Official, two representatives from Legal, the Fire Marshall, Chief Administrative Officer, Bob Lemons and Jeannie McDaniel of the Mayor's Office, Jack Page, Director of Customer Services of Public Works, and Dewayne Smith, Director of Neighborhood Inspections. The task force met and has proposed these amendments to the Planning Commission.

Interested Parties:

Red Garrison, 6758 East Independence Place, Tulsa, Oklahoma 74115, submitted a petition with 1,118 signatures (Exhibit E-2); **Howell Joiner**, 7015 East Haskell, Tulsa, Oklahoma 74115; **Kay Quay**, Manager of Versailles Apartments, Senior Citizen Home, 4824 South Sheridan, Suite 150, Tulsa, Oklahoma 74145; **Michael Barnum**, 2547 North Cincinnati, Tulsa, Oklahoma 74146; **LaVeta Alwine**, 127 North Columbia Avenue, Tulsa, Oklahoma 74110; **Nancy Apgar**, 3914 South Norfolk, Tulsa, Oklahoma 74110; **Beverly Schultz**, 6627 East Newton, Tulsa, Oklahoma 74115; **Al Nichols**, 8525 East 16th Street, Tulsa, Oklahoma 74112; **Mike Hackett**, 1432 East 32nd Place, Tulsa, Oklahoma 74105; **Michael Bates**, 4727 East 23rd, Tulsa, Oklahoma 74114; **Lonny Davis**, 1503 East 21st, Tulsa, Oklahoma 74114; **Mark Wright**, 9007 East 56th Street, Tulsa, Oklahoma 74145; **Fred Buxton**, 320 South Boston, Suite 400, Tulsa, Oklahoma 74103.

Interested Parties Comments:

Concerns with the elimination of spacing regarding bars; bars being too close together creates noise, trash, defecating in yards of the neighborhood and traffic spilling into neighborhoods; the problems from the bars is not worth the tax revenue; deleting the 300' separation would impact the neighborhoods; City of Tulsa needs to protect its citizens better than the State does; nuisance law is not sufficient for noise issues; nuisance ordinance is hard to prove and leaves the burden on the citizens and the Board of Adjustment; it took three years to establish the 300' separation and do not want it to be eliminated; clustering of liquor stores, restaurants, bars, etc. generates the same type of traffic and causes problems for the neighborhood; crime is associated with bars; the Planning Commission should consider forming a citizens advisory committee regarding these changes; need to consider forming special districts for 15th Street, Brookside and the Brady district.

TMAPC Comments:

Mr. Boyle stated that there are many different aspects to this proposal that require further study and input. Mr. Boyle recommended that this proposal be sent to the Rules and Regulations Committee for further public hearings, drafting and input.

Mr. Westervelt asked Mr. Boyle if he recommends leaving the public hearing open and sending the draft it back to Rules and Regulations, or re-noticing for a public hearing at a later date. In response, Mr. Boyle stated that, given the detail of the comments and the amount of work required, it would be best to send it to Rules and Regulations Committee for further work.

Ms. Pace complimented the Task Force for their work on the proposed amendments, but agreed that it should be sent to the Rules and Regulations Committee. She requested that this issue be opened up more publicly and asked for neighborhood associations and citizen groups for their input.

Mr. Boyle stated that he anticipates that when there is a Rules and Regulations Committee worksession that everyone signed in today would get notice of the meetings directly and Ms. McDaniel would notify her organizations as well.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to **REFER** the proposal amending the City of Tulsa Zoning Code Text, Title 42 Tulsa Revised Ordinances, to the Rules and Regulations Committee for further study as recommended by the Planning Commission.

* * * * *

ZONING PUBLIC HEARING

APPLICATION NO.: CZ-266

Applicant: Kenneth Dean

Location: East of the southeast corner of East 66th Street North and North Mingo Valley Expressway

RMH TO IL

(PD-15) (County)

Staff Recommendation:

RELEVANT ZONING HISTORY:

CZ-234 May 1997: All concurred in approval of a request to rezone a five-acre tract located in the southwest corner of East 66th Street North and North Mingo Valley Expressway from AG to IL.

CZ-225 July 1996: A request to rezone a six-acre tract located on the east side and along the Mingo Valley Expressway and south of East 66th Street North from AG to CS or IL. Staff recommended denial of CS or IL and recommended the tract remain AG and undeveloped due to the development sensitive nature of the property (flood prone). The applicant argued his position in that the request for IL zoning was consistent with the existing zoning and development. TMAPC recommended approval of IL zoning with the Board of County Commissioners concurring.

CZ-224 April 1996: A request to rezone a 21-acre tract located on the southwest corner of East 66th Street North and North Mingo Valley Expressway from AG to CS or IL was recommended by staff for denial. TMAPC recommended approval of IL zoning of the north 550' approximately 330' from the eastern boundary, with the balance of the tract to remain AG.

CZ-223 February 1996: All concurred in approval of a request to rezone a four-acre tract located north of the northwest corner of East 66th Street North and North Mingo Valley Expressway from AG to IM.

CZ-182 April 1990: A request to rezone two tracts, one located in the southeast corner of East 66th Street North and North Mingo Valley Expressway and the other tract located south of the southeast corner of East 66th Street North and North Mingo Valley Expressway. All concurred in approval of IL zoning for the northern lot and denial of the remainder.

CZ-146 June 1986: A request to rezone three acres abutting the subject tract to the west from RMH to CG. Staff and TMAPC recommended denial of CG and approval of IL for recreational vehicle sales.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 16 acres in size and is located east of the southeast corner of East 66th Street North and North Mingo Valley Expressway. The property is flat, non-wooded, presently used for storage, and zoned RMH. A large portion of the southeast part of the tract lies within the regulatory floodway and the remainder of the site is within the 100-year floodplain.

STREETS:

| <u>Existing Access</u> | <u>MSHP Design.</u> | <u>Exist. No. Lanes</u> | <u>Surface</u> | <u>Curbs</u> |
|------------------------------------|---------------------|-------------------------|----------------|--------------|
| East 66 th Street North | 100' | 2 lanes | Paved | No |

The Major Street Plan designates East 66th Street North as a secondary arterial street. The Oklahoma Department of Transportation 1995 traffic counts indicate 3,520 trips per day on East 66th Street North between U.S. Highway 169 and North 129th East Avenue.

UTILITIES: Water is available to the tract and sewer if provided by septic systems.

SURROUNDING AREA: The subject tract is abutted on the north by a single-family dwelling, zoned AG, a U-Haul rental facility and detention pond, zoned IL, and the Tulsa County equipment barn, zoned IL; to the south and east by vacant land, zoned RMH and AG; and to the west by a recreational vehicle sales, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The North Tulsa County/Cherokee Corridor Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the land use of the subject property as Recreation – Open Space, with the intensity development concept as Development Sensitive. However, this plan is in the process of being updated and it is likely that this designation will be changed as part of that effort.

The requested IL zoning **is not** in accordance with the Plan Map as it is currently adopted.

STAFF RECOMMENDATION:

Although the site is within the 100-year floodplain and much of the southeastern part is within the regulatory floodway, no public agency has come forward to purchase the property. The requested IL zoning may be an appropriate use of that portion of the site outside of the regulatory floodway. Therefore, staff recommends **APPROVAL** of IL zoning for CZ-266 on the portion of the site lying outside the regulatory floodway and **DENIAL** of IL zoning on that portion within the regulatory floodway.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to recommend **APPROVAL** of IL zoning for CZ-266 on the portion of the site lying outside the regulatory floodway and **DENIAL** of IL zoning on that portion within the regulatory floodway as recommended by staff.

Legal Description for CZ-266:

Beginning 50' South of the Northeast corner of the NW/4, Section 5, T-20-N, R-14-E, thence West 1,145.63'; thence South 279.56', thence East 132.00', thence South 329.49', thence East 1,013.63', thence North to the point of beginning, Tulsa County, State of Oklahoma. Legal Description for tract (outside regulatory floodway) recommended for rezoning: (To be provided by applicant), **From RMH (Residential Manufactured Home District) to IL (Industrial Light District).**

* * * * *

APPLICATION NO.: Z-6762

Applicant: Roy Ashley

Location: 5629 South 107th East Avenue

RS-3 TO IL

(PD-18) (CD-5)

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6662 December 1998: All concurred in approval of a request to rezone a 1.1-acre tract located north of the northeast corner of East 61st Street and South 107th East Avenue from RS-3 to IL.

Z-6609 December 1997: All concurred in approval of a request to rezone a one-acre tract located south of the subject tract on the east side of South 107th East Avenue, from RS-3 to IL for light industry.

Z-6574 January 1997: All concurred in approval of a request to rezone the abutting 161' x 251' tract to the north from RS-3 to IL for a trucking establishment.

BOA-17563 November 1996: The Board of Adjustment approved a request for a variance of the required 75' setback from an abutting R-zoned district and a special exception to waive the screening requirements from an abutting R-zoned district on property zoned IL and located approximately 600' south of the subject tract on the east side of South 107th East Avenue.

BOA-17368 May 1996: The Board of Adjustment approved a request for a special exception to allow a transitional living facility on property located on the southwest corner of East 56th Street and South 107th East Avenue and west of the subject tract. The Board approved the request subject to no more than 12 residents living at the center at any one time.

BOA-16067 June 1992: The Board of Adjustment approved a request for a variance of the required setback from an R-zoned district from 75' to 30' to permit an industrial building on property located north of the northeast corner of East 61st Street South and South 107th East Avenue.

Z-6359 May 1992: All concurred in approval of a request to rezone a 2.5-acre tract from RS-3 to IL. The tract is located north of the northwest corner of East 61st Street South and South 107th East Avenue and south and west of the subject tract.

Z-6308 September 1991: All concurred in approval of a request to rezone a 1.28-acre tract located on the southwest corner of East 56th Street South and South 107th East Avenue from RS-3 to IL.

Z-6233 April 1989: A request to rezone a 1.8-acre tract located on the west side of South 107th East Avenue and south of the subject tract from RS-3 to IL.

Z-6164 August 1987: A request to rezone a 4.9-acre tract located south of the southwest corner of East 56th Street South and South 107th East Avenue and across South 107th East Avenue from the subject tract, from RS-3 to IL for industrial use. All concurred in approval of IL zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately one acre in size and is located at 5629 South 107th East Avenue. The property is flat, non-wooded, has a single-family dwelling, and is zoned RS-3.

STREETS:

| <u>Existing Access</u> | <u>MSHP Design.</u> | <u>Exist. No. Lanes</u> | <u>Surface</u> | <u>Curbs</u> |
|-------------------------------------|---------------------|-------------------------|----------------|--------------|
| South 107 th East Avenue | 50' | 2 lanes | Paved | No |

South 107th East Avenue is a residential street.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north by a trucking business, zoned IL; to the west by single-family dwellings and industrial uses, zoned IL; to the south by a single-family dwelling, zoned IL and to the east by a stormwater floodway, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District 1 Industrial Area and partially Development Sensitive. Plan policies encourage the location of industrial uses here and the provision of adequate utilities and transportation facilities to serve the area.

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

STAFF RECOMMENDATION:

The Comprehensive Plan supports industrial development in this area, and based on the existing zoning and development in this area, staff recommends **APPROVAL** of IL zoning for Z-6762.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to recommend **APPROVAL** of IL zoning for Z-6762 as recommended by staff.

Legal Description for Z-6762:

Lot 3, less beginning the northeast corner, thence S 161.50', W 388.61', N 161.48', E 386.92' to point of beginning for detention basin, Block 1, Golden Valley Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, **from RS-3 (Residential Single-Family High Density District) to IL (Industrial Light District).**

* * * * *

APPLICATION NO.: Z-6763
Applicant: Stephen Schuller
Location: 301 East Archer

IL TO CBD
(PD-1) (CD-4)

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6695 June 1999: All concurred in approval of a request to rezone a lot located on the southwest corner of East 1st Street and South Detroit Avenue from IL to CBD.

BOA-18379 April 1999: The Board of Adjustment approved a special exception to allow a mechanical plant and a parking garage on the northeast and southeast corners of East 1st Street and South Cincinnati and located in an area zoned IL and CBD.

BOA-18013 April 1998: The Board of Adjustment approved a request for a special exception to allow a light manufacturing company building computer components on property located on the northeast corner of East Brady Street and North Detroit, north of the subject tract and zoned CBD.

Z-6598 December 1997: All concurred in approval of a request to rezone 14 acres in the downtown area with property located between North Boulder Avenue and North Boston Avenue, south of East Brady Street to the Burlington Northern Railroad and property located on the northeast corner of East Archer and North Elgin Avenue as well as two tracts located on the northwest corner and the northeast corner of the Burlington Northern Railroad and North Greenwood Avenue from IL to CBD.

Z-6570 December 1996: All concurred in approval of a request to rezone the Salvation Army and Community Day Center facility and various other vacant residential properties from IM, IL, RS-3 and RM-2 to CBD and PUD-532 for a Community Center and Criminal Justice facility in the vicinity of 2nd /3rd Streets/Brady/Denver.

BOA-16820 October 1994: The Board of Adjustment denied a request to allow an outdoor advertising sign on property located on the southeast corner of East Brady and North Cincinnati Avenue, zoned CBD and outside a freeway sign corridor.

Z-6422 December 1993: All concurred in approval of a request to rezone a lot located on the northeast corner of East Archer Street and South Main Street from IL to CBD for multifamily use.

Z-5977 September 1984: All concurred in approval of a request to rezone a block located on the southwest corner of East Archer Street and South Cincinnati Avenue from CH to CBD.

Z-5756 November 1982: All concurred in approval to rezone a tract of land located at the southeast corner of E. Archer Street and S. Boston Avenue from IL to CH.

Z-5586 August 1981: All concurred in approval to rezone a tract of land located south of Brady Avenue at Greenwood Avenue from IL to CH.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 125' x 140' in size and is located on the northeast corner of East Archer Street and North Detroit Avenue. The property is flat, non-wooded, has a commercial business with office and storage use, and is zoned IL.

STREETS:

| <u>Existing Access</u> | <u>MSHP Design.</u> | <u>Exist. No. Lanes</u> | <u>Surface</u> | <u>Curbs</u> |
|-------------------------------|----------------------------|--------------------------------|-----------------------|---------------------|
| East Archer Street | 80' | 4 lanes | Paved | Yes |
| North Detroit Avenue | 80' | 4 lanes | Paved | Yes |

The Major Street Plan designates East Archer Street and North Detroit Avenue as Commercial/CBD/Industrial Collectors.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north and northeast by warehouses, zoned CBD; to the south and west by industrial and warehouse uses, zoned IL and to the east and southwest by parking lots, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 1 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as being in the Greenwood District of the "Old Towne" Identity Area. Plan policies call for the area to remain one of mixed uses, generally including suburban-density office, commercial and service uses. Uses are to be compatible with the University and near north residential and retail uses. Plan policies also envision all or much of the downtown area being rezoned CBD.

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

STAFF RECOMMENDATION:

Based on existing development, trends in the area and the adopted District One Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, staff can support the requested CBD designation and therefore recommends **APPROVAL** of CBD zoning for Z-6763.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to recommend **APPROVAL** of CBD zoning for Z-6763 as recommended by staff.

Legal Description for Z-6763:

Lot 4 and the South 25' of Lot 5, Block 44, Original Town, now City of Tulsa, Tulsa County, State of Oklahoma, according to the official Plat thereof, and located on the northeast corner of East Archer Street and North Detroit Avenue, Tulsa, Oklahoma, **from IL (Industrial Light District) to CBD (Centennial Business District).**

* * * * *

APPLICATION NO.: Z-6764

Applicant: Steve Mosher

Location: West of southwest corner of East Pine Street and North 129th East Avenue

RS-3 TO IL

(PD-16) (CD-6)

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6229 February 1989: A request to rezone a five-acre tract located 142' west of the subject tract from RS-3 to IL. All concurred in approval of IL zoning.

Z-5934 March 1984: Request to rezone 156 acres located at the southwest corner of East Pine Street and North 129th East Avenue from AG, RS-3 and IL to IM and abutting the subject tract on the south, was filed and all concurred in approval of IL zoning. On September 23 1985 the City Commission Secretary reported the applicant had not scheduled a hearing so the case was never finalized.

Z-5676 April 1982: All concurred in approval of a request to rezone a 2.3-acre tract located west of the southwest corner of East Pine and North 129th East Avenue and east of the subject tract, from RS-3 to IL.

Z-4192 September 1972: A request to rezone the five-acre tract abutting the subject tract on the east from RS-3 to IM was denied but all concurred in approving IL zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5.5 acres in size and is located on the south side of East Pine Street and west of the southwest corner of

East Pine Street and North 129th East Avenue. The property is flat, non-wooded, has a single-family dwelling, and is zoned RS-3.

STREETS:

| <u>Existing Access</u> | <u>MSHP Design.</u> | <u>Exist. No. Lanes</u> | <u>Surface</u> | <u>Curbs</u> |
|------------------------|---------------------|-------------------------|----------------|--------------|
| East Pine Street | 100' | 2 lanes | Paved | No |

The Major Street Plan designates East Pine Street as a secondary arterial street.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north by a heavy equipment company and vacant land, zoned IM; to the east by offices, zoned IL; to the west by a single-family dwelling, zoned RS-3 and beyond the house is a trucking establishment, zoned IL; and to the south by vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District 2. The Comprehensive Plan policies specify that this is to be an industrial area.

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

STAFF RECOMMENDATION: Based on the Comprehensive Plan, the existing zoning and development in this area, staff recommends **APPROVAL** of IL zoning for Z-6764.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to recommend **APPROVAL** of IL zoning for Z-6764 as recommended by staff.

Legal Description for Z-6764:

The W/2, NE/4, NW/4, NE/4, less and except the West 142.82' thereof, and the SE/4, NE/4, NW/4, NE/4, Section 32, T-20-N, R-14-E, Tulsa County, State of Oklahoma, **from RS-3 (Residential Single-family High Density District) to IL (Industrial Light District).**

* * * * *

APPLICATION NO.: Z-6765

RS-3 TO OL

Applicant: Douglas E. Walker

(PD-18) (CD-8)

Location: South of southwest corner of East 87th Street and South Yale Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6684 April 1999: All concurred in approval of a request to rezone the 200' x 245' abutting the subject tract on the south from RS-3 to OL.

Z-6365 July 1992: A request to rezone a 12-acre tract located on the east side of South Yale Avenue at E. 88th Place South from AG to RS-3 was approved for residential development.

Z-6318 July 1991: A request to rezone a 22-acre tract abutting the subject tract on the north was approved for RS-3 zoning from AG for residential development.

PUD-458 January 1990: All concurred in approval of a request to rezone a 46.8-acre tract located north of the subject tract on the east side of South Yale Avenue from RS-3 to PUD.

Z-5755 December 1982: A request to rezone a tract located on the northwest corner of East 89th Street and South Yale Avenue and south of the subject tract, from RS-3 to OM. All concurred in denial of OM zoning and approval of OL zoning in the alternative.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately half an acre in size and is located south of the southwest corner of East 87th Street and South Yale Avenue. The property is sloping, non-wooded, has a single-family dwelling, and is zoned RS-3.

STREETS:

| <u>Existing Access</u> | <u>MSHP Design.</u> | <u>Exist. No. Lanes</u> | <u>Surface</u> | <u>Curbs</u> |
|-------------------------------|----------------------------|--------------------------------|-----------------------|---------------------|
| S. Yale Avenue | 120' | 4 lanes | Paved | Yes |
| S. Winston Avenue | 50' | 2 lanes | Paved | Yes |

The Major Street Plan designates South Yale Avenue as a primary arterial street.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north and west by single-family dwellings, zoned RS-3; to the south by offices, zoned OL; and to the east by a multi-story office complex, zoned OL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – No Specific Land Use, with the eastern approximately 100 feet within a Development Sensitive area.

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

STAFF RECOMMENDATION:

The Comprehensive Plan indicates that OL zoning may be found in accordance with the Plan Map for the subject tract. The property is abutting OL zoning on the south and fronts an office complex across South Yale Avenue. Based on the existing zoning and development in this area, staff recommends **APPROVAL** of OL zoning for Z-6765.

The applicant indicated his agreement with staff's recommendation.

Interested Parties Comments:

Dave Eckton, 8718 South Winston, Tulsa, Oklahoma 74136, stated that he owns the property across the street from the proposal. He indicated that he is interested in what the applicant proposes to use the property for and if there will be a parking lot that will open to Winston. He explained that Winston is a dead-end street and there is no place for cars.

TMAPC Comments:

Mr. Boyle asked if parking is allowed in an OL zoning district. In response, Mr. Stump stated that a one-story office building is allowed and that is what is requested. Mr. Stump indicated that the property does have frontage on Winston and the applicant does have the right to use the public street. Mr. Stump stated that parking is allowed.

Mr. Boyle explained that the Planning Commission does not tell the applicant what they can build on their property, but zones it for a category of use. This category of use requested is one that includes the uses described earlier.

Mr. Eckton stated that Winston is a dead-end street and it is narrow. He explained that it ends at his property and if a driveway is installed, it will generate a lot of traffic. He expressed concerns with being able to get and out of his driveway.

Mr. Boyle explained that it would be difficult to deny OL zoning because the property adjacent is already zoned OL. It would appear that the applicant was singled out.

Mr. Stump stated that the Board of Adjustment recently stated that if there is street access onto Yale and the other boundaries abut residential, the applicant

will be required to install a screening fence over the entire boundary and no access would be allowed onto the residential area. He clarified that the applicant would be required to install a six-foot screening fence along the west and north property line, which would preclude access from the subject lot onto Winston.

Mr. Stump advised Mr. Eckton to call Neighborhood Inspections regarding the adjacent OL property if they are accessing Winston.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to recommend **APPROVAL** of OL zoning for Z-6765 as recommended by staff.

Legal Description for Z-6765:

The North 100' of the E/2, E/2, SE/4, SE/4, Section 16, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, **from RS-3 (Residential Single-family High Density District) to OL (Office Low Intensity District).**

* * * * *

APPLICATION NO.: Z-6766

RS-3 TO CS

Applicant: Roy D. Johnsen

(PD-18) (CD-8)

Location: Southwest corner of East 71st Street and South 69th East Avenue

Staff Recommendation:

RELEVANT ZONING/BOA HISTORY:

BOA-18385 April 1999: The Board of Adjustment approved a special exception to allow outdoor sales of produce in a CS-zoned district for 179 days per year for three years on the property abutting the subject tract on the west.

BOA-18346 March 1999: The Board of Adjustment approved a special exception to allow outdoor plant sales from April 18, 1999 to June 13, 1999 and a special exception for alternative parking material for a parking lot. The property abuts the subject tract on the west.

BOA-17828 September 1997: The Board of Adjustment approved a special exception to allow classic car sales in a CS district, a variance to allow open-air display of merchandise offered for sale within 300' of an adjoining R-zoned district, and a variance of screening requirements from an abutting R district on the property abutting the subject tract to the west.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .27acre in size and is located on the southwest corner of East 71st Street South and South 69th East Avenue. The property is sloping, non-wooded, vacant, and zoned RS-3.

STREETS:

| Existing Access | MSHP Design. | Exist. No. Lanes | Surface | Curbs |
|------------------------------------|---------------------|-------------------------|----------------|--------------|
| East 71 st Street South | 120' | 4 lanes | Paved | Yes |
| South 69 th East Avenue | 50' | 2 lanes | Paved | Yes |

The Major Street Plan designates East 71st Street South as a primary arterial street.

A general warranty deed was filed in 1996 that relocated that portion of South 69th East Avenue from East 71st Place South to East 71st Street and relocated the extension to East 71st Street along the east property line of the subject tract.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north, across East 71st Street by commercial uses (largely fast-food retail) zoned CS; to the east and southeast by single-family homes, zoned RS-3; and to the west by a commercial plant sales business and a security system enterprise, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – Residential land use.

According to the Zoning Matrix the requested CS **is not** in accordance with the Plan Map. However, staff would point out that the street was relocated after the plan was developed and adopted and this odd-shaped parcel was, as a result, created.

STAFF RECOMMENDATION:

The relocation of the street, which forms the entryway into the residential areas to the south and southeast, and the resulting creation of this oddly shaped small parcel, occurred after the District 18 Plan was adopted. The street realignment resulted in the subject parcel's being more closely linked with the commercial uses to the west than to the residential to the east. It also resulted in creation of a parcel that is probably too small for a single use without some type of relief or its being tied to an adjacent use. Therefore, based on existing land use and zoning, staff recommends **APPROVAL** of CS zoning for Z-6766.

If the Planning Commission is so disposed to recommend approval, staff should be instructed to prepare Plan amendments to reflect this change.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to recommend **APPROVAL** of CS zoning for Z-6766, and direct staff to prepare Plan amendments to reflect this change as recommended by staff.

Legal Description for Z-6766:

A tract of land being part of Lot 1, Block 1, Kirkdale Court Addition to the City of Tulsa, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to wit: beginning at the Northwest corner of said Lot 1, thence N 88°40'53" E along the North line of said Lot 1 a distance of 63.87', thence S 46°19'07" E a distance of 15.57'; thence Southwesterly on a curve to the right having a radius of 75.00', chord bearing S 26°15'39" W, ARC length of 72.20', thence Southwesterly on a curve to the left having a radius of 125.00', chord bearing S 44°23'24" W ARC length of 41.23', thence Northerly on a curve to the right having a radius of 466.42', chord bearing N 08°49'52" W, ARC length of 102.31' to the Point of Beginning, containing .12 acres more or less; **and** a tract of land being a part of Lot 1, Block 1, Kirkdale Court, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, and also being a part of South 69th East Avenue as described in the recorded plat of Kirkdale, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described, by metes and bounds, as follows: beginning at the Northeast corner of Lot 1, Block 2, Kirkdale Commercial Center, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat, thence N 88°40'53" E a distance of 25.00' to the center line of S. 69th East Avenue as described in the recorded plat of Kirkdale, thence N 88°40'53" E a distance of 25', to the Northwest corner of Lot 1, Block 1, Kirkdale Court, thence along a curve to the left having a radius of 466.42' and a Centennial angle of 12°34'04", a distance of 102.31', thence along a curve to the left having a radius of 125.00' and a Centennial angle of 24°38'57" a distance of 53.78', thence S 88°40'53" W a distance of 16.43', thence N 18°40'22" W a distance of 6.23', thence along a curve to the right having a radius of 516.42' and a Centennial angle of 16°14'41" a distance of 146.42' to the Point of Beginning containing .153 acres, more or less, **from RS-3 (Residential Single-family High Density District) to CS (Commercial Shopping Center District).**

* * * * *

APPLICATION NO.: Z-6767

IL TO RMH

Applicant: Richard Kosman

(PD-16) (CD-3)

Location: South and west of southwest corner of East 30th Street North and North Sheridan Road

Staff Recommendation:

RELEVANT ZONING HISTORY:

BOA-18723 April 25, 2000: A request for a variance of the required 30' frontage on a public street to 0' in order to obtain a lot-split was approved by the Board of Adjustment, subject to filing a 35' access easement from East 30th Street North to the subject tract. The pending lot-split will create the subject tract by splitting it from the plat, Fasco Industrial Park. The proposed plan is to add the subject property to the abutting mobile home park on the west.

Z-6737 February 2000: All concurred in approval of a request to rezone a 55' x 630' strip lying between IL zoning on the north and south and located north of the northwest corner of East 27th Street North and North Sheridan Road from RS-3 to IL.

Z-6664 December 1998: All concurred in approval of a request to rezone a four-acre tract located on the southwest corner of East 27th Street North and North Sheridan Road from RS-3 to IL for light industrial use.

Z-6391 March 1993: All concurred in approval of a request to rezone the subject tract from RMH and AG to IL. This tract included a 30' strip extending north to East 30th Street and running along the west side of the adjoining tract on the north. The property was subsequently platted as Fasco Industrial Park.

Z-6316 July 1991: A request to rezone a 2.9-acre tract located north and west of the northwest corner of East Apache Street and North Sheridan Road, fronting both streets, from RS-3 to IM for automobile rental parking. Staff and TMAPC recommended denial of IM and approval of IL zoning. City Council concurred in approving IL zoning.

BOA-15687 April 1991: The Board of Adjustment approved a request to allow Use Unit 17 in a CS-zoned district, a variance to waive the screening requirements; and a variance to allow open-air storage and display of merchandise for automobile sales on property located on the northwest corner of East Apache Street and North Sheridan Road.

Z-6283 May 1990: All concurred in approval of a request to rezone a 7.3-acre tract located south of East 36th Street North and North Sheridan Road from AG to IL.

BOA-12555 April 1983: The Board of Adjustment approved a special exception to permit mobile homes in an AG-zoned district and on the subject tract.

Z-5817 May 1983: All concurred in approval of a request to rezone a tract located north of the northeast corner of East 28th Street North and on the west side of North Sheridan Road from RS-3 to IL.

Z-5791 March 1983: All concurred in approval of a request to rezone the subject tract from IL to RMH. The approval specifically stated the IL zoning would not be granted on the south 10' which would remain AG and thereby not allow access from the IL tract into the residential development on the south.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5.97 acres in size and is located south and west of the southwest corner of East 30th Street North and North Sheridan Road. The property is flat, non-wooded, vacant, and zoned IL.

STREETS:

| <u>Existing Access</u> | <u>MSHP Design.</u> | <u>Exist. No. Lanes</u> | <u>Surface</u> | <u>Curbs</u> |
|------------------------------------|----------------------------|--------------------------------|-----------------------|---------------------|
| East 30 th Street North | 50' | 2 lanes | Paved | No |

East 30th Street North is a residential street.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north by Fasco Industrial plant and accessory parking lot, zoned IL; to the west by a mobile home park, zoned RMH; to the east by a single-family dwelling, zoned RS-3; and to the south by single-family dwellings, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity – No Specific Land Use.

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

STAFF RECOMMENDATION: The requested RMH zoning is in accordance with the Plan Map, and based on the existing uses and development in this area, and considering the proposed attachment to the mobile home park to the west for expansion, staff recommends **APPROVAL** of RMH zoning for Z-6767.

Applicant was not present.

Interested Parties Comments:

Letha Morris, 6221 East 27th Place North, Tulsa, Oklahoma 74115, submitted a petition with 69 signatures opposing this proposal (Exhibit C-1). She indicated that the subject property would be taken by the airport in the near future. She explained that the east/west runway would go over the proposed trailer park. She commented that the houses in the subject area have a hard time sustaining the noise and she couldn't imagine what it is like in a trailer home.

TMAPC Comments:

Mr. Harmon asked Ms. Morris if the airport is buying out the property owners in the subject area. In response, Ms. Morris stated that the airport is going to buy out all of the houses in the subject area.

Mr. Boyle asked Ms. Morris if the property requesting the zoning change is being considered for the buyout. In response, Ms. Morris stated that it would have to be included because the east/west runway would go over the subject property.

Mr. Harmon stated that mobile homes are easily moved, versus a residential stick-built home that is difficult to move. He commented that a mobile home park might be the ideal use for the subject property. In response, Ms. Morris asked if the City would want to move the mobile homes.

Mr. Jackere stated that possible condemnations are within the realm of the Planning Commission's consideration.

Mr. Boyle asked Ms. Morris if she would rather have IL than RMH. In response, Ms. Morris stated that she would prefer industrial rather than mobile homes.

Mr. Westervelt stated that the petition submitted states that the petitioners are against a mobile home going in at 28th Street North. The petition does not reference the airport taking the subject area in a buyout.

Ms. Matthews stated that it is her understanding that the geometrics of the runway have not been decided.

Interested Parties Comments:

Desiray Vickers, 2642 North Maplewood, Tulsa, Oklahoma 74115, stated that she signed the petition and reiterated that the airport is buying out the subject area. She commented that mobile homes will depreciate the value of the residential homes in the area and could have a detrimental affect on the sale of their home during the buyout.

Ms. Vickers expressed concerns regarding traffic and access points. She stated that the proposal would probably go through their housing addition.

Wayne Emerine, Jarvis Properties, 2806 North Sheridan, Tulsa, Oklahoma 74115, stated that he agrees with the previous comments but from a different prospective. He explained that his business is located east and south of the subject property being considered to be rezoned RMH.

Mr. Emerine stated that the jets come in very low and kick up gravel from the parkway. He indicated that the Sunday newspaper announced that there are two hundred families in the subject area who are trying to force suits to settle issues of noise abatement and other issues like this. He stated that the news article also stated that it is costing an average of \$15,000 per home to remedy the noise issues in standard housing. He expressed concerns with allowing something to move in that would eventually have to be removed at the taxpayers' expense.

TMAPC Comments:

Mr. Westervelt explained that if the Planning Commission considered a future condemnation or future taking into account in order to deny zoning, it would probably go to district court. Until the properties are identified and the possible buyout is finalized, the Planning Commission is required to continue their activities as normal.

Mr. Boyle stated that this is a difficult decision due to the surrounding zoning. He expressed concerns with the significant access problems.

Ms. Pace stated that considering the circumstances it would seem that IL zoning is the appropriate zoning for the subject property.

On **MOTION** of **PACE** and second by **Boyle** to recommend **DENIAL** of RMH zoning for Z-6767 as recommended by staff.

TMAPC Comments:

Mr. Horner stated that there are approximately 1200 homes in the area of the airport that under noise abatement. The possibility of spending \$15,000 per home will not abate the noise. As a consequence of this, 200 more or less have requested to the FAA for a buyout. The City of Tulsa would not be involved with the moving costs because FAA will be responsible for the moving costs.

Mr. Boyle stated that he finds himself in agreement with Ms. Pace. He further stated that he believes that this is an inappropriate tract for RMH zoning because of the access problems.

Mr. Harmon stated that he is in support of the RMH zoning. He commented that he felt that this development would improve the traffic flow and access.

Mr. Westervelt stated that he would have preferred that the applicant be present to answer some of the questions regarding access and traffic flow.

TMAPC Action; 7 members present:

On **MOTION** of **PACE**, the TMAPC voted **4-3-0** (Boyle, Carnes, Pace, Westervelt "aye"; Harmon, Horner, Jackson "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to recommend **DENIAL** of RMH zoning for Z-6767 as recommended by staff.

TMAPC Comments:

Mr. Carnes stated that he did not realize that he was voting for denial and would like reconsideration.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **5-2-0** (Carnes, Harmon, Horner, Jackson, Westervelt "aye"; Boyle, Pace no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to **RECONSIDER** the vote for Z-6767.

TMAPC Action; 7 members present:

On **MOTION** of **PACE**, the TMAPC voted **3-4-0** (Boyle, Pace, Westervelt "aye"; Carnes, Harmon, Horner, Jackson "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to recommend **DENIAL** of RMH zoning for Z-6767 as recommended by staff.

MOTION FAILED.

TMAPC Comments:

Mr. Jackson stated that the subject property abuts RMH and there is a mobile home park already in existence and it also abuts IL. He questioned if the Planning Commission is trying to protect RMH residents from IL or IL from RMH. In response, Mr. Boyle stated that he is trying to protect the RS-3 neighbors to the south. Mr. Boyle reminded Mr. Jackson that the RS-3 neighbors stated that they would prefer IL zoning. Mr. Boyle stated that the IL zoning is prevalent in the area and RMH zoning provides a serious problem of access and possibly going through the neighborhood. Mr. Boyle explained that the IL zoning is a less intense use for the subject property. Mr. Stump stated that in RS zoning there are typically three dwelling units to one acre and RMH zoning there are typically eight mobile homes to one acre.

Mr. Carnes stated that the applicant could probably get five mobile homes to the acre on the subject property. In response, Mr. Boyle stated that the issue is one IL unit versus 24 RMH units, and RMH is not an appropriate use for the subject property.

Ms. Pace stated that mobile home residents are entitled to the same quality-of-life standards that other residential dwellers are. This is a misappropriation of land. The subject property is surrounded by IL and it would be an appropriate area for an airport-related industrial use. It doesn't make sense to zone this RMH and move mobile homes into the subject area when residents already living

there are complaining that it is not an appropriate area for residential dwellings due to the airport noise. The existing neighbors are telling the Planning Commission that the subject area is not fit for habitation due to the airport noise.

Mr. Jackson stated that there are two different types of residential neighborhoods existing in the subject area at this time. Mr. Jackson questioned if the RS-3 and RMH dwellings should be removed.

Mr. Westervelt stated that the issue before the Planning Commission is to rezone the subject property from IL to RMH.

Mr. Carnes suggested that the application be continued to the next meeting and have the applicant present to explain the access.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to **CONTINUE** Z-6767 to May 17, 2000 at 1:30 p.m.

* * * * *

APPLICATION NO.: Z-6768/PUD-631

AG TO OM/PUD

Applicant: Jerry Ledford, Jr.

(PD-18) (CD-8)

Location: East of southeast corner East 91st Street and South Harvard Avenue

Staff Recommendation for Z-6768:

RELEVANT ZONING HISTORY:

Z-6739 December 1999: A request to rezone a 17.8-acre tract located south of the southeast corner of East 91st Street and South Harvard Avenue from AG to RS-2 for residential development and all concurred in approval of RS-2 zoning.

Z-6670/PUD-600 April 1999: A request to rezone a 34-acre tract located west of the southwest corner of East 91st Street South and South Yale Avenue from AG to OL and RS-3 for townhouse and office development. All concurred in approval subject to modifications to the development standards of private street width and an emergency entrance being provided.

BOA-17217 November 1995: The Board of Adjustment approved a special exception to permit the expansion of an existing cemetery in an AG district per plat submitted and on property located west of the southwest corner of East 91st Street and South Yale Avenue.

BOA-16877 April 1995: The Board of Adjustment approved a special exception for a cemetery on a 110' x 120' tract located south of the All Saints Anglican Church (see BOA-14545) south and west of the southwest corner of East 91st Street South and South Yale Avenue

BOA-16785 September 1994: The Board of Adjustment approved a special exception to permit an existing mobile home in an AG-zoned district and a special exception to permit two dwelling units on one lot of record subject to conditions. The property is located on the southeast corner of East 91st Street South and South Harvard Avenue.

Z-6367 September 1992: A request to rezone a 2.8-acre tract located east of the southeast corner of East 91st Street South and South Harvard Avenue and west of the subject tract from AG to OL for a funeral home. All concurred in approval of OL.

Z-6036/PUD-393 May 1985: All concurred in approval of a request to rezone a sixty-acre tract located on the southeast corner of the Creek Turnpike and South Harvard from AG to RS-1/PUD for a residential development with private gated access from South Harvard, Jamestown and Oswego Avenues.

PUD-275 January 1982: All concurred in approval of a request to rezone a 60-acre tract located at the southwest corner of East 91st Street and South Yale Avenue from CS, RM-2, RM-0 and RS-3 to a Planned Unit Development for a mixed use development, retaining the existing underlying zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.94 acres in size and is located east of the southeast corner of East 91st Street and South Harvard Avenue. The property is sloping, wooded, vacant, and zoned AG.

STREETS:

| <u>Existing Access</u> | <u>MSHP Design.</u> | <u>Exist. No. Lanes</u> | <u>Surface</u> | <u>Curbs</u> |
|------------------------------------|----------------------------|--------------------------------|-----------------------|---------------------|
| East 91 st Street South | 100' | 2 lanes | Paved | No |

The Major Street Plan designates East 91st Street South as a secondary arterial street. The City of Tulsa 1996-1997 traffic counts indicate 16,000 trips per day on East 91st Street at South Harvard Avenue

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north by a public school, zoned AG; to the east by a single-family dwelling, zoned AG; to the south by vacant land, zoned AG; and to the west by a cemetery, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – No Specific Land Use.

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

STAFF RECOMMENDATION Z-6768:

Based on existing development, trends in the area and the Comprehensive Plan, staff cannot support the requested OM zoning for Z-6768 and therefore recommends **DENIAL** of OM zoning. However, if accompanied by a PUD (which this is), staff is prepared to recommend **APPROVAL** of OL zoning in the alternative for Z-6768 if the Planning Commission recommends approval of the PUD.

AND

Staff Recommendation for PUD-631:

The PUD proposes a two-story mixed use office/medical building with approximately 25,000 SF of floor area. The subject tract contains 1.94 acres and is located on the south side of East 91st Street South between South Harvard and South Yale Avenue. The tract has approximately 235 feet of frontage and derives its access from 91st Street South.

The tract is currently zoned AG. Currently an application has been filed (Z-6768) to rezone the subject tract from AG to OM. The proposed PUD could be developed under OL zoning and that is what staff is recommending (see enclosed staff recommendation for Z-6768). A Jenks public school facility zoned AG is located to the north of the tract across 91st Street. The tract is abutted on the east by a church zoned AG and on the south and west by a cemetery zoned AG.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-621, 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-631 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:

| | |
|---|--|
| Gross Land Area: | 1.94 acres |
| Permitted Uses: | As permitted by right within an OL district. |
| Maximum Floor Area: | 25,000 SF |
| Maximum Floor Area Ratio Per Lot: | .35 |
| Maximum Building Height: | Two stories |
| Minimum Building Setbacks: | |
| From centerline of East 91 st Street South | 100 FT |
| From west boundary | 25 FT |
| From east boundary | 25 FT |
| From south boundary | 25 FT |
| Parking Ratio: | As provided within the applicable Use Unit. |
| Minimum Landscaped Area: | 15% of net lot area |

3. Landscaping and Screening:

Landscaping throughout the project shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code.

4. There shall be no development in the City of Tulsa's regulatory floodplain.
5. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.

7. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment (including building mounted) areas shall be screened from public view by persons standing at ground level.
9. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
10. No building permit shall be issued until the requirements of Section 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.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th Street, Tulsa, Oklahoma 74103, stated that he is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to recommend **DENIAL** of OM zoning and recommend **APPROVAL** of OL zoning in the alternative for Z-6768, subject to the Planning Commission's recommendation for approval of PUD-631; and recommend **APPROVAL** of PUD-631 subject to conditions as recommended by staff.

Legal Description for Z-6768/PUD-631:

A tract of land located in the NW/4 of Section 21, T-18-N, R-13-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Beginning at the Northeast corner of the NW/4 of Section 21; Thence N 89°49'50" W along the Northerly line of the NW/4 of Section 21 a distance of 450.00 feet to the "Point of Beginning"; Thence S 00°08'35" W a distance of 50.00 feet to the Northwest corner of Lot 1, Block 1, "All Saints Anglican Church II" an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 5077; Thence continuing S 00°08'35" W along the west line of Lot 1, Block 1, "All Saints Anglican Church II" a distance of 325.00 feet to the most westerly southwest corner of Lot 1, Block 1, "All Saints Anglican Church II"; Thence continuing S 00°08'35" W a distance of 15.00 feet; Thence S 90°00'00" W a distance of 145.72 feet; Thence N 24°36'22" W a distance of 189.86 feet; Thence N 13°27'04" W a distance of 81.46 feet; Thence N 00°00'00" E a distance of 138.88 feet to the north line of the NW/4 of Section 21; Thence S 89°49'50" E along the north line of the NW/4 of Section 21 a distance of 244.70 feet to the "Point of Beginning"; Said tract contains 84,486 square feet or 1.9395 acres. **From AG (Agriculture District) to OM/PUD (Office Medium Intensity District/Planned Unit Development) for offices.**

* * * * *

APPLICATION NO.: CZ-267

AG TO RE

Applicant: Kyle M. Smalygo

(PD-14) (County)

Location: West of northwest corner of East 146th Street North and North Memorial Drive

Staff Recommendation:

RELEVANT ZONING HISTORY:

CBOA-0439 March 1984: The County Board of Adjustment approved a special exception to allow a church and related activities on property located west of the northwest corner of East 146th Street North and North Memorial Drive.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 80 acres in size and is located west of the northwest corner of East 146th Street North and North Memorial Drive. The property is flat, non-wooded, vacant, and zoned AG.

STREETS:

| Existing Access | MSHP Design. | Exist. No. Lanes | Surface | Curbs |
|-------------------------------------|---------------------|-------------------------|----------------|--------------|
| East 146 th Street North | 120' | 2 lanes | Paved | No |

The Major Street Plan designates East 146th Street North as a primary arterial street. The Oklahoma Department of Transportation 1995 traffic counts indicate 5,958 trips per day on East 146th Street North between North Sheridan Road and North Memorial Drive.

UTILITIES: Water is available from a rural water system. Sewer will be by septic systems.

SURROUNDING AREA: The subject tract is abutted on the north and south by vacant land, zoned AG and to the east and west by scattered single-family homes, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Collinsville Comprehensive Plan designates the subject property as Rural Residential.

STAFF RECOMMENDATION:

The District 14 area is within the jurisdiction of the Collinsville Comprehensive Plan, which designates this area as Rural Residential.

Rural Residential intensity areas are non-urban or large-lot residential, rural and agricultural development. The requested RE zoning is compatible with the objectives of the Collinsville Comprehensive Plan, therefore staff recommends **APPROVAL** of RE zoning for CZ-267.

Interested Parties Comments:

Curtis Coderre, 6501 East 146th Street North, Collinsville, Oklahoma 74021, stated that he owns the property directly to the west of the subject property. He indicated that he lives in a floodplain and he is concerned with increased water flow onto his property if this application is approved. He requested information regarding the plans for sewage and expressed concerns a lagoon flooding out when it rains.

Mr. Stump stated that the applicant is proposing to use septic tanks and the minimum lot size will be a half-acre. Stormwater runoff will have to meet the requirements of the County Engineer, which will be reviewed when the applicant applies for a subdivision plat. Mr. Stump confirmed that the water runoff will increase due to streets, rooftops, and driveways, but the applicant is required to handle the runoff.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to recommend **APPROVAL** of the RE zoning for CZ-267 as recommended by staff.

Legal Description for CZ-267:

The E/2, SW/4 of Section 23, T-22-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, **from AG (Agriculture District) to RE (Residential Single-family, Estate District).**

* * * * *

APPLICATION NO.: PUD-567-C-2

MINOR AMENDMENT

Applicant: Glenn Gregory

(PD-18) (CD-8)

Location: Southeast corner of East 71st Street South and South 109th East Avenue

Staff Recommendation:

The applicant is requesting Minor Amendment approval to divide Tract "A" into two tracts and to allocate previously-approved building floor area to each tract. Tract A has been totally built out with two hotel structures having a total building floor area of 109,339 SF.

Tract "A" was created by Lot-Split 18804 that divided Development Area C of PUD-567/B&C into four tracts and allocated tract area and maximum floor area to each tract as follows while maintaining the approved and amended development specifications:

| | <u>Land Area</u> | <u>Maximum Floor Area</u> |
|---------|------------------|---------------------------|
| Tract A | 4.40 acres | 110,000 SF |
| Tract B | 2.30 acres | 55,000 SF |
| Tract C | 3.27 acres | 25,000 SF |
| Tract D | .98 acres | 10,000 SF |

Lot-Split-19027/PUD-567-C-2 requests the division of Tract A into two tracts with net tract area and allocation of building floor area as follows:

| | <u>Land Area</u> | <u>Maximum Floor Area</u> |
|-----------|------------------|---------------------------|
| Tract A-1 | 2.572 acres | 65,000 SF |
| Tract A-2 | 1.824 acres | 45,000 SF |

Staff has examined the request and finds the existing structure on proposed Tract A-1 contains 64,589 SF and the existing structure on proposed Tract A-2 contains 44,750 SF. Further, staff has examined the proposed lot-split for conformance to area, parking and access standards. Division of Tract A into Tract A-1 and A-2 maintains the required parking, access and landscaped area standards on each individual lot as well as recognizes existing mutual access and street access easements.

Staff, therefore, recommends **APPROVAL** of PUD-567-C-2 as submitted subject to the following conditions:

1. Approval of a Third Amended Deed of Dedication and Restrictive Covenants for Woodland Park Center submitted with the Minor Amendment and filing of the same with Tulsa County Clerk.
2. Approved and amended development specifications for PUD-567, PUD-567-B and PUD-567-C remain unchanged and apply to Development Area C Tracts A-1 and A-2.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-1** (Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Boyle "abstaining"; Collins, Hill, Ledford, Midget "absent") to **APPROVE** the minor amendment for PUD-567-C-2, subject to conditions as recommended by staff.

APPLICATION NO.: PUD-600-2

MINOR AMENDMENT

Applicant: Jeffrey Levinson

(PD-18) (CD-8)

Location: West of southwest corner of East 91st Street South and South Yale

Staff Recommendation:

The applicant is requesting Minor Amendment approval to allow a barbershop and beauty shop (Use Unit 13 uses) as an additional use within Development Area A. The approved development specifications for Development Area A allow only those uses permitted by right in an OL District.

Staff finds under Section 1107 of the Tulsa Zoning Code that a change in principal uses representing a significant departure from the approved development plan requires compliance with the notice and procedural requirements of an original Planned Unit Development.

Staff is of the opinion that the proposed amendment is major in nature requiring processing in accordance with Section 1107 H of the Code.

Staff, therefore, having advised the applicant of the procedural requirements of the Tulsa Zoning Code, recommends **DENIAL** of PUD-600-2.

Applicant's Comments:

Jeffrey Levinson, 35 East 18th Street, Tulsa, Oklahoma 74119, stated that he disagrees with the staff recommendation. He further stated that he feels that this application does qualify for a minor amendment.

Mr. Levinson read the City Zoning Code, Section 1107 H. Mr. Levinson stated that he is requesting the use of a barber or beauty shop in an OL district. He explained that had this not been in a PUD it would have been a simple matter of applying for a special exception.

Mr. Levinson stipulated that out of 140,000' total allowable that this use would be allowed on no more than 7,000'. This application is for one small use and it will not be a super salon or super center.

TMAPC Comments:

In response to Mr. Boyle, Mr. Stump stated that in the PUD chapter, it specifies certain items that will normally be considered minor amendments. This request does not fall under that list.

Mr. Jackere asked staff if the request would normally require a special exception. In response, Mr. Stump answered affirmatively. Mr. Jackere stated that a special exception would require notice to everyone within 300' and the same notice would be required in a major amendment. Mr. Jackere further stated that if this could be accomplished through a special exception then it would be considered a major amendment because of the noticing requirement.

Mr. Levinson agreed that this request would require a special exception.

After a lengthy discussion it was determined that the request requires a Major Amendment to the PUD.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-1-0** (Boyle, Carnes, Harmon, Horner, Pace, Westervelt "aye"; Jackson "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to **DENY** the minor amendment for PUD-600-2 as recommended by staff.

* * * * *

OTHER BUSINESS:

APPLICATION NO.: PUD-417

DETAIL SITE PLAN

Applicant: Darin Frantz

(PD-6) (CD-4)

Location: Northeast corner of East 21st Street and South Utica Avenue

Staff Recommendation:

The applicant is requesting Detail Site and Landscape Plan approval related to the addition of a 12-story 206,800 SF medical office building and an eight-story 194,000 SF hospital expansion within Development Area A. Both buildings will be attached to the 1,825-space multilevel parkade structure approved in January.

Staff has examined the Detail Site and Landscape Plans for the Phase II & III expansion of office and hospital uses and finds conformance to height, setback, parking, access and landscaping standards outlined in the original approval or the applicable sections of the Tulsa Zoning Code. Staff notes that the applicant has provided a detailed analysis of floor area transfers, required parking and open space area totals within Development Area A and abutting development areas.

Staff finds the analysis to be accurate reflecting the current and past development activity over the past 15 years. With the current expansion, a total of 1,268,360 SF of floor area will have been used of the total allowable floor area of 1,533,122 SF for Development Area A.

During the January staff review of the parkade structure, the Traffic Division of Public Works provided comments relating to potential and probable traffic impacts on 21st Street and Utica Avenue. A traffic study provided by St. John and reviewed by City Traffic indicated that the new hospital wing and medical office building would generate approximately 10,000 trips per day over and above trips generated by the existing facilities. Tulsa Traffic is currently conducting an ongoing study to evaluate the impact to surrounding neighborhoods and the need for area roadway modifications and additional signalization in the area.

Staff, therefore, having found conformance to PUD-417 specifications and development standards, recommends **APPROVAL** of the Detail Site and Landscape Plans for Development Area A as submitted subject to the following condition:

Any roadway modifications, traffic control improvements or traffic mitigation measures required by the City of Tulsa to handle the increased traffic generated by this expansion or to limit the negative traffic impacts on surrounding residential neighborhoods will be provided by St. John Medical Center. Roadway modification, traffic control improvements and traffic mitigation measures related to the signalization of East 19th Street and South Utica Avenue, and also, the installation of an additional turn lane and required signal adjustments at the intersection of East 21st Street and South Wheeling Avenue, will be provided by St. John Medical Center upon the City's final approval of same. Any additional roadway modifications, traffic control improvements or traffic mitigation measures recommended by the City of Tulsa to handle the increased traffic directly

attributable to this expansion or to limit the negative traffic impacts on residential neighborhoods contiguous to St. John Medical Center will be submitted to St. John Medical Center for its review and discussion with City Traffic and other appropriate officials.

Applicant's Comments:

Bill LaFortune, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he agrees with staff's recommendation with a slight modification of the condition. He expressed concerns that the condition is very broad and could entail St. Johns' being liable for any type of traffic improvement that may not be related to the expansion.

Mr. LaFortune stated that the plans are in conformance with the PUD and all of the development standards for the subject area. He indicated that over the last several months St. John Medical Center and the City of Tulsa Traffic Engineering have had discussions regarding traffic impact. As a result of the discussions St. Johns Medical Center proposed that they would pay for and provide the signalization at 19th and Utica, an additional turn lane and the changes to the signal at 21st and Wheeling. St. John Medical Center has budgeted over \$600,000 to accomplish the proposal regarding traffic. Jon Eshelman has approved St. John Medical Center's proposal and has forwarded the proposal to the Mayor's Office for the Mayor's approval.

Mr. LaFortune read a draft for a proposed condition for substitution of the condition that staff drafted.

Staff stated that the applicant's proposed condition basically better details staff's condition.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-417, subject to the applicant's proposed conditions as submitted.

* * * * *

There being no further business, the Chairman declared the meeting adjourned at 4:40 p.m.

Date approved: 5-24-00

Brendan J. Jahn
Chairman

ATTEST: William M. Quinn
Secretary