

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2241

Wednesday, June 7, 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	Horner	Dunlap	Counsel
Harmon		Huntsinger	
Hill		Matthews	
Jackson		Stump	
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 5, 2000 at 9:15 a.m., posted in the Office of the City Clerk at 9:12 a.m., as well as in the office of the County Clerk at 9:10 a.m.

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

### Minutes:

#### **Approval of the minutes of May 17, 2000 Meeting No. 2239**

On **MOTION** of **BOYLE** the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget "absent") to **APPROVE** the minutes of the meeting of May 17, 2000 Meeting No. 2239.

#### **Approval of the minutes of May 24, 2000 Meeting No. 2240**

On **MOTION** of **BOYLE** the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget "absent") to **APPROVE** the minutes of the meeting of May 24, 2000 Meeting No. 2240, as amended.

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**CONTINUED ITEMS:**

**PRELIMINARY PLAT:**

**Woodfield Village - (PUD-450) (3483)**

(PD-26) (CD-8)

Southwest corner of 111<sup>th</sup> Street and South Sheridan Road

**Staff Recommendation:**

Staff has requested a continuance to June 21, 2000.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget "absent") to **CONTINUE** the preliminary plat for Woodfield Village to June 21, 2000 at 1:30 p.m.

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**Mr. Midget in at 1:35 p.m.**

**GreenHill II - (2993)**

(PD-6) (CD-9)

North of northeast corner of 45<sup>th</sup> Street and South Lewis Avenue

**TMAPC Comments:**

Mr. Westervelt stated that the applicant has timely requested a continuance to June 21, 2000.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill "absent") to **CONTINUE** the preliminary plat for GreenHill II to June 21, 2000 at 1:30 p.m.

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**Southern Woods Park – (1683)**

(PD-18) (CD-8)

Northwest corner of East 91<sup>st</sup> Street and South Yale Avenue

**Staff Recommendation:**

Staff has requested a continuance to June 21, 2000.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill "absent") to **CONTINUE** the preliminary plat for Southern Woods Park to June 21, 2000 at 1:30 p.m.

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**REPORTS:**

**Committee Reports:**

**Rules and Regulations**

Mr. Boyle reported that there were two items considered at the 11:30 p.m. worksession. The first item dealt with an ordinance previously before the Planning Commission regarding the proposed amendments to Section 12 and 12a. The Committee has recommended sending this proposal to the Planning Commission for action on June 28, 2000 at 1:30 p.m.

Mr. Boyle stated that the second item considered at the worksession was a request from the City Council to set a public hearing relating to nonconforming parking, storing and displaying vehicles on non-all-weather surfaces. The Committee did not particularly give a recommendation on how this issue should be treated, but in conformance with the rules, suggested that the matter be set for a public hearing on July 19, 2000 at 1:30 p.m.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill "absent") to call for a public hearing for proposed zoning text amendment to amend the Title 42, TRO, Chapter 14, Section 1407.3, regarding nonconforming use provisions pertaining to the parking, storing or displaying of vehicles on an all-weather material surface on July 19, 2000 at 1:30 p.m.

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**Director's Report:**

Mr. Stump reported the April receipts were close to a record and the totals have been high for this year.

Mr. Stump reported that the Polumbus Case, which is the industrial tract on the east side of 145<sup>th</sup> East Avenue between 4<sup>th</sup> and 6<sup>th</sup> Streets, went to District Court and the Court sided with the plaintiff. He indicated that he did not have the details of the Court's decision but will report them in the near future.

Mr. Stump stated that staff received a copy of the proposed Blasting Ordinance, which was prepared by the staff of Public Works. He indicated that the INCOG staff has reviewed the proposal will be giving comments to the Public Works Department.

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## **SUBDIVISIONS**

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

**L-19055 – MARY OWENS (3623)**

(PD-14) (County)

8815 East 126<sup>th</sup> Street North

#### **Staff Recommendation:**

The applicant has applied to split a 314.985' X 922' lot into two tracts. On May 16, 2000, the Tulsa County Board of Adjustment approved a variance of the required minimum lot width from 200' to 156.9' for Tract 2 (CBOA #1733). The proposed tracts meet all other AG bulk and area zoning requirements. Rather than using a septic system on Tracts 1 and 2, the applicant will be installing an alternative system, which requires a waiver from the Subdivision Regulations. Therefore, the applicant is asking for a waiver of Subdivision Regulation 6.5.4.(e) requiring a passing soil percolation test.

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

#### **Interested Parties Comments:**

**Christine Phillips**, 8923 East 126<sup>th</sup> Street West, Tulsa, Oklahoma 74021, stated that she is concerned with the proposed alternative sewer system.

#### **TMAPC Comments:**

Mr. Westervelt explained to Ms. Phillips that she would need to contact the DEQ regarding the alternative sewer systems. He commented that there are several different types of alternative methods and the DEQ could answer her questions.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for L-19055 as recommended by staff.

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

<b><u>L-18903 – White Surveying Company (3194)</u></b> 5883 South Mingo	(PD-18) (CD-5)
<b><u>L-19029 – Lawrence D. Taylor (764)</u></b> 10215 East 201 <sup>st</sup> Street South	(PD-20) (County)
<b><u>L-19033 – Jimmy D. Carlile (564)</u></b> 18903 South Garnett Road	(PD-20) (County)
<b><u>L-19046 – Richard Kosman (2203)</u></b> West of Sheridan, South of 30 <sup>th</sup> Street North	(PD-16) (CD-3)
<b><u>L-19053 – Terry Hazen (983)</u></b> 7209 South Richmond	(PD-18) (CD-8)
<b><u>L-19059 – Barbara Johnson (1724)</u></b> 11825 East 166 <sup>th</sup> Street North	(PD-14) (County)
<b><u>L-19060 – Pete J. Aguirre (474)</u></b> 13563 East 131 <sup>st</sup> Street South	(PD-19) (County)
<b><u>L-19063 – Khamphong Keo (194)</u></b> 17919 East 11 <sup>th</sup> Street	(PD-17) (County)
<b><u>L-19067 – QuikTrip (2503)</u></b> Northwest corner East Pine Street & Mingo	(PD16-) (CD-3)
<b><u>L-19071 – Bernard &amp; Valerie Campbell (2702)</u></b> West of southwest corner Seminole & Union	(PD-11) (CD-1)

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

**TMAPC Action; 9 members present:**

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

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**FINAL PLAT:**

**RIVERSIDE SHURGARD (783)**

(PD-18) (CD-2)

Approximately ¼ mile east of South Peoria Avenue, south side of East 71<sup>st</sup> Street

**Staff Recommendation:**

Mr. Beach stated that this is a final plat and it has been reviewed and released. Staff recommends approval of the final plat.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill "absent") to **APPROVE** the final plat for Riverside Shurgard as recommended by staff.

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**PRELIMINARY PLAT:**

**Oak Point - (2093)**

(PD-6) CD-9)

West side of South Birmingham Avenue at East 33<sup>rd</sup> 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.

1. **Streets/access:**

- All lots have frontage on a proposed public cul-de-sac to be called East 33<sup>rd</sup> Street South. The street would be accessed from South Birmingham Avenue, which 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.

2. **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. Not aware of any sewer issues.
- Bolding, Wastewater, stated that the sewer would need to be extended to serve Lots 4 and 5.

3. **Water:**

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

4. **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.

5. **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.
1. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
2. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
3. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
4. Street names shall be approved by the Public Works Department and shown on plat.
5. All curve data, including corner radii, shall be shown on final plat as applicable.
6. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
7. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
8. 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.)



9. 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.
10. 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.]
11. 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.)
12. The method of water supply and plans therefor shall be approved by the City/County Health Department.
13. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
14. The key or location map shall be complete.
15. 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.)
16. 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.)
17. 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.

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

**Interested Parties Comments:**

**Martin Hart**, 2470 East 33<sup>rd</sup> Street, Tulsa, Oklahoma 74119, expressed concerns regarding flooding issues in the subject area. He indicated that he has already experienced flooding in May.

Mr. Hart commented that the developer had trees and undergrowth removed. He explained that this has increased the water runoff onto his property. He stated that the developer should have more responsibility regarding stormwater

drainage. He indicated that the proposed retention/detention pond would not help his situation.

**TMAPC Comments:**

Mr. Westervelt informed Mr. Hart that the TMAPC deals with land use issues only. He stated that the Public Works Department deals with the drainage issues and it will be dealt with during the process.

**Applicant's Rebuttal:**

**Ted Sack**, 111 South Elgin, Tulsa, Oklahoma 74120, stated that he met with Mr. Hart regarding the subject proposal and he is aware of Mr. Hart's concerns regarding stormwater drainage.

Mr. Sack commented that Mr. Hart's property is in a low area, which receives drainage from both sides. He explained that when he discussed the detention pond with Mr. Hart, he was vague because the plans are not approved at this time. He indicated that the onsite detention facility is in the design process.

Mr. Sack stated that there is an inlet on Mr. Hart's property, and with the detention facility proposed for the subject property, it should deflect the water that would normally drain onto Mr. Hart's property. He explained that there would be some type of drainage along the back of the subject property to intercept stormwater drainage. Mr. Sack concluded that the subject proposal will meet the stormwater requirements, and after this project is completed Mr. Hart's property will be in better shape than it is today. He indicated that he would be in contact with Mr. Hart as the development is further along.

**Mr. Midget out at 1:45 p.m.**

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Midget "absent") to recommend **APPROVAL** of the preliminary plat for Oak Point subject to standard conditions as recommended by staff.

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**Mr. Horner out at 1:50 p.m.**

**The Tulsa Commons – (PUD 601) (684)**

(PD-18) (CD-8)

Northeast corner of East 69<sup>th</sup> Street and South US 169

**TMAPC Comments:**

Mr. Ledford announced that he would be abstaining from this application.

**Staff Recommendation:**

This plat consists of ten lots in two blocks and one reserve on 38.67 acres. It will be developed for commercial and office uses under PUD 601.

The following were discussed **May 18, 2000** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

- PUD 601 was approved in early 1999 and another subdivision plat by the same name was reviewed by TAC and approved by TMAPC. The PUD was amended in late 1999 to divide Development Area A into two parts (A-1 and A-2). The southerly part (A-1) was then platted as Eastside Market II. The remainder (Development Area A-2), along with Development Areas B, C, and E, are included in this submittal. The Development Areas correspond with the lots as follows: Lot 1, Block 1 = Area A-2; Lot 2, Block 1 = Area B; Lot 1, Block 2 = Area C; Lots 2-8 and Reserve A = Area E.
- The uses allowed on Lot 1, Block 1 include parking lots, offices, convenience goods and services, retail, restaurants and other entertainment, and hotel, motel and recreation uses. The uses allowed on Lot 2, Block 1 include offices and multifamily dwellings. The uses allowed on Lot 1, Block 2 include parking lots, offices, nursing homes, assisted living facility and elderly retirement housing. The uses allowed on the remainder of the property include offices and a drive-in bank on the east 225 feet, next to Garnett Road.

**2. Streets/access:**

- Both 107<sup>th</sup> East Avenue and 69<sup>th</sup> Street are commercial collectors with a minimum right-of-way of 80 feet required by the Major Street and Highway Plan. Both are proposed with 60-foot rights-of-way. This was discussed during the first TAC review. The TMAPC waived the Subdivision Regulations to allow 60 feet in its approval of the first preliminary plat. Sidewalks are required on both sides of the collector streets.
- The other issue during the PUD hearings and the previous plat was that the TMAPC wanted additional review of the practicality of closing 67<sup>th</sup> Street, north of the property, where it abuts Southbrook Addition to the east, or other recommendations for traffic-calming devices to protect these residential areas. TAC discussed these during the previous plat review and stated that additional study would be required, but the Traffic Engineer was inclined to recommend that it remain open. Has this been considered further?
- Eshelman, Traffic, stated that the current plan for traffic-calming includes making the intersection of 67<sup>th</sup> Street and 107<sup>th</sup> East Avenue a three-way stop and adding more multi-way stops along 67<sup>th</sup> Street to the east. He recommends leaving 67<sup>th</sup> Street open to traffic, which gives the residential area access to 107<sup>th</sup> East Avenue as an alternative to Garnett Rd.

- Somdecerrff, Transportation, stated that the standard 30' radius needs to be included in the right-of-way dedication. He also asked for the standard right-of-way dedication language to be included in the covenants.

**3. Sewer:**

- Where is the existing sewer? Where will the connections be? Any extensions needed? Are any other easements needed?
- Bolding, Wastewater, needs an easement at the northeast corner of Lot 1, Block 2. Lot 1, Block 1 will be sewered to south and southeast.
- Ledford, applicant, discussed the evolution of this project and asked that the record show his dissatisfaction that Eastside Market was not required to extend the sewer through to the south boundary of this property.

**4. Water:**

- The previous plat review indicates that water will be brought in from Garnett and a waterline easement is needed along the north side of 69<sup>th</sup> Street. The system should include a loop in the western part of the property. The plat should also show an easement for this loop along 107<sup>th</sup> East Avenue. Are any other easements needed? Are there any additional Fire Department requirements?
- Murphree, Water, stated that water lines would need to be looped to provide fire service for Lots 1 and 2, Block 1 with appropriate easements.

**5. Storm Drainage:**

- No grading plans or site plans were submitted. Reserve A is for stormwater detention. Will this detention pond be part of a larger facility on the abutting unplatted property to the north? Are there any other drainage issues?
- Ledford, applicant, said the detention facility in Reserve A will be unrelated to the existing facility to the north.

**6. Utilities:**

- In the previous plat review, PSO requested that the covenants contain language reflecting overhead lines along the north and west perimeters. Are the utility easements acceptable as shown? Are there any other utility issues?
- Pierce, PSO, reiterated the previous request for language to allow overhead power lines in the perimeter easements.
- Morgan, ONG, stated that an easement is needed for Lot 1, Block 1 from the north.

**7. Other:**

- The ten-foot building line along the east side of Lot 1, Block 2 (Area C) should be changed to 20 feet, as required by the PUD. The ten-foot building line along the north sides of Lots 2, 3, 4, & 8, Block 2 (Area E) should also be 20 feet, as required by the PUD, but should include a note

that it is for one-story buildings. In addition, a second building line of 50 feet should be shown along the same north side with a note that it is for two-story buildings.

- A six-foot screening fence or wall is required along the north side of Area E and the east side of Area C where they abut residential areas. The screening should be continuous along the north side of Reserve A and the covenants should be clear about the maintenance responsibilities for the screening wall.
- Ledford, applicant, stated that the screening fence or wall would be located along the north side of the reserve area instead of along the south side. He agreed to show two building lines to clear any confusion along the north side of Lots 2, 3, 4, & 8, Block 2. He stated he would investigate the building line along the east side of Lot 1, Block 2 and change as needed.

**TAC voted unanimously to recommend approval of the preliminary plat.**

**Staff recommends approval of the preliminary plat subject to the conditions below.**

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Dedication of right-of-way to provide the required 30' radius at the intersection of 69<sup>th</sup> Street and Garnett Road.

**Standard Conditions:**

1. All conditions of PUD 601, PUD 601-1 as applicable and Corridor Site Plan Z-6631-SP-1 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.
8. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
9. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
10. Street names shall be approved by the Public Works Department and shown on plat.
11. All curve data, including corner radii, shall be shown on final plat as applicable.
12. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. 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.)
15. 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.
16. 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.]
17. 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.)
18. The method of water supply and plans therefor shall be approved by the City/County Health Department.

19. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
20. The key or location map shall be complete.
21. 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.)
22. 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.)
23. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
24. All other Subdivision Regulations shall be met prior to release of final plat.

**Interested Parties Comments:**

**Ken Ellers**, 6806 South 109<sup>th</sup> East Avenue, Tulsa, Oklahoma 74133, expressed concerns with traffic issues, an existing pond being covered and barriers between CS and RS. He indicated that he would prefer an eight-foot fence to buffer between the CS and RS districts.

**Mr. Midget in at 2:00 p.m.**

**Applicant's Rebuttal:**

**Jerry Ledford, Jr.**, Tulsa Engineering and Planning, 8209 East 63rd Place South Tulsa, Oklahoma 74133, stated that this is the second time for the TMAPC to review this preliminary plat because the south 16 acres have been sold and will now be East Side Market II, which will be the new location of the Super Target Store. He explained that the preliminary plat is back due to the loss of the 16 acres. He indicated that the preliminary plat is still in the same configuration as previously approved by the TMAPC.

Mr. Ledford stated that traffic-calming devices were discussed during the previous preliminary plat approval and some type of device will be placed in the northerly intersection before it goes into the residential area.

Mr. Ledford indicated that there is an existing pond close to the southwest corner of the subject property. He stated that the projects' detention facility will be located east of the existing pond and there will be onsite detention. East Side Market to the south of this proposal also has onsite detention. The proposed project is in the design stage for the onsite detention at this time.

Mr. Ledford stated that the lots that the interested party was referring to are office lots along the panhandle portion of the proposal. The buffering, screening and landscaping have all been approved and he will adhere to the requirements.

**Mr. Collins in at 2:05 p.m.**

**TMAPC Comments:**

Mr. Westervelt asked Mr. Ledford what the height of the screening fence would be. In response, Mr. Ledford stated that the screening fence was approved at six feet in height.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-1** (Boyle, Carnes, Collins, Harmon, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Horner, Harmon "absent") to recommend **APPROVAL** of the preliminary plat for the Tulsa Commons subject to special conditions and standard conditions as recommended by staff.

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**PLAT WAIVER:**

**Z-5779 - (3693)**

(PD-18) (CD-7)

9509 East 61<sup>st</sup> Street South

**Staff Recommendation:**

This property was rezoned in 1982 and has been subject to plat since then. Apparently there have been building permits issued as recently as 1995 without requiring the plat. A recent application for a permit to build a new building shown on the site plan flagged the platting requirement. The applicant is seeking the plat waiver to allow construction to proceed without further delay.

**Staff Comments and Recommendation:**

Because of the history of building permits being issued on this property without regard to the platting requirement, staff can see that there may be a hardship to the applicant if the plat were now imposed. There are two separate instruments indicated in the checklist below, but the nature of those is relatively simple and straightforward and they are the types that are commonly recorded without a plat.

Under these circumstances, staff is willing to soften its position on this plat waiver application. **Staff recommends APPROVAL** of the plat waiver.

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

1) Has property previously been platted?

**YES NO**

☐ ☒



- 2) Are there restrictive covenants contained in a previously filed plat? ☐ √
- 3) Is property adequately described by surrounding platted properties or street R/W? ☐ √
- 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? ☐ √
- 5) Would restrictive covenants or deeds of dedication be needed by separate instrument? √1 ☐
- 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? ☐ √2
- ii) Is an internal system required? ☐ √2
- iii) Are additional easements required? ☐ √2
- 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? ☐ √3
- 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**
- 11) Are additional utility easements needed? √4 ☐

**NOTES:**

1. Separate instruments would include access control agreement and additional utility easements.
2. The "no" answer provided by the TAC representative from Public Works, Wastewater Design, to these three questions is contingent upon the owner filing a document of record that prohibits this property from ever being split. If the owner is not agreeable to this condition and the property were split, an eight-inch sanitary sewer main extension would be required to both buildings. No connection to the existing 18" sanitary sewer line on the north side of the property would be permitted. Staff would point out that this sewer extension requirement is self-regulating through the lot-split process.
3. Existing access locations should be recorded in an access control agreement.
4. PSO needs additional easements to serve this property. A letter of release indicating PSO's approval of such easements should be a condition of approval of this plat waiver.

**TMAPC Comments:**

Mr. Boyle asked how the required platting was overlooked and permits were issued. In response, Mr. Beach stated that this is something that was missed during the records search. Mr. Beach further stated that a record search should have indicated that there is a platting requirement. Mr. Beach indicated that the most recent building permit was issued in 1995.

Mr. Ledford asked staff if they would have recommended approval if the development had not already been in existence. In response, Mr. Beach stated that he believes that staff would have recommended denial of this application if the development had not already existed, due to the plat waiver check list having too many checks in the negative column. Mr. Ledford stated that the TMAPC has allowed plat waivers with a restriction that the applicant file a plat prior to occupancy. Mr. Ledford explained that this type of waiver would allow the applicant to continue the construction.

Mr. Beach stated that the applicant was surprised with the platting requirement and he is well underway with the plans to construct a new building. The applicant is confused as to why he has been able to build in the past without the requirement and now he is required to plat. Considering the nature of the new construction, the fact that the separate instruments that would be required to file are minor in nature. The City will not gain a great deal by requiring the plat, but the applicant, on the other hand, may suffer a greater hardship than the City would benefit by requiring the platting process.

**Applicant's Comments:**

**Patrick Grogan, DVM**, 9509 East 61<sup>st</sup> Street, Tulsa, Oklahoma 74133, stated he does not object to going through the process of platting; however, he is concerned with delaying his construction of the new building. The subcontractor's quotes have expired and every delay will increase the costs of

building the new building. He explained that he received financing through the bank up to a certain level, and if costs overrun the financing, then he would have to go through the application for financing process again.

Mr. Grogan explained that his business is seasonal and the subject building will be a luxury pet lodge. The busiest season is the second half of the year, and if he is required to go through the platting process first, then it would put the completion of the subject building somewhere in the first quarter of the year. He indicated that if this happens, then the building would sit six months empty until the boarding season occurs again.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Grogan how long he anticipated the development of the proposed building to take to complete. In response, Mr. Grogan stated that he anticipates the construction to take approximately three months.

**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFOORD**, the TMAPC voted **8-1-0** (Carnes, Collins, Harmon, Jackson, Ledford, Midget, Pace, Westervelt "aye"; Boyle "nay"; none "abstaining"; Hill, Horner "absent") to recommend **APPROVAL** the plat waiver for Z-5779, subject to requiring the subject property to be platted prior to occupancy.

**TMAPC Comments:**

Mr. Boyle stated that this is an inappropriate action and sets a bad precedent. He expressed concerns that the applicant has been abused by the system. He concluded that there is a chance of this action setting a bad precedent and opening the door for others to abuse the system.

\* \* \* \* \*

**CONTINUED ZONING PUBLIC HEARING**

**APPLICATION NO.: PUD-450-A-1**

**MINOR AMENDMENT**

**Applicant:** Jeffrey Levinson

(PD-26) (CD-8)

**Location:** Southwest corner of East 111<sup>th</sup> Street South and South Sheridan Road

**Staff Recommendation:**

PUD-450-A has been approved for 23 single-family dwellings on 4.5 acres located at the southwest corner of East 111<sup>th</sup> Street and South Sheridan Road. The tract has approximately 625' of frontage on East 111<sup>th</sup> and 240' on Sheridan. The underlying zoning is RS-4. The tract is abutted on the south and west by developed single-family subdivisions, zoned RS-2. To the east of the tract, across South Sheridan Road, is a developed single-family subdivision, zoned RS-1/PUD-14. To the north, across 111<sup>th</sup> Street South, is vacant land zoned AG.

The applicant proposes to amend the standards for minimum required yards. The existing standards are as follows:

Minimum Required Yards:	
From west boundary of PUD	20 FT
From south boundary of PUD	20 FT
From centerline of East 111 <sup>th</sup> Street South	70 FT
From centerline of South Sheridan Road	70 FT
From private street right-of-way:	
Residences	20 FT
Garage	25 FT
From interior side lot lines	5 FT

The applicant is proposing the following standards from minimum required yards:

Minimum Required Yards:	
From west boundary of PUD	20 FT
From south boundary of PUD	20 FT
From Centerline of East 111 <sup>th</sup> Street South	70 FT
From Centerline of South Sheridan Road	70 FT
From Private Street Right-of-way	
Residences	15 FT
Garage	20 FT
Side yards abutting private streets	10 FT
From interior side lot lines	0 and 10 FT
From side yards abutting front lot lines	10 FT

Staff cannot support the reduced setback for garages from private street right-of-way from 25 feet to 20 feet because that would produce a driveway only 22' long measured from the face of the curb. The proposed 20 feet would not allow adequate off-street parking and cars or pickup trucks parked in such a short drive would produce a safety and sight distance problem for other vehicles backing out of their drives.

Staff finds the amendments as modified by staff to be minor in nature and maintains a substantial compliance with the approved PUD standards.

Therefore, staff recommends **APPROVAL** of PUD-450-A-1, subject to the following conditions:

Minimum Required Yards:	
From west boundary of PUD	20 FT
From south boundary of PUD	20 FT
From centerline of East 111 <sup>th</sup> Street South	70 FT
From centerline of South Sheridan Road	70 FT
From private street right-of-way:	

Residences	15 FT
Garages	23 FT
From interior side lot lines	0 and 10 FT*
<u>Setbacks for the four corner lots shall be determined during the platting process.</u>	

\*All dwellings shall be a minimum of ten feet from any other dwelling.

Mr. Dunlap stated that staff agrees with the request that the four corner lots' setbacks be determined during the platting process.

**TMAPC Comments:**

Mr. Carnes expressed concerns with the two proposed hammerheads. In response, Mr. Stump stated that the Planning Commission is not being asked to approve the layout at this time; it will be presented at a later date. Mr. Stump indicated that the two hammerheads would not accommodate the long truck and trailers used by lawn maintenance people.

Mr. Boyle stated that today's issue is the setback amendments. The layout will be before the Planning Commission during the platting process.

**Applicant's Comments:**

**Jeffrey Levinson**, 35 East 18<sup>th</sup> Street, Tulsa, Oklahoma 74119, stated that he would request that the Planning Commission approve the staff recommendation with two exceptions. The first exception relates to establishing the setbacks for the four corner lots during the platting stage.

Mr. Levinson stated that the second issue is the front setback line for the garage. He indicated that he disagrees with the staff recommendation of 23' and would like to request a 20' front setback line. This is a small subdivision with 23 lots and does not have any through-streets. He commented that there will be a low volume of traffic and such a configuration with 20' would be consistent with TMAPC's actions for similar developments in the area. Mr. Levinson cited the Village and Audubon Park as being similar to this subdivision with 20' setbacks for the garages.

**TMAPC Comments:**

Mr. Boyle asked Mr. Levinson if the other two subdivisions he mentioned have hammerheads. In response, Mr. Levinson stated that the proposed hammerheads have been reviewed by the Fire Marshall as a sketch plat. Mr. Levinson indicated that the Fire Marshall had no objections to the hammerheads because they are large enough to accommodate a semi-truck. Mr. Boyle stated that if the applicant wants to reduce the garage setback, because it is a small subdivision with little traffic, yet there is concern with lawn truck/trailers backing up and turning around, it seems that there is a definitely dangerous situation if the garage setbacks are allowed to be shortened to 20'.

Mr. Levinson stated that he understands that the basis of staff's objections regarding the shortened garage setback is due to safety and sight distance problems to other vehicles backing out of their drives. There is not a long line of lots to obscure the sight line. He stated that there is no reason for traffic to circulate from one end of the subdivision to the other because the one entrance is in the center of the subdivision. Mr. Levinson concluded that this subdivision is designed for empty-nesters and he does not anticipate Suburbans or Expeditions in the driveways. Mr. Boyle stated that if the subdivision were designed for empty-nesters, there would likely be lawn maintenance trailers in the neighborhood because the empty-nesters will hire their lawns to be mowed.

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

On **MOTION** of **BOYLE** to **APPROVE** the minor amendment for PUD-450-A-1 as recommended by staff, subject to the four corner lot setbacks being determined during the platting process.

**TMAPC Comments:**

Mr. Ledford stated that he is concerned with this motion because there are several subdivisions with private streets that have 20' building lines. The two issues are regarding building line setbacks and whether one can turn a truck/trailer around a cul-de-sac. He explained that a 20' building line, plus two feet to the curb, would result in a 22' setback. He stated that a homeowner could get two cars in the garage and two cars in the driveway. He commented that he does not see how the Planning Commission can ignore what has been previously approved in the past three to six years by allowing a 20' building line.

Mr. Boyle stated that the development on Peoria is obviously a very unique situation. When the Planning Commission approved the development it was after a great deal of discussion and the Commission stated that they were uncomfortable with that particular development.

Mr. Jackson stated that he has not experienced any problems with a 20' building line.

Mr. Carnes stated that the infill lots before the Planning Commission have been where everyone is cooperating and working hard to make everything work. This proposal is not infill and there is no reason to shorten the building setback line in new construction.

Mr. Jackson stated that with a 25' driveway, one could only stack two cars. He further stated that two cars can be stacked in a 20' driveway as well, and he does not see what is gained by requiring a 25' driveway. In response, Mr. Westervelt stated that with small private streets in a dense setting, the potential of a vehicle sticking out over the driveway opening could be dangerous when someone is trying to back up or turn around.

Mr. Ledford stated that private streets measure the same as a public street, which is 26', face to face.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **6-3-0** (Boyle, Carnes, Collins, Harmon, Pace, Westervelt "aye"; Jackson, Ledford, Midget "nays"; none "abstaining"; Hill, Horner "absent") to **APPROVE** the minor amendment for PUD-450-A-1 as recommended by staff, subject to the four corner lot setbacks being determined during the platting process. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

\* \* \* \* \*

**Mr. Horner in at 2:35 p.m.**

**APPLICATION NO.: PUD-355-B**

**MAJOR AMENDMENT**

**Applicant:** Ricky Jones

(PD-18) (CD-8)

**Location:** North and west of the northwest corner of East 91<sup>st</sup> Street and South Yale Avenue

**Staff Recommendation:**

The subject tract contains 10.29 acres and is located north and west of the northwest corner of East 91<sup>st</sup> Street and South Yale Avenue. The tract is subject to PUD-355 and PUD-355-A.

Currently the PUD is divided into two Development Areas. Phase I has been developed as a five-story office building containing approximately 56,585 SF of floor space. Phase II is not developed and was recently approved for development pursuant to PUD-355-A. Phase II has been approved for Office and Commercial Uses. The existing maximum building floor area for Phase I is 57,610 SF and for Phase II 102,490 SF.

The applicant proposes to establish new development areas, decrease the landscaped areas, increase the number of access points and increase the maximum building floor area.

Proposed Area A would include the existing office building and the reconfiguration of the property lines and development areas. Transferring part of Phase II to Area A under this concept would permit the construction of a drive-in banking facility in the southerly portion of Area A. The project development concept for Area A is shown on the site plan attached hereto as Exhibit "D".

Proposed Area B would be developed into eight lots and one reserve. The reserve in Area B would be for landscaping, architectural and detention purposes. The project development concept for Area B is shown on the site plan attached hereto as Exhibit "D". The reserve would be maintained by a property owners' association composed of the owners in Area B. Area B building floor area allocated to each development area in Area B may, where applicable, be combined for construction across lot lines to make a single tract using the aggregate of the allowable building floor area in such lots.

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-355-A, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-355-A subject to the following conditions:

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

#### **DEVELOPMENT AREA A**

Land Area:

Gross:	4.355 Acres	188,853 SF
Net:	3.410 Acres	148, 550 SF

Permitted Uses:

Those uses permitted by right in the OL zoning district and a drive-in bank facility.

Maximum Building Floor Area:

Five story office building	56,585 SF
Drive-in bank	<u>1,500 SF</u>
Total:	58,085 SF

Maximum Building Height:

five stories

Minimum Building Setbacks:

From the centerline of South Yale Avenue	130 FT
From the centerline of East 89 <sup>th</sup> Street South	150 FT



From the centerline of East 91<sup>st</sup> Street South 90 FT  
From west boundary of development area 50 20 FT

**Minimum Off-Street Parking:**

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

**Landscaped Area:**

A minimum of 20% of the net lot area of each lot shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

**Signs:**

Signage shall be permitted in accordance with the City of Tulsa Zoning Code, subject to the PUD detail sign plan review and ground signs are limited to one sign on 91<sup>st</sup> Street and one on Yale Avenue. Neither ground sign shall be greater than 25' in height nor 150 SF of display surface area. A third ground sign shall be allowed within 20' of the building doorway with no greater than 27 SF of display surface area.

**DEVELOPMENT AREA B-1**

**Land Area:**

Gross:	1.305 Acres	56,845 SF
Net:	1.039 Acres	45,242 SF

**Permitted Uses:**

Those uses permitted by right in the CS zoning district, excluding those uses located in Use Unit 12A of the City of Tulsa Zoning Code.

**Maximum Building Floor Area:**

~~35,000~~ 18,000 SF with no more than ~~8,000~~ 12,000 SF of this total to be Use Unit 12, 13, 14, or 19 uses.

**Maximum Building Height:**

35 FT

Architectural elements may exceed the maximum building height with detail site plan approval.

**Maximum Building Setbacks:**

From the centerline of East 91<sup>st</sup> Street South 100 FT  
From the north boundary of development area 30 FT

From the east boundary of development area	0 FT
From west boundary of development area	50 FT

Minimum Off-Street Parking:

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

Landscaped Area:

A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

Signs:

Signage shall be permitted in accordance with the City of Tulsa Zoning Code, subject to the PUD detail sign plan review and ground signs are limited to one sign on the 91<sup>st</sup> Street frontage not to exceed 25' in height nor 200 SF in display surface area.

**DEVELOPMENT AREA B-2**

Land Area:

Gross:	0.627 Acres	27,306 SF
Net:	0.560 Acres	24,406 SF

Permitted Uses:

Those uses permitted by right in the OL zoning district.

Maximum Building Floor Area: 9,500 SF

Maximum Building Height: 35 FT

Architectural elements may exceed the minimum building height with detail site plan approval.

Maximum Building Setbacks:

From the centerline of East 91 <sup>st</sup> Street South	100 FT
From the north boundary of development area	30 FT
From the east boundary of development area	50 FT
From west boundary of development area	75 FT

Minimum Off-Street Parking:

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

**Landscaped Area:**

A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

**Signs:**

Signage shall be permitted in accordance with the City of Tulsa Zoning Code, for OL zoned property and subject to the PUD detail sign plan review.

**DEVELOPMENT AREA B-3**

**Land Area:**

Net:	0.543 Acres	23,641 SF
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**Permitted Uses:**

Those uses permitted by right in the OL zoning district.

**Maximum Building Floor Area:**

8,000 SF\*

**Maximum Building Height:**

35 FT

Architectural elements may exceed the minimum building height with detail site plan approval.

**Maximum Building Setbacks:**

From north boundary of development area	5 FT**
From south boundary of development area	40 FT
From east boundary of development area	50 FT
From west boundary of development area	75 FT

**Minimum Off-Street Parking:**

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

\*The maximum building floor area for Area B-3 may be combined with the maximum building floor area for Area B-4 such that aggregate of the allowable maximum building floor area of such lots may be combined in order to construct a single building on such areas.

\*\*The maximum building setback from the north boundary of Area B-3 will not apply if Area B-3 and Area B-4 are developed as a single tract (i.e., that such areas are combined in order to construct a single building thereon) and, in such event, construction will be permitted across the boundary of such lots.

**Landscaped Area:**

A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

**Signs:**

Signage shall be permitted in accordance with the City of Tulsa Zoning Code, for OL-zoned property and subject to the PUD detail sign plan review.

**DEVELOPMENT AREA B-4**

**Land Area:**

Net:	0.681 Acres	29,684 SF
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**Permitted Uses:**

Those uses permitted by right in the OL zoning district.

Maximum Building Floor Area:	8,100 SF*
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Maximum Building Height:	35 FT
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Architectural elements may exceed the minimum building height with detail site plan approval.

**Maximum Building Setbacks:**

From north boundary of development area	75 FT
From south boundary of development area	5 FT**
From east boundary of development area	50 FT
From west boundary of development area	75 FT

**Minimum Off-Street Parking:**

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

\*The maximum building floor area for Area B-4 may be combined with the maximum building floor area for Area B-3 such that aggregate of the allowable maximum building floor area of such lots may be combined in order to construct a single building on such areas.

\*\*The maximum building setback from the north boundary of Area B-4 will not apply if Area B-4 and Area B-3 are developed as a single tract (i.e., that such areas are combined in order to construct a single building thereon) and, in such event, construction will be permitted across the boundary of such lots.

**Landscaped Area:**

A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

**Signs:**

Signage shall be permitted in accordance with the City of Tulsa Zoning Code, for OL-zoned property and subject to the PUD detail sign plan review.

**DEVELOPMENT AREA B-5**

**Land Area:**

Gross:	0.745 Acres	32,472 SF
Net:	0.665 Acres	28,957 SF

**Permitted Uses:**

Those uses permitted by right in the OL zoning district.

Maximum Building Floor Area: 10,000 SF\*

Maximum Building Height: 35 FT

Architectural elements may exceed the minimum building height with detail site plan approval.

**Maximum Building Setbacks:**

From the centerline of East 89 <sup>th</sup> Street South	100 FT
From south boundary of development area	40 FT
From east boundary of development area	5 FT**
From west boundary of development area	40 FT

**Minimum Off-Street Parking:**

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

\*The maximum building floor area for Area B-5 may be combined with the maximum building floor area for Area B-6 such that aggregate of the allowable maximum building floor area of such lots may be combined in order to construct a single building on such areas.

\*\*The maximum building setback from the north boundary of Area B-5 will not apply if Area B-5 and Area B-6 are developed as a single tract (i.e., that such areas are combined in order to construct a single building thereon) and, in such event, construction will be permitted across the boundary of such lots.

**Landscaped Area:**

A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

**Signs:**

Signage shall be permitted in accordance with the City of Tulsa Zoning Code, for OL-zoned property, subject to the PUD detail sign plan review and subject to no ground sign within the north 75' of the development area and no wall signs on the north face of buildings.

**DEVELOPMENT AREA B-6**

**Land Area:**

Gross:	0.838 Acres	36,499 SF
Net:	0.750 Acres	32,653 SF

**Permitted Uses:**

Those uses permitted by right in the OL zoning district.

Maximum Building Floor Area: 11,750 SF\*

Maximum Building Height: 35 FT

Architectural elements may exceed the minimum building height with detail site plan approval.

**Maximum Building Setbacks:**

From the centerline of East 89 <sup>th</sup> Street South	100 FT
From south boundary of development area	40 FT
From east boundary of development area	50 FT
From west boundary of development area	5 FT**

**Minimum Off-Street Parking:**

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

\*The maximum building floor area for Area B-6 may be combined with the maximum building floor area for Area B-5 such that aggregate of the allowable maximum building floor area of such lots may be combined in order to construct a single building on such areas.

\*\*The maximum building setback from the north boundary of Area B-6 will not apply if Area B-6 and Area B-5 are developed as a single tract (i.e., that such areas are combined in order to construct a single building thereon) and, in such event, construction will be permitted across the boundary of such lots.

**Landscaped Area:**

A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

**Signs:**

Signage shall comply with the same standards as required for Development Area B-5.

**DEVELOPMENT AREA B-7**

**Land Area:**

Net:	0.494 Acres	21,525 SF
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**Permitted Uses:**

Those uses permitted by right in the OL zoning district.

Maximum Building Floor Area:	9,000 SF*
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Maximum Building Height:	35 FT
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Architectural elements may exceed the minimum building height with detail site plan approval.

**Maximum Building Setbacks:**

From north boundary of development area	40 FT
From south boundary of development area	40 FT
From east boundary of development area	5 FT**
From west boundary of development area	50 FT

**Minimum Off-Street Parking:**

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

\*The maximum building floor area for Area B-7 may be combined with the maximum building floor area for Area B-8 such that aggregate of the allowable maximum building floor area of such lots may be combined in order to construct a single building on such areas.

\*\*The maximum building setback from the north boundary of Area B-7 will not apply if Area B-7 and Area B-8 are developed as a single tract (i.e., that such areas are combined in order to construct a single building thereon) and, in such event, construction will be permitted across the boundary of such lots.

**Landscaped Area:**

A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

**Signs:**

Signage shall be permitted in accordance with the City of Tulsa Zoning Code, for OL-zoned property and subject to the PUD detail sign plan review.

\*The maximum building floor area for Area B-7 may be combined with the maximum building floor area for Area B-8 such that aggregate of the allowable maximum building floor area of such lots may be combined in order to construct a single building on such areas.

\*\*The maximum building setback from the north boundary of Area B-7 will not apply if Area B-7 and Area B-8 are developed as a single tract (i.e., that such areas are combined in order to construct a single building thereon) and, in such event, construction will be permitted across the boundary of such lots.

**DEVELOPMENT AREA B-8**

**Land Area:**

Net:	0.450 Acres	19,583 SF
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**Permitted Uses:**

Those uses permitted by right in the OL zoning district.

Maximum Building Floor Area:	8,000 SF*
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Maximum Building Height:	35 FT
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Architectural elements may exceed the minimum building height with detail site plan approval.

**Maximum Building Setbacks:**

From north boundary of development area	40 FT
From south boundary of development area	40 FT
From east boundary of development area	40 FT
From west boundary of development area	5 FT**

\*The maximum building floor area for Area B-8 may be combined with the maximum building floor area for Area B-7 such that aggregate of the allowable maximum building floor area of such lots may be combined in order to construct a single building on such areas.



\*\*The maximum building setback from the north boundary of Area B-8 will not apply if Area B-8 and Area B-7 are developed as a single tract (i.e., that such areas are combined in order to construct a single building thereon) and, in such event, construction will be permitted across the boundary of such lots.

**Minimum Off-Street Parking:**

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

**Landscaped Area:**

A minimum of 15% of the net lot area shall be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code, and in accordance with the approved detailed landscape plan.

**Signs:**

Signage shall be permitted in accordance with the City of Tulsa Zoning Code, for OL-zoned property and subject to the PUD detail sign plan review.

**DEVELOPMENT AREA B – RESERVE**

**Permitted Uses:**

Landscaped Open Space Area.

3. Access to the PUD shall be provided by a maximum of two access points onto East 91<sup>st</sup> Street South, one access point (right turn only) onto South Yale Avenue and one access point from Development Area A onto East 89<sup>th</sup> Street South. The centerline of the access onto East 89<sup>th</sup> Street shall be no more than 250 feet from the centerline of South Yale. These access points shall serve the entire PUD. All access points shall be approved by Traffic Engineering. The PUD shall establish an internal mutual access system in which all lots are interconnected with each other and a public street.
4. A six-foot-high or higher screening wall or fence shall be provided along the west and north boundaries of Development Area B. A landscaped area of not less than ten feet in width shall be located along the west and north boundaries of Development Area B, and the height of trees along this west boundary will range from eight to twelve feet and will provide visual barriers above the height of the screening wall or fence from the residential lots to the west and north. Perimeter landscaping will be installed within one hundred eighty (180) days of the approval of PUD-355-B by the City Council.

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. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 20 feet in height and all such lights shall be set back at least 50 feet from the west boundary of Development Area B.
10. 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.
11. An association shall be created and vested with sufficient authority and financial resources to properly operate and maintain all common areas, including any stormwater detention areas, required mutual access agreements, parking or other commonly-owned structures within the PUD.
12. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.

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

15. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage. No bulk trash container shall be within 75' of the west or north boundaries of the PUD.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that he has met with staff and both have agreed to several modifications in Development Areas A and B-1 as presented.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill "absent") to recommend **APPROVAL** of the major amendment for PUD-355-B as recommended and modified by staff.

**Legal Description for PUD-355-B:**

All of Lot 1, Block 1, Southern Woods, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, **from RS-3, OL, OM, CS/PUD-355, PUD-355-A to RS-3, OL, OM, CS/PUD-355-B (Planned Unit Development).**

\* \* \* \* \*

**ZONING PUBLIC HEARING**

**APPLICATION NO.: Z-6772**

**Applicant:** Roy D. Johnsen

**Location:** West of northwest corner of East 11<sup>th</sup> Street and South 137<sup>th</sup> East Avenue

**RS-2/OL/IL TO IM**

**(PD-17) (CD-6)**

**TMAPC Comments:**

Mr. Westervelt stated that the applicant has requested a 60-day continuance.

**Staff Recommendation:**

Mr. Stump stated that staff objects to the 60-day continuance. He explained that the subject property is the subject of existing zoning violations and the 60-day

continuance could jeopardize the enforcement of the violations. He indicated that staff would not object to a continuance to June 21, 2000.

**The applicant was not present.**

**Interested Parties Comments:**

**James Mautino**, 14628 East 12<sup>th</sup> Street, Tulsa, Oklahoma 74108, stated that the issue needs to be resolved and would agree with the staff's recommendation of a continuance to June 21<sup>st</sup>.

**TMAPC Comments:**

Mr. Boyle stated that he has a problem with reducing the continuance request to two weeks rather than the 60-day request. The letter requesting the 60-day continuances states that the 60 days are needed in order to respond to the neighborhood's concerns and to pursue or review site improvement alternatives to achieve greater compatibility with approximate property. This is something that the Planning Commission should encourage and there is no reason to believe that Mr. Johnsen would make a request for anything other than the reasons stated in his letter.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill "absent") to **CONTINUE** Z-6772 to July 5, 2000 at 1:30 p.m.

\* \* \* \* \*

**APPLICATION NO.: CZ-268**

**AG TO CG**

**Applicant:** Jack W. Thompson, Jr.

(PD-14) (County)

**Location:** 10005 East 126<sup>th</sup> Street North (East of the northeast corner of East 126<sup>th</sup> Street North and North Mingo Road)

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**CZ-123 December 1998 (Collinsville zoning)** The City Commission of Collinsville approved a request to rezone a 193-acre tract located approximately 330' east of the subject property on the north side of East 126<sup>th</sup> Street North from AG to IM. The City Commission of Collinsville also approved an ordinance, which added and annexed this property into the city limits of Collinsville in August 1998.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 4.8 acres in size and is located east of the northeast corner of East 126<sup>th</sup> Street North and North Mingo Road. The property is sloping, partially wooded, has a mobile home for residential use, and is zoned AG.

**STREETS:**

<b><u>Existing Access</u></b>	<b><u>MSHP Design.</u></b>	<b><u>Exist. No. Lanes</u></b>	<b><u>Surface</u></b>	<b><u>Curbs</u></b>
East 126 <sup>th</sup> Street North	100'	2 lanes	Paved	No

The Major Street Plan designates East 126<sup>th</sup> Street North as a secondary arterial.

**UTILITIES:** Water is served by a rural water system and sewer would be by septic system or lagoon.

**SURROUNDING AREA:** The subject tract is abutted on the north by vacant land, zoned AG; to the south and west by scattered single-family homes, zoned AG; and to the east by a barn and agriculture uses, zoned AG and beyond that to the northeast is a large warehouse facility, zoned IM and in the City Limits of Collinsville.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 14 Plan, a part of the Comprehensive Plan for the Collinsville area, designates the subject property as Rural Residential.

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

**STAFF RECOMMENDATION:**

The Collinsville Comprehensive Plan calls for two basic types of activity centers, or medium intensity zoning, allowing RM-1, O, and CS zoning. The subject tract lies outside of the described Type One Activity Center, or an activity center that would normally be allowed at the intersection of two secondary arterial streets. This request for CG zoning appears to be a case of "leapfrog" development; therefore, staff recommends **DENIAL** of CG zoning for CZ-268.

**Applicant's Comments:**

**Dennis Hodo**, 8555 North 117<sup>th</sup> East Avenue, Owasso, Oklahoma 74055, stated that the subject area is largely undeveloped. He commented that it appears that the subject area will likely develop commercial in the future.

Mr. Hodo stated that the City of Collinsville recognizes that the requested zoning is the direction that the subject area will go in the future. He indicated that he did request a letter from the City of Collinsville; however, he was only able to get a verbal comment that the City had no objection to this request.

**TMAPC Comments:**

Mr. Jackson asked staff what zoning allows mini-storage by right. In response, Mr. Stump stated that in the county, the applicant could be allowed mini-storage by special exception in the CS districts and by right in the heavier commercial districts and the industrial districts.

Mr. Jackson asked if staff was against anything other than AG or RS. In response, Mr. Stump stated that in this application the only thing that could be considered would be CG or CS. Mr. Stump explained that the application is not advertised for the other types of zoning and staff does not support either CG or CS on this tract of land.

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill "absent") to recommend **DENIAL** of CG zoning for CZ-268 as recommended by staff.

\* \* \* \* \*

**APPLICATION NO.: Z-6774**

**Applicant:** G. Riley Carpenter

**Location:** Northwest corner of East Skelly Drive and South 92<sup>nd</sup> East Avenue

**OM TO CS**

(PD-5) (CD-5)

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**Z-6733 March 2000:** All concurred in recommending denial for a request to rezone a tract located on the southeast corner of East 21<sup>st</sup> Place and South 91<sup>st</sup> East Avenue from RS-3 to CS for commercial use. The applicant amended the request and asked for OM zoning in the alternative, and all concurred in approval of OM zoning.

**Z-6689/PUD439-A June 1999:** All concurred in approval of a major amendment to PUD-439 to add a 2.3 acre tract to the original PUD resulting in a 4.7 acre development and increasing the building floor area for commercial uses. The property is located on the northeast corner of East 21<sup>st</sup> Street South and South 89<sup>th</sup> East Avenue.

**Z-6559/PUD-550 December 1996:** All concurred in approval of a request to rezone a 59.4 acre tract located on the south side of East 21<sup>st</sup> Street and west of South 91<sup>st</sup> East Avenue, west of the subject tract, from OL and RS-3 to CS and IL for a commercial and light industrial development to accommodate a post office distribution center.

**PUD-533 June 1995:** Request to rezone an 8.6 acre tract located on the north side of Skelly By-Pass on the northeast corner of East 27<sup>th</sup> Street South and South 86<sup>th</sup> East Avenue from CS and OM to CS/OM/PUD for commercial and multifamily development. All concurred in approval of the request.

**Z-6446 June 1994:** All concurred in approval of a request to rezone a three-acre tract from RD and RM-1 to OL. The property is located on the northeast corner of South 93<sup>rd</sup> East Avenue and East 21<sup>st</sup> Street South.

**BOA-16799 September 1994:** The Board of Adjustment approved a variance of the maximum one-story height to permit a three-story building in an OL-zoned district on property located on the northeast corner of East 21<sup>st</sup> Street and South 93<sup>rd</sup> East Avenue.

**Z-6203/PUD-439 November 1988:** Request to rezone 2.4 acres located on the northeast corner of South 89<sup>th</sup> East Avenue and East 21<sup>st</sup> Street from OL to CS with PUD overlay for office and product storage facility. All concurred in approval of the request.

**BOA-14426 April 1987:** The Board of Adjustment approved a special exception to permit a classroom to be used in conjunction with an existing church and accessory uses on property located east of the northeast corner of East 22<sup>nd</sup> Place South and South 91<sup>st</sup> East Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .9 acres in size and is located on the northwest corner of East Skelly Drive and South 92<sup>nd</sup> East Avenue. The property is flat, non-wooded, contains a multi-story office building, and is zoned OM.

**STREETS:**

<b><u>Existing Access</u></b>	<b><u>MSHP Design.</u></b>	<b><u>Exist. No. Lanes</u></b>	<b><u>Surface</u></b>	<b><u>Curbs</u></b>
South 92 <sup>nd</sup> East Avenue	60'	2 lanes	Paved	No
East 22 <sup>nd</sup> Place South	60'	2 lanes	Paved	No

South 92<sup>nd</sup> East Avenue and East 22<sup>nd</sup> Place South are residential streets.

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

**SURROUNDING AREA:** The subject tract is abutted on the north by vacant property, zoned OM and beyond that to the north is a single-family dwelling, zoned RS-3; to the west is a church, a private school and daycare and accessory parking, zoned RS-3; to the east by a mini-storage facility, zoned CS; and to the south by East Skelly Drive, zoned RS-2.

The surrounding area appears to be in transition since the completion and opening of the U. S. Postal Service facility located west of the subject property.

The immediate neighborhood contains a mixture of uses, and appears to be moving away from the single-family residential.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District 1 Indian Acres Area. Plan policies specify that new development be compatible with existing uses.

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

**STAFF RECOMMENDATION:**

The March, 2000 zoning case (Z-6733) first requested CS zoning on a lot located at the northwest corner of the same block, diametrically opposite this property and separated from it by a few single-family residential lots. Staff recommended denial, based on the adjacency of these single-family residential zoning and uses to the subject property. Staff, however, recognized that this area is clearly in transition from single-family residential use. The property in question lies west of a large area of CS zoning that is adjacent to Skelly Drive and to the Highway Patrol headquarters.

Based on the Comprehensive Plan, existing zoning and trends in the area, staff can support the requested CS zoning and would recommend **APPROVAL** of CS zoning for Z-6774.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill "absent") to recommend **APPROVAL** of CS zoning for Z-6774 as recommended by staff.

**Legal Description for Z-6774:**

Lot 10, Block 2, Memorial Acres Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma according to the recorded plat there, less and except a part of Lot 10, Block 2, Memorial Acres, described as beginning at the Southeast corner of said Lot 10; thence North along the East line thereof a distance of 39.02' to a point, thence Southwesterly a distance of 59.14' to a point on the South line of said Lot 10; thence East along the South line a distance of 44.80' to the Point of Beginning, **from OM (Office Medium Intensity District) to CS (Commercial Shopping Center District).**

\*\*\*\*\*



**APPLICATION NO.: Z-6776**

**Applicant:** William D. LaFortune

**Location:** Northeast corner of East 41<sup>st</sup> Street and Mingo Valley Expressway

**AG TO AG/CS**

(PD-17) (CD-5)

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**BOA-18321 February 1999:** The Board of Adjustment approved a request for a special exception for the expansion of a church in an AG-zoned district on the subject tract.

**Z-6582 March 1997:** All concurred in approval of a request to rezone a 10.9-acre tract located on the southwest corner of East 41<sup>st</sup> Street and South Garnett Road from CS to CO.

**Z-5444 October 1980:** All concurred in approval of a request to rezone a 27-acre tract located on the southwest corner of East 41<sup>st</sup> Street and South Garnett Road from CS to CO for mixed-use development.

**Z-5413 July 1980:** Request to rezone a 4.7-acre tract located west of the northwest corner of East 41<sup>st</sup> Street and South Garnett Road from AG to CS and FD. All concurred in approval of CS zoning on the south 2.8 acres and the balance was rezoned to FD.

**BOA-14089 June 1986:** The Board of Adjustment denied a request for a home occupation, pecan cracking and retail business, on property located on the west side of Mingo Valley Expressway, at 10025 East 41<sup>st</sup> Street.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 15.6 acres in size and is located at the northeast corner of East 41<sup>st</sup> Street and the Mingo Valley Expressway. The property is flat, non-wooded, contains a church and recreational facilities, and is zoned AG.

**STREETS:**

<b><u>Existing Access</u></b>	<b><u>MSHP Design.</u></b>	<b><u>Exist. No. Lanes</u></b>	<b><u>Surface</u></b>	<b><u>Curbs</u></b>
East 41 <sup>st</sup> Street South	100'	4 lanes	Paved	Yes

The Major Street Plan designates East 41<sup>st</sup> Street South as a secondary arterial street. The City of Tulsa 1996 – 1997 traffic counts indicate 25,200 trips per day on East 41<sup>st</sup> Street between the Mingo Valley Expressway and South Garnett Road.

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

**SURROUNDING AREA:** The subject tract is abutted on the north by single-family dwellings, zoned RS-3; to the east by a restaurant and various commercial businesses, zoned CS; to the south by commercial, offices and apartments zoned CS; and to the west by the Mingo Valley Expressway, zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the south 700' of the subject tract as Medium Intensity – No Specific Land Use and the balance of the tract on the north is designated as Low Intensity – No Specific Land Use with a small portion of the northeast corner being designated as Development Sensitive.

According to the Zoning Matrix the requested CS **is** in accordance with the Plan Map on the southern 700' but **is not** in accordance with the Plan on the balance.

**STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of CS zoning for Z-6776 to a depth of 700' north of the centerline of East 41<sup>st</sup> Street and recommends **DENIAL** of CS zoning on the balance.

**TMAPC Comments:**

Mr. Westervelt stated that it appears that the existing commercial line is isolated from the residential by some sort of drainage facility. Ms. Matthews stated that she is not sure if it is a drainage facility, but it does appear to be a natural demarcation.

Mr. Carnes asked why with the natural boundary, staff is recommending a cutoff and creating a commercial zoning line. In response, Ms. Matthews stated that the cutoff line is in accordance with the Comprehensive Plan and it would keep the commercial district farther away from the single-family residential. Mr. Carnes stated that with the creek in place, the commercial couldn't crowd the residential area.

**Applicant's Comments:**

**William D. LaFortune**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he agrees with the staff recommendation for approval of the 700', but disagrees with the recommendation of denial for the remainder of the application.

Mr. LaFortune submitted case maps (Exhibit A-1) on which he indicated the current zoning and the requested zoning boundaries. He stated that staff depends on the Comprehensive Plan and he recognizes how important the Comprehensive Plan is. He reminded the Planning Commission that the Comprehensive Plan is an advisory guide as a general framework, and the Zoning Code states that there are situations from which the Comprehensive Plan can be deviated. Particularly, there are physical characteristics that would justify

a minor deviation from the Comprehensive Plan, which falls into place with this request for the following reasons.

1) Surrounding properties are all zoned CS except for the Mingo Valley Expressway, which has an underlying RS zoning; 2) the request is reasonable because he is asking for the CS zoning on a straight westward line from the existing CS to the Mingo Valley Expressway; 3) there is a creek buffer that meanders throughout the tract to the west and along the border of the residential property; 4) there is a 260-foot AG buffer between the CS and the residential area, which he specifically requested that the CS start 260 feet down from the residential border in order to have the buffer in place.

Mr. LaFortune stated that there has already been a precedent set for the CS zoning. He requested that the Planning Commission grant the request in its entirety.

**Interested Parties Comments:**

**Barbara Moore**, 3942 South 100<sup>th</sup> East Avenue, Tulsa, Oklahoma 74146, stated that she was interested in why the church wanted to rezone and to make sure that the improvements made to the subject property would not impact the flood work that has already been done. She explained that she does not have any reason to object to the rezoning.

**Michael Kay**, 10624 East 38<sup>th</sup> Street, Tulsa, Oklahoma 74146, stated that he lives directly behind the proposed zoning change. He expressed concerns regarding the creek and stormwater drainage. He requested to know what the church has planned for the subject property after rezoning.

**Applicant's Rebuttal:**

Mr. LaFortune stated that he met with Ms. Moore before the meeting started today. He informed the Planning Commission that his client has no plans to build in the subject area near the creek. The church has requested the rezoning in order to have more options and opportunities regarding the uses of the land and signage. He explained that the church has had to request several special exceptions in the past few years and his client was informed that if the church rezoned the subject property, it would eliminate the need for special exceptions.

Mr. LaFortune indicated that the church is considering, sometime in the future, to develop elderly housing facilities. He stated that it is not something that is planned at this time, but could possibly happen in the future.

**TMAPC Comments:**

Mr. Ledford asked Mr. LaFortune if the church realizes that after rezoning the subject property it will be subject to platting. In response, Mr. LaFortune answered affirmatively. Mr. Ledford stated that he does not want to see a plat waiver coming before the Planning Commission for the subject property.

Mr. Westervelt asked staff that if the Planning Commission were inclined to approve the request would the Comprehensive Plan need to be amended. In response, Ms. Matthews answered affirmatively.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill "absent") to recommend **APPROVAL** of CS zoning for the tract described in the application, less than the north 260' as requested by the applicant and direct staff to amend the Comprehensive Plan accordingly.

**Legal Description for Z-6776:**

A TRACT OF LAND IN THE SW/4 OF THE SE/4 OF SECTION 19, T-19-N, R-14-E, OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE OFFICIAL GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THE SW/4 OF THE SE/4 OF SAID SECTION 19; THENCE N 01°20'16" W ALONG THE WESTERLY LINE OF SAID SW/4 OF THE SE/4 FOR 1320.51' TO THE SOUTHWEST CORNER OF SAID SW/4 OF THE SE/4; THENCE N 88°37'43" E ALONG THE NORTHERLY LINE OF SAID SW/4 OF THE SE/4 FOR 243.10' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE MINGO VALLEY EXPRESSWAY AND THE SOUTHWEST CORNER OF "SHANNON PARK 5TH", AN ADDITION TO THE CITY OF TULSA, OKLAHOMA, PLAT NO. 3209; THENCE CONTINUING N 88°37'43" E ALONG THE SOUTHERLY LINE OF SAID "SHANNON PARK 6TH" FOR 747.73' TO THE NORTHWEST CORNER OF "RAVENWOOD", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, PLAT NO. 4484, AND THE NORTHWEST CORNER OF THE W/2 OF THE E/2 OF THE SW/4 OF THE SE/4 OF SAID SECTION 19; THENCE S 01°22'15" E ALONG THE WESTERLY LINE OF SAID "RAVENWOOD" AND THE EASTERLY LINE OF SAID W/2 OF THE E/2 OF THE SW/4 OF THE SE/4 FOR 260.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING S 01°22'15" E ALONG SAID WESTERLY LINE AND SAID EASTERLY LINE FOR 984.94' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 41ST STREET SOUTH; THENCE S 88°36'50" W ALONG SAID RIGHT-OF-WAY LINE FOR 329.46' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID MINGO VALLEY EXPRESSWAY; THENCE N 01°22'41" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 251.68'; THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE N 31°49'33" W

FOR 824.54'; THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE N 01°25'48" W FOR 22.56'; THENCE N 88°37'43" E AND PARALLEL TO AS MEASURED 260.00' SOUTHERLY OF THE SOUTHERLY LINE OF SAID "SHANNON PARK 6TH" FOR 747.47' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

\* \* \* \* \*

**Mr. Midget out at 3:06 p.m.**

**APPLICATION NO.: PUD-476-2**

**Applicant:** John W. Moody

**Location:** 1311 East 41<sup>st</sup> Place

**MINOR AMENDMENT**

(PD-6) (CD-9)

**Staff Recommendation:**

PUD-476 contains 22,178 SF and is located on the north side of East 41<sup>st</sup> Place South, approximately 107 feet east of South Peoria Avenue. There is a mini-storage facility on the subject tract, which was part of the original approval. The tract has 150 feet of frontage on East 41<sup>st</sup> Place and is 125 feet deep.

The west 60 feet of the tract is zoned CS and the remainder is RM-2. The tract is abutted on the north by commercial uses zoned CS and CH, on the west by commercial uses and a mini-storage zoned CH, on the east by multifamily dwellings zoned RM-2 and there are multifamily dwellings and a special exception business zoned RM-1 and RM-2.

A minor amendment (PUD-476-1) was approved on February 23, 2000 to permit a communication tower 99 feet high. The applicant is proposing to increase the height of the tower to 125 feet to permit collocation of a second communication tower. This would add an additional 26 feet to the height of the 99-foot tower approved February 23, 2000. The proposed tower would be a multi use tower providing services to two communication companies. The proposed tower would be a monopole structure, 125 feet in height.

The tower would be erected within the parking area adjacent to one of the existing mini-storage units, which would be used to house the communication equipment located on the ground. The site plan shows the location of the proposed tower. A security fence would be erected around the tower as shown on the site plan. There is an existing screening fence on the north boundary and a screening wall on the east as required by the original PUD.

The proposed tower (measured from the centerline of the monopole) would be 147 feet from the east boundary of the PUD, 110 feet from the south boundary, 15 feet from the north boundary and three feet from the west boundary. The

proposed location would be in excess of 110% from the RM zoned property abutting on the east and across East 41<sup>st</sup> Place South to the south.

Staff finds the proposed amendment to be minor in nature and maintains substantial compliance with the approved PUD standards.

Therefore, staff is recommends **APPROVAL** of PUD-476-2 as requested.

**Applicant's Comments:**

**John Moody**, 7146 South Canton Avenue, Tulsa, Oklahoma 74136-6303, representing Voice Stream, stated that Voice Stream does have a confirmed commitment from another phone company for collocation (Exhibit B-1). The 99' in height will be necessary in order to accommodate the second carrier. He informed the Planning Commission that his client would be able to meet the Code requirement of 110% setback.

Mr. Moody stated that this is an appropriate application because it eliminates the necessity of a second tower.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Midget "absent") to **APPROVE** the minor amendment for PUD-476-2 as recommended by staff.

\* \* \* \* \*

**APPLICATION NO.: PUD-460-3**

**MINOR AMENDMENT**

**Applicant:** Ted Sack

(PD-18) (CD-8)

**Location:** North and west of northwest corner of East 81<sup>st</sup> Street and South Mingo Road

**Staff Recommendation:**

The minor amendment proposes to change the maximum building height for multifamily dwellings in Development Area B from three stories or 39 feet to three stories or 45 feet. The subject tract is abutted on the north and west by Development Area C of PUD-460. Development Area C has been approved for single-family dwellings. Development area A is at the northwest corner of East 81<sup>st</sup> Street and South Mingo Road and has been approved for commercial uses.

Buildings in Area B which are greater than one story must be set back a minimum of 50 feet from the boundary of Development Area C plus one foot for every foot of height above 35 feet. This standard was approved prior to the new

standard for spacing between single-family and multifamily was adopted by City Council. If any increase in building height is permitted, staff recommends the new standard be used in this PUD.

Therefore, staff recommends **APPROVAL** of PUD-460-3, subject to the following setback requirements in Development Area B.

**Minimum Building Setbacks from Development Area C:**

Two stories or less	50 FT
Three stories	75 FT plus one foot for every foot of height above 35 FT.

**AND**

**APPLICATION NO.: PUD-460**

**Applicant:** Ted Sack

**Location:** North and west of northwest corner East 81<sup>st</sup> Street and South Mingo Road

**DETAIL SITE PLAN**

(PD-18) (CD-8)

**Staff Recommendation:**

The site plan proposes 242 multifamily dwellings on the unplatted south half of Development Area B. The apartment buildings are up to 45' in height, which does not meet the PUD standards, but a minor amendment (PUD-460-3) is to be heard at the June 7, 2000 meeting, which if approved, would increase the permitted height to 45'. The property has not been platted; therefore, this site plan can only be reviewed for compliance with the PUD conditions and not the requirements of the plat.

Staff finds that the detail site plan meets the PUD standards if PUD-460-3 is approved per the staff recommendation. Therefore, staff recommends a **TENTATIVE SITE PLAN APPROVAL**, subject to approval of PUD-460-3 and no conflict with the subsequent plat. Site plan approval would be **VOID** if this site plan conflicts with the plat.

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

**The following Interested Parties expressed similar concerns and opposition:**

**Lawrence D. Taylor**, Attorney representing the Reserve Homeowners Association & Select Home Sites, 3223 East 31<sup>st</sup> Street, #211, Tulsa, Oklahoma 74105; **Charles Cotton**, 7829 South 95<sup>th</sup> East Avenue, Tulsa, Oklahoma 74133; **David Harrold**, 7828 South 95<sup>th</sup> East Avenue, Tulsa, Oklahoma 74133; **Wendell Cook**, 7893 South 95<sup>th</sup> East Avenue, Tulsa, Oklahoma 74133; **Paul Davis**, 7859

South 95<sup>th</sup> East Avenue, Tulsa, Oklahoma 74133; **Wendy Zewollan**, 9512 East 78<sup>th</sup> Place South, Tulsa, Oklahoma 74133.

**Mr. Collins out at 3:34 p.m.**

**The following comments were expressed by the above-listed Interested Parties:**

Concerned with the proposed height increase being intrusive with the gated neighborhoods; apartments with balconies at this height can look down in the neighborhood yards and the neighbors lose their privacy; continue the application in order to meet with an attorney and the developer; what type of fence will be installed; prefer to have a masonry fence instead of a wood fence; airflow concerns; prefer that if the application is to be approved that it would be six feet taller and 85 feet away from the property line; request that the homeowners be separated and isolated from the apartment complex as best as possible.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Cotton if he was aware that the zoning in place during the purchase of his home would allow a 39' building within 54' of the property line. In response, Mr. Cotton stated that he recently discovered this situation. Mr. Boyle informed Mr. Cotton that if the Planning Commission denied today's requests, the applicant could still build a 39' three-story building within 54' of the property line.

Mr. Boyle asked Mr. Cotton if he would be worse off if the Planning Commission allowed the applicant the additional six feet in height and made the applicant move the building back an additional 30 feet. Mr. Cotton stated he didn't know until he could calculate the distance.

**Staff Comments:**

Mr. Stump explained that currently the applicant could build a 39 feet (three story) apartment building 54 feet from the property line adjacent to the gated neighborhoods. Staff is proposing that in order to increase the three-story building to 45 feet, the applicant will have to set the building back 85 feet from the property line, which is 31 feet farther back for an extra six feet in height.

**Applicant's Rebuttal:**

Mr. Sack, 111 South Elgin, Tulsa, Oklahoma 74120, stated that the PUD was submitted in December 1989 and approved in January or February of 1990. He explained that the new standard was proposed to bring the detail site plan up with the standards that have been adhere to in recent times.

Mr. Sack stated that there will be a 25' buffer before the parking lot, 45' in height is the standard of the 90's for apartments, but it does not mean that the third story balcony is higher. It is to add to the pitch of the roof. The steeper roofs make the apartments more attractive.



Mr. Sack indicated that he has looked at the surrounding neighborhoods and tried to bring the standards up to today's standards as opposed to the 1990 standards. He explained that the density is not being changed from the previous approval. He stated that the zoning was in place before the developer purchased the subject property.

**TMAPC Comments:**

Mr. Boyle asked Mr. Sack if he intends to install a six-foot masonry-screening wall. In response, Mr. Sack stated that he had proposed a six-foot masonry-screening wall; however, currently there is a wooden fence with brick columns existing on the residential development in a fence easement. Mr. Sack commented that he does not like to build two fences back-to-back because of the problems of maintaining the area between the two fences. Mr. Sack stated that he does not have a problem with building a masonry fence if the other fence is removed, or in working something out with the neighborhood. Mr. Sack indicated that he would be happy to meet with the neighborhood and working something out regarding the fence.

Mr. Boyle asked Mr. Sack to describe the footage for the two buildings facing the residences. In response, Mr. Sack stated that building number ten is 91.99 feet and building number six is 90.5 feet; which are the closest two buildings to the residences.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget, Hill "absent") to **APPROVE** the minor amendment for PUD-460-3 subject to setback requirements in Development Area B as recommended by staff and **SITE PLAN APPROVAL**, subject to approval of PUD-460-3 and no conflict with the subsequent plat. Site plan approval would be **VOID** if this site plan conflicts with the plat as recommended by staff.

\* \* \* \* \*

Mr. Ledford announced that he would be abstaining from AC-050.

**OTHER BUSINESS:**

**APPLICATION NO.: AC-050      ALTERNATIVE LANDSCAPE COMPLIANCE**

**Applicant:** Jerry Ledford, Jr. (PD-18) (CD-9)

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

**Staff Recommendation:**

Mr. Stump stated that the request is for an alternative compliance for a PUD that envisioned saving an existing building and building some additional office buildings for office use. The applicant has provided staff with the additional information needed regarding landscaped areas within street yards.

Mr. Stump indicated that the 53<sup>rd</sup> Street frontage does have adequate landscaped area, as far as total area; however, it does not comply with the requirement that there be a five-foot landscaped strip between the parking area and the street right-of-way. Lewis Avenue does have the five-foot strip that is required, but does not have the total amount of landscape required in the subject area.

Mr. Stump stated that the alternative landscape compliance far exceeds the 15% required landscaping within a PUD by having 23% landscaping. This application does have the number of required street yards through the use of islands in the parking lot. Staff believes that this application does exceed the number of trees required and generally should be as good as or better than meeting the letter of the law. Therefore, staff recommends **APPROVAL** of the alternative landscape compliance for AC-050.

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

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

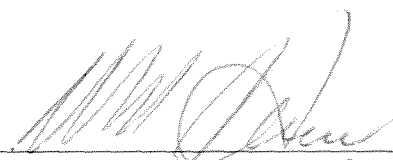
**TMAPC Action; 8 members present:**


On **MOTION** of **BOYLE**, the TMAPC voted **7-0-1** (Boyle, Carnes, Harmon, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Ledford "abstain"; Collins, Hill, Midget "absent") to **APPROVE** the alternative landscape compliance for AC-050 as recommended by staff.

\* \* \* \* \*

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

Date approved: 06/28/20

ATTEST:  Secretary

 Chairman