

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

**Minutes of Meeting No. 2242**  
Wednesday, June 21, 2000 1:30 p.m.  
Francis Campbell City Council Room  
Plaza Level, Tulsa Civic Center

| <b>Members Present</b> | <b>Members Absent</b> | <b>Staff Present</b> | <b>Others Present</b> |
|------------------------|-----------------------|----------------------|-----------------------|
| Boyle                  | Collins               | Beach                | Hinchee, Legal        |
| Carnes                 | Jackson               | Bruce                | Counsel               |
| Harmon                 |                       | Dunlap               |                       |
| Hill                   |                       | Huntsinger           |                       |
| Horner                 |                       | Matthews             |                       |
| Ledford                |                       |                      |                       |
| Midget                 |                       |                      |                       |
| Pace                   |                       |                      |                       |
| Westervelt             |                       |                      |                       |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 19, 2000 at 8:30 a.m., posted in the Office of the City Clerk at 8:25 a.m., as well as in the office of the County Clerk at 8:21 a.m.

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

**CONTINUED ITEMS:**

**GreenHill II - (2993) Request continuance to July 19** (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 requested a continuance to July 19, 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, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Jackson, Midget "absent") to **CONTINUE** the preliminary plat for GreenHill II to July 19, 2000 at 1:30 p.m.

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**SUBDIVISIONS**

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

**L-19068 – Samih & Anita Saiymeh (1603)** (PD-16) (CD-3)  
½ mile north of East 36<sup>th</sup> Street North & North Mohawk

**L-19070 – Sieu Tang Ting (2892)** (PD-9) (County)  
4230 South 47<sup>th</sup> West Avenue

**L-19072 – James O. Perkins (1792)** (PD-9) (County)  
5108 West 21<sup>st</sup> Street South

**L-19073 – Kevin S. Harris (1163)** (PD-20) (County)  
7102 East 191<sup>st</sup> Street South

**Staff Recommendation:**

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

**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, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Jackson, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations.

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**FINAL PLAT:**

**Stonewall Estates (PUD-604) (1583)** (PD-18) (CD-8)  
South and west of East 81<sup>st</sup> Street and South Sheridan Road

**Staff Recommendation:**

Mr. Bruce stated that all release letters have been received and staff recommends **APPROVAL** of the final plat for Stonewall Estates.

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

**TMAPC Action; 8 members present:**

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

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**Mid-Town Transit Center (2393)**

(PD-17) (CD-5)

West of South Memorial Drive & East 33<sup>rd</sup> Street

**Staff Recommendation:**

Mr. Beach stated that all release letters have been received and staff recommends approval.

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

**TMAPC Action; 8 members present:**

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

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**Mr. Midget in at 1:40 p.m.**

**PRELIMINARY PLAT:**

**Cobblestone Trail - (2323)**

(PD-14) (County)

1/4 mile east of Sheridan Road on 146<sup>th</sup> St. North, north side

**Staff Recommendation:**

This plat consists of 52 lots in three blocks and two reserves(?) on 77.58 acres. It will be developed for residential uses under RE zoning (pending).

Subsequent to the TAC meeting, the applicant submitted a new preliminary plat that deleted the two unidentified parcels flanking the entrance to this subdivision.

The following were discussed **June 1, 2000** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

- CZ-267 was recommended for approval by the TMAPC on May 3, 2000 and approved by the County Commission June 5, 2000. The ordinance has not yet been published. This approval will change the zoning from AG to RE (Residential Estate). The RE standards set the minimum lot area at 22,500 SF and the minimum average lot width at 150 FT. This plat appears to meet the minimum requirements.

**2. Streets/access:**

- The proposed street layout would provide seven cul-de-sacs to serve the residential lots and stubs at the north and east property lines for future extension. All right-of-way is 60' except in the south 1,023 feet of the collector street. This portion transitions from 60' to 100' at its intersection

with 146<sup>th</sup> Street. The entry area has two 20-foot wide medians in front of two large tracts that are unlabeled. East 146<sup>th</sup> Street is a primary arterial on the Major Street and Highway Plan, and as such, has a minimum right-of-way requirement of 120 feet. Ten additional feet must be dedicated to make 60 feet total north of the centerline.

- Rains, County Engineer, requests access limits defined along East 146<sup>th</sup> Street, particularly for the commercial parcels.

**3. Sewer:**

- All lots will have individual septic systems and all lots are over one acre. ODEQ regulations allow septic systems on minimum lot sizes of ½ acre when a public water supply is being used and the ground percs in 30 minutes or less; or one acre if more than 30 minutes.
- There were no sanitary sewer issues.

**4. Water:**

- Water service will be provided by Washington County RWD #3.
- There were no water issues.

**5. Storm Drainage:**

- No grading plans or site plans were submitted. The covenants refer to drainage easements but none are shown on the plat. Staff has received inquiries about the proposal, with specific concerns about drainage. Drainage plans should be discussed in general at the TAC meeting and the neighbors should be confident that the plat would not be approved without the County Engineer being satisfied with the design of all grading and drainage facilities.
- An interested neighbor attended the meeting and expressed concerns about drainage from this property onto his.
- Rains, County Engineer, stated that no permits would be issued without his review of grading plans for the project. By law, this developer is not permitted to increase the rate of runoff over what occurs naturally.

**6. Utilities:**

- Are the utility easements acceptable as shown? Are there any other utility issues?
  - Nelson, SWB, stated he wants Paragraph 16, Line 5 in the covenants changed to include the words “to place or repair”.

**7. Other:**

- The covenants refer to “Park Areas” and “Reserve Areas” but none are labeled on the plat. There are two large, unlabeled tracts along the 146<sup>th</sup> Street frontage. What are these? How will they function?
- The applicant stated that these are potential commercial tracts.
- Beach, staff, pointed out that the zoning would need to be changed to accommodate commercial uses.

**NOTE:** The applicant submitted a new preliminary plat, subsequent to the TAC meeting that deleted these parcels.

This changes the requirement to establish access control limits. These parcels will be included in a future plat when developed and access control will be addressed at that time.

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

**Waivers of Subdivision Regulations:**

1. To allow Lots 10, 15, 16, 17, 22, 23, and 24 to have more than three side-lot lines.

**Special Conditions:**

1. None.

**Standard Conditions:**

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

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

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

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

**TMAPC Action; 9 members present:**

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

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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:**

This plat consists of nine lots in one block and two reserves on 9.05 acres. It will be developed for office and commercial uses under PUD 355-B.

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

**1. Zoning:**

- The PUD amendment would establish new development areas, decrease landscape areas, increase the number of access points, and increase the maximum building floor area. The uses include a drive-in bank on Lot 1; office or commercial uses, except Use Unit 12a (Adult Entertainment Establishments), on Lot 2; and office uses on the remaining seven lots.

**2. Streets/access:**

- There is an existing curbcut off of Yale to serve the bank. No others are proposed. There are two on 91<sup>st</sup> Street: one between Lots 2 and 3 for a 54' wide divided drive within a mutual access easement that serves all of the lots and one 24' wide to serve Lot 1. No access is permitted to 89<sup>th</sup> Street.
- Eshelman, Traffic, stated that current plans show the Yale access would be blocked by a median. Limits of no access (LNA) should be shown along 89<sup>th</sup> Street. The 54-foot access on 91<sup>st</sup> St. should be labeled "with median". The 24-foot access on 91<sup>st</sup> St. should be 36 feet.
- Tanner, applicant, stated that he would arrange a meeting to discuss the median on Yale. The PUD allows one access point on 89<sup>th</sup> near the NE corner of the property.

- Somdecerrff, Transportation, stated that additional right-of-way is needed: 30' radius at the intersection of 89<sup>th</sup> and Yale and 10' for right turn lane on Yale southbound.
3. **Sewer:**
    - Sewer will be extended from near the southwest corner of the abutting Star Center II in a 15' sanitary sewer easement.
    - There were no sanitary sewer issues.
  4. **Water:**
    - The PUD documents show the waterline will be extended from 89<sup>th</sup> Street on the east side of Lot 7, along the south sides of Lots 6 & 7 then south to 91<sup>st</sup> Street on the west side of the proposed 54' drive. The plat shows a 20' waterline easement starting at 89<sup>th</sup> Street, traversing the same path except making a turn to the east along the south side of Lot 2, then south to 91<sup>st</sup> Street between Lots 1 & 2.
    - There were no water issues.
  5. **Storm Drainage:**
    - Grading will generally be from north and east to southwest to the detention pond to located in Reserve A.
    - There was no representative present from public works to discuss stormwater. Applicant indicated that Reserve A is an approximation of the area required for a detention pond. He will arrange a conference to discuss specific requirements.
  6. **Utilities:**
    - Nelson, SWB, stated he needs a utility easement for access to Lots 8 & 9.
  7. **Other:**
    - No other comments.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Dedication of additional right-of-way as described in TAC discussion above.
2. Show "Limits of No Access" along 89<sup>th</sup> Street with one access location near the east end of the property as approved in the PUD.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]

15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Jackson "absent") to **APPROVE** the preliminary plat for Southern Woods Park, subject to special conditions and standard conditions as recommended by staff.

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

(PD-26) (CD-8)

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

**Staff Recommendation:**

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

## **GENERAL**

The subject parcel is located at the southwest corner of 111<sup>th</sup> Street and South Sheridan. It is bounded on the east by Sheridan Road and on the north by 111<sup>th</sup> Street. The Woodfield Addition bounds it to the south and west.

## **ZONING**

The project lies within PUD 450, which has been amended. Zoning has been changed from CS to RS-3.

## **STREETS**

The project is bounded on the north by 111<sup>th</sup> Street South. The project proposes one medianized access onto this street. The internal street will be private with 30' of ROW, ending in hammerheads to the east and west.

## **SEWER**

Sanitary sewer is available along the south and west boundaries.

## **WATER**

Water is available on the south side of 111<sup>th</sup>.

## **STORM DRAIN**

An underground utility system is proposed to tie into the existing system to the south.

## **UTILITIES**

A 15' utility easement is proposed for the north and a portion of the southwest corner. Five-foot easements are proposed along the west and the remainder of the southern property line.

## **Staff provides the following comments from the TAC meeting.**

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

- French, Traffic, requested that radius return information for Norwood Avenue be noted on the face of the plat or in a separate table. If the medianized areas were to be Reserve Areas, they should be addressed in the covenants.
- Somdecerff, Streets, requested a 28' sight triangle at the corner of 111<sup>th</sup> Street and Sheridan. He also requested standard ROW and private street language; indication of ROW dedicated by this plat; and Limits of No Access (LNA).

### **2. Sewer:**

- Bolding, PW/engineering, indicated that extensions would be required to serve lots 1, 7, 20 and 21.

**3. Water:**

- Lee, PW/Water, indicated that ten-foot easements along the internal street would be required.

**4. Storm Drainage:**

- McCormick, Stormwater, no comments.

**5. Utilities:**

- Pierce, PSO, indicated the need for 7.5' easements along lots 1, 7, and 18 to place transformers. In the alternative, the transformers could be placed along the rear property line. Discussion occurred regarding fence easements, the potential for homeowners to locate improvements in the easement and the various utilities located there.
- Morgan, ONG, requested a 17.5' easement along Sheridan.

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

**Waivers of Subdivision Regulations:**

1. None needed.

**Special Conditions:**

1. Compliance with Sanitary Sewer and Water requests as outlined above.
2. Compliance with Traffic Department requests as outlined above.
3. Response to utility provider requests as outlined above.

**Standard Conditions:**

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

6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Public Works Department.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete.
17. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
18. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

19. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
20. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
21. All other Subdivision Regulations shall be met prior to release of final plat.

**TMAPC Comments:**

Mr. Boyle asked if staff was concerned with the concept of the hammerhead for this subdivision. In response, Mr. Bruce stated that there is 120' from one end of the hammerhead to the other end of the hammerhead. Mr. Bruce indicated that the Fire Department was comfortable with the hammerhead because of the length, which is 60' on either side of the centerline.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-1-0** (Boyle, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; Carnes "nays"; none "abstaining"; Collins, Jackson "absent") to **APPROVE** the preliminary plat for Woodfield Village, subject to special conditions and standard conditions as recommended by staff.

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**Mr. Horner out at 1:56**

**Commerce Center – PUD-599-A (684)** (PD-18) (CD-8)  
Southwest corner of 61<sup>st</sup> Street South and 104<sup>th</sup> East Avenue

**Staff Recommendation:**

**GENERAL**

The site is located west of the Mingo Valley Expressway at 61<sup>st</sup> Street. It is bounded on the west by the Union Schools 7<sup>th</sup> and 8<sup>th</sup> grade center, on the south by largely vacant property, on the east by 104<sup>th</sup> Street, vacant land and the Mingo Valley Expressway and on the north East 61<sup>st</sup> Street with a recreational center beyond.

Thrifty Rental Car Sales is located in the northeast portion of the site, and the remainder of the site is vacant.

(Subsequent site review indicates that an existing office building is located in the southeast corner of the site).

### **ZONING**

The site is zoned OL/IL with PUD. It is bounded by RS-3 zoning to the east, south and west and by 61<sup>st</sup> Street with to the north, with IL zoning beyond.

The amended PUD allows office and hotel use along with the used car sales.

A site plan is required prior to issuance of building permits.

### **STREETS**

East 61<sup>st</sup> Street bounds the site on the north and is a secondary arterial on the Major Street and Highway Plan. The plat indicates dedication in this area; 10' in the west, widening to 25.11' in the east. Access and limits of no access (LNA) are not shown; a 30' drive intersects 104<sup>th</sup> Street in the east. The PUD does not allow access onto 62<sup>nd</sup> Street in the south.

The plat shows a layout of access easements through lot 2 into lot 3 in the south. A more efficient alternative might be having the covenants address access across lot 2 to lot 3.

### **SANITARY SEWER**

Sanitary sewer is located along the east and west boundaries.

### **WATER**

Water is present along the south side of 61<sup>st</sup> Street.

### **STORM DRAIN**

An existing drain is present along the west side of the subject parcel, flowing to the north. A line is indicated along the centerline(?) of 61<sup>st</sup> Street.

The parcel drains from southwest to northeast.

### **UTILITIES**

A 17.5' utility easement is located along the perimeter of the parcel.

### **Staff provides the following comments from the TAC meeting.**

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

- French, Traffic, indicated that three drives off of 61<sup>st</sup> Street were acceptable.
- Somdecerff, Streets: requested book and page references on existing right-of-way dedications, limits of no access (LNA) be shown on the plat, that the legal description match the plat boundary and that the area in the southeast portion of the plat be shown as not a part if that is the intent. The engineer (Mansur-Daubert-Strella) indicated that it is.

**1. Sewer:**

- Bolding, PW/Engineering, indicated that extension would be required to serve lot 2.

**2. Water:**

- PW/Water, indicated that a hydrant would be required at the entry along 61<sup>st</sup> Street and that a hydrant be located in the southeast portion of the site. Ten-foot easements along the internal street would be required.
- Calkins, Fire, indicated that a maximum of 400' from the hydrant to the most remote part of any structure would be allowed and that an on-site loop system might be required.

**3. Storm Drainage:**

- McCormick, Stormwater, indicated an additional easement would be required on lot 3.

**4. Utilities:**

- Varner, GTE, indicated that Section 1.2.3. of the covenants should be revised to cover all utilities, not just those of the City.

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

**Waivers of Subdivision Regulations:**

1. None needed.

**Special Conditions:**

1. Compliance with Sanitary Sewer's request for extension to Lot 2.
2. Compliance with Water/Fire requests for hydrant locations and loop system as required outlined above.
3. Compliance with Traffic/Street Department requests for book/page references and limits of no access.
4. Compliance with Stormwater request for easement on Lot 3.
5. Response to utility provider requests for covenant revision as noted.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)

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

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

**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, Hill, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner, Jackson "absent") to **APPROVE** the preliminary plat for Commerce Center, subject to special conditions and standard conditions as recommended by staff.

\*\*\*\*\*

**Mr. Ledford announced that he would be abstaining from the following preliminary plat.**

**University of Tulsa Blocks 1, 2 and 3 – (593)** (PD-4) (CD-4)  
West of Delaware between 4<sup>th</sup> Place and 10<sup>th</sup> Street and east of Delaware between 4<sup>th</sup> Place and 5<sup>th</sup> Street.

**Staff Recommendation:**

The following information was presented at the TAC meeting of June 01, 2000.

**GENERAL**

The site is broken into three blocks, which are primarily defined by existing city streets. Block 1 is bounded by Delaware on the east and Columbia on the west, 10<sup>th</sup> Street (vacated) on the south and 6<sup>th</sup> Street on the north. Block 2 is bounded by Delaware on the east, Columbia on the west, 6<sup>th</sup> Street on the south and the

northern boundary of the Highlands 2<sup>nd</sup> Addition on the north. Block 3 is bounded by Evanston Avenue on the east, Delaware on the west, 4<sup>th</sup> Place on the north and 5<sup>th</sup> Street on the south.

Athletic facilities are proposed for Block 1. Student housing is proposed for Blocks 2 and 3.

Block 1 includes existing residences and the Kendall School site; block 2 primarily includes vacant land and a mix of residences (it was formerly platted and developed as a portion of the Highlands 2 Addition; Block 3 primarily includes parking, tennis courts and vacant land.

#### **ZONING:**

The site is located in the RM-2 District, as is the remainder of the University campus. The RS-3 district abuts Lot 1 on the north; OL, CG and CH districts are to the south. The RM-2 district abuts the site on the east and west and extends to the east and west for a significant distance.

#### **STREETS**

The main body of the site is bounded by Delaware and Columbia and is bisected by 6<sup>th</sup> Street. East 4<sup>th</sup> Place, 5<sup>th</sup> Street, 7<sup>th</sup> Street, 8<sup>th</sup> Street and 10<sup>th</sup> Street have been vacated.

Lot 1 is bounded by Evanston and Delaware, 4<sup>th</sup> Place and 5<sup>th</sup> Street.

A previous opinion by Traffic Engineering indicates that improving Delaware as a secondary arterial to four or five-lane standards was not feasible or appropriate. An urban arterial status was recommended with 70' of right-of-way. The section will be offset about the centerline. The plat indicates dedications along Delaware.

#### **WATER**

Water is present along the south side of the vacated rights-of-way of the east west streets. It is also available along the east side of Delaware and of Columbia.

#### **SEWER**

Sanitary sewer is present along the vacated 8<sup>th</sup> Street right-of-way and north through the former Kendall School site to the north side of 6<sup>th</sup> Street. It is also present mid-block between 5th Street and Place, turning north to the mid-block between 4<sup>th</sup> Place and 5<sup>th</sup> Street and running east/west at this location.

#### **STORM DRAIN**

Drainage information is not included on the plat at this time.

## **UTILITIES**

A 15-foot utility easement is indicated at the western boundary, with 17.5' to the south and east, and 11' to the north.

**Staff provides the following comments from the TAC meeting.**

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

- French, Traffic, questioned the specifics of the right-of-way taper along the western edge of Delaware. Sack, engineer, indicated that an exhibit detailing the area would be prepared. French also questioned the Delaware centerline geometrics at 6<sup>th</sup> Street. Sack indicated that it would be a straight-line transition, not a jog. French also indicated that a Limits of No Access (LNA) should be shown along the Delaware right-of-way. He noted that, in general, urban arterials needed LNA's.
- Somdecerff, Streets, indicated that a waiver of the subdivision regulations to allow a 25' radius return at the intersection of 4<sup>th</sup> Place and Evanston would be acceptable. Vacation of the sight triangle at the northeast corner of 5<sup>th</sup> and Delaware would be acceptable. He also indicated that the west five-feet of the Evanston right-of-way would be vacated.

### **2. Sewer:**

- Bolding, PW/Engineering, indicated that line relocations and easement vacations would be required and would be acceptable as discussed with the engineer.

### **3. Water:**

- PW/Water, indicated that the existing 16" line along the vacated 4<sup>th</sup> Place right-of-way would have to be relocated.

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

- McCormick, Stormwater, indicated that the existing line in lot 1 block 2 would require an easement, as would overland drainage on that lot. He also requested that standard language be included in the covenants and that the easements be filed with the plat rather than by separate instrument.

### **5. Utilities:**

- Varner, GTE, indicated that the existing line in the north would be moved and would require new easement.

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

### **Waivers of Subdivision Regulations:**

1. Reduction of minimum radius return from 35' to 25' at the southwest corner of 4<sup>th</sup> Place and Evanston.

**Special Conditions:**

1. Relocation of sanitary sewer lines with appropriate easement vacations and provisions.
2. Relocation of 16" water line with appropriate easement as noted above.
3. Compliance with Traffic/Street Department requests for additional detail along Delaware.
4. Compliance with Stormwater request for easements on Lot 1, Block 2.
5. Response to utility provider request for new easement to accommodate line relocation.

**Standard Conditions:**

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

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

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

**TMAPC Comments:**

Mr. Boyle stated that the special conditions on the preliminary plats have been so general that it is hard to decide what is being picked up from the TAC comments. He requested that the special conditions to be more specific.

Mr. Bruce stated that if the Planning Commission is more comfortable with requiring approval by the utility providers, that can be changed, but staff is leaving some flexibility at this time. Mr. Boyle stated that he has trouble with the language that they respond to the utility providers.

Mr. Boyle stated that he would like stated a difference between compliance and response.

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

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

**TMAPC Comments:**

Mr. Boyle stated that he will be voting against this because he does not feel that the utility providers are being treated properly. This "no" vote does not suggest that he would not approve the plat if it were correct.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-1-0** (, Carnes, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; Boyle "nay"; none "abstaining"; Collins, Jackson "absent") to **APPROVE** the preliminary plat for the University of Tulsa, Blocks 1, 2 and 3, subject to special conditions and standard conditions as recommended by staff.

\* \* \* \* \*

**TMAPC Comments:**

Mr. Westervelt informed the Planning Commission that Jon Eshelman, Traffic Engineer for the City of Tulsa, has announced his retirement. The Planning Commission wishes Mr. Eshelman the very best.

**PLAT WAIVER:**

**BOA 18759 – (494)**

(PD-17) (CD-6)

South of East 4<sup>th</sup> Place South and east of 130<sup>th</sup> East Avenue 13016 East 4<sup>th</sup> Place South

**Staff Recommendation:**

The following information was presented at the TAC meeting of June 1, 2000.

**PURPOSE:**

The purpose of the request is to allow the construction of a church and related uses.

**GENERAL:**

The site is currently vacant, approximately 4.3 acres in size and is block 5 of the Meadowbrook Heights Addition. The surrounding area includes commercial and residential uses and vacant land.

The site plan indicates one access off of 5<sup>th</sup> Street and one off of 4<sup>th</sup> Street.

**STREETS:**

The site is bounded on the north by East 4<sup>th</sup> Place South and on the west by S 130<sup>th</sup> Ave East. Right-of-way for East 6<sup>th</sup> Street bounds the parcel on the south, with South 131<sup>st</sup> East Avenue right-of-way on the east.

**SEWER:**

Sewer is present to the east along the rear lot line of the residences that face the site.

**WATER:**

Water is present along 130<sup>th</sup> East Avenue and East 4<sup>th</sup> Place.

**STORM DRAIN:**

Staff does not have information regarding drainage/detention.

**UTILITIES:**

Staff does not have information regarding utility easements.

**Staff provides the following comments from the TAC meeting.**

1. Streets:
  - Somdecerff, Streets: indicated that a 25' radius return would be required at the northeast corner of South 130<sup>th</sup> East Avenue and East 6<sup>th</sup> Street South. The street was not improved.
2. Storm Drain:
  - McCormick, Stormwater, indicated that detention with appropriate easements would be required.

**Conclusions:**

TAC comments were limited to those indicated by Streets and Stormwater. The site was a previously-platted lot.

Based on the TAC discussion, willingness on the part of Streets and Stormwater to accept separate instruments, previous platting and the checklist, which reflects the policies of TMAPC, staff will support **the request for approval of plat waiver.**

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

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

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

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

|  |                          |                          |
|--|--------------------------|--------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input type="checkbox"/> | ✓*                       |
| 5) Will restrictive covenants be filed by separate instrument?                       | <input type="checkbox"/> | ✓                        |
| 6) Infrastructure requirements   |                          |                          |
| a) Water   |                          |                          |
| i) Is a main line water extension required?  | <input type="checkbox"/> | ✓                        |
| ii) Is an internal system or fire line required?                                     | <input type="checkbox"/> | ✓                        |
| iii) Are additional easements required?  | <input type="checkbox"/> | ✓                        |
| b) Sanitary Sewer  |                          |                          |
| i) Is a main line extension required?  | <input type="checkbox"/> | ✓                        |
| ii) Is an internal system required?  | <input type="checkbox"/> | ✓                        |
| iii) Are additional easements required?  | <input type="checkbox"/> | ✓                        |
| c) Storm Sewer   |                          |                          |
| i) Is a P.F.P.I. required?   | <input type="checkbox"/> | ✓                        |
| ii) Is an Overland Drainage Easement required?                                       | <input type="checkbox"/> | ✓                        |
| iii) Is on-site detention required?  | ✓                        | <input type="checkbox"/> |
| iv) Are additional easements required?   | ✓                        | <input type="checkbox"/> |
| 7) Floodplain  |                          |                          |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain?                | <input type="checkbox"/> | ✓                        |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain?                        | <input type="checkbox"/> | ✓                        |

- 8) Change of Access
  - a) Are revisions to existing access locations necessary?  ✓
- 9) Is the property in a P.U.D.?  ✓
  - a) If yes, was plat recorded for the original P.U.D.?  ✓
- 10) Is this a Major Amendment to a P.U.D.?  ✓
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?  ✓

**\*Right of way dedication for radius return, not as a requirement of MS&HP.**

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Jackson "absent") to **APPROVE** the plat waiver for BOA-18759 as recommended by staff.

\*\*\*\*\*

**CONTINUED ZONING PUBLIC HEARING**

**\*SEE ADDITIONAL CONDITIONS APPROVED BY CITY COUNCIL ON 8/31/00.**

**APPLICATION NO.: Z-6751**

**AG TO CS**

**Applicant:** John Moody

(PD-17) (CD-6)

**Location:** North of the northwest corner of East 11<sup>th</sup> Street and South 177<sup>th</sup> East Avenue (1002 South Lynn Lane)

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**Z-6731 - January 2000:** All concurred in approval of a request to rezone a 2.5-acre tract located north of the northeast corner of East 11<sup>th</sup> Street and South 177<sup>th</sup> East Avenue from RS-3 to AG. The property is located approximately 330' north of the subject tract on the east side of South 177<sup>th</sup> East Avenue.

**Z-6671 - February 1999:** All concurred in approval of a request to rezone a ten-acre tract located west of the northwest corner of East 11<sup>th</sup> Street and South 177<sup>th</sup> East Avenue from RS-3 to AG.

**Z-6465 - October 1994:** All concurred in denial of a request to rezone a five-acre tract located south of the southeast corner of East Admiral Place and South 177<sup>th</sup> East Avenue from RS-3 to CH or CG for a machine shop.

**Z-6438 - May 1994:** An application to rezone a half-acre tract located on the northeast corner of East 11<sup>th</sup> Street and South 177<sup>th</sup> East Avenue from AG to CG for auto repair was requested. Staff and TMAPC recommended denial of CG and recommended approval of CS zoning in the alternative. City Council concurred in approval of CS zoning.

**Z-6361 - July 1992:** A request to rezone an eight-acre tract located on the northwest corner of East 11<sup>th</sup> Street and South 193<sup>rd</sup> East Avenue from RS-1 to CS was recommended by staff and TMAPC for approval of CS zoning on the southeast corner for an approximately five-acre node, with the balance being zoned OL, which provided a 75' wraparound buffer to the surrounding property.

**Z-4440 – September 1973:** A request to rezone a 39-acre tract located north and east of the northeast corner of 11<sup>th</sup> Street South and 177<sup>th</sup> East Avenue from AG to CG. Staff, TMAPC and City Commission approved a five acre area at the corner for CS less the north and east 75', which would be OL, and the south 177' of the west 177', which was not part of the application.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.5 acres in size and is located north of the northwest corner of East 11<sup>th</sup> Street South and South 177<sup>th</sup> East Avenue. The property is sloping, partially wooded, vacant and 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 11 <sup>th</sup> Street South  | 100'                       | 2 lanes                        | Paved                 | No                  |
| South 177 <sup>th</sup> East Avenue | 100'                       | 2 lanes                        | Paved                 | No                  |

The Major Street Plan designates East 11<sup>th</sup> Street South and South 177<sup>th</sup> East Avenue as secondary arterial streets. The City of Tulsa 1996 – 1997 traffic counts indicate 15,400 trips per day on South 177<sup>th</sup> East Avenue at East 11<sup>th</sup> Street South.

**UTILITIES:** City of Tulsa water is available to the site by an extension from East 11<sup>th</sup> Street to the south and sewer is by private septic system.

**SURROUNDING AREA:** The subject tract is abutted on the north, south and west by vacant property, zoned AG; to the east by single-family dwellings and vacant land, zoned AG. Several recent rezoning actions in this area have involved re-designation from residential to AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the south 165' of the subject tract as Medium Intensity – No Specific Land Use and the north 165' as Low Intensity – No Specific Land Use.

According to the Zoning Matrix the requested CS zoning **is** in accordance with the Plan Map on the southern 165' but **is not** in accordance with the Plan Map on the northern half.

**STAFF RECOMMENDATION:**

The applicant has amended his request such that the zoning lines for CS and OL match with existing zoning east of South 177<sup>th</sup> East Avenue. The requested zoning is in compliance with the medium intensity designation of the subject property. The Comprehensive Plan indicates that the southern portion of the property would be within a Type I Medium Intensity node, which is described in the Metropolitan Development Guidelines. Staff can support CS zoning on the southern portion (62'), lining up with the CS zoning on the east side of South 177<sup>th</sup> East Avenue and OL zoning on the 75' north of and adjacent to the southern portion, lining up with the OL zoning on the east side of South 177<sup>th</sup> East Avenue.

Staff therefore recommends **APPROVAL** of CS zoning on the southern 62' of Z-6751 and **APPROVAL** of OL zoning on the adjacent approximately 75' to the north.

**AND**

**\*SEE ADDITIONAL CONDITIONS APPROVED BY THE CITY COUNCIL ON 8/31/00.**

**APPLICATION NO.: PUD-634**

**Applicant:** John Moody (PD-17) (CD-6)

**Location:** North of the northwest corner of East 11<sup>th</sup> Street and South 177<sup>th</sup> East Avenue.

**Staff Recommendation:**

The PUD proposes Office (Use Unit 11) and Automobile and Allied Activities (Use Unit 17) uses on 2.5 acres (gross) located on the west side of 177<sup>th</sup> East Avenue (Lynn Lane), 330 feet north of East 11<sup>th</sup> Street. The proposal is for the auto racing business of the owner and not for general public use. The PUD would allow 450 SF maximum building floor area for Use Unit 11 uses and 6,550

SF for Use Unit 17 uses. The PUD also proposes a variance of the off-street parking requirements. Section 1106 of the Zoning Code states that within a PUD, off-street parking shall be provided as specified in the applicable use unit and in conformance with other requirements of Chapter 13. The Planning Commission therefore, does not have the authority to vary these parking requirements.

The subject tract is zoned AG. Concurrently an application (Z-6751) has been filed to rezone the tract to CS. The applicant has amended his request such that the zoning lines for CS and OL match with existing zoning on the east side of South 177<sup>th</sup> East Avenue. The requested zoning is in compliance with the medium intensity designation of the subject property. The Comprehensive Plan indicates that the southern portion of the property would be within a Type I Medium Intensity Node, which is described in the Metropolitan Development Guidelines. Staff can support CS zoning on the southern portion (62'), lining up with the CS zoning on the east side of South 177<sup>th</sup> East Avenue and OL zoning on the 75' north of and adjacent to the southern portion, lining up with the OL zoning on the east side of South 177<sup>th</sup> East Avenue.

The subject tract is abutted on the north, south and west by vacant property, zoned AG; to the east by single-family dwellings and vacant land, zoned AG. Several recent rezoning actions in this area have involved redesignation from residential to AG.

The proposed automotive uses (Use Unit 17) would not be compatible with the existing or projected uses in the area. Staff does not support automotive uses (Use Unit 17) on the subject tract.

Staff finds with the elimination of Use Unit 17 uses, 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-634, 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-634 subject to the following conditions:

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

|                   |         |            |
|-------------------|---------|------------|
| Land Area (Gross) | 2.5 AC  | 108,900 SF |
| Land Area (Net)   | 2.11 AC | 92,400 SF  |

Permitted Uses: Uses permitted by right in a CS district, excluding those uses in Use Unit 12a and Use Unit 19. Offices as permitted in Use Unit 11; and the building, maintenance and storage of the race cars and their transportation vehicles, of the owner of the property.

Maximum Building Floor Area: 7,000 SF

Maximum Building Height: 35 FT

Minimum Building Setbacks:

|  |        |
|--|--------|
| From north boundary of PUD                             | 150 FT |
| From west boundary of PUD                              | 115 FT |
| From south boundary of PUD                             | 20 FT  |
| From centerline of South 177 <sup>th</sup> East Avenue | 120 FT |

Minimum Parking Area Setbacks:

|  |        |
|--|--------|
| From north boundary of the PUD                         | 100 FT |
| From west boundary of the PUD                          | 100 FT |
| From centerline of South 177 <sup>th</sup> East Avenue | 55 FT  |

Off-Street Parking: As required by the Tulsa Zoning Code.

Access Points: There shall be a maximum of one access point onto South 177<sup>th</sup> East Avenue which shall be located in the south 62 75 FT of the PUD. All access points shall be approved by Traffic Engineering.

Minimum Landscaped Open Space Area: 15% of net-lot area

Other Minimum Bulk and Area Requirements: As required by the CS District.

Signage:

Wall Signs:

As permitted  
in Section  
1103.B.2 of  
the Zoning  
Code.

Ground Signs:

One ground sign is permitted, which shall not exceed 25 feet in height nor 150 SF of display surface area. This ground sign shall be placed within 100 feet of the south boundary of the PUD.

3. A landscaped area of not less than 25 feet in width shall be located along the west, north and the north 150 feet of the east boundaries of the PUD. A six foot high or higher screening wall or fence shall be provided along the north and west boundaries of the PUD.
4. 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.
5. 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.
6. 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.
7. All trash, mechanical and equipment (including building mounted) areas shall be screened from public view by persons standing at ground level.
8. 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 100 feet from the north and west boundaries of the PUD.

9. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
10. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.
14. All activities shall be indoor and there shall be no outdoor storage, parking or work on vehicles.
15. Hours of operation shall be limited to 8:00 a.m. to 5:00 p.m.

**TMAPC Comments:**

Mr. Boyle asked for verification that staff is in support of having the three levels of zoning: CS on the south, OL in the middle and leaving AG on the north side of the subject property. In response, Mr. Dunlap answered affirmatively. Mr. Boyle asked staff if the recommendation to approve the zoning change is contingent upon the adoption of the PUD as amended by staff. In response, Mr. Dunlap answered negatively. Mr. Boyle asked if the zoning request and the PUD are independent of each other. In response, Mr. Dunlap stated that staff would still recommend approval of the zoning regardless of the PUD.

Mr. Boyle stated that his understanding is that staff approves the application for the PUD without Use Unit 17. In response, Mr. Dunlap answered affirmatively.

Mr. Westervelt stated that it is a rare occasion when the zoning comes through and staff is comfortable with it without an accompanying PUD.

**Applicant's Comments:**

**John Moody**, 7146 South Canton Avenue, Tulsa, Oklahoma 74136-6303, representing Mr. Wallace Ledford, owner of the subject property, stated that this application was previously continued in order to meet with the protestants. He indicated that he amended the application in order to conform to the Comprehensive Plan. The Planning Commission strongly suggested that the zoning application be continued and a PUD filed for the specific use. Following the Planning Commission's suggestion, he hired an engineer and architect to prepare the PUD and Subdivision Plat.

Mr. Moody stated that the purpose of the application and PUD is to permit a 7,000 SF building, which would be used exclusively by Mr. Ledford for the storage and maintenance of his racing automobile. All storage and work would be done inside of the building and would not be used for public repair or maintenance of automobiles. However, because it is for the storage of automobiles, the Use Unit 17 is needed. This is the sole purpose of the zoning application and the PUD. The PUD is of no benefit to his client if the Use Unit 17 is not allowed.

Mr. Moody indicated that the proposed use would be an innocuous use because it would be used by Mr. Ledford on the interior exclusively. This will not be as intrusive to the neighborhood as the uses permitted under the staff's recommendation. Mr. Moody gave examples of various uses that he felt would be more intrusive.

Mr. Moody stated that his client would meet the parking requirements; however, they will not be utilized because there is only one employee. He indicated that the vehicles and the trailer would never be parked outside of the building. The building has been designed to accomplish this purpose. The actual use is on the southern boundary of the subject property and it is the area zoned CS. The driveway requires that the trucks enter the property and go around to the west side of the property, then enter the rear of the building and exit onto South 177<sup>th</sup> East Avenue. This design is critical because the trailer is 73' long and it is necessary to have the type of opening and driveway to have the turning radius necessary to accommodate the truck. The staff recommendation states that the sole access point be limited to the south 62' of the subject property, but he would like to request that this be approved for the south 75' of the subject property in order to have enough room for the trailer.

Mr. Moody stated that he is in agreement with the staff recommendation except for the following two items. The staff requested that there be a 25' landscaped area along the west and northern boundaries, plus the north 150' of the eastern boundary. A 25' landscaped area on the west and north boundaries is excessive because of the type of use of the subject property. He explained that there is going to be a six foot high screening wall erected around the west, north and south boundaries of the subject property. The 25' landscaping will not serve any

purpose and it will not be seen by the public. The landscaping and the PUD plan has been submitted and it does meet all of the landscaping requirements of the Zoning Code. The staff has requested for a 15% net landscaped area and he would like to modify it to 15% landscaped and open space area. There is substantial amount of the subject property that will be maintained as a grassed area. Mr. Moody stated that he did not want to have to come back with a landscape plan because so much of the area will be maintained as open space. Mr. Moody stated that the Use Unit 17 is compatible with the existing uses in the subject area. Mr. Moody described the surrounding areas and uses on these properties. He indicated that there are other automobile repair shops in the subject area, which would be Use Unit 17. Mr. Moody informed the Planning Commission that there was an individual in the subject area who did work on racecars and test-drive the vehicles on the public street. He stated that his client was not involved with this subject property and his client will not be working on other people's vehicles nor test-driving his own cars on the public street. He reiterated that this proposal is solely for his client's own use.

Mr. Moody commented that the proposal would be a very low-intensity use. He explained that the propose Use Unit 17 has several restrictions. He stated that the proposal would not be open to the public; all equipment and storage will be inside the proposed building. He indicated that the proposed building looks like other buildings in the subject area and looks compatible with the agricultural buildings in the vicinity.

**TMAPC Comments:**

Mr. Midget asked if the proposal for Use Unit 17 would be more restrictive by limiting the types of automotive uses. In response, Mr. Moody stated that it is extremely limiting. Mr. Moody stated that the proposed building will be a private garage and the public cannot come onto the property.

Mr. Boyle asked Mr. Moody how the restrictions could be enforced. In response, Mr. Moody stated that the neighbors would be aware if the garage were opened up to the public and file complaints. Mr. Moody stated that the building would only have one bay to work on the vehicle.

Mr. Westervelt asked Mr. Moody if he would agree to limiting the hours of operations and that no unmuffled cars are to be running if the building is opened. In response, Mr. Moody stated that his client would be bringing his vehicle in at night after a race. Mr. Moody stated that his client could agree to hours limiting to any work being done on those automobiles from 8:00 a.m. to 5:00 p.m.

In response to Ms. Pace, Mr. Moody stated that under his proposal, he would limit the proposal to Use Unit 11, Office, and the single Use Unit 17 proposed. Mr. Moody further stated that convenience stores, gasoline service stations and other retail auto parts stores would not be permitted. Mr. Moody stated that any use changes would require a Major Amendment.

Mr. Carnes asked Mr. Moody if his client would be willing to install a chain-link fence and the 25' buffer. In response, Mr. Moody stated that he could suggest that to his client. Mr. Dunlap stated that staff would prefer a six foot solid wood screening fence and the 25' buffer.

In response to Mr. Boyle, Mr. Moody stated that the parking inside and storing inside is in the text and in the staff's condition.

**Interested Parties Comments:**

**Bruce Denny**, 905 South Lynn Lane Road, stated he lives directly across the street from the subject property. He informed the Planning Commission that he represents a new neighborhood association, called "Lynn Lane Association". He stated that the use he is concerned about is the Use Unit 17, and the noise the motors of the racecars would make. He commented that he is concerned about the peace and quiet in his area.

Mr. Denny stated that some of the homes in the subject area have been there many years and there are new homes being built. He indicated that the properties Mr. Moody described as being in Use Unit 17 are incorrect. He stated that several months ago, there were automotive uses on one particular property and he believes that Mr. Ledford was using it on a temporary basis. He explained that Mr. Ledford had his trucks and trailers parked on the subject property. The same piece of property had loud engines running late into the night and used the public street to try out the racecars.

Mr. Denny stated that the subject property is within a Type 1. There is a church on the southeast corner and an old school on the southwest corner. He commented that he agrees with the staff's recommendation to exclude Use Unit 17. He stated that a racecar cannot be worked on or tested with a muffler on it.

Mr. Denny stated that he has nothing against Mr. Ledford wanting to build a house, but he is concerned with the Use Unit 17 and the noise associated with this type of activity.

Mr. Denny described past actions that were denied for the same type of use as the proposed.

**Applicant's Rebuttal:**

Mr. Moody stated that onsite detention will be provided and the platting process has been initiated. With respect to the noise and other issues, there is a 115' setback and over 150' setback to the north. It is possible to agree upon a maximum noise decibel, which can be enforced.

Mr. Boyle asked Mr. Moody to address the issue of the property to the south where Mr. Ledford's vehicles and trailers were parked. In response, Mr. Moody stated that Mr. Ledford's mechanic leased the property to the south and that is

why his vehicles and trailers were parked on that property. Mr. Moody further stated that this situation was not good, and that is why Mr. Ledford would like to have his own building for his vehicles on the subject property.

Mr. Boyle asked Mr. Moody if he has any knowledge about racecars using the public street to test-drive. In response, Mr. Moody stated that he couldn't address the issue because he doesn't know if it is true.

Ms. Pace asked Mr. Moody how a mechanic could test the engine inside a closed building without it being dangerous. Mr. Moody stated that there is no danger testing the engines inside a closed building. Mr. Moody commented that it is no more dangerous than when it is done at Sears Automotive or Goodyear Tire Company.

In response to Ms. Pace, Mr. Moody stated that he did not want to file a PUD for this application. Mr. Moody further stated that the only reason for a PUD is to set out specifically and have enforcement mechanisms. Mr. Moody explained that without the Use Unit 17, the PUD is of absolutely no use to his client.

Mr. Boyle stated that this is a fairly reasonable proposition by Mr. Moody, but it is difficult to enforce and judge if his client is abiding by the restrictions.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-2-0** (Boyle, Carnes, Harmon, Horner, Ledford, Midget, Pace "aye"; Hill, Westervelt "nays"; none "abstaining"; Collins, Jackson "absent") to recommend **APPROVAL** of CS zoning for Z-6751 zoning on the southern 62', recommend **APPROVAL** of OL zoning for Z-6751 on the adjacent approximately 75' to the north, and recommend **APPROVAL** of PUD-634 subject to allowing Use Unit 11 and a single use, as requested by the applicant, in Use Unit 17, subject to all activities being indoor and no outdoor storage, parking or work on vehicles; limiting the hours of all operation from 8:00 a.m. to 5:00 p.m.; 15% minimum landscaped open space area; as recommended by TMAPC. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.) **(See additional conditions approved by City Council on 8/31/00.)**

**Legal Description of Area to be Zoned CS:**

The south 62' of the NE/4, SE/4, SE/4, SE/4 of Section 2, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof.

**Legal Description of Area to be Zoned OL:**

The north 75' of the south 137' of the NE/4, SE/4, SE/4, SE/4 of Section 2, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof.

**Legal Description of Area to be Zoned PUD-634:**

The NE/4, SE/4, SE/4, SE/4 of Section 2, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof.

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**ZONING PUBLIC HEARING**

**APPLICATION NO.: 6775**

**RS-2/RM-2/PUD TO HP**

**Applicant:** TMAPC/Maple Ridge Homeowner's Assoc. (PD-6) (CD-9)

**Location:** 21<sup>st</sup> to 24<sup>th</sup> Place, Midland Valley Rail Road to South Peoria

**TPC Recommendation:**

**RELEVANT ZONING HISTORY:**

**PUD-561-A - October 1997:** All concurred in approval of a major amendment to add a 50' lot, located on the east boundary of the PUD, to the existing development. No amendments were made to the existing standards and the total number of dwelling units remained the same as originally approved in PUD-561.

**BOA-17770 - July 1997:** The Board of Adjustment approved a request for a variance of the required livability space from 4,000 square feet to 2,500 square feet, a variance of the maximum height for a fence in the front yard from four feet to six feet, and a variance to permit a structure in the planned right-of-way. The property is located on the southeast corner of East 18<sup>th</sup> Street and South Peoria Avenue. (PUD-561)

**PUD-561 - June 1997:** Staff recommended approval of a request to redevelop two lots located on the southeast corner of East 18<sup>th</sup> Street and South Peoria Avenue for four single-family tracts (RS-3/HP to RS-3/PUD/HP) subject to the applicant obtaining a variance from the Board of Adjustment of the required livability space and a variance to allow structures in the planned right-of-way (BOA-17770). TMAPC concurred in the recommendation subject to conditions as recommended by Staff. City Council approved the request per the recommendations.

**Z-6378 - April 1993:** The North Maple Ridge property owners requested that their neighborhood, an area bounded by East 15<sup>th</sup> Street on the north to East 21<sup>st</sup> Street South on the south, South Peoria Avenue on the east to the right-of-way of the Midland Valley Railroad on the west, be considered for Historic Preservation (HP) overlay zoning. All concurred in approval of the request for HP overlay zoning.

**BOA-16066 - June 1992 and January 1993:** The Board of Adjustment approved, per plan, a variance of the required rear yard setback from 25' to 5' to permit construction of a new dwelling on property located on the northeast corner of East Woodward Boulevard and South Cincinnati Avenue. A request for a revised site plan was filed in January 1993, that amended the approval of the variance from a five foot setback to 15' by removal of a storage building attached to the proposed garage. The Board of Adjustment approved the amended site plan.

**PUD-473 - December 1991:** A request for approval of a PUD for a two-lot, two-dwelling unit residential development on a tract located on the southwest corner of East 26<sup>th</sup> Place and South Boston. All concurred in approval of the request to rezone the tract subject to the PUD conditions.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 55.09 acres in size and is located between East 21<sup>st</sup> Street South and East 24<sup>th</sup> Place South; Midland Valley railroad/jogging trail on the west to South Peoria Avenue on the east. The property is sloping, partially wooded, contains single-family dwellings and some apartments, and is zoned RS-2, RM-2 and PUD (273).

**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 21 <sup>st</sup> Street South | 70'                        | 4 lanes                        | Paved                 | Yes                 |
| East 24 <sup>th</sup> Place South  | 60'                        | 2 lanes                        | Paved                 | Yes                 |
| South Peoria Avenue                | 70'                        | 4 lanes                        | Paved                 | Yes                 |

The Major Street Plan designates East 21<sup>st</sup> Street South and South Peoria Avenue as urban arterials.

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

**SURROUNDING AREA:** The subject tract is abutted on the north across East 21<sup>st</sup> Street by Lee Elementary School, multifamily residential and single-family residential uses, zoned RM-2, RM-1 and RS-3, respectively; on the south, by single-family residential uses, zoned RS-2; on the east across Peoria Avenue by Woodward Park and the Tulsa Garden Center, zoned RS-2; and on the west by the jogging trail and farther west by a mixture of offices, single-family residential and multifamily residential uses, zoned OL, OM, OH, RM-O, RM-2, RS-2 and RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – Residential land use. Plan policies recommend protection of possibly historic neighborhoods (4.3.2).

The requested HP is an overlay zoning designation and is therefore not included in the Zoning Matrix. Such cases are generally treated as **may be found** in accord with the Plan.

**TULSA PRESERVATION COMMISSION ACTION:**

In accordance with Chapter 10A, of the Tulsa Zoning Code, the Tulsa Preservation Commission (TPC) reviewed the requested HP overlay zoning and found the area meets the Code's criteria for an historic neighborhood. TPC promulgated Design Guidelines for the review and approval of applications for Certificate of Appropriateness. Through various resident-initiated surveys done by individuals, both for and against the proposal, the TPC has determined that 51% of the property owners within the proposed HP district boundaries are in favor of the overlay, 35% are opposed and 14% were undecided or did not respond. TPC also has prepared a map showing the location of lots whose owners are for, against, or undecided.

**Applicant's Comments:**

**Rex Ball**, Vice-Chair of Tulsa Preservation Commission, stated that TPC is charged with two items that relate to preservation zoning. The TPC creates a report and recommends concerning proposed historic preservation zoning, in this case The Sunset Park Addition of Central Maple Ridge. The TPC also reports the findings of whether the proposed district is consistent with the criteria for designation as found in the Historical Preservation Ordinance.

Mr. Ball stated that the TPC met on February 10, 2000 and found that the proposed district meets the basic criteria for historical preservation designation. The TPC recommends approval of the HP zoning for the subject area. He indicated that the vote was unanimous of members present.

Mr. Ball indicated that the TPC prepared a map, which shows the boundary of the district and how the owners have indicated their support or opposition to this application. The most recent map was prepared by the data available to the TPC as of June 20, 2000.

**TMAPC Comments:**

Mr. Boyle asked Mr. Ball how the survey compared, percentage-wise, to other applications for HP zoning. Mr. Ball stated that Brady Heights had 76% in favor of the HP zoning. Mr. Boyle asked Mr. Ball if there is anything in the HP ordinance regarding the percentage needed to approve HP zoning. In response, Mr. Ball answered negatively. Mr. Ball stated that TPC is much like the Planning Commission by passing on the data presented with a recommendation.

Mr. Ball stated that the whole of Maple Ridge is currently on the National Register of Historic Places. It is one of the neighborhoods that people think of when they think of Tulsa.

Mr. Boyle stated that appears that there is a part of Maple Ridge, south of the subject area, that has a greater affinity to the subject part of the neighborhood than elsewhere. Mr. Boyle further stated that in order to make a more cohesive piece of the neighborhood, it seems that there is a chunk missing. Mr. Boyle asked if the TPC considered this issue. In response, Mr. Ball stated that TPC looked at this application as if it were a continuation of the Maple Ridge neighborhood. The northern portion of Maple Ridge already has HP zoning.

Mr. Boyle asked if the TPC makes an analysis whether the lines were drawn inconsistent with the directions in the ordinance. In response, Mr. Kent Schell stated that the ordinance has a list of criteria and at least one must be met in order to identify an HP-zoned district. Mr. Schell indicated that the Preservation Commission considered those and found that the district as proposed met every one of those criteria. Mr. Schell explained that there is nothing in the ordinance that requires a proposed HP zoning district to match an existing National Register district. In response, Mr. Boyle stated that his question has nothing to do with a National Register district, but rather with what appears to be a cohesive and similarly-situated neighborhood. Mr. Schell stated that the neighborhood desires to go to 21<sup>st</sup> Street, which is the northern boundary, and the Planning Commission has previously approved HP zoning for the area north of this district (North Maple Ridge District). Mr. Schell explained that when describing a cohesive district, that is a gray area. Mr. Schell stated that the application could go farther south than 31<sup>st</sup> Street. Mr. Schell indicated that the TPC is required to respond to the existing application and there are specific criteria in the ordinance that state that properties must be 50 years or older and that they must have architectural significance or other historical significance in the history of our city and/or being a part of a National Register district. Mr. Schell stated that in his opinion this district meets every one of the criteria in the ordinance and the ordinance does not require a headcount or a percentage of owners desiring the zoning. Mr. Schell reiterated that in his opinion the headcount is not relevant to the Planning Commission's decision. Mr. Boyle stated that the headcount is clearly relevant, but it may not be controlling. Mr. Schell stated that under the ordinance the headcount is not relevant. Mr. Boyle restated that the head count is relevant and it is something that has to be considered as a piece of fact like anything else.

Mr. Boyle asked Mr. Schell how this application compares to other surveys on HP zoning requests. In response, Mr. Schell stated that from a numerical basis, there is a smaller percentage of "yes" votes and a higher percentage of "no" votes with this application. Mr. Boyle asked Mr. Schell to give the Planning Commission an idea of the magnitude. Mr. Schell stated that Brady Heights "yes" votes were in the 70 percent range, and generally 70 percent has been the percentage of "yes" votes.

**Mr. Carnes out at 3:00 p.m.**

Mr. Ball stated that a similar situation regarding the boundary lines being drawn was related to the practicalities of the neighborhood in the Yorktown application. In this particular situation the accommodation was for St. Johns Hospital.

Ms. Pace stated that she believes that Yorktown's application was in the 70 percent range for "yes" votes. Mr. Ball stated that the TPC would have sent the application to the Planning Commission regardless of the "yes" votes if the criteria were met.

**Mr. Midget out at 3:04 p.m.**

**The following Interested Parties expressed their opposition:**

**Rita Shanks**, 1020 East 21<sup>st</sup> Street, Tulsa, Oklahoma 74114; **Paul Coury**, 2222 South Madison, Tulsa, Oklahoma 74114; **Edwin B. Jones**, 2146 South Cincinnati, Tulsa, Oklahoma 74114; **Barbara Reeh**, 203 and 204 East 24<sup>th</sup> Street, Tulsa, Oklahoma 74114; **Lisa Glazer**, 1723 South Detroit, Tulsa, Oklahoma 74114; **Patrick McGinley**, 1105 East 21<sup>st</sup> Place, Tulsa, Oklahoma 74114; **Bill Thomas**, 1249 East 26<sup>th</sup> Street, Tulsa, Oklahoma 74114; **John Hair**, 2143 South Owasso Avenue, Tulsa, Oklahoma 74114; **Cathy Brownfield**, 2116 South Peoria, Tulsa Oklahoma 74114.

**The above referenced Interested Parties expressed the following concerns:**

Concerned with restrictions regarding remodeling homes in HP districts; nothing in the subject area warrants having HP zoning; HP zoning requirements and restrictions increase the expense to remodel homes; the application was shaved down because there were more people opposing the HP zoning with the original application; the neighborhood is one of the finest neighborhoods in the City of Tulsa; free market and the owners of their homes in the subject area have proven that there is no need for HP zoning protection; when the HP ordinance was created it was intended for areas that were blighted and in need of protection; Maple Ridge does not need protection from homes being destroyed and improper development; many of the homes in Maple Ridge were purchased in early 1970 for twenty to fifty thousand dollars and these homes are now selling for four hundred thousand to a million dollars; Sunset Terrace has had the largest percentage of valuation increases in the City of Tulsa than any area over the last twenty years and it has proven that it is a secure, sound area; renovations in the area, on the whole, have been in a first-class manner and kept within the character and diversity of the architecture in the area; because the costs of entry into this subject area is so high people are of means to properly hire architects and designers, plus make their own independent decisions on what they choose for their homes; HP ordinance does not prevent demolitions of homes, and with the lots being approximately \$200,000 per lot, a person would have a qualified architect involved; letters mailed out by the opposition were mailed to the entire base and approximately half of the letters were returned; mailed surveys do not get a 100% return; three letters were sent out, two by the opposition and one by the supporters, and it still only yielded only a 50% response from the

neighborhood; of the 50% response, 73% were against and 25% in favor and if you apply these percentages to the total area it would yield 38% of the neighborhood against HP zoning; there was a larger percent of "no" votes in the area between 24<sup>th</sup> and Hazel, which represents almost 170 homes more than in the area between 24<sup>th</sup> and 21<sup>st</sup> Street; a copy of the proposed guidelines was mailed out with the letters to the neighborhood from the opposition; the proposal for HP zoning was not done in an open forum; HP zoning takes someone's property rights away; HP zoning creates a negative impact on the neighborhood; people move out of HP-zoned districts to distance themselves from the requirements and rigid regulations; when dealing with the HP district it would take an additional three months to renovate or remodel one's home; very few people in the neighborhood belong to the Maple Ridge Neighborhood Association and some members of the association stated that they have not been consulted about the HP zoning application; people are moving to get out of the Historic Preservation district; restrictions of HP zoning restricted homeowner's quality of life; the survey was done in a divided process and it is difficult to achieve the same result; the same character of individual rights and the same character of people pursuing their own economic interest that has existed in the subject neighborhood over the last 70 years is the same spirit that still needs to be preserved for the future; in other words, the very things that built the subject neighborhood should stay in place to build the future, which is individual people making individual economic decisions about their homes, and neighbors trusting each other that this will take place; this has taken place over the last 50 years; a five-and-a-half year process by the Maple Ridge Association by going door-to-door soliciting votes is not due process and the neighborhood opposes this; Sunset Terrace is not a museum, but a place where neighbors have their homes; an outside commission should not have control over what one does with his/her own property; the process of door-to-door polling was very unpleasant and there was never an open and free discussion; it was very difficult to say that they did not support this application with the polling being done door to door; the process should be taken out of the hands of the neighborhood; some of the homes are not structurally sound and should be demolished; the application should have been for the full square mile, and by breaking it up was an attempt to manipulate the vote.

**Interested Parties in favor of HP zoning Comments:**

**Emily Warner**, President of Brady Heights Homeowners Association and member of the Tulsa Preservation Commission, stated that when the opposition did their own survey there was a 15% shift in the votes. She explained that out of 157 property owners, only 23 individuals changed their position. She indicated that this shows that no matter how the data is represented, a majority in the area support HP zoning. She stated that as she understands that it is the charge of the Planning Commission to find out truly and deeply how the neighborhood feels. In every HP zoning application there are people who are against the proposal. She indicated that in the ordinance there is absolutely no percentage given regarding what is required to be approved by this Planning Commission.

The data show that a majority of the property owners in this particular area supports HP zoning. Ms. Warner informed the Planning Commission that their task before them is to determine the feeling of the majority of the individual property owners who live in this subject area.

**TMAPC Comments:**

Mr. Boyle asked Ms. Warner if it is not the Planning Commission's task to decide what would be best for the City of Tulsa and the survey is one piece of information used to get to this conclusion. In response, Ms. Warner stated that she supposes the Planning Commission will use the survey information however they see fit. Mr. Boyle stated that he feels that it is the Planning Commission's role is to determine what is right or what is best for the City of Tulsa, and one piece of information used is the survey along with other information. Ms. Warner stated that when Brady Heights was going through the HP zoning process, what she heard was "does this really represent the feeling of the community and neighborhood?" Ms. Warner explained that the process the Brady Heights neighborhood went through was to show what the residents and the property owners really wanted.

**Interested Parties Comments:**

**George W. Dill**, 319 East 29<sup>th</sup> Street, President-Elect of Maple Ridge Homeowner's Association, stated that he is in support of the HP zoning because the subject area is unique and a diversified community. HP zoning would protect the integrity of the neighborhood.

**TMAPC Comments:**

Mr. Boyle asked if 100% of the directors of the Maple Ridge Homeowners Association are in favor of the HP zoning and if the association itself has taken a position. Mr. Dill stated that there is no distinction between the directors and the association members. Mr. Boyle asked Mr. Dill if the Maple Ridge Homeowners Association's official position is that they are in favor of this application. In response, Mr. Dill stated that the board members of the Homeowner's Association voted in the last meeting to be 100% in favor of the HP zoning for the subject area.

Mr. Boyle stated that he lives in the north section of Maple Ridge and noticed that in the last few neighborhood newspapers there was no mention of the HP zoning application or meetings. Mr. Boyle asked Mr. Dill how this relates to the Association having a supportive position. Mr. Dill stated that sometimes the paper that is circulated every other month does not get everything that happens in a meeting, but the minutes of the meeting would indicate the vote and is available upon request. Mr. Boyle stated that he is not questioning if there was a vote, but wanted to make sure he understood what the real position of the Association was, since he has not seen a communication or written version of this issue.

**Interested Parties in favor of the HP zoning Comments:**

**Mark Thurston**, 1720 South Detroit, Tulsa, Oklahoma 74114, Attorney representing the Maple Ridge Association, stated that under the Ordinance, Section 1051.D. a Historic Preservation District is defined as a supplemental zoning district consisting of a building, structure, site or an area containing building, structures or sites that is a historic resource. There is no need that it be any particular subdivision or area of a historic area or district.

Mr. Thurston stated that 27 years ago Governor Keating co-sponsored a bill before the Oklahoma Legislature, which was also approved by the Senate citing the subject area as being a historic resource and worthy of preservation for tourism purposes. Since that time the subject area became a part of a larger district that was granted a National Register listing status because it met the qualifications to be listed as a National Historic Treasure.

Mr. Thurston referred to two publications that recognized the Maple Ridge area as the most well-known historic residential area in the City of Tulsa. He indicated that there are numerous articles and books published that recognize the subject area and the homes there. He stated that the only way to protect Maple Ridge is to impose the HP zoning ordinance overlay. He indicated that there is current construction in the subject area that would not meet the guidelines for historic preservation.

Mr. Thurston stated that there are four separate published reports that have been done in four separate states and all indicate that HP zoning increases the value of the property, much more so than would be expected if HP zoning were not in place. He commented that there is no published report that documents any negative economic effect of HP zoning. Maple Ridge and Tracy Park are the only National Register Districts in Tulsa that have not received HP zoning. He stated that Tulsa has become a certified local government under the program with the State Historic Preservation Office, which means that Tulsa receives funds for designating and protecting historic areas. The City of Tulsa has an agreement with the State to do this and it would be contrary to the spirit of that agreement and contrary to their responsibilities as a certified local government for this application to be denied by the City. He respectfully requested that the Planning Commission recommend this application for approval.

**Mr. Ledford out at 3:44 p.m.**

**Sallie Davies**, 2502 Woodward Boulevard, Tulsa, Oklahoma 74114, stated that redevelopment is occurring in the neighborhood. She commented that she never knows who will move in and who will take care of the homes like she has always done in Maple Ridge. She indicated that it is evident that some of the nice older homes are being destroyed and redeveloped. She commented that not all redevelopment is bad, but redevelopment without any rules will run wild through the neighborhood.

Ms. Davies compared Maple Ridge with other areas in Texas where older homes have been destroyed and redeveloped. She further stated that the same thing could happen in Tulsa.

Ms. Davies stated that the guidelines need to be read and thought about because they are not that bad if one pays attention to them. She commented that the survey was for the Maple Ridge area and volunteers were assigned to go out and survey of a certain portion of Maple Ridge to determine where the strengths and interests were for HP zoning. She indicated that the interest was greater for HP zoning in the Sunset Park district than in the north portion of Sunset Terrace.

**Mr. Midget in at 3:54 p.m.**

**The following Interested Parties expressed their support of HP zoning:**

**Paul Atkins**, President of the Swan Lake Homeowners Association, no address given; and **Rebecca Freeman**, 240 East 24<sup>th</sup> Street, Tulsa, Oklahoma 74114.

**The above listed Interested Parties in support of HP zoning expressed the following concerns:**

The Maple Ridge Association should be fully the entity speaking for the neighborhood; not all architects have good taste; neighbors should have input on other neighbors' redevelopment and remodeling to ensure that it is pleasing to the neighborhood and in character with the neighborhood.

**TMAPC Comments:**

Ms. Pace stated that she serves on the Planning Commission and the Tulsa Preservation Commission as an appointee from the Planning Commission. Ms. Pace asked the City Attorney, Ellen Hinchee, if there is any reason why she should not participate in this vote. Ms. Pace stated that she has voted in the past, but she wanted the City Attorney's opinion. In response, Ms. Hinchee stated that she did not see a conflict. Mr. Westervelt stated that he did not see a conflict because Ms. Pace is the representative for the Planning Commission to the Historic Preservation Commission. Mr. Boyle concurred.

Mr. Midget stated that he is a strong proponent for historic preservation because he knows the benefit of it. He further stated, however, that it has only been with the consent of the neighborhood group (association) because they are the ones directly impacted by it. In the past when he has supported this type of zoning, there has always been an overwhelming majority of residents supporting the HP zoning, which made this a lot easier. He explained that the Brady Heights neighborhood took 13 years to go through the process of HP zoning, but eventually came in with a majority of agreement within the neighborhood for this type of zoning. It was a modified form and it was adapted to specifically meeting the particular needs of that neighborhood. However, in this particular instance, he has a lot of reservations because of the numbers and the large number of

residents that do not support this initiative. Mr. Midget concluded that he would not like to be a part of something that brings this type of contention into the neighborhood. He stated that he would be voting against this application.

Mr. Harmon stated that there is very soft support for this application, and unless there is a more unified support, he does not feel that he can support it.

Mr. Horner concurred with Mr. Harmon's comments. He stated that the numbers are too close and the percentages should be overwhelming. He commented that he would hate to be in a situation where he would be on either side. Mr. Horner concluded that he would not be supporting this application.

Mr. Boyle stated that this is a difficult application for the Planning Commission. Clearly Maple Ridge is a historic area with historic homes. It is a beautiful area in which to live, as well as an expensive area in which to live. He stated that he feels that there are some problems with this application and the principal one is the split in the neighborhood's desires. When someone comes to the Planning Commission requesting a zoning change on his/her property, it is a different presentation from that when someone comes before the Planning Commission and wants to rezone someone else's property and they object to it. Mr. Boyle commented that he does not believe that the Planning Commission is bound by a survey; it is only one factor to be considered along with other factors. This is an area without commercial intrusion. It is well developed and has been maintained in an excellent condition over the years. There is significant opposition, and based on all of these facts, this overlay is not appropriate for this portion of this neighborhood. Mr. Boyle concluded that he would be voting against this application.

On **MOTION** of **BOYLE**, and second of **HARMON** to recommend **DENIAL** of the HP overlay zoning for Z-6775.

**TMAPC Comments:**

Ms. Pace stated that she does think that this is an appropriate size for this proposal and see no problem with paring down the size of the proposed district to get a more cohesive feeling. She indicated that she is a proponent of historical preservation for many reasons. She expressed concerns with the proposal because there has possibly been some shying away from the town-hall type meetings that are open with a lot of give and take, which is required to come to a consensus of an opinion in a neighborhood. The demolition issues would not be answered by having HP zoning. In response, Mr. Schell stated that if a homeowner wanted to demolish his or her property in HP zoning, it would require a separate review under the ordinance, and at most it could be delayed 120 days. Mr. Schell further stated that new construction or a replacement home would be subject to review under the new construction guidelines. Ms. Pace stated that she wanted to point out that HP zoning is not the answer to all preservation questions under the current ordinance. Ms. Pace concluded that

she couldn't support this proposal because it has not had enough honest, open discussion among the neighbors that area affected.

Mr. Westervelt stated that he has found this matter to be quite divisive in his neighborhood. He explained that he lives in the neighborhood, but he is not in the immediate district under application. It seems that also that the TPC staff, TMAPC and TMAPC staff were all criticized through out this application. He stated that when everyone involved in the process is criticized prior to the outcome, the indication is that the system or process may be in need of some refinement. Mr. Westervelt concluded that he would hope that before the Planning Commission sees any other applications in the future, that TPC has refined the process. The HP ordinance was never intended to divide a neighborhood and people who live there. The Hp designation was intended to be a cohesive tool that could be used in various places to stabilize neighborhoods. Mr. Westervelt stated that it would be unfortunate if the current HP ordinance and/or this application was tested in court, because he is afraid that the City of Tulsa would lose a very valuable ordinance. Mr. Westervelt indicated that he would not be supporting this application.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins, Jackson, Ledford "absent") to recommend **DENIAL** of the HP overlay zoning for Z-6775.

\* \* \* \* \*

**TMAPC took a three-minute recess at 4:15 p.m.**

**TMAPC called to order at 4:18 p.m.**

**Mr. Midget out at 4:15 p.m.**

**APPLICATION NO.: Z-6778**

**Applicant:** H.R. Goff

**Location:** South of southeast corner of East Admiral Place and South 145<sup>th</sup> East Avenue.

**AG TO RMH**

(PD-17) (CD-6)

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**PUD-605/Z-6665 - May 1999:** A request to rezone a twenty-acre tract located north of the northeast corner of East 11<sup>th</sup> Street South and South 145<sup>th</sup> East Avenue and abutting the subject tract on the south, from AG to IL and PUD for a mixed use development. Staff and TMAPC recommended approval subject to the PUD. City Council denied the request. The applicant appealed the decision to District Court and lost.

**Z-6661 - October 1998:** A request to rezone a twenty-acre tract located on the northeast corner of East 11<sup>th</sup> Street and South 145<sup>th</sup> East Avenue and south of the subject tract from AG to CS and IL was filed to allow commercial and industrial uses. The application was amended and approved for CS zoning on four acres at the northeast corner of East 11<sup>th</sup> Street South and South 145<sup>th</sup> East Avenue with the CS zoning not to extend farther north than the existing CS zoning on the northwest corner of the intersection or any farther to the east than the existing CS zoning on the southeast corner of the intersection. The balance of the tract remained AG.

**Z-6644 - August 1998:** All concurred in approval of a request to rezone a 119-acre tract located on the southwest corner of East Admiral Place and South 145<sup>th</sup> East Avenue from AG to IL for a warehouse and distribution center.

**PUD-560/Z-6587 - June 1997:** All concurred in approval of a request for a Planned Unit Development on a 12.5-acre tract located on the south side of East Admiral Place and east of South 145<sup>th</sup> East Avenue and northeast of the subject tract. The PUD will allow four development areas, three for light industrial development and one for a reserve area for stormwater drainage and buffer for properties located to the west.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 70 acres in size and is located south of the southeast corner of East Admiral Place and South 145<sup>th</sup> East Avenue. The property is gently sloping, partially wooded, vacant, and zoned AG.

**STREETS:**

| <u>Existing Access</u>              | <u>MSHP Design.</u> | <u>Exist. No. Lanes</u> | <u>Surface</u> | <u>Curbs</u> |
|-------------------------------------|---------------------|-------------------------|----------------|--------------|
| South 145 <sup>th</sup> East Avenue | 120'                | 2 lanes                 | Paved          | No           |

The Major Street Plan designates South 145<sup>th</sup> East Avenue as a primary arterial in this area.

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

**SURROUNDING AREA:** The subject tract is abutted on the north by Southwestern Bell switching building and offices, zoned RS-3 and two single-family dwellings zoned RS-3; to the south by vacant property, zoned AG and to the east by vacant property zoned RMH; to the southeast corner by single-family homes, zoned AG; and to the west across 145<sup>th</sup> East Avenue by a warehouse and distribution center, zoned IL.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity – Industrial land use.

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

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan staff recommends **APPROVAL** of RMH zoning for Z-6778.

**Applicant's Comments:**

**H.R. Goff**, 1301 South Park, Lot D-6, Sapulpa, Oklahoma 74066, stated that he lives and owns a 160-unit mobile home park that is similar to the proposal. He explained that he has been in mobile home park business since 1975.

Mr. Goff stated that his Sapulpa park is currently drawing from this side of town. He explained that he is currently 99% full at his Sapulpa mobile home park. He stated that there is a need in Tulsa for a new major mobile home park. The parks in the Tulsa area are full or close to full.

Mr. Goff indicated that the average mobile home buyer is 52 years old. He stated that he builds quality mobile home parks. He stated that young people also need a place that is affordable, clean, quiet and a place where they can raise their children.

**Mr. Midget in at 4:25 p.m.**

Mr. Goff stated that his park would have a number of larger lots in order to accommodate doublewide mobile homes. He said this is an extremely accessible area because of access to I-244 and I-44.

**Interested Parties Comments:**

**Paul Wood**, 145 South 145<sup>th</sup> East Avenue, Tulsa, Oklahoma 74108, stated that his two acres adjoins the 70 acres under application on the north side. He explained that he has lived on his property for 22 years and he takes pride in his home. He expressed concerns that a mobile home park adjoining his two acres will be a detriment to his property.

Mr. Wood stated that he understands that there is a need for mobile home parks, and this is a business for Mr. Goff. He commented that he does not feel that it would be fair for Mr. Goff to make a profit while causing a detriment to the enjoyment of the surrounding neighbors' properties. The street in front of the subject property is a two-lane street, which is one-half mile from I-44 and there is no exit off of I-44 onto 145<sup>th</sup> East Avenue. He explained that many people exit at 161<sup>st</sup> East Avenue and 129<sup>th</sup> East Avenue and then go down Admiral or 11<sup>th</sup> to

145<sup>th</sup> East Avenue to Eastland Mall. Mr. Wood stated that Albertson's recently built a food distribution center in the subject area and the truck traffic is very heavy, as well as the employees using the street. He commented that the street is already overburdened with traffic and this application would only add to this problem. He stated that the addition of several hundred homes would not be appropriate because the street cannot handle the additional traffic.

Mr. Wood stated that the City would require a sanitary sewer system for this mobile home park and that would require blasting. Mr. Wood submitted photographs (Exhibit A-2) of rocks that landed in his yard when blasting occurred in order to develop the Albertson's Food Distribution Center, which was 500 yards away from his property.

Mr. Wood expressed concerns with the clearing of the subject property. He submitted photographs of his home and the subject property's overgrowth. He stated that he is concerned with dust and erosion because the applicant will have to take the subject property down to bare ground. Mr. Wood concluded by asking if the Planning Commission would like a mobile home park next to their property.

**James Mautino**, no address given, submitted a petition opposing Z-6778 (Exhibit A-1) and stated that there are 460 names on the petition.

Mr. Mautino stated that the Comprehensive Plan, the District 17 Detail Plan, was broken down into districts so that people would have better control of how it would develop. The plan laid out along Admiral an Industrial Corridor, and INCOG has made a statement that it was compatible with the Master Plan, but in his opinion when the Industrial Corridor was laid out for this area, that is the way it should develop.

Mr. Mautino stated that when he found out that the subject application was going to be a trailer park, he went to Mr. Goff's Sapulpa trailer park and discussed the application with him. He indicated that Mr. Goff explained his development plans to him and it is reasonable to see 500 to 600 trailers in the proposed park. This will generate roughly between 500 to 3,000 people living in this park, which would generate approximately 1200 cars. Mr. Mautino compared this application to being an instant city. Mr. Mautino concluded that the trailer park would depreciate the homes in the subject area.

**Applicant's Rebuttal:**

Mr. Goff stated that he is building a mobile home community, not a trailer park. He explained that his daughters, who have been in the business since childhood, would manage his mobile home communities. He commented that the size and quality of the mobile homes are equal to many homes that are site-built.

Mr. Goff stated that he is aware that the subject property is a field and will need some clearing. He indicated that he plans to keep as many trees as possible. He stated that he would actively take precautions to keep dust and dirt to a minimum. **INAUDIBLE.**

Mr. Goff stated that he has discussed the sewer system with Public Works and he was informed that he would be allowed to have a dropped-in manhole, which means that he will not have to go as deep as other systems. He indicated that whatever is developed on the subject property would be required to have sanitary sewer with a 12" line. He stated that he would attempt to install the 12" line in a minimal fashion because he does not like blasting any more than the neighbors. Mr. Goff stated that he couldn't guarantee that he will not have to do blasting to install the sanitary sewer, but he will try to keep from blasting because of the cost.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Goff how long it would take to develop the entire 70 acres. In response, Mr. Goff stated that he plans to develop 50 lots per year.

**INAUDIBLE.**

Mr. Midget asked Mr. Goff how many mobile home units he anticipated developing. In response, Mr. Goff stated that it would be close to 500 units. **INAUDIBLE.** Mr. Goff indicated that 9% of the property would be developed for stormwater retention.

Ms. Pace asked if the proposal is in an area that the Planning Commission specifically studied and policy was written to develop it to low intensity. **Staff response is inaudible.** Mr. Westervelt stated that staff indicates that this application is in accord with the Comprehensive Plan for medium intensity. Ms. Pace stated that she could not vote for this without a PUD due to the size of the project and the ten-year proposal for development.

Ms. Hill stated that she couldn't support this application because this area is more sensitive and the impact of traffic.

Mr. Horner stated that if this property had been financially developable for RS-1 it would have been developed years ago. He indicated that he would be supporting this application.

Mr. Harmon stated that based on the evidence he has seen on the subject developer, it appears that he does maintain a well-presented park. He commented that there is a place in Tulsa County for this type of operation.

Mr. Westervelt stated that he has had numerous conversations with the neighbors in this subject area. With the existing zoning pattern in place and the fact that the applicant does a very good job with his housing parks, Mr. Westervelt concluded that since there will be no more than 50 units built in a given year, this application is fairly reasonable.

**TMAPC Action; 7 members present:**

On **MOTION** of **PACE**, the TMAPC voted **3-4-0** (Hill, Midget, Pace "aye"; Boyle, Harmon, Horner, Westervelt "nays"; none "abstaining"; Carnes, Collins, Jackson, Ledford "absent") to recommend **DENIAL** of RMH zoning for Z-6778.

**MOTION FAILED.**

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **4-3-0** (Boyle, Harmon, Horner, Westervelt "aye"; Hill, Midget, Pace "nays"; none "abstaining"; Carnes, Collins, Jackson, Ledford "absent") to recommend **APPROVAL** of RMH zoning for Z-6778 as recommended by staff.

**Legal Description for Z-6778:**

The SW, of the NW, and the W/2, of the SE, of the NW, and the SE, of the SE, of the NW, of Section 3, T-19-N, R-14-E of the IBM, according to the U. S. survey thereof, **from AG (Agriculture District) to RMH (Residential Manufactured Home District).**

\*\*\*\*\*

**APPLICATION NO.: PUD-587-A-1**

**MINOR AMENDMENT**

**Applicant:** R.L. Reynolds

(PD-18) (CD-8)

**Location:** South and west of the southwest corner of East 81<sup>st</sup> Street and South Yale Avenue

**Staff Recommendation:**

PUD-587 contains 23.57 acres and is located at the southwest corner of East 81<sup>st</sup> Street South and South Yale Avenue. Development Area C, located at the southwest corner of the PUD, contains 3.78 acres and was approved for a maximum of twelve single-family dwelling units. One of the requirements of the PUD was that there be a public street connecting East 83<sup>rd</sup> Street South and South Urbana Avenue. This would create a second point of access for the subdivision by connecting Urbana with Toledo by way of 83<sup>rd</sup> Street. A major amendment (PUD-587-A) was approved by the City Council in September 1999, which allowed an alternative use of Development Area C. This amendment allowed that a maximum of one single-family residence be permitted, with access derived from a drive connection to 83<sup>rd</sup> Street South, and that a cul-de-sac be provided at the north terminus of South Urbana Avenue with no access from Development Area C to South Urbana Avenue.

The original standards for Development Area C area as follows:

**DEVELOPMENT AREA C**

|            |            |            |
|------------|------------|------------|
| Land Area: |            |            |
| Gross      | 3.78 Acres | 164,635 SF |
| Net        | 3.78 Acres | 164,634 SF |

Permitted Uses:  
    Single-family dwelling units

Maximum Number of Dwelling Units: 12

Bulk and Area Requirements for Lots:  
    As required in the RS-2 Residential Single-Family Zoning District.

Minimum Livability Space Per Dwelling Unit: 5,000 SF

Streets:  
    The street that connects East 83<sup>rd</sup> Street South and South Urbana Avenue shall be public.

This minor amendment proposes to establish the development standards for Area C. As shown on Exhibit "A", a private street – Reserve A – would provide access to the north six of the twelve lots in Area C. It is proposed that the building setback line of such north six lots from the private street be 20 feet and that the side yards be five feet and five feet.

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-587-A-1, subject to the following conditions:

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

|            |            |            |
|------------|------------|------------|
| Land Area: | 3.78 Acres | 164,635 SF |
|------------|------------|------------|

Permitted Uses:  
    Single-family dwelling units.

Maximum Number of Dwelling Units: 12

Minimum Required Yards:

|   |       |
|---|-------|
| From the west boundary of the Development Area            |       |
| All structures must be east of the existing PSO easement. |       |
| From the south boundary of the Development Area           | 11 FT |
| From the east boundary of the Development Area            | 25 FT |
| From the north boundary of the Development Area           | 11 FT |
| From interior side lot lines for lots abutting            |       |
| private street right-of-way                               | 5 FT  |
| Yard abutting a private street                            | 25 FT |

Other Minimum Bulk and Area Requirements: As established in the RS-2 District.

Streets:

Urbana Avenue and 83<sup>rd</sup> Street South shall be connected by a public street.

3. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly-owned structures within the PUD.
4. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness that meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.
5. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets, or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
6. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.

8. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC and Traffic Engineering prior to issuance of a building permit.
9. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma, 74114, stated that he represents the applicant. This is a minor amendment and the standards were decided two years ago when PUD-587 was approved. Mr. Reynolds indicated that he is in agreement with staff and stated that it complies with PUD-587 in every detail. He explained that this application is supported by Public Works, Traffic Engineering, Water Department and the Fire Department.

Mr. Reynolds stated that the underlying zoning is RS-3, and if this application were not in the PUD, there could be 15 or 16 lots. He indicated that there is opposition regarding the stub street connecting South Urbana to East 83<sup>rd</sup> Street South. He stated that this is a public street and the development will have a private street giving access to the north six lots.

**Mr. Boyle out at 5:00 p.m.**

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

**Norman Sandusky**, 8348 South Vandalia, Tulsa, Oklahoma 74137; **Shirley and Ray Ostensen**, 4615 East 85<sup>th</sup> Street, Tulsa, Oklahoma 74137; **Doug Knapp**, 8317 South Urbana Avenue, Tulsa, Oklahoma 74137, submitted a petition (Exhibit B-1).

**The above listed Interested Parties expressed the following concerns:**

Traffic problems and safety issues; it will be detrimental to the neighborhood if Urbana is developed to allow through traffic; topography is dangerous; crime will increase with more than one access; the minor amendment should be a major amendment.

**TMAPC Comments:**

Mr. Westervelt explained that when this application was before the Planning Commission the last time, there were neighbors who wanted the street to go through and neighbors who did not want the street to go through. He stated that it was a difficult situation and the through-street system was abandoned to allow Mr. Wilson to develop one home on one lot. He explained that the Public Works Department wanted the street to go through and today's application is to put the PUD back the way it was.

Mr. Dunlap explained that they have two standards approved for this tract of land. If the applicant develops one lot, then the street does not have to go through; however, the other alternative is still in place, and if twelve lots are developed, then the street has to be developed. The applicant is proposing twelve lots and he is required to put in the street.

**Applicant's Rebuttal:**

Lou Reynolds stated that two years ago when this PUD was approved, there was a lot of give and take between the neighborhood and the developer. The give and take resulted in the PUD being approved in its form and a written agreement between the developer, Mr. Sandusky, Mr. Knapp and Brookwood II (Exhibit B-2), which states that they agree with the PUD and support the PUD.

Mr. Reynolds stated the minor amendment is completely in compliance with the PUD. He commented that his client has the absolute right to develop twelve lots on the subject street, and today the standards are being established because they were not provided for in the PUD.

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Collins, Jackson, Ledford "absent") to **APPROVE** the minor amendment for PUD-587-A-1 as recommended by staff.

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**APPLICATION NO.: PUD-595-A-1**

**MINOR AMENDMENT**

**Applicant:** Darin Akerman

(PD-18) (CD-8)

**Location:** North of the northeast corner of East 71<sup>st</sup> and Mingo Valley Expressway

**Staff Recommendation:**

PUD-595-A was approved by the City Council in February 1999. The subject tract contains approximately 38 acres and has been approved for the following uses:

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments Other than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 23, Warehousing and Storage Facilities for the storage, repair, service and distribution of furniture, furnishings, equipment, products and supplies, displayed and sold within Mathis Park, provided no exterior display or storage shall be permitted, and uses customarily accessory to permitted principal uses.

The maximum building floor area for the PUD is 1,000,000 SF. The maximum building height is 120 feet for Use Unit 11 uses and 40 feet for other uses. This minor amendment proposes to increase the maximum building height for the proposed warehouse area of the furniture store from 40 feet to 48 feet (see attached conceptual site plan and elevations).

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

Therefore, staff recommends **APPROVAL** of PUD-595-A-1 as submitted.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **6-0-0** (Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes Collins, Jackson Ledford "absent") to **APPROVE** the minor amendment for PUD-595-A-1 as recommended by staff.

\*\*\*\*\*

**OTHER BUSINESS:**

**APPLICATION NO.:** PUD-587

**DETAIL SITE PLAN**

**Applicant:** Charles Norman

(PD-18) (CD-8)

**Location:** Southwest corner of East 81<sup>st</sup> Street and South Yale Avenue

**Staff Recommendation:**

The applicant is requesting Detail Site Plan approval for a mobile sales trailer on a tract located at the southwest corner of East 81<sup>st</sup> Street and South Yale Avenue. The proposed trailer would be located in Development Area A, (Lot 1, Block 1, Village Park Addition). The proposed use of the trailer is for a temporary rental office for a Senior Housing Project that is located in Development Area B (Lot 2) of the same PUD.

The proposal is for a 24' x 44' sales office to be located approximately 195' from the north boundary of the Development Area and approximately 66' from the east boundary. The proposed temporary use would be for one year.

Staff finds that the proposed use conforms to the PUD standards relating to use, building square footage, building setbacks and parking.

Therefore, staff recommends **APPROVAL** of the detail site plan as submitted.

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

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **6-0-0** (Harmon, Hill, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes Collins, Jackson Ledford "absent") to **APPROVE** the detail site plan for PUD-587 as recommended by staff.

\*\*\*\*\*

There being no further business, the Chairman declared the meeting adjourned at 5:30 p.m.

*AS AMENDED*

Date approved: 08/19/08

  
\_\_\_\_\_  
Chairman

ATTEST:   
\_\_\_\_\_  
Secretary

