

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2244

Wednesday, July 5, 2000 1:30 p.m.

City Hall, Room 201

Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, July 3, 2000 at 9:50 a.m., posted in the Office of the City Clerk at 10:49 a.m.

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

### Minutes:

**Approval of the amendment to clarify minutes of April 26, 2000 Meeting No. 2237**

### Applicant's Comments:

**Roy Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, explained that the amendment to the Warren Medical Center, PUD-435-D, is to clarify the small amount of land that was added to the development area and also subtracted some land from the development area. The minutes needed to be structured in a way that clarified the abandoned property and distinguished from the legal description for the land that is being added, which was the amendment to increase the size and a description of the resulting tract of land.

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Horner "absent") to **APPROVE** the amendment to clarify minutes of April 26, 2000 Meeting No. 2237.

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**REPORTS:**

**Chairman's Reports:**

Mr. Westervelt stated that Z-6772, Item no. 9 would be stricken from the agenda per applicant's request.

**CONTINUED ITEMS:**

**APPLICATION NO.: PUD-346-A**

**MAJOR AMENDMENT**

**Applicant:** Darin Akerman

(PD-18) (CD-2)

**Location:** Southeast corner of East 88<sup>th</sup> Street and South Lewis Avenue

**TMAPC Comments:**

Mr. Westervelt stated that the applicant requests a continuance to August 16, 2000 in order to prepare a new notice.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Horner "absent") to **CONTINUE** the major amendment for PUD-346-A to August 16, 2000 at 1:30 p.m.

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**Director's Report:**

Mr. Stump reported that there are no TMAPC items on the City Council agenda for Thursday, July 6, 2000.

**SUBDIVISIONS**

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

**L-18997 – Barbara Carson (193)**  
902 South 83<sup>rd</sup> East Avenue

(PD-5) (CD-3)

**L-19064 – Roy D. Johnsen (3093)**  
East of southeast corner of East 43<sup>rd</sup> Court & Peoria

(PD-6) (CD-9)

**L-19066 – Curtis Evans (3073)**  
16710 South Lewis

(PD-21) (County)

L-19075 – Paul Coury (1192) (PD-1) (CD-4)  
1324 South Cheyenne

L-19077 – Leonard L. Busby (2674) (PD-19) (County)  
16809 East Highway 64

L-19080 – City of Tulsa (494) (PD-17) (CD-6)  
13502 East 11<sup>th</sup> Street

L-19081 – City of Tulsa (594) (PD-17) (CD-6)  
12515 East 11<sup>th</sup> Street

L-19082 – Jerry W. Ledford, Jr. (3203) (PD-3) (CD-3)  
2601 Dawson Road

L-19083 – Donna S. Pennich (3691) (PD-23) (County)  
5646 South 89<sup>th</sup> West Avenue

**Staff Recommendation:**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-1-0** (Carnes, Harmon, Hill, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Boyle, Collins, Horner "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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**PRELIMINARY PLAT:**

**Plainview Heights Addition Amended (PUD 618) (594)** (PD 17) (CD 6)  
422 South 129<sup>th</sup> East Avenue

Mr. Beach stated that the applicant asked that the preliminary plat be placed back on the agenda along with the final plat in order to ask the Planning Commission to waive the Subdivision Regulations requiring dedication of 25 feet of right-of-way along East 4<sup>th</sup> Place. He indicated that if this requirement is waived, the Planning Commission is asked to also approve the final plat as submitted. He stated that if the requirement is not waived, the entire item should be stricken from this agenda. The applicant will then modify the plat to make the dedication and will seek final plat approval at a future meeting. Mr. Beach concluded that the following is the balance of the preliminary plat report as presented on March 15, 2000 when it was approved:

This plat consists of one lot in one block on 2.49 acres. It will be developed under PUD 618, which is approved for selected light industrial uses.

The following were discussed **February 17, 2000** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

- The property was rezoned to IL and PUD 618 was approved in October 1999. The uses permitted are limited to uses in Use Unit 23 except garbage trucks storage, truck stop, truck wash, truck establishments, and building contract construction services. The PUD requires a 120' setback from the centerline of 129<sup>th</sup> East Avenue. This should be shown on the plat.

**2. Streets/access:**

- East 4<sup>th</sup> Street (labeled "Place" on the plat) has the full width right-of-way west of the tract but only half right-of-way along the north side of the tract. It connects with 127<sup>th</sup> East Avenue and could provide access to 129<sup>th</sup> East Avenue for the residential properties to the west and south.
- Somdecerrf, Transportation, stated that the south half of the right-of-way needs to be dedicated along with a 30-foot radius at the corner of 129<sup>th</sup> East Avenue
- Eshelman, Traffic, stated that the access limits shown need to be reduced to 40 feet each. He recommends the extra 36 feet to be taken from the inside in order to make the drives as far apart as possible (36' from south side of the north drive and 36' from north side of the south drive).

**3. Sewer:**

- Sewer is readily available to serve the project. The sewer line should not be shown on the plat.
- There were no specific comments or requirements.

**4. Water:**

- Water is readily available to serve the project.
- There were no specific comments or requirements.

**5. Storm Drainage:**

- This site drains generally toward the northwest.
- There were no specific comments or requirements.

**6. Other:**

- The utility easements shown were acceptable to the TAC members present.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Indicate required setback from 129<sup>th</sup> East Avenue.
2. Dedicate additional right-of-way to make a total of 50 feet on East 4<sup>th</sup> Street and a 30-foot radius at its intersection with 129<sup>th</sup> East Avenue.
3. Reduce access limits to 40 feet wide maximum by taking 36 feet from the south side of the north drive and 36 feet from the north side of the south drive.

**Standard Conditions:**

1. All conditions of PUD 618 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
5. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
6. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Public Works Department and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.

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

**TMAPC Comments:**

Mr. Carnes stated that Public Works automatically asks for this right-of-way every time. He indicated that the street would not be widened because it leads to an expressway.

Mr. Beach stated that the reason the dedication is being requested is because of the residential area in the south and west of the subject property that potentially could be redeveloped in the future for industrial uses. If this were the case, this street is one of few, if not the only, access out to 129<sup>th</sup>.

Mr. Ledford stated that he has been working on 123<sup>rd</sup> Street, which is part of the original subdivision. He commented that trying to get additional right-of-way when it is needed to improve the streets is almost impossible in the subject area.

Mr. Carnes stated that he yields his earlier statement.

Mr. Beach stated that the requirement is contingent upon future changes of zoning and redevelopment of the area.

**Applicant's Comments:**

**Carl Cannizzaro**, Horizon Engineering, 5350 East 46<sup>th</sup> Street, Suite 111, Tulsa, Oklahoma 74135, stated that he is requesting a waiver of the dedication of the additional 25'. He explained that this issue is from a TAC meeting when Traffic Engineering requested the dedication, and then Transportation came in with their requirements for dedicating this additional 25' of right-of-way. Since that time, Traffic Engineering has dropped their requirement and has approved the plat without the 25' additional dedication. He explained that when he approached Transportation with this letter, they did not change their request.

Mr. Cannizzaro stated that he has a petition from the property owners west of the subject property indicating that they do not want the street developed. The District Plan indicates that the subject area is low intensity.

Mr. Cannizzaro commented that he does not believe that it is unreasonable to request the condition to be waived since the City's own two departments cannot agree as to what is needed. In his opinion this is something that should be decided by Traffic Engineering and not Transportation. He concluded that he has met everything except for this one issue.

**TMAPC Comments:**

Mr. Ledford stated that on East 4<sup>th</sup> Street it appears that the dedication is 50' and if the proper right-of-way was dedicated on the subject plat, then that would provide a full 50' all the way to 129<sup>th</sup>.

Mr. Stump stated that staff does not believe this requirement will pull cut-through traffic through the residential neighborhood, but allow a second point of access.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-1-0** (Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; Carnes "nay"; none "abstaining"; Hill "absent") to recommend **DENIAL** of this preliminary plat for Plainview Heights Addition Amended and the original preliminary plat special conditions and standard conditions stay in place as recommended by staff.

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**FINAL PLAT:**

**Tanglewood Estates (2183)**

(PD-18) (CD-8)

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

**Staff Recommendation:**

Mr. Beach stated that everything is in order for this final plat and staff recommends **APPROVAL**.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Horner "absent") to **APPROVE** the final plat for Tanglewood Estates as recommended by staff.

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**CONTINUED ZONING PUBLIC HEARING**

**APPLICATION NO.:** Z-6757

**RS-1 TO RS-2**

**Applicant:** John Sayre

(PD-6) (CD-9)

**Location:** South of southwest corner of East 47<sup>th</sup> Street South and South Gary Avenue

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**Z-6645/PUD-591:** A request to rezone the original PUD tract of the subject property, from RS-1 to RS-2/PUD. Staff and TMAPC recommended approval subject to the revised PUD standards and requirements that would allow three single-family lots with a private street rather than the proposed four single-family lots with approval of RS-2 underlying zoning. City Council concurred in approval subject to the revisions.

**Z-5923 - February 1984:** All concurred in approval of a request to rezone a tract located on the northeast corner of East 47<sup>th</sup> Street South and South Gary Avenue from RS-1 to RS-2.

**Z-5442 - November 1980:** A request to rezone a 320' x 126' tract located east of the northeast corner of East 47<sup>th</sup> Street South and South Gary Avenue from RS-1 to RM-0 was denied and RT zoning was approved in the alternative.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.22 acres in size and is located south of the southwest corner of East 47<sup>th</sup> Street South and South Gary Avenue. The property is flat, partially wooded, contains a single-family dwelling, and is zoned RS-1.

<b>Existing Access</b>	<b>Exist. ROW</b>	<b>Exist. No. Lanes</b>	<b>Surface</b>	<b>Curbs</b>
South Gary Avenue	45'	2 lanes	Paved	No
East 47 <sup>th</sup> Street South	50'	2 lanes	Paved	No

South Gary Avenue and East 47<sup>th</sup> Street South as residential streets and are not on the Major Street and Highway Plan.

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

**SURROUNDING AREA:** The subject tract is abutted on the north by single-family residential uses, zoned RS-1; on the west, by single-family residential uses, zoned RS-1; on the east by single-family residential uses, zoned RS-1; and on the south by a single-family dwelling, zoned PUD 591/RS-2, and beyond the PUD is a vacant lot, zoned RS-1, mixed office uses farther south, zoned OL, OM, PK and CO and largely fronting the expressway.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity – Residential Land Use and Development Sensitive.

According to the Zoning Matrix the requested RS-2 zoning is in accordance with the Plan Map.

**STAFF RECOMMENDATION:**

Based on existing conditions and development in the area, staff cannot support the requested RS-2 zoning on this property. That would allow lot sizes significantly smaller than the existing development in this area. Therefore, staff recommends **DENIAL** of RS-2 zoning for Z-6757.

**AND**

**APPLICATION NO.:** PUD-591-A - RS-2/PUD-591/RS-1 TO RS-2/PUD-591-A  
**Applicant:** John Sayre (PD-6) (CD-9)  
**Location:** South of the southwest corner of East 47<sup>th</sup> Street South and South Gary Avenue

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**Z-6645/PUD-591 December 1998:** A request to rezone the original PUD tract of the subject property, from RS-1 to RS-2/PUD. Staff and TMAPC recommended approval subject to the revised PUD standards and requirements that would allow three single-family lots with a private street rather than the proposed four single-family lots with approval of RS-2 underlying zoning. City Council concurred in approval subject to the revisions.

**Z-5923 February 1984:** All concurred in approval of a request to rezone a tract located on the northeast corner of East 47<sup>th</sup> Street South and South Gary Avenue from RS-1 to RS-2.

**Z-5442 November 1980:** A request to rezone a 320' x 126' tract located east of the northeast corner of East 47<sup>th</sup> Street South and South Gary Avenue from RS-1 to RM-0 was denied and RT zoning was approved in the alternative.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.03 acres in size and is located south of the southwest corner of East 47<sup>th</sup> Street South and South Gary Avenue. The property is flat, partially wooded, contains single-family dwellings, and is zoned RS-1 and RS-2.

**STREETS:**

<b><u>Existing Access</u></b>	<b><u>MSHP Design.</u></b>	<b><u>Exist. No. Lanes</u></b>	<b><u>Surface</u></b>	<b><u>Curbs</u></b>
South Gary Avenue	45'	2 lanes	Paved	No
East 47 <sup>th</sup> Street South	50'	2 lanes	Paved	No

The Major Street Plan designates South Gary Avenue and East 47<sup>th</sup> Street South as residential streets.

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

**SURROUNDING AREA:** The subject tract is abutted on the north and west by single-family residential uses, zoned RS-1; to the east by single-family residential uses, zoned RS-1 and multifamily residential uses and related parking, zoned RM-2 and RS-1; and on the south by vacant land, zoned RS-1.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity-Residential and Development Sensitive.

According to the Zoning Matrix the requested RS-2/PUD zoning is in accordance with the Plan Map.

The subject tract contains 2.23 (gross) acres and is located south of the southwest corner of East 47<sup>th</sup> Street South and Gary Avenue. The tract has 355' of frontage on South Gary Avenue. The south 0.95 acres of the tract is currently zoned RS-2/PUD-591 and the north 1.28 acres is currently zoned RS-1. The applicant proposes to rezone the north 1.28 acres to RS-2 (Z-6757) and add this tract to the existing PUD. The major amendment proposes a maximum of eight (as modified by applicant) single-family detached dwellings. The proposed development would have private streets and access onto South Gary Avenue.

The subject tract contains two older homes, which the applicant proposes to remove. There are single-family homes zoned RS-1 to the north, south and west. To the east across Gary Avenue are apartments zoned RS-1 and RM-2 (across from the existing PUD) and single-family homes zoned RS-1 (across from the north 1.28 acres). Staff does not support the request to rezone the north 1.28 acres from RS-1 to RS-2 (see enclosed staff recommendation for Z-6757) and therefore does not support the requested density proposed by this major amendment.

**Staff Recommendation:**

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD 591-A, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD 591-A subject to the following conditions:

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

**2. Development Standards:**

Land Area (Gross)	2.2292 Acres	99,337 SF
(Net)	2.0301 Acres	90,462 SF

Permitted Uses:	Use Unit 6, detached single-family residences.
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Maximum Number of Dwelling Units:	7
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Minimum Width of Private Street Right-of-way: 30 FT

Maximum Building Height:  
Within west 80' and north and south 25' of PUD one story  
Remainder of PUD two stories

Minimum Lot Width: 100 FT

Minimum Width of Required Yards:  
From the west, north & south boundaries of the PUD 15 FT  
From the Private Street right-of-way:  
Residences 15 FT  
Garages 20 FT  
From the centerline of South Gary Avenue 50 FT  
From internal side lot lines 5 FT

Minimum Parking Spaces per lot:  
Enclosed 2  
Open off-street 2

Minimum Livability Space per Dwelling Unit Per Lot: 6000 SF

Minimum Livability Space in entire PUD: 50,000 SF

Minimum Lot Area: 10,000 SF

Detached Accessory Buildings: There shall be none within the PUD.

Screening and Buffering:

A six-foot screening wall or fence shall be provided along the north, south and west boundaries of the PUD. A six-foot screening wall or fence may be provided along the east boundary of the PUD.

Landscaping shall be in substantial compliance with the applicant's Outline Development Plan and Text.

3. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly-owned structures within the PUD.

4. All private roadways shall be a minimum of 26' in width measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness 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 the subdivision platting process.

**TMAPC Comments:**

Mr. Harmon asked staff what the lot size requirements for RS-1 and RS-2. In response, Mr. Stump stated they are 9,000 SF for RS-2 and 13,500 SF for RS-1. He explained that RS-2 lot width minimum is 75 FT and RS-1 is 105 FT.

Mr. Westervelt stated that the TMAPC has received four correspondences. Two were in favor and two opposed this application. He indicated that the two correspondences in favor of this project had glowing accolades for the INCOG staff.

**Applicant's Comments:**

**John Sayre**, 1244-B-1 South Memorial Drive, Tulsa, Oklahoma 74112, WE Builders, stated that he originally filed an application with INCOG, and with staff's recommendation, filed a Major Amendment to an existing PUD. The tract to the south of the subject property, owned by John Boyd, decided to be included with the major amendment.

Mr. Sayre stated that originally he was trying to develop ten lots, six on his property and four on Mr. Boyd's property. After speaking with INCOG it was determined that this could not be done because it did not meet the requirements for RS-2. He indicated that some of the neighbors feared the development would cause stormwater problems and privacy. He stated that he changed his request to nine lots and rezone the property to the north to RS-2.

Mr. Sayre indicated that there was a problem with the legal description and mailing for the public hearing. He explained that after reading INCOG's report stating that seven lots should be approved, he determined that it would be better to request eight lots. He indicated that by reducing his request to eight lots he is able to meet every requirement in the staff recommendation except for the request of seven lots.

Mr. Sayre stated that he hired a hydrologist and used his recommendation to totally divert all of the stormwater off of this property.

**TMAPC Comments:**

Mr. Westervelt reminded Mr. Sayre that Public Works deals with the stormwater issues and it will be dealt with throughout the process.

Mr. Sayre stated that the reason for requesting eight lots is because of the hardship that is put upon the development to divert the stormwater. By using a large detention pond and an underground storm system it is possible to take all of the water on the subject property, take it all underground, and dump it into an underground box.

Mr. Sayre stated that the two issues that the neighbors were concerned with were stormwater and privacy. He explained that INCOG put in place some stipulations that address privacy issues.

Mr. Sayre explained that he would be happy with eight lots and leave the north property as RS-1. He stated that another choice would be to do an RS-1 buffer strip around the subject property so that all of the RS-1 properties that abut to this tract would have RS-1 buffering. He suggested that the RS-1 buffering be 15' or 25' and the tract within the buffer be RS-2.

Mr. Sayre stated that the property to the south of the subject property is zoned RS-2. He explained that when the property to the south was rezoned RS-2 it was completely surrounded by RS-1. Mr. Sayre described the surrounding properties and their zoning classifications. He commented that the subject property has the same situation as did the property to the south that was allowed to rezone to RS-2. He requested the additional zoning needed in order to allow the eight lots.

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

**TMAPC Comments:**

Mr. Westervelt explained to Mr. Sayre that the Planning Commission does not design the applicant's project in order to grant the zoning requested by the applicant. He informed Mr. Sayre that he would have to submit it himself to receive the appropriate zoning needed.

**Applicant's Comments:**

**Mark Swift**, 305 East 29<sup>th</sup> Place, Tulsa, Oklahoma 74114, Hydrologist, stated that he was asked to do the hydrology for this project. He explained that the intent of the hydrology would be to capture all of the stormwater runoff from the subject property into a detention pond and divert the water that normally flows off to the west into a central area, which would capture approximately 2500 cubic feet of volume. The water would be released at a lower rate, which would go through a 24" RCP culvert 500' to the west branch of Joe Creek. Mr. Swift stated that the important thing to remember is that the total discharge off of the subject site would be less than it is now and diverted through the storm sewer and not overland.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Swift how much the improvement of discharge would be. In response, Mr. Swift stated that it would be about two CFS (from 20 CFS to 18 CFS).

Mr. Westervelt asked how much difference would anyone see in a two cubic foot discharge per second. In response, Mr. Swift stated none. Mr. Swift further stated that the main issue is that the adjacent properties would not have stormwater running off the hill onto their property, because it would all be captured and diverted. Mr. Westervelt commented that the diversion is the real benefit.

**Applicant's Comments:**

**Jim Foy**, 1244-B1, South Memorial, Tulsa, Oklahoma 74112, stated that Mr. Boyd sent a letter to INCOG supporting this application. He indicated that the proposed PUD would be an attractive addition to the neighborhood. Regardless of what happens today, he would be grateful for seven lots, but really need eight lots. He concurred with Mr. Swift and Mr. Sayre's comments regarding the stormwater detention and the need for eight lots.

**Interested Parties Comments:**

**Danette Gallatin**, 3123 East 48<sup>th</sup> Street, Tulsa, Oklahoma 74105, stated that she lives west of the subject property and has some reservations and concerns regarding this application. Ms. Gallatin gave a history of past applications in the subject area and a precedent being set when Mr. Boyd's property was allowed to be rezoned to RS-2.

**Mr. Midget in at 2:12 p.m.**

Ms. Gallatin expressed concerns with stormwater issues, high density, green space and spacing. She requested that the Planning Commission deny this application.

**Charles Cook**, 4820 South Florence Place, Tulsa, Oklahoma 74105, stated that during the 1984 flood he had 30" of water in his home and received structural damage from the runoff. He expressed concerns with the proposal and stormwater runoff and requested that the Planning Commission deny this application.

**TMAPC Comments:**

Mr. Carnes stated that the staff recommendation is for seven houses, which is the maximum size. He asked Mr. Cook if he would rather have seven houses under a PUD than have the applicant develop seven houses without having to go before anyone. In response, Mr. Cook stated that he would prefer to have the PUD.

Mr. Westervelt asked Mr. Cook if he would change his opinion of eight houses versus seven houses if the applicant were able to divert the stormwater. In response, Mr. Cook stated that he would prefer to have the detention and only seven houses.

**Interested Parties Comments:**

**Frank Cox**, 4815 South Florence Place, Tulsa, Oklahoma 74105, stated that he has lived in the neighborhood for 32 years. He commented that there are three interests being represented today, the City of Tulsa, the developer and the integrity of his neighborhood. He requested that the Planning Commission deny the requested eight lots and do not allow developers to cram more than is normal into the neighborhood.

**Councilor Pringle** stated that he became involved in this area of town in August of 1998 when Mr. Boyd wanted to rezone his property to an RS-3. He explained that he saw it as his role to be a facilitator of a compromise and proposed RS-2 zoning for Mr. Boyd's property.

Councilor Pringle stated that today he would like to speak on behalf of the neighbors. He indicated that the neighbors were disappointed in him with the RS-2 zoning in 1998. He stated that what he thinks is happening now is probably what the neighbors feared, which is the two properties being tied in together and the greatest amount of density possible being advocated for the area.

Councilor Pringle stated that he does agree with the developers that the property values would be enhanced. He further stated that he recommends that the Planning Commission grant the application with the staff's recommendation of seven lots and not eight lots. He commented that eight homes are too much and it does not allow any extra room for a detention facility if there are eight lots.

Mr. Stump stated that the applicant stated he could meet all of the requirements in the PUD with eight units, but looking at his conceptual plan it is not true. Mr. Stump stated that the applicant counted the lot area going to the center of the street and the City has always platted streets, even private streets, as a separate right-of-way that is not included as part of the lot.

**Applicant's Rebuttal:**

Mr. Sayre said that he is trying to be sensitive to the neighbor's issues. He commented that it is a considerable cost to divert the stormwater and he would need eight lots to cover that cost.

Mr. Sayre stated that he met with neighbors door-to-door and met with INCOG regarding this application. He commented that the issue basically comes down to one house. He reiterated that he is requesting the extra lot to help defray the cost of the stormwater detention.

Mr. Ledford recognized Mr. Swift.

Mr. Swift stated that the homes to the west are suffering from two kinds of flooding. The main flooding source is the west branch of Joe Creek and water that comes from the north. He indicated that the development is not impacting these two problems at all. He reiterated that all of the stormwater would be captured and diverted into the detention pond and then through the storm sewer.

**TMAPC Comments:**

Mr. Ledford asked Mr. Swift what the flow line of the detention facility would be with a 24" pipe. Mr. Ledford stated that according to Mr. Swift's topography map along the southwest boundary of the RS-2 tract or the west boundary there is a 671' elevation and the detention facility is at a 677' elevation. Mr. Swift stated that the detention pond would be five feet deep. Mr. Sayre stated that he is not required to give elevations at this point, but included the information to show where the detention pond would be located. Mr. Sayre further stated that if the PUD is approved the elevations and location would have to be dealt with by the stormwater staff. Mr. Ledford stated that he understands that, but the information is there and it is hard to determine how all of the stormwater will flow to the detention facility when the west line is lower than the outlet elevation. Mr. Sayre stated that the engineers have stated that the best location for the detention pond would be the northwest corner. Mr. Sayre explained that at the Gallatins' property, which is directly to the west of the subject property, there would be a dam built to hold the stormwater back. Mr. Sayre indicated that the dam would probably be three to four feet on the Gallatins' side and then excavate on the other side. Mr. Ledford asked Mr. Sayre if he would be raising the west line. In response, Mr. Sayre answered affirmatively. Mr. Ledford stated that it appears that there is a 7 ½ foot easement and the PFPI is five feet outside the pipe, which means that if there is a 24" pipe and the thickness of the pipe would approximately be three inches it would require six feet and three inches on each

side of the centerline and the submitted drawing indicates that the whole easement is 7 ½ feet.

Mr. Harmon questioned if seven lots is the maximum whether it is zoned RS-1 or RS-2. In response, Mr. Stump stated that with the existing zoning the maximum the applicant can develop is seven lots with a PUD. Mr. Stump further stated that with standard zoning on the northern portion, the applicant could probably get two lots without a PUD; if it is zoned RS-2 with a PUD, the applicant could get a significantly higher number of lots if it were approved by the Planning Commission. Mr. Stump explained that the applicant could have seven lots without a PUD if the two tracts combined were zoned RS-2.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Horner "absent") to recommend **DENIAL** of RS-2 zoning for Z-6767 and recommend **APPROVAL** of PUD-591-A, subject to the conditions as recommended by staff.

**Legal Description for PUD-591-A:**

The South 175' of the E/2 of Lot 10, Claypool Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof, and the East 212' of the N/2 of Lot 15, and the North 15' of the East 200' of the S/2 of Lot 15, Claypool Addition, City of Tulsa, County of Tulsa, State of Oklahoma according to the recorded plat thereof, and located south of the southwest corner of East 47<sup>th</sup> Street South and South Gary Avenue, Tulsa, Oklahoma, **From RS-2/PUD-591, RS-1 (Single-family Medium Density District/Planned Unit Development [PUD-591], Residential Single-family Low Density District) To RS-1, RS-2/PUD-591-A (Residential Single-family Low Density) (Residential Single-family Medium Density District/Planned Unit Development [PUD-591-A]).**

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**APPLICATION NO.: PUD-397-B**

**MAJOR AMENDMENT**

**Applicant:** Roy D. Johnsen

(PD-18) (CD-7)

**Location:** Southeast corner of East 61<sup>st</sup> Street and South 90<sup>th</sup> East Avenue

**Staff Recommendation:**

PUD-397 consists of approximately 39 acres located on the south side of East 61<sup>st</sup> Street South extending southerly along South 90<sup>th</sup> East Avenue. PUD-397 was initially approved in 1985 establishing development areas, which included on the east side of 90<sup>th</sup> East Avenue, Development Areas B, C and D. The initial permitted uses, tract sizes and allocations of permitted intensity were as follows:

	<b>Tract Size</b>	<b>Permitted Use</b>	<b>Intensity</b>
Dev. Area B (8.24 gross)	6.94 AC Net	Offices	140,000 SF
Dev. Area C (5.74 gross)	5.74 AC Net	Elderly Apts.	156 dus.
Dev. Area D (8.40 gross)	7.97 AC Net	Apartments	220 dus.

PUD-397 was amended by PUD-397-A (approved by TMAPC 6/18/97 and by the City Council 6/30/97), which permitted the subdivision of 1.64 acres of Area B located at the northwest corner of Area B. The 1.64 acre tract was allocated 28,500 SF of floor area and has now been platted and developed as a banking facility. The remaining undeveloped portion of Area B, 5.30 acres net, was allocated 103,420 SF of floor area.

This amendment proposes the combining of the remaining undeveloped portion of Area B (5.3 acres net) and all of Area C (5.74 acres net) and part of Area D (.72 acres) as a revised development area to be identified as Area B-1 consisting of 11.76 acres and proposed for office use. It is further proposed that the remaining portion of Area D, to be identified as Area D-1 and to be used for multifamily purposes as initially approved, but with a proportionate reduction of permitted dwelling units or in the alternative to permit office uses. The proposed permitted uses; tract sizes and allocations of permitted intensity are as follows:

	<b>Tract Size</b>	<b>Permitted Use</b>	<b>Intensity</b>
Dev. Area B-1	11.76 ac. net	Offices	179,140 SF
Dev. Area D-1	7.25 ac. net	Apartments	196 dus.
Dev. Area D-1 Alternative Proposal		Offices	110,535 SF

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-397-B, 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-397-B subject to the following conditions:

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

### DEVELOPMENT AREA B-1

Gross Land Area:	12.52 acres
Net Land Area:	11.76 acres
Permitted Uses:	As permitted by right within an OL district and drive-in banking facilities.
Maximum Floor Area:	179,200 SF
Maximum Floor Area Ratio Per Lot:	.35
Maximum Building Height:	two stories
Minimum Building Setbacks:	
From centerline of East 61 <sup>st</sup> Street	105 FT
From centerline of South 90 <sup>th</sup> East Ave.	55 FT
From other boundaries	20 FT
Parking Ratio:	As provided within the applicable use unit.
Other Bulk and Area Requirements:	As permitted in the OL district.
Minimum Landscaped Area:	15% of net lot area.
Signage:	As permitted in the OL district.

### DEVELOPMENT AREA D-1

Gross Area:	7.66 acres
Net Area:	7.25 acres
Permitted Uses:	Multifamily dwellings and customary accessory uses (Use Unit 8)*
Maximum Number of Dwelling Units:	196
Minimum Livability Space Per Dwelling Unit Per Lot:	600 SF

Maximum Building Height:	42 FT
Maximum Stories:	Three
Minimum Building Setbacks:	
From centerline of South 90 <sup>th</sup> East Avenue:	
Two stories or less	55 FT
Three stories	75 FT
From other development area boundaries:	
Two stories or less	20 FT
Three stories	35 FT
Other Bulk and Area Requirements:	As permitted in the RM-1 district.
Signage:	As permitted in the RM-1 district.

\*Use Unit 7a (Townhouse dwellings) and Use Unit 6 (Single-Family dwellings) may be permitted by minor amendment.

**Alternative Development Standards for Area D-1**

Gross Land Area:	7.66 acres
Net Land Area:	7.25 acres
Permitted Uses:	As permitted by right within an OL district and drive-in banking facilities.
Maximum Floor Area:	110,535 SF
Maximum Floor Area Ratio Per Lot:	.35
Minimum Building Height:	two stories
Minimum Building Setbacks:	
From centerline of 90 <sup>th</sup> East Ave.	55 FT
From south boundary	35 FT
From other boundaries	20 FT
Parking Ratio:	As provided within the applicable use unit.

Minimum Landscaped Area:	15% of net lot area
Other Bulk and Area Requirements:	As permitted in the OL district.
Signage:	As permitted in the OL district.

3. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment (including building mounted) areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light within 50 feet of the south and west boundaries of the PUD shall exceed 15 feet in height and all such lights shall be set back at least 15 feet from the south and west boundaries of the PUD.
8. 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.
9. Boundaries of lots shall be established by the recording of a subdivision plat. Any change to plat shall require approval of a minor amendment to the PUD.

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.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Horner "absent") to recommend **APPROVAL** of the major amendment for PUD-397-B, subject to conditions as recommended by staff.

**Legal Description for PUD-397-B:**

A TRACT OF LAND THAT IS PART OF THE NW/4 OF THE NE/4 OF SECTION 1, T-18-N, R-13-E, OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE NORTHWEST CORNER OF THE NW/4 OF THE NE/4 OF SAID SECTION 1; THENCE S 89°59'42" E ALONG THE NORTHERLY LINE OF THE NW/4 OF THE NE/4 FOR 1026.25'; THENCE S 00°03'20" W AND PARALLEL WITH THE EASTERLY LINE OF THE NW/4 OF THE NE/4 FOR 50.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING S 00°03'20" W FOR 245.00'; THENCE S 89°59'42" E AND PARALLEL WITH THE NORTHERLY LINE OF SAID SECTION 1 FOR 295.00' TO A POINT ON THE EASTERLY LINE OF THE NW/4 OF THE NE/4, SAID POINT ALSO BEING ON THE WESTERLY LINE OF LOT 2 IN BLOCK 6 OF "BLOCKS 4, 5 AND 6 OF GLENEAGLES", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE S 00°03'20" W ALONG SAID EASTERLY LINE OF THE NW/4 OF THE NE/4 AND THE WESTERLY LINE OF SAID LOT 2 FOR 1026.82' TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF LOT 1 IN

BLOCK 6 OF "BLOCKS 4, 5 AND 6 OF GLENEAGLES", SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE NW/4 OF THE NE/4; THENCE S 89°55'46" W ALONG THE NORTHERLY LINE OF SAID LOT 1 AND THE SOUTHERLY LINE OF THE NW/4 OF THE NE/4 FOR 650.00' TO A POINT THAT IS THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH 90TH EAST AVENUE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE AS FOLLOWS: N 00°04'14" W FOR 310.00' TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 36°55'22" AND A RADIUS OF 330.00' FOR 212.66' TO A POINT OF TANGENCY; THENCE N 36°59'36" W ALONG SAID TANGENCY FOR 67.85' TO A POINT OF CURVE; THENCE NORTHWESTERLY AND NORTHERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 36°59'54" AND A RADIUS OF 470.00' FOR 303.50' TO A POINT OF TANGENCY; THENCE N 00°00'18" E ALONG SAID TANGENCY FOR 142.49' TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1 OF "COMMUNITY PLACE", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE S 89°59'42" E ALONG THE SOUTHERLY LINE OF SAID LOT 1 FOR 250.00' TO THE SOUTHEAST CORNER OF LOT 1; THENCE N 00°00'18" E ALONG THE EASTERLY LINE OF LOT 1 FOR 285.00' TO THE NORTHEAST CORNER OF LOT 1 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 61ST STREET SOUTH; THENCE S 89°59'42" E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND PARALLEL WITH THE NORTHERLY LINE OF SECTION 1 FOR 308.44' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, **From: RM-1/PUD-397-A To: RM-1/PUD-397-B (Residential Multifamily Low Density District/Planned Unit Development).**

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## **OTHER BUSINESS:**

### **Commissioners' Comments:**

Mr. Midget asked Mr. Jackere how long a City Councilor could hold an item once the Planning Commission has transmitted their recommendation. In response, Mr. Jackere stated that he is not familiar with the City Council's rules regarding a transmittal for rezoning.

Mr. Stump asked Mr. Jackere if the Planning Commission transmits a recommendation regarding a zoning case, the City Council is not obligated to bring the recommendation before the full Council and public hearing. In response, Mr. Jackere stated that the Council could be forced to bring the recommendation forward. Mr. Ledford stated that if a zoning case is left open-ended, then it may need to be addressed in the Zoning Code, stating that within a certain period of time the Council has to make a decision to bring a zoning case forward. Mr. Ledford commented that it is not fair to the applicant to leave it

open-ended. Mr. Stump stated that the property is already zoned and a recommendation is requesting the Council to change the law and pass a new law that rezones the property. Mr. Stump further stated that he is not sure that legislative bodies have an obligation to bring new laws to a vote.

Mr. Jackere stated that the remedy would be in the hands of the applicant for the release of the zoning request. Mr. Jackere stated that the applicant might have to go to District Court to force the issue.

Mr. Ledford stated that when there is zoning and a subdivision following it, the Planning Commission is obligated to act on the new subdivision within 30 days. If the City Council holds this up, then there could be a preliminary plat approved before the zoning would be brought forth.

Mr. Carnes asked if the Planning Commission could act on the subdivision with the wording "conditional upon zoning approval". Mr. Ledford stated that the Planning Commission has done that in the past, but the statement should be in the recommendation. Mr. Stump stated that staff tries to schedule the plats before the first reading before the Council has occurred. Mr. Ledford stated that sometimes the statement "condition upon zoning approval" would be forgotten in the motion so it needs to be on the plats.

Mr. Jackere stated that the applicant might be able to mandamus action by the Council. Mr. Johnsen stated that an applicant might have a mandamus because there was a hearing held and the Planning Commission made a decision. Mr. Jackere stated that he did not mean that it is solely the applicant's responsibility to challenge the underlying zoning and there may be an action required for the City to take action.

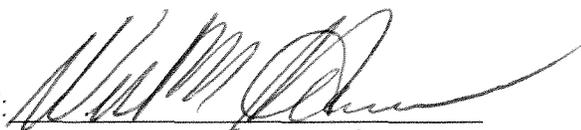
Mr. Johnsen stated that a legislative act would be to amend the zoning, but a requirement to hold a hearing may take a little bit of the legislative act because of the City Council's own ordinance procedure that they have to follow.

\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 2:53 p.m.

Date approved: 08/02/00

  
Chairman

ATTEST:   
Secretary