

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2248

Wednesday, August 16, 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	Bruce	Boulden, Legal
Carnes		Dunlap	Counsel
Harmon		Huntsinger	
Hill		Matthews	
Horner		Stump	
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August 14, 2000 at 3:50 p.m., posted in the Office of the City Clerk at 11:00 a.m., as well as in the office of the County Clerk at 10:55 a.m.

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

### Minutes:

#### **Approval of the minutes of August 2, 2000 Meeting No. 2247**

On **MOTION** of **BOYLE** the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **APPROVE** the minutes of the meeting of August 2, 2000 Meeting No. 2247.

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### REPORTS:

#### Chairman's Reports:

Mr. Westervelt stated that the grand opening for the One Stop Permit Center is August 23, 2000 at 11:30 a.m.

Mr. Westervelt stated that because of the complexity of dealing with the District Court action that requires the Planning Commission to take some action and the added complication of the directive from the City Council, the Planning Commission is referring item 18, City Council Resolution No. 2911, promptly to Rules and Regulations Committee meeting on August 23, 2000 at 11:30 a.m., Room 1102, City Hall.

**Interested Parties Comments:**

**James Mautino**, 14628 East 12<sup>th</sup>, Tulsa, Oklahoma 74108, stated that he has no problem with the resolution going to a committee meeting, but he would like to request that the public hearing be held in the evening.

**TMAPC Comments:**

Mr. Westervelt stated that he does not believe that it would be necessary to move the meeting to the evening. He explained that the Planning Commission would not like to meet in the evening and any type of written communication or a representative speaking for all is as effective as packing the chambers. He informed Mr. Mautino that if he is interested in Resolution No. 2911, he may attend the Rules and Regulations Meeting next Wednesday.

Mr. Boyle requested that the Legal Department be ready to brief the Planning Commission on this issue next Wednesday.

Mr. Westervelt announced that on Items No. 12 and 13, he will abstain and Mr. Boyle will chair the meeting during these two items.

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**Committee Reports:**

**Rules and Regulations Committee**

Mr. Boyle stated that there will be a meeting on August 23, 2000 at 11:30 a.m. regarding the City Council Resolution No. 2911 regarding the property located at or near south of the northeast corner of Admiral and 145<sup>th</sup> East Avenue.

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**Director's Report:**

Mr. Stump reported that there are two final plats on the City Council agenda. He invited everyone to the opening of the One Stop Permit Center.

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## SUBDIVISIONS

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

L-19076 – Stephen K. Mendenhall (2993)

(PD-6) (CD-9)

4545 South Lewis

#### Staff Recommendation:

The applicant has applied to split a 165' X 305' tract into two parcels. The proposed configuration will result with Tract A having four side-lot lines. All zoning requirements will be met. The applicant is seeking a waiver of Subdivision Regulations that each tract have no more than three side-lot lines.

Issues to be considered include:

- The subject property presently has a septic system, as do the neighboring properties. The City of Tulsa Public Works Department does not allow new septic systems where water and sewer lines are available. In order to provide sewer service to the proposed tracts, a sewer line would have to be extended across Lewis Avenue. The City of Tulsa Public Works staff has expressed no concern on this lot-split if the applicant is willing to extend the main sewer line across Lewis Avenue.
- Lewis Avenue is a secondary arterial, requiring 100' right-of-way, 50' from either side of the centerline. To date, the subject property has given 25' right-of-way, and would need to deed an additional 25' to the City of Tulsa.
- With the proposed configuration of this application, the existing dwelling would face the back of the proposed split-off tract. The north and south abutting property dwellings are built back from the street approximately the same distance as that of the existing house on the subject property.

Staff believes that while bringing sewer service to the east side of Lewis Avenue would benefit other property owners in the area, this lot-split may have an adverse effect on the abutting properties because they would face into the rear of the new tract.

Due to the configuration of the existing homes in the immediate area, staff would recommend **DENIAL** of the waiver of Subdivision Regulations.

#### Applicant's Comments:

**Warren G. Morris**, 2532 East 46<sup>th</sup> Place, Tulsa, Oklahoma 74105, stated that the subject area has had a remarkable history. He indicated that throughout the years there have been many lot-splits.

Mr. Morris stated that the City has encouraged growth within the inner part of the City and this is a way to do that. He indicated that the sewer line issue can be solved by his client installing a sewer line across Lewis and he will dedicate an extra 25' for right-of-way. He commented that there are houses along the street that are only 15' off of the right-of-way.

**Stephen K. Mendenhall**, 4545 South Lewis Avenue, Tulsa, Oklahoma 74105, stated that his home was built in 1950 and originally there were 32 lots in this subdivision. Now there are 110 lots. He indicated that from 41<sup>st</sup> Street to 51<sup>st</sup> Street and from Lewis to Harvard there have been over 32 lots that have been subdivided with at least four-side lot lines. There are twelve lots with panhandles, which is what he is proposing to do with the subject property.

Mr. Mendenhall stated that Tract A meets all of the guidelines, but Tract B will have the panhandle. Mr. Mendenhall submitted a letter of support from his neighbor to the north (Exhibit A-1).

**TMAPC Comments:**

Mr. Harmon asked Mr. Mendenhall if he occupies the home on Tract A. In response, Mr. Mendenhall answered affirmatively. Mr. Harmon asked Mr. Mendenhall if it would bother him to look out the front of his house and see the back of another property. In response, Mr. Mendenhall answered negatively.

Mr. Ledford asked Mr. Mendenhall if he would be willing to extend the public sewer. In response, Mr. Mendenhall answered affirmatively.

Mr. Ledford stated that a dedicated easement is needed so that the sewer can be extended in the future either to the north or south. In response, Mr. Mendenhall stated that he would dedicate the easement with the City of Tulsa and he will have to dedicate easement across the total frontage of his lot in order for the neighbors north or south to connect. Mr. Mendenhall indicated that he would be dedicating an easement along his north line so that the neighbor along the north line can service his property as well.

**Interested Parties Comments:**

**Robert Doebler**, 2224 East 46<sup>th</sup>, Tulsa, Oklahoma 74105, stated that he objects to the lot-split. He expressed concerns with a two-story home being built adjacent to his property because he would be seeing it from his kitchen window. He commented that the proposal would be out of place.

**Paul Peterson**, 4559 South Lewis, Tulsa, Oklahoma 74105, stated that he objects to the lot-split because it will block his view. He expressed concerns that his property value will decrease due to the lot-split.

**Applicant's Rebuttal:**

Mr. Morris stated that there are several lot-splits in the subject area. He explained that with the past lot-splits there have been no decrease in property value and there is no question that this house will be an addition and asset to the community.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **9-1-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; Boyle "nay"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of the lot-split for L-19076 and waiver of the Subdivision Regulations, subject to the dedication of the required sanitary sewer easements along the west and north boundary of the subject property as recommended by TMAPC.

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

- L-19065 – John Leatherwood (3073)** (PD-21) (County)  
2146 East 161<sup>st</sup> Street
- L-19089 – Norma Kraft (883)** (PD-18) (CD-2)  
Northwest corner East 72<sup>nd</sup> Street & Evanston
- L-19090 – James C. Doyle (3591)** (PD-23) (County)  
9919 West 57<sup>th</sup> Street
- L-19091 – Gale Plummer (3693)** (PD-18) (CD-7)  
5129 South 95<sup>th</sup> East Avenue
- L-19093 – Bryan Blount (1302)** (PD-25) (CD-1)  
East 38<sup>th</sup> Street North west of Lansing
- L-19094 – City of Tulsa (594)** (PD-17) (CD-6)  
12701 East 11<sup>th</sup> Street
- L-19095 – City of Tulsa (2003)** (PD-2) (CD-3)  
3139 North Lewis
- L-19096 – City of Tulsa (2003)** (PD-2) (CD-3)  
3237 North Lewis
- L-19099 – Tulsa Development Authority (192)** (PD-4) (CD-4)  
700 South Peoria

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "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:**

**Redeemer Covenant Church**

(PD-26) (CD-8)

East of the northeast corner of East 101<sup>st</sup> Street South and Yale Avenue

**Staff Recommendation:**

The following background information was provided at the **August 3, 2000** TAC meeting.

**GENERAL**

The site is bounded on the north, west and south by single-family additions. Large lot single-family homes abut it to the east. The site is relatively flat and includes an existing church building in the southeast. The requirement is triggered by BOA case 18663 approving a Special Exception to allow the use on the entirety of the site.

**ZONING**

The site is currently located in the AG district with AG to the east. RS-1 is present to the north with RS-2 to the west and south. An AG "island" is present across the street to the southwest with higher intensity residential and commercial uses present further to the west along Yale.

**STREETS**

The site is bounded on the south by 101<sup>st</sup> Street; the photo indicates two existing access points onto the street. Limits of No Access are not shown.

Darlington Avenue stubs into the property from the north.

**WATER**

The plat indicates an existing 10" and 12" water line along 101<sup>st</sup> Street.

**SEWER**

Sanitary sewer appears to be connected to the line in the Sun Meadow II Addition to the north.

**STORM DRAIN**

There is an existing detention basin on site. Discussions with the applicant indicate that the basin will be moved.

**UTILITIES**

The plat proposes 10' easements along the east, north and west perimeters, existing easements are shown to the south along 101<sup>st</sup>.

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

**1. Streets/access:**

- French, Traffic, indicated that the requested relocation of the western access (approximately 105' to the east) would be acceptable.

- Somdecerrff, Streets, requested book and page references for dedications along 101<sup>st</sup> Street. Requested construction and dedication of a link between Darlington and 99<sup>th</sup> in the northwest corner of the site.

The applicant's engineer indicated that the construction of this street would interfere with the construction of the lift station for the storm drain system. He requested a hearing by the Commission to discuss the requirement.

**2. Sewer:**

- Bolding, Public Works, Engineering, indicated that an existing line to the south served the site. Additional easements would be required prior to final plat approval.

**3. Water:**

- Public Works, Water, indicated that a 20' restricted water line easement would be required.

**4. Storm Drainage:**

- McCormick, Stormwater, indicated that the existing basin would be moved to the north and that easements would be required for access to and maintenance of the basin. He also indicated that a lift system would be required to move stormwater to the north.

**5. Utilities:**

No comments.

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

**Waivers of Subdivision Regulations:**

1. None needed.

**Special Conditions:**

1. Label references for street dedications along 101<sup>st</sup> Street.
2. Sewer and water easements as required by the Public Works Department.
3. Easements for access to and maintenance of the proposed detention basin.
4. Decision by the Planning Commission regarding a connection between Darlington and 99<sup>th</sup>.

**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. Westervelt announced that the TMAPC has received 57 letters and 14 signatures on a petition (Exhibit B-1) for the total of 69 individuals from the neighborhood requesting that the streets not be connected from the neighborhood through the church to 101<sup>st</sup> Street.

Mr. Boyle asked Mr. Bruce what the staff's position on the issue regarding the street connections. In response, Mr. Bruce stated that from a planning prospective, staff likes to see through connections within the interior sections. Mr. Bruce further stated that the City Traffic Engineering Department is strongly in support of the street connections. Mr. Bruce explained that staff would be in support of the street connection because it would take some of the pressure off of the east/west connector and it would make another connection possible in the event of an emergency. Mr. Bruce stated that staff would support the street connections, but staff would not have a problem if the streets were to be stubbed-out.

Mr. Ledford stated that in past the TMAPC has not allowed a higher density project move their traffic through a lower density project. Mr. Ledford indicated that requiring this connection is something that the TMAPC has been trying to get away from. Mr. Ledford stated that the TMAPC could require the developer to put in a cul-de-sac at the end of 99<sup>th</sup> Street on the side of the Redeemer Covenant Church. Mr. Bruce stated that when the Sun Meadow Addition was

platted it may have been worthwhile to require additional connections out to the arterials. Mr. Bruce explained that the requirement would probably be taking traffic from a higher density addition into a lower density addition. Mr. Bruce informed the Planning Commission that this case will be going back before the Board of Adjustment and there is a possibility that the BOA would look favorably on restricting access onto any sort of a stub street.

**Applicant's Comments:**

**Stephen Schuller**, 100 West 5<sup>th</sup>, Suite 500, Tulsa, Oklahoma 74103, stated that the streets that stub into the subject site were required several years ago when the subdivisions were platted in order to connect to streets that would have been placed on the subject property and the property to the east if they had been developed for residential subdivisions. However, the subject property is being developed as a church and the entire site is owned by Redeemer Covenant Church. He indicated that he has a site plan scheduled for hearing before the BOA next week to use the entire site for the expansion of the church. There is no room in the site plan for additional residential development on the subject site and the streets would not be serving and connecting with an additional residential development.

Mr. Schuller stated that there is sufficient frontage on 101<sup>st</sup> Street for the church to access to its property. It is not consistent with the church's development plans to have a street connecting at 99<sup>th</sup> because the church does not intend to access these streets. He commented that the BOA would reject an attempt by the church to access the residential subdivision.

Mr. Schuller requested that the stubbed-out streets not be connected to this site. He indicated his agreement with the neighborhood that the streets should not be connected.

**TMAPC Comments:**

Mr. Boyle asked Mr. Schuller if his client would be willing to cul-de-sac 99<sup>th</sup> Street. In response, Mr. Schuller stated that he has not discussed this issue with his client because this is the first time he has heard of this proposal. Mr. Schuller commented that a cul-de-sac would be more satisfactory to his client because it addresses and resolves a lot of his client's concerns. Mr. Schuller stated that with a cul-de-sac the church could better block access than with an entire street going through. Mr. Schuller commented that this will be an expense and burden on the church to build a cul-de-sac, but it is much less than building a street.

**Interested Parties Comments:**

**Robert Watson**, 5125 East 99<sup>th</sup>, Tulsa, Oklahoma 74137, stated that if the street were connected it would bring additional traffic in his front yard. He expressed concerns with traffic increasing if the street is connected.

**Cynthia Woodson**, 9811 South Granite, Tulsa, Oklahoma 74137, President of Sun Meadows Civic Association, stated that her home abuts the subject site. She indicated that the Association met with the church in February, and in March the association voted that they did not want the streets connected. She stated that the neighborhood currently is having traffic problems and the City has installed additional stop signs.

Ms. Woodson stated that the association requests that the street not be connected and increase the traffic problems already existing.

**Applicant's Rebuttal:**

Mr. Schuller reiterated that it may have seemed like a good idea to have the stub streets many years ago, but the subject property is for church use. He stated that connecting the streets will not solve any problems with the traffic and there is not reason for imposing this type of burden on the neighborhood and church. No one wants the streets connected and requests that this requirement be waived.

On **MOTION** of **BOYLE** to recommend **APPROVAL** of the preliminary plat for Redeemer Covenant Church and waive the Subdivision Regulations, subject to the special conditions (excluding the requirement of connecting Darlington and 99<sup>th</sup> Street), and subject to the standard conditions as recommended by staff.

Mr. Ledford asked Mr. Boyle if he wanted to include the cul-de-sac. In response, Mr. Boyle stated that it has been like this for over 25 years and there is no reason to make a turnaround. Mr. Harmon stated that he agreed with Mr. Boyle's statement.

Ms. Pace stated that she is concerned about separating neighborhoods within a square mile. There is no reason to keep the street closed. It was designed that way, and the developers and the owners knew when they looked at the plat that it was scheduled to be opened. This is an orderly method of getting through within neighborhoods. Ms. Pace stated that she couldn't vote for this proposal for these reasons.

Mr. Westervelt reminded Ms. Pace that the applicant and 69 residents do not want this street opened.

Mr. Ledford stated that he could support the motion if there was a turnaround. He commented that he disagrees with whether the stub has existed for five, ten or fifteen years. He expressed concerns that the Planning Commission is setting a precedent for over more than one lot depth. Mr. Westervelt asked Mr. Ledford if a hammerhead would be sufficient. In response, Mr. Ledford stated that some type of turnaround is needed.

Mr. Boyle stated that the turnaround is unnecessary in this situation and he does not intend to set a precedent by it. He indicated that he would continue to look at generally having cul-de-sacs at the end of three-lot-deep streets. However, in this case the residents have proven they can function without the street being connected and without a turnaround.

Mr. Horner stated that the stub has been in existence for 25 years or more. If there were a subdivision adjacent to the neighborhood it would be a different land use from that of a church. It is not necessary to connect the street nor have a turnaround.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-2-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; Ledford, Pace "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of the preliminary plat for Redeemer Covenant Church and waive the Subdivision Regulations, subject to the special conditions (excluding the requirement of connecting Darlington and 99<sup>th</sup> Street), and subject to the standard conditions as recommended by staff.

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**PLAT WAIVER:**

**CBOA-1748**

(PD-15) (County)

Northeast corner of 76<sup>th</sup> Street North and Sheridan Road

**Staff Recommendation:**

The following information was presented to the Technical Advisory Committee at their regular meeting of August 3, 2000.

**PURPOSE:**

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

**GENERAL:**

The site is currently vacant and approximately six acres in size, bounded by 76<sup>th</sup> Street North on the south and Sheridan Road on the west. It is in the Owasso fence line. It is zoned AG and is abutted by AG zoning to the north, east and to the west across Sheridan Road. IL zoning lies to the south across 76<sup>th</sup> Street with IM zoning beyond. Single-family residences on large lots abut the site on the north, east and south across 76<sup>th</sup> Street.

**STREETS:**

The site plan indicates two access points onto 76<sup>th</sup> Street. No access is shown onto Sheridan Road. It is not clear from the plan as to the width of the existing right-of-way along the two streets. Both are secondary arterials on the Major

Street and Highway Plan. It appears that the utility easement is located along the east side of Sheridan and the North side of 76<sup>th</sup>.

**SEWER:**

Staff does not have information on sanitary sewer in the area.

**WATER:**

Staff does not have information on water service in the area.

**STORM DRAIN:**

Staff does not have information regarding drainage/detention.

**UTILITIES:**

A high-pressure gas line runs from west to east and has previously had leaks in the area although not on this site.

Staff does not have information regarding utility easements.

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

1. Streets:

- Raines, Engineering: indicated dedication of right-of-way to secondary arterial standards (50') would be required. He also requested a 30' radius return at the intersection of Sheridan and 76<sup>th</sup> Street and an access control agreement along both streets.

2. Sewer:

- A septic system will be used.

3. Water:

- Washington County Number 3 is the provider. An existing line is available.

4. Storm Drain:

- None required.

5. Utilities

- The existing line on the property is private.
- ONG and PSO requested 17.5' easements along both streets.

**Conclusions:**

The proposed project is church use; the plat waiver was triggered by Special Exception to allow the use.

At the TAC meeting the applicant indicated that the site plan as submitted indicated contemplated improvements for the foreseeable future. The plan indicates one building and paved parking.

if the Commission is inclined to approve the waiver of street right-of-way dedication, utility easement and limits of access will have to be filed by separate instrument.

The County Engineer's Office and the utility providers indicated that separate instruments would be acceptable.

Staff can support a waiver of the platting requirement to allow construction of the improvements as indicated by the site plan. Additional construction should trigger the platting requirement.

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:***

- |  | Y                                   | N                                   |
|--|-------------------------------------|-------------------------------------|
| 1) Has property previously been platted?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat?             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

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

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

If, after consideration of the above criteria, a plat waiver is granted on *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.

**TMAPC Comments:**

Mr. Ledford stated that the plat waiver process was not intended for new areas. He explained that there would still have to be an Alta survey, which is very expensive. Since it involves only one lot and one block, the Planning Commission has allowed construction prior to the filing of the final plat if timing is an issue.

Mr. Boyle stated that there are several events that would have to happen by separate instrument. He commented that it appears that there are too many documents needed by separate instrument.

Mr. Carnes stated that this is a new area and a plat should be required. He commented that the restrictions are in place and should be enforced. He stated that the church could go ahead with building and file a final plat before occupancy.

Mr. Westervelt asked Mr. Carnes if he is talking about some sort of temporary plat waiver. In response, Mr. Carnes answered affirmatively.

**Applicant's Comments:**

**Harry Henderson**, 313 Meadow Creek Lane, Dewey, Oklahoma 74029-3042, stated that the church does not mind filing a plat, but they need to start building. He indicated that dedicating rights-of-way is not a problem. He reiterated the need to get started with the building.

**MOTION of HARMON to recommend DENIAL of the plat waiver for CBOA-1748.**

**TMAPC Comments:**

Mr. Boyle stated that he feels this is dangerous to waive the plat for this application and under these circumstances.

Mr. Carnes stated that the church could proceed with the building, but they need to file a final plat before occupancy.

Mr. Boyle stated that he does not believe that the Planning Commission has the power to grant a temporary plat waiver. He commented that the Planning Commission does not have the power to issue building permits.

Mr. Westervelt stated that the Planning Commission has exercised this type of approval in the past and it has been successful.

**TMAPC Action; 10 members present:**

On **MOTION of HARMON**, the TMAPC voted **9-1-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; Boyle "nay"; none "abstaining"; Collins "absent") to recommend a **TEMPORARY PLAT WAIVER** for CBOA-1748, subject to a final plat being filed of record prior to a certificate of occupancy being issued.

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**FINAL PLAT:**

**The Village at Central Park – (192) (629)**

(PD-4) (CD-4)

North and west of northwest corner 8<sup>th</sup> and Peoria

**Staff Recommendation:**

Mr. Bruce stated that the current plat indicates easements for utilities over the public streets. The release letter from Public Works indicates that easements over the public streets will not be acceptable to the City. He indicated that the plat has been revised and the easements have been removed from the public streets. The utility companies have been informed and are in agreement with running utilities in the public streets without easements. If there were a reconstruction or need to move the utilities, then the utilities would have the burden of moving and paying to move the utilities.

Mr. Bruce stated that he understands that the applicant has agreed to put the utilities in conduit, which costs over \$50,000. Staff recommends approval of the final plat, subject to final Legal review.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **APPROVE** the final plat for The Village at Central Park, subject to final legal review as recommended by staff.

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**Mr. Horner out at 2:44 p.m.**

**CONTINUED ZONING PUBLIC HEARING**

**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

**Staff Recommendation:**

PUD-346 consists of 4.70 acres located south of the southeast corner of East 88<sup>th</sup> Street and South Lewis Avenue. The PUD was approved in 1983 for elderly housing not to exceed ten stories and 171 units. Also a one-story activities building (6,000 SF maximum), amenities building (700 SF maximum) and restaurant building (6,581 SF maximum) were approved. A ten-story, 133-unit elderly housing structure was built with an attached congregate kitchen, dining room, and living room building wing.

The major amendment proposes to add 1.375 acres of platted property to the north (Lots 1 and 2, Block 5, Crown Imperial Addition) to the existing PUD for the construction of an 84-unit assisted living and Alzheimer care facility, as depicted on attached Exhibit "B".

The existing PUD is zoned CS. Concurrently, an application has been filed to rezone a portion of the subject tract to RM-3 (Z-6782). The tract that is being added is zoned CS. There are apartments abutting to the northeast zoned RM-1. To the north, across 88<sup>th</sup> Street is an appliance and parts store zoned CS. The tract is abutted on the south by a mini-storage zoned CS and on the east by vacant property zoned IL. There is a hotel to the west, across Lewis Avenue, zoned CS and beyond the hotel is a mobile home park zoned RMH.

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-346-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-346-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)	6.1756 Acres	269,009 SF
(Net)	5.3006 Acres	230,896 SF

Permitted Uses: Assisted Living and Alzheimer's Care Facility as allowed in Use Unit 8; and an Elderly Retirement Housing Facility as allowed in Use Unit 8.

Maximum Number of Dwelling Units: Elderly/Retirement Housing Facility	133
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Maximum Building Floor Area: Assisted Living and Alzheimer's Care Facility And Customary Accessory Buildings	82,612 SF
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Maximum Number of Lots:	one*
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Maximum Building Height: Elderly/Retirement Housing Facility	Ten stories or 120 FT (existing).
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Dining Area	one story or 30 FT (existing).
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Assisted Living Care Area	four stories not to exceed 60 FT.
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Alzheimer's Care Area	one story not to exceed 30 FT.
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\*More than one lot may be permitted if the standards for each lot are approved by TMAPC during the platting process.

Minimum Building Setback:	
From centerline of South Lewis Avenue	85 FT
From centerline of East 88 <sup>th</sup> Street South	45 FT
From Western lot line of LT 2, BK 4 Crown Imperial Add.	20 FT
From Southern lot line of LT 2, BK 4 Crown Imperial Add.	25 FT
From Eastern lot line of LT 2, BK 1 Lewis Center E. Add.	20 FT
From Southern lot line of LT 2, BK 1 Lewis Center E. Add.	80 FT

Minimum Landscaped Open Space Area: 20% of net lot area.

Parking Ratio: As required within the applicable Use Unit.

Signs: As allowed in the RM-2 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.

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. 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
11. 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.

**And**

**APPLICATION NO.: Z-6782**

**CS/PUD TO RM-3/PUD**

**Applicant:** Darin Akerman

**(PD-18) (CD-2)**

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

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**BOA-18283 January 1999:** The Board of Adjustment approved a variance of the required parking spaces from 63 to 20 and a special exception of the screening requirements on the north and west property lines for a commercial, non-retail greenhouse located on the west side of South Lewis Avenue and south of the subject tract.

**BOA-15935 February 1992:** The Board of Adjustment approved a variance of the required number of parking spaces from 140 to 125 per plan, to allow the construction and completion of 2,800 square feet of the 10,000 square feet of unfinished motel building. The expansion would allow a restaurant and accessory bar for the existing motel.

**BOA-15665 February 1991:** The Board of Adjustment approved a variance of the required number of parking spaces from 100 to 84 and a special exception to approve an amended site plan in order to clear title to the property and per plot plan submitted, subject to the complex being utilized as elderly housing only. The property is the southern 4.7 acres of the subject tract.

**Z-6243 August 1989:** A request to rezone a 2.9-acre tract abutting the subject property on the south from RS-1 to CG for a mini-storage facility was denied. All concurred in approval of CS zoning, which would require a special exception from the Board of Adjustment for the mini-storage use.

**PUD-346 December 1983:** All concurred in approval, per conditions, to develop the 4.7 acres of the subject property for an elderly housing facility. The approval included an accessory restaurant that would provide meals for the residents of the elderly apartment project.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .92 acres in size and is located east of the southeast corner of East 88<sup>th</sup> Street South and South Lewis Avenue. The property is flat, non-wooded, and contains the green area for an elderly housing facility. The property is zoned CS/PUD.

**STREETS:**

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
South Lewis Avenue	100'	4 lanes	Paved	Yes
East 88 <sup>th</sup> Street South	60'	2 lanes	Paved	Yes

The Major Street Plan designates South Lewis Avenue as a secondary arterial street and East 88<sup>th</sup> Street South as a residential collector street.

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

**SURROUNDING AREA:** The subject tract is abutted on the north by apartments, zoned RM-1/PUD-117; to the east by vacant land, zoned IL; to the south by a mini-storage facility, zoned CS; and to the west by an elderly housing facility, zoned CS/PUD-346.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

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

According to the Zoning Matrix the requested RM-3 is **not** in accordance with the Plan Map.

**STAFF RECOMMENDATION:**

The subject property is part of the major amendment to PUD-346 that proposes to add 1.375 acres of an adjoining tract to the Planned Unit Development for the construction of an 84-unit assisted living and Alzheimer care facility. The existing underlying CS zoning allows a .50 floor area ratio, which would not be sufficient for the proposed increased care facility. If approved the underlying RM-3 zoning would permit development of approximately 87 units per acre and would result in an increase of floor area within the PUD.

Based on the zoning and development in this area, staff recommends **APPROVAL** of RM-3 zoning for Z-6782, contingent upon approval of the expansion of PUD 346-A and conditions imposed therein.

**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 **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner "absent") to recommend **APPROVAL** of RM-3 zoning for Z-6782 as recommended by staff, and recommend **APPROVAL** the major amendment for PUD-346-A as recommended by staff.

**Legal Description for Z-6782:**

The Easterly 100' of Lot 2, Block 1, Lewis Center East, City of Tulsa, Tulsa County, State of Oklahoma, **From CS (Commercial Shopping Center District) To RM-3 Residential Multifamily High Density District).**

**Legal Description for PUD-346-A:**

Lots 1 and 2, Block 1, Lewis Center East Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and Lots 1 and 2, Block 5, Crown Imperial Addition, an addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof, **From CS and CS/PUD-346 (Commercial Shopping Center District/Planned Unit Development [PUD-346]) To CS/RM-3/PUD-346-A (Commercial Shopping Center District/Residential Multifamily High Density District/Planned Unit Development [PUD-346-A]).**

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**APPLICATION NO.: CZ-269**

**AG TO IM**

**Applicant:** Charles E. Norman

(PD-15) (County)

**Location:** North side of East 66<sup>th</sup> Street North, East of Cherokee Expressway

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**CZ-217 October 1994:** All concurred in approval of a request to rezone a 988-acre tract located on the east side of North Yale Avenue between East 61<sup>st</sup> Street North and East 76<sup>th</sup> Street North and east of the subject property from IL to IM, less a strip 200' deep along East 76<sup>th</sup> Street North, a 150' wide tract along North Yale, and eight acres of Amoco property, which remained IL.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 17 acres in size and is located on the north side of East 66<sup>th</sup> Street North and east of the Cherokee Expressway. The property is gently sloping, wooded, vacant, and zoned AG.

**STREETS:**

<b>Existing Access</b>	<b>MSHP Design.</b>	<b>Exist. No. Lanes</b>	<b>Surface</b>	<b>Curbs</b>
U. S. Highway 75	varies	4 lanes	Paved	No
East 66 <sup>th</sup> Street North	100'	2 lanes	Paved	No

The Major Street Plan designates North U. S. Highway 75 as a freeway and East 66<sup>th</sup> Street North as a secondary arterial street.

**UTILITIES:** Water is available to the site, but public sewer is not available.

**SURROUNDING AREA:** The subject tract is abutted on the north by U. S. Highway 75 and vacant land, zoned AG; to the south is an auto race track with stadium, zoned IM and vacant property, zoned AG; to the east is a cemetery, zoned AG; and to the west is Highway 75 North, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The North Tulsa County Comprehensive Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as the Cherokee Special Industrial District 1.

According to the Zoning Matrix the requested IM **may be found** in accordance with the Plan Map by virtue of it's being within a Special District.

**STAFF RECOMMENDATION:** Based on the Comprehensive Plan for the Tulsa Metropolitan Area, the subject property is part of the proposed industrial area which extends from U. S. Highway 75 North on the west to North Memorial Drive on the east and is bounded on the north by East 76<sup>th</sup> Street North to approximately one-half mile south of East 56<sup>th</sup> Street North on the south. The proposed IM zoning is compatible with the existing uses and development in the area; therefore, staff recommends **APPROVAL** of IM zoning for CZ-269.

**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 **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins. Horner "absent") to recommend **APPROVAL** of the IM zoning for CZ-269 as recommended by staff.

**Legal Description for CZ-269:**

All that part of the W/2, SW/4, SE/4 and the SE/4, SE/4, SW/4 of Section 33, T-21-N, R-13-E of the IBM, Tulsa County, State of Oklahoma according to the U. S. Government survey thereof, more particularly described as follows, to-wit: Beginning at a point 100.80' North of the Southeast corner of said SE/4, SE/4, SW/4; thence N 79°53'54" W a distance of 46.91'; thence S 88°47'30" W a distance of 238.96'; thence N 13°17'00" E a distance of 131.65'; thence N 27°23'00" a distance of 526.70' to a point in the East boundary of said SE/4, SE/4, SW/4; thence N 38°05'00" E a distance of 538.90'; thence N 35°59'00" E a distance of 253.46'; thence N 88°45'53" E a distance of 161.71'; thence S 01°14'30" E a distance of 989.24'; thence S 88°45'30" W a distance of 161.60'; thence S 01°14'30" E a distance of 148.6'; thence N 88°45'30" E a distance of 161.60'; thence S 01°14'30" E a distance of 127.06'; thence N 74°29'25" W a distance of 55.31'; thence S 88°47'30" W a distance of 211.00'; thence S 01°12'30" E a distance of 10.00'; thence S 88°47'30" W a distance of 189.00'; thence N 79°53'54" W a distance of 208.04' to the Point Of Beginning, and a tract of land situated in Section 33, T-21-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows: Beginning at the Northeast corner of the SE/4, SE/4, SW/4, SE/4; thence West 161.6'; thence South 148.6'; thence East 161.6'; thence North 148.6' to the Point of Beginning, **From AG (Agriculture District) To IM (Industrial Moderate District).**

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*Mr. Westervelt announced that he will be turning the meeting over to Vice Chair Boyle and he will be abstaining from Z-6781 and PUD-635. Mr. Westervelt out at 2:45 p.m.*

Mr. Horner in at 2:45 p.m.

**ZONING PUBLIC HEARING**

**APPLICATION NO.: Z-6781**

**Applicant:** Charles E. Norman

**Location:** North and east of northeast corner East 51<sup>st</sup> Street and South 129<sup>th</sup> East Avenue

**AG TO OL**

(PD-17) (CD-6)

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**Z-6719 - November 1999:** All concurred in approval of a request to rezone a five-acre tract located south of the subject property and on the northwest corner of East 55<sup>th</sup> Street South and South 129<sup>th</sup> East Avenue from CS to IL for an equipment rental facility.

**Z-6713 - October 1999:** A request to rezone a 4.9-acre tract located north of the northwest corner of East 55<sup>th</sup> Street South and South 129<sup>th</sup> East Avenue from CS to IL. All concurred in approval of IL zoning.

**PUD-221-F - May 1999:** All concurred in approval of a major amendment, subject to modification of development standards. The thirty-eight acre tract is located east of the southeast corner of East 41<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue and north of the subject tract. The amendment included approval for office use with the west 7.6 acres to be developed for church use and the remaining 12.6 acres to be developed for a private school.

**PUD-221-E - August 1996:** All concurred in approval of a major amendment to allow a monopole tower for a cellular telephone service on a .22-acre tract located east of the southeast corner of East 41<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue and north of the subject property.

**PUD-221-D - May 1990:** All concurred in approval of a request for a major amendment to PUD-221 to allow a children's day care center on a tract located on the southeast corner of East 43<sup>rd</sup> Place South and South 129<sup>th</sup> East Avenue.

**PUD-221-C - October 1985:** A request to develop a 3.2-acre tract located on the southeast corner of East 43<sup>rd</sup> Place South and South 129<sup>th</sup> East Avenue and north of the subject tract, for office and commercial uses. The request was denied.

**PUD-221-B - November 1983:** All concurred in approval of a major amendment to increase the density and types of residential uses previously allowed under the original PUD. The property lies at the southeast corner of East 41<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue and is abutting the subject property on the north.

**PUD-221-A - December 1981:** All concurred in approval of a major amendment to convert the commercial portion of the CS floor area to multifamily purposes on a tract located on the southeast corner of East 41<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue and abutting the subject property on the north.

**PUD-221 - October 1979:** All concurred in approval, subject to conditions, to develop a 160-acre tract abutting the subject property to the north, for mixed use development.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 160 acres in size and is located north of East 51<sup>st</sup> Street extending from South 129<sup>th</sup> East Avenue to South 145<sup>th</sup> East Avenue. The property is flat, non-wooded, vacant, and zoned AG.

**STREETS:**

<b>Existing Access</b>	<b>MSHP Design.</b>	<b>Exist. No. Lanes</b>	<b>Surface</b>	<b>Curbs</b>
East 51 <sup>st</sup> Street	100'	2 lanes	Paved	No
South 129 <sup>th</sup> East Avenue	100'	2 lanes	Paved	No
South 145 <sup>th</sup> East Avenue	100'	2 lanes	Paved	No

The Major Street Plan designates East 51<sup>st</sup> Street South, South 129<sup>th</sup> East Avenue and South 145<sup>th</sup> East Avenue as secondary arterial streets.

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

**SURROUNDING AREA:** The subject tract is abutted on the northwest by a single-family residential subdivision, zoned RS-3/PUD-221F; to the northeast and east by vacant land, zoned AG; to the southeast by an apartment complex under construction and vacant land, zoned RS-3, RM-1, and CS; to the south by the Tulsa County Health Department facility, zoned SR and vacant land, zoned AG; and to the west by a large multi-story office building, zoned CO.

**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 Low Intensity – No Specific Land Use and Development Sensitive. The latter is due to floodplain on parts of the site.

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

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, existing development and trends in the area, staff recommends **APPROVAL** of OL zoning for Z-6781, provided that the accompanying PUD-635 or some version of it is approved.

**AND**

**APPLICATION NO.:** PUD-635

**Applicant:** Charles E. Norman

**Location:** North and east of northeast corner East 51<sup>st</sup> Street and South 129<sup>th</sup> East Avenue

**AG TO OL/PUD**

(PD-17) (CD-6)

**Staff Recommendation:**

The PUD proposes uses permitted by right in an OL district on 80 acres located on the west side of South 129<sup>th</sup> East Avenue, one quarter of a mile north of East 51<sup>st</sup> Street. The proposed development concept is for a QuikTrip Corporate Campus. The development concept states that QuikTrip plans to develop its own corporate headquarters on the western part of the site and perhaps develop low intensity office sites within the property.

The subject tract is zoned AG and concurrently an application has been filed (Z-6781) to rezone the subject tract and the tract abutting to the east to OL – Office Light District. The tract is abutted on the south by the existing Tulsa City-County Health Department complex, zoned SR – Scientific Research and Development District and vacant AG zoned property. There is vacant AG-zoned property to the east that is under application for rezoning to OL (Z-6781). The State Farm complex, zoned CO – Corridor is to the west across 129<sup>th</sup> East Avenue. Quail Ridge, a single-family subdivision, zoned RS-3/PUD-221-A, abuts the subject tract on the north.

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-635 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-635 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:

Net:	78.594 Acres	3,423,556 SF
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Permitted Uses:

Uses permitted as a matter of right in the OL – Office Light Zoning District and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area Ratio Per Lot:	<del>35</del> <u>30</u> %
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Maximum Building Height:	<u>Maximum of four stories and not to exceed 70 FT in height.</u>
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Architectural elements and business logos may exceed maximum building height with detailed site plan approval.

Maximum Access Points to South 129 <sup>th</sup> East Avenue:	3*
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Minimum Lot Frontage:	
129 <sup>th</sup> East Avenue	150 FT
Other Public Streets	100 FT

Minimum Building Setbacks:	
From the centerline of South 129 <sup>th</sup> East Avenue	150 FT
From the east boundary	50 FT
From the south boundary	50 FT
From the north boundary	50 feet plus two feet of additional setback for each one foot of building height exceeding 20 feet.

Minimum Parking Area Setbacks:	
From the north boundary	50 <del>75</del> FT
From the east boundary	10 FT
From the south boundary	10 FT
From the west boundary	10 FT

Off-Street Parking:  
As required by the applicable Use Unit of the Tulsa Zoning Code.

Landscaped Area:  
A minimum of 15% of the net land area of each lot shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

For purposes of calculating the street yard, the minimum building setback of 100 feet from the centerline of South 129<sup>th</sup> East Avenue shall be utilized.

A landscaped area of not less than 50 feet shall be located along the north boundary of the PUD. The type and intensity of landscaping materials within this 50-foot strip shall be approved by TMAPC as part of the Detail Site Plan.

\*There shall be no access within 75' of the north boundary of the PUD. All access points shall be approved by Traffic Engineering.

- Signs:
- 1) ~~Two~~ One ground sign shall be permitted along the South 129<sup>th</sup> East Avenue frontage with a maximum of 150 square feet of display surface area and ~~25~~ 15 feet in height for each sign.

- 2) Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building. No wall signs shall be permitted on north-facing walls.

Lighting:

Exterior light standards or building-mounted lights shall not exceed 30 feet in height and shall be hooded and directed downward and away from the east, north and south boundaries of the PUD. Within 100 feet from the north boundary, light standards or building-mounted lights shall not exceed 10 feet in height and there shall be no light standards within the north 50 feet of the PUD.

Loading Docks Screening:

Loading docks and loading or unloading areas shall be screened from north and west boundaries.

Outside Storage:

There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks, truck-trailers or containers be parked in the planned unit development except while they are actively being loaded or unloaded. Truck trailers or outside containers shall not be used for storage.

Screening:

Screening along the north boundary shall be determined and approved by TMAPC at detail site plan and detail landscape review.

3. Any roadway modifications, traffic control improvements or traffic mitigation measures required by the City of Tulsa to handle the increased traffic generated by this expansion will be provided by QuikTrip Corporation.
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 areas shall be screened from public view by persons standing at ground level.
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. 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
11. 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:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he is representing the QuikTrip Corporation and the C.A. Mayo family. He indicated that the subject property is part of a developing corridor of mixed office and light industrial uses. He stated that it is important to recognize that to the northwest corner of the subject property is the original labs for Amoco Research Center, which is 160 acres zoned in the SR or Scientific Research district. He further stated that the property between Garnett and 129<sup>th</sup> Street is zoned in the Corridor district.

Mr. Norman stated that the south half, between 129<sup>th</sup> and 145<sup>th</sup>, north of 51<sup>st</sup> Street; has been committed by existing zoning and development to non-residential or single-family residential uses. The City County Health Department is one tract; farther to the east in the east half of the section a major apartment project is under construction and in the middle of the section is a drainageway that crosses 51<sup>st</sup> Street that poses an extremely difficult development condition.

The entire three quarters of the northern section has major rock deposits (limestone deposits that are at or near the surface). The Quail Ridge Subdivision, which was developed in 1980 or 1981, have blasting in order to install sewer and water lines. The QuikTrip 80 acres immediately south of Quail Ridge has rock on it, but the depth of the coverage is enough and the rock is solid enough to provide acceptable locations for office-type development. The east half of the section has considerably more rock and further single-family development in the entire section is unlikely and probably will not occur. Mr. Norman indicated that the Quail Ridge addition is the only single-family area in the entire square mile and is likely to remain that way.

Mr. Norman stated that the proposal is strictly for an office campus and will not have any type of warehousing, storage, or model convenience store erected. He explained that he could have requested that the SR zoning be extended to the subject property, which would have permitted this type of use, but neither QuikTrip nor the Mayo family have any reason to think that the subject property would be used for scientific research that permits the outside development of industrial tools and equipment similar to what was done on Amoco and at their labs at 41<sup>st</sup> and Yale. Mr. Norman explained the reasons for not requesting a different type of zoning.

Mr. Norman stated that OL zoning only allows a one-story building and it is quite common in OL zoning that a PUD be proposed with additional development standards introduced to permit the increase in height from one story to what is considered to be acceptable under the existing physical facts that apply to a particular property.

Mr. Norman indicated that he is proposing a maximum of FAR of 35%, which is less than could be allowed in the OL zoning district. He proposes a 25-foot parking area setback from the south boundary of the Quail Ridge property to the north. Mr. Norman explained the different standards proposed in the PUD application.

Mr. Norman stated that the issues that have emerged from the meetings with the neighborhood representatives are as follows: 1) the height of the building as proposed, 2) the location of the northern access driveway, and 3) the height of signage.

Mr. Norman stated that two signs have been proposed, which would permit 150 SF of display area or 10' x 15' sign and 25' in height; however, he is willing to reduce the height of the signs to 15'. Regarding the secondary access road to the northwest corner, a request was made to keep this access as far away from the Quail Ridge subdivision and he is willing to change the north boundary setback to 75'

Mr. Norman requested that the landscape screening be determined during the detail site plan in order to consult the Quail Ridge Owners' Association regarding the design of the landscaping strip (50') and determine if a screening fence or landscaping would be best.

Mr. Norman stated that the most discussed issue is the 70' building height. He explained that this is not a proposal for a seven-story building and under the construction standards it would accommodate a maximum of four stories. He explained that 15 feet would be the area between floors in order to run cables, air circulation, etc. Mr. Norman stated that his clients are contemplating a maximum of four stories in height (but it is not certain if all buildings will be four-story). He indicated that the roof would be a sloping roof and not a typical flat roof. Mr. Norman explained that he has been asked to request the additional restriction on height to be four stories and not to exceed 70' in height.

Mr. Norman explained that the QuikTrip Corporation is a Tulsa company that was started in 1968 and has grown to over 335 stores in eight states. QuikTrip has chosen the subject site to establish and maintain its corporate home. With the QuikTrip plans and possible future expansion there would never be more than 40 acres occupied. Mr. Norman concluded that QuikTrip intends to be a good neighbor to the people to the north. QuikTrip plans to work with the neighbors on the final site plan and landscape plans in accord with the development standards approved by the Planning Commission and the City Council.

**TMAPC Comments:**

Mr. Boyle asked Mr. Norman to clarify the modifications to the standards that he is willing to make. In response, Mr. Norman stated that he is proposing to change the maximum building height to four stories and not to exceed 70 feet in height; the north driveway exiting to 129<sup>th</sup> Street, be at least 75 feet from the north property line; reduce the signage height to 15 feet for each sign and make the additional commitment that the QuikTrip Landscape Architect will consult with the Quail Ridge neighborhood association in a design of the landscaping and screening along the north boundary. Mr. Boyle asked if the Planning Commission will see the landscaping and screening during detail site plan. In response, Mr. Norman answered affirmatively.

Mr. Norman stated that he is agreeable to the staff's requirement regarding lighting within 100 feet of the north boundary not to exceed 15 feet in height and no lights allowed in the north 50 feet. Mr. Stump stated that the lighting is ten feet in height. Mr. Norman agreed to the ten feet in height.

**Mr. Midget out at 3:14 p.m.**

**Interested Parties Comments:**

**Lori Lewis**, 4512 South 132<sup>nd</sup> East Avenue, Tulsa, Oklahoma 74134, expressed concerns regarding her home facing a four-story building 70 feet building in height; possible blasting; loss of privacy; traffic concerns, higher ozone levels; air circulation, property value and wildlife issues. Ms. Lewis stated that the highest point of land where the building is proposed would give an appearance of a nearly 90-foot building. She requested that the building be 30 feet in height rather than 70 feet in height. Ms. Lewis concluded that the signage is excessive and suggested that a six-foot sign be allowed along 129<sup>th</sup> or 51<sup>st</sup> Street.

**Steve Platia**, 13052 East 46<sup>th</sup> Street, Tulsa, Oklahoma 74134, reiterated that a 70-foot building is too high and requested that the building be 30 feet in height. He stated that the neighborhood has a better plan than the proposal from QuikTrip (Exhibit C-3). Mr. Platia submitted photographs (Exhibit C-1). He requested that the minimum setback on the north boundary be 300 feet and the north boundary parking area setback be 300 feet. Mr. Platia explained that the subject property has a lot width of 1321 feet from north to south and there is plenty of room to move the project.

Mr. Platia compared his requested modifications with other corporate developments in the area. He suggested that QuikTrip's proposal is not compatible with the existing corporate facilities due to their setbacks for the building and parking area.

**The following Interested Parties expressed similar comments as the above:**

**Debra Broome**, 4524 South 135<sup>th</sup> East Avenue, Tulsa, Oklahoma 74134 and **Patrick Kuykendall**, 4511 South 132<sup>nd</sup> East Avenue, Tulsa, Oklahoma 74134.

**Mr. Midget in at 3:40 p.m.**

**Applicant's Rebuttal:**

Mr. Norman stated that change of existing conditions could be disturbing to many people. It also seems that people who live next to vacant land begin to feel like it would never change or should never change and expect it to be maintained in the same condition forever. This is not the way development occurs in any city or metropolitan area.

Mr. Norman commented that the issue should not be that the residents who live along the south boundary of Quail Ridge have preserved for them 300 feet of someone else's land, which would be one-fourth of the subject 80 acres the residents suggest be preserved, not counting parking. This is simply not the way development plans and codes have worked in this City. He cited his past experiences with development in the City of Tulsa and working with neighboring residents regarding height of buildings and landscaping versus screening. He commented that he is not aware of any homes losing their value due to corporate development being in the same area.

Mr. Norman stated that he focuses on how to accomplish a change of a condition that has been existence for the 20 years since Quail Ridge was developed in an appropriate way and consistent with standards that the Planning Commission has imposed on similar properties and land use relationships. He commented that he believes that the staff recommendations are sound. He does not necessarily agree with increasing 25 feet to 50 feet as a parking area setback, but he accepts it.

Mr. Norman requested that the Planning Commission approve the recommendations of the staff as modified.

**TMAPC Comments:**

Mr. Boyle asked Mr. Norman why he needed so much allowable square footage in the building when it is not going to be used. In response, Mr. Norman stated that 30% in the OL district is allowed as a matter of right and 40% is allowed through a Board of Adjustment or PUD development. Mr. Norman explained that his client chose 35% considering the amount of space that is lost for drainage. Mr. Norman stated that 30% would be acceptable. Mr. Norman indicated that 140,000 SF is a Phase I project for QuikTrip and it is anticipated to meet their needs for seven to ten years. Mr. Norman pointed out that there are no plans to access the two streets that are stubbed to Quail Ridge to the north. Mr. Norman informed the Planning Commission that the Traffic Engineering Department has indicated that the stub streets are necessary to connect.

Mr. Boyle asked Mr. Norman why his client couldn't move the project south. Mr. Boyle stated that it appears that it was placed as near to the neighborhood as possible. In response, Mr. Norman stated that it could be moved to the south, but that would be giving up part of his client's land to a use or a transition area that has not been required in other similar situations. Mr. Norman indicated that the subject land is not 40 feet higher than 129<sup>th</sup> Street. Mr. Norman explained that the land slopes from the northeast corner along the north boundary to the southwest and there is a 40-foot fall from the northeast to the southeast. Mr. Norman stated that the highest point of the land (middle of the north boundary) is approximately 40 feet higher than where State Farm Boulevard is. Mr. Norman stated that studies show that the rock is covered by sufficient soil on the one hand and close enough on the surface on the other to establish a firm foundation of solid limestone that would not require drilling piers even deeper. Mr. Norman pointed out two distinct drainageways that come across the subject property and that will dictate the future location of other buildings. Mr. Norman stated that his proposal is not to earn more money to pay for the proposed building, but to allow reasonable use of all of the property in the future under acceptable development standards.

Ms. Pace asked Mr. Norman if the proposal would eventually develop to 145<sup>th</sup> East Avenue. In response, Mr. Norman stated that the zoning would extend to 145<sup>th</sup> East Avenue, but there is no PUD on the east 80 acres. Ms. Pace stated that the client should not be deprived any reasonable use of the property, but this site cannot be compared with the St. John's Hospital site. Ms. Pace explained that there are trade-offs for living in mid-town by having amenities available that one would not trade for the open space in the suburbs. Ms. Pace stated that the PUD is a tool to make sure that everyone is protected reasonably. Ms. Pace asked Mr. Norman why the northernmost road is not extended to 129<sup>th</sup> and the building moved forward with parking. Ms. Pace stated that she respects a lot of the interested parties' considered objections. Ms. Pace commented that it has been pointed out the unlikelihood of further residential development because of the rock formation and it would seem that the existing neighborhood should be more protected in light of this. Mr. Norman stated that the concept illustration reflects the initial thoughts of a corporate headquarters. Mr. Norman further stated that the conceptual illustration also shows some of the results of the engineering evaluation. Mr. Norman explained that if the subject property were to be developed as single-family, it would be required to have a rear yard of 25 feet and a residential structure of no more than 35 feet in height. Mr. Norman commented that if there were 18 lots along the south boundary as there are on the north, then the same issues of privacy, loss of wildlife and loss of views would occur anyway. The residents would not be able to see anything beyond the houses where there is a five-foot side yard requirement and they are allowed to build garages and houses across an entire lot width. Mr. Norman pointed out that one of the things that height will do is decrease the ground coverage. Mr. Norman commented that with a 70-foot high building, there will be a more open view corridors. It is simply not accurate that 70-foot high building will destroy or have all of the adverse consequences that have been mentioned.

In response to Mr. Midget, Mr. Norman stated that the setbacks and standards are more than would be required and have been in other similar relationships. Mr. Norman stated that his client would agree that the northernmost sign shall be 300 feet away from the north boundary.

Mr. Harmon asked Mr. Norman if his client would agree to one sign rather than two signs. In response, Mr. Norman stated that there is a quarter of a mile of frontage and his client would like to have identification for people approaching from the north, as well as the south. Mr. Norman explained that signage could be left to the detail site plan if the Planning Commission would prefer. Mr. Norman stated that the signs would not be visible from the back yards. Mr. Stump stated that if the proposal were kept as a single tract it would only be allowed one sign per street frontage. Mr. Stump stated that if the Planning Commission would prefer, the standards could include the language that in no case shall the total signage exceed that permitted by Section 1103.B.2 of the Zoning Code. Mr. Boyle asked Mr. Norman if that would be acceptable. Mr.

Norman stated that one sign would have to be acceptable if that is what the Code provides.

Mr. Horner clarified that from the north boundary of the subject property to the north building line there would be a green space of approximately 2/3<sup>rd</sup> of a block. Mr. Norman stated that it would be more like half of a block at the maximum height.

**TMAPC Action; 9 members present:**

On **MOTION of HARMON**, the TMAPC voted **8-1-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; Pace "nay"; none "abstaining"; Collins, Westervelt "absent") to recommend **APPROVAL** of the OL zoning for Z-6781 as recommended by staff and recommend **APPROVAL** of the PUD-635 subject to a 30% land to building ratio; no more than one sign on 129<sup>th</sup> per the PUD regulations; a maximum of four stories which shall not exceed 70 feet in height; there shall be no access within 75' of the north boundary of the PUD; signage shall be no greater than 15 feet in height as recommended by staff and modified by the TMAPC.

**Legal Description for Z-6781:**

The N/2, S/2, of Section 28, T-19-N, R-14-E, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, **from AG (Agriculture District) to OL (Office Low Intensity District).**

**Legal Description for PUD-635:**

The N/2, SW/4, Section 28, T-19-N, R-14-E, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, **from AG (Agriculture District) to OL/PUD (Office Low Intensity District and Planned Unit Development).**

**Mr. Boyle called a recess at 4:10 p.m.**

\*\*\*\*\*

**Mr. Westervelt in at 4:13 p.m.**

**Mr. Westervelt reconvened the TMAPC meeting at 4:13 p.m.**

**APPLICATION NO.: PUD-636/Z-4825-SP-1/Z-5457-SP-2      CO TO CO/PUD**

**Applicant: Roy D. Johnsen      (PD-8) (CD-2)**

**Location: Northwest corner of West 81<sup>st</sup> Street and Highway 75 South**

**Staff Recommendation:**

The PUD/Corridor Site Plan proposes a mixed-use development on 108 acres located at the northwest corner of US Highway 75 and West 81<sup>st</sup> Street South. The PUD proposes seven development areas as depicted on Exhibit B.

Development Area A, located in the northern portion of the PUD proposes detached single-family dwellings. Development Areas B, C, D and E would permit multifamily dwellings. Development Areas F and G would permit commercial uses.

The subject tract has approximately ¾ mile of frontage on US Highway 75 and South Union Avenue and approximately 940 feet of frontage on 81<sup>st</sup> Street. The tract extends north from 81<sup>st</sup> Street along US Highway 75 (east boundary) and Union Avenue (west boundary). The depth of the tract, measured from the expressway right-of-way to the right-of-way of South Union Avenue, averages 1200 feet. The subject tract is zoned CO – Corridor District. The tract is abutted on the north by AG-zoned property and there are also AG-zoned tracts to the east across US Highway 75 and to the south across West 81<sup>st</sup> Street South. There are AG, RS-3 and CS zoned properties to the west across South Union Avenue.

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-636/Z-4825-SP-1/Z-5457-SP-2, 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-636/Z-4825-SP-1/Z-5457-SP-2 subject to the following conditions:

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

#### DEVELOPMENT AREA - A

Net Land Area: 25.29 acres  
(Includes internal streets and 1.88-acre park.)

Permitted Uses:  
Detached single-family residences and customary accessory uses  
(Use Unit 6)\*.

Maximum Number of Dwelling Units: 115

Minimum Lot Width: 60 FT

Minimum Lot Size:	6,000 SF
Minimum Land Area Per Dwelling Unit:	N.A.
Minimum Livability Space Per Lot:	3,500 SF
Maximum Land Coverage of Buildings Per Lot:	30%
Other Bulk and Area Requirements:	As provided within an RS-3 district.
Minimum Lot Frontage on a Public Street:	30 FT*

\*Selected areas may be designated by minor amendment, as gated communities served by private streets.

### DEVELOPMENT AREAS B, C AND D

Gross Land Area: (Includes public streets and common area.)	
Area B	16.84 Acres
Area C	13.23 Acres
Area D	15.09 Acres

Permitted Uses:  
Multifamily dwellings and customary accessory uses (Use Unit 8)\*.

\*Use Unit 7 (duplex dwellings), Use Unit 7a (townhouse dwellings) and Use Unit 6 (single-family dwellings) may be permitted by minor amendment.

Maximum Number of Dwelling Units:	
Area B	360
Area C	290
Area D	304
Maximum Dwelling Units Per Acre Per Lot:	23 per acre
Minimum Livability Space Per Dwelling Unit Per Lot:	600 SF
Maximum Building Height:	42 FT
Maximum Stories:	Three
Maximum Land Coverage of Buildings Per Lot:	30%

Minimum Building Setbacks:	
From the north boundaries of Development Areas B and C:	
One Story Buildings	25 FT
Two Story Buildings	50 FT**
Three Story Buildings	100 FT**
From the centerline of South Union Avenue (Development Areas B and D):	
Three Story Buildings	110 FT**
Other Buildings	85 FT
Minimum Bulk Trash Container Setback:	
From Development Area A	100 FT
Other Bulk and Area Requirements:	As established within an RM-1 District.
Off-Street Parking:	As required by the applicable use unit.
Minimum Width of Landscaped Area:	
Along the north boundary of Dev. Areas B and C:	25 FT

\*\*Buildings containing seven units and above, add an additional 25 feet.

### DEVELOPMENT AREA - E

Gross Land Area: (Includes public streets and common area.)	17.51 Acres
Permitted Uses:	Multifamily dwellings and customary accessory uses (Use Unit 8)*.
Maximum Number of Dwelling Units:	495 DUs.
Maximum Dwelling Units Per Acre Per Lot:	30
Minimum Livability Space Per Dwelling Unit:	200 SF

Maximum Building Height:	42 FT
Maximum Stories:	Three
Maximum Land Coverage of Buildings Per Lot:	30%
Other Bulk and Area Requirements:	As established within an RM-2 district.
Off-Street Parking:	As required by the applicable use unit.

\*Use Unit 7 (duplex dwellings), Use Unit 7a (townhouse dwellings) and Use Unit 6 (single-family dwellings) may be permitted by minor amendment.

#### **DEVELOPMENT AREA - F**

Gross Land Area: (Includes interior streets.)	14.84 Acres
Permitted Uses:	As permitted by right within a CS district, excluding Use Unit 12a.
Maximum Building Floor Area:	159,500 SF
Maximum Floor Area Ratio Per Lot:	.30 FAR
Maximum Land Coverage of Buildings Per Lot:	30%
Maximum Building Height:	two story, not to exceed 35 FT.
Minimum Building Setbacks:	
From centerline of 81 <sup>st</sup> Street	100 FT
From centerline of Union Avenue	100 FT
From interior public street right-of-way	30 FT
From abutting residential areas	30 FT
Minimum Parking Setbacks:	
From Development Area D	10 FT

Minimum Setback of Bulk Trash Container: From Development Area D	50 FT
Other Bulk and Area Requirements:	As provided within a CS district.
Off-Street Parking:	As required by the applicable use unit.
Signs:	As permitted in Section 1103.B.2 of the Zoning Code.
Minimum Landscaped Open Space:	10% of net lot area.

#### DEVELOPMENT AREA - G

Gross Land Area:	2.80 Acres
Permitted Uses:	As permitted by right within a CS district, including nightclub and/or bar if located within a principal hotel or motel building, but excluding other Use Unit 12A uses.
Maximum Floor Area:	44,950 SF
Maximum Floor Area Ratio Per Lot:	.60 FAR
Maximum Land Coverage of Buildings:	30%
Maximum Building Height:	Six stories
Minimum Building Setbacks:	
From right-of-way of 81 <sup>st</sup> Street	100 FT
From centerline of Union Avenue	100 FT
From interior public street right-of-way	30 FT

From abutting residential areas	30 FT plus one-foot above 15 feet.
Minimum Parking Lot Setbacks: From Development Area E or D	10 FT
Signs:	As permitted in Section 1103.B.2 of the Zoning Code.
Other Bulk and Area Requirements:	As provided within a CS district.
Off-Street Parking:	As required by the applicable use unit.
Minimum Landscaped Open Space:	10% of net lot area.

3. Landscaping and Screening: A six-foot high or higher screening wall or fence shall be provided along the boundaries between Development Areas F and D and also between Development Areas G, E and D, the screening fence requirements for Development Areas F and G will be determined at detail site plan. A landscaped area of not less than 25 feet in width shall be located along the north boundaries of Development Areas B and C. There shall be a six-foot high or higher screening wall or fence along the north boundaries of Development Areas B and C.
4. Access to any development within the PUD shall be principally from internal collector service streets. Access from the multifamily development areas to Development Area A (single-family) shall be discouraged. The internal collector streets serving the entire PUD may be required to be constructed prior to issuance of an Occupancy Permit in a Development Area needing these collector streets for proper access.
5. No Zoning Clearance Permit shall be issued for a lot other than residential single-family or duplex lots within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

6. A Detail Landscape Plan for each lot other than residential single-family, duplex or townhouse lots shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment (including building-mounted) areas shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No parking lot lighting shall be higher than eight feet if within 100 feet of Development Area A.
10. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
11. In single-family or townhouse residential areas 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.
12. If permitted by minor amendment, all private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness, which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.
13. If private streets are permitted by minor amendment, 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

14. 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.
15. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
16. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC and Traffic Engineering prior to issuance of a building permit.
17. 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.
18. 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.
19. The development standards of development areas as above set forth are minimum standards and it is intended that, pursuant to site plan review, additional standards pertaining to such matters as setbacks, lighting, screening and landscaping may be imposed to assure compatibility of uses.

**Mr. Ledford and Mr. Midget out at 4:14 p.m.**

**Applicant's Comments:**

**Roy Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, representing Metroplex Properties, L.L.C., cited the past history regarding the subject property. He explained that there were two zoning applications on the subject property and that is why there are two corridor numbers and one PUD. He indicated that the PUD is an umbrella PUD for the subject property.

Mr. Johnsen stated that the proposal is for a master-planned community consisting of single-family in the north portion of the property, multifamily through the mid-portion of the property and commercial at the intersection of the expressway at 81<sup>st</sup> Street.

Mr. Johnsen stated that he attempted to apply the standards that the Planning Commission has generally used in similar situations, tempered with the provisions that the Detail Plan for District 8 sets forth. The Comprehensive Plan

does recognize the subject area as a corridor and as a multifunctional mixed-use properties that are compatible with the land uses that are proposed.

Mr. Johnsen reminded the Planning Commission of a comprehensive study of the multifamily zoning districts and the practices of abutting single-family districts. He indicated that the Code was changed as to densities in the multifamily districts by allowing that if there is a PUD, there will be a slight increase in density. However, if there is no PUD, then the densities that are permitted are less. He explained that a good example of this type of development is along Memorial Drive where apartments have been developed next to single-family districts.

Mr. Johnsen stated that he could accept the staff recommendation except for two slight modifications. The first modification would be the maximum land coverage of buildings per lot (.30). He explained that this is workable in the multifamily areas, but it gets tight and in the single-family areas it may not work. He stated that he would accept the staff recommendation of .30 all through the development with the provision "unless modified by the Board of Adjustment". The last modification would be in Development Area G, which is the commercial area. He explained that the area between Development Areas G and E is not a corridor collector. He stated that the western boundary of G is a street and staff is requiring a screening fence where commercial abuts residential and where multifamily abuts single family. He requested that the Planning Commission reserve the firm requirement of the screening fence until the detail site plan review. He explained that he believes that he can do some things in the green space area that may remove the necessity for a screening fence between the commercial and the multifamily proposal. He requested that the screening fence requirement be removed from the west boundary of the Development Area G because it is a street.

**Mr. Ledford out at 4:14 p.m.**

**Interested Parties Comments:**

**Robert Elias**, 3025 West 79<sup>th</sup> Street, Tulsa, Oklahoma 74132, stated that he lives approximately one mile west of the subject area and has lived there for 26 years. He expressed concerns with the water pressure, increased traffic, and wildlife. He commented that the density of this development would literally turn off the water in his area. Mr. Elias requested that the Planning Commission deny this request.

**Nat LeMaster**, 7625 South Xenophon, Tulsa Oklahoma 74132, stated that he has the same concerns as Mr. Elias regarding water pressure and increase in traffic. He informed the Planning Commission that his home is on a septic system and the density of the proposal will not be able to function on a septic system. He concluded that the proposal is too dense and the existing utilities cannot handle it.

along the South line of said Section 11, a distance of 177.80' to the Point of Beginning; thence N 44°54'48" W a distance of 181.01' to a point said point being 50' perpendicularly distance from the West line of Section 11; thence due North and parallel with the West line of Section 11; a distance of 2,521.82' to a point on the North line of the W/2, SW/4; thence S 89°43'16" E along the North line of the W/2, SW/4, a distance of 1,257.89' to a point on the Highway right-of-way; thence S 0°26'15.7" W, a distance of 0.00'; thence along a curve to the right, with a central angle of 3°21'27", and a radius of 34,202.50', a distance of 2,004.25'; thence S 26°10'24" W a distance of 616.90' to a point, said point being 90.00' North of the South line of Section 11; thence N 89°49'36" W, a distance of 500.00'; thence S 45°10'24" W, a distance of 92.30'; thence S 0°10'26" W, a distance of 24.75' to a point on the South line of Section 11, Thence N 89°49'36" W, a distance of 218.43' to the Point of Beginning, **from CO (Corridor District) to CO/PUD (Corridor District and Planned Unit Development).**

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**APPLICATION NO.: PUD-540-4**

**MINOR AMENDMENT**

**Applicant:** Roy D. Johnsen

(PD-18) (CD-8)

**Location:** Northeast corner of South Vandalia and South Winston

**Staff Recommendation:**

The applicant is requesting a minor PUD amendment to move the required 30-foot front setback to 25 feet for the construction of a new single-family dwelling.

The subject site is a triangular shaped corner lot with an 11-foot utility easement located along the western property line. There is an "eyebrow" street feature across from the lot, which gives additional roadway width near the property.

Staff has reviewed the Planned Unit Development standards, and can agree that the minor amendment request as depicted on the submitted site plan would be in keeping with the overall intent of the PUD. The visibility for traffic should not be affected by the new setback line in this particular alignment.

Staff recommends **APPROVAL** of the Minor Amendment for PUD-540-4 per the submitted site plan.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Ledford "absent") to **APPROVE** the minor amendment for PUD-540-4 as recommended by staff.

**OTHER BUSINESS:**

**APPLICATION NO.:** PUD-306-C

**DETAIL SITE PLAN**

**Applicant:** Joe Kinnison

(PD-26) (CD-2)

**Location:** Northwest corner of East 101<sup>st</sup> Street and South Harvard

**Staff Recommendation:**

The applicant is requesting site plan approval for the Phase 5 development of a school gymnasium and associated parking located in the eastern part of the Jenks Middle School campus.

Staff has examined the request and finds conformance to bulk and area, parking, setback, lighting, general screening and standards and specifications outlined in Planned Unit Development 306-C.

An alternative compliance landscape plan, AC-007, was approved for the campus in November of 1996. The landscape plan for the parking area and Phase 5 gymnasium construction meets and exceeds the alternative compliance plans for screening and landscaping.

Staff, therefore, having found conformance to the approved standards and specifications for Planned Unit Development 306-C for the Phase 5 development for the Jenks Middle School, recommends **APPROVAL** of the Detail Site Plan as submitted.

**Note:** Detail Site Plan approval does not constitute Sign Plan or future phases of development approval.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Ledford "absent") to **APPROVE** the minor amendment for PUD-540-4 as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 5:25 p.m.

Date approved: 09 / 06 / 00

  
Chairman

ATTEST:   
Secretary