

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2254

Wednesday, October 18, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, October 16, 2000 at 3:24 p.m., posted in the Office of the City Clerk at 8:56 a.m., as well as in the office of the County Clerk at 8:50 a.m.

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

Mr. Westervelt stated that he would be turning the meeting over to 2nd Vice Chair Jackson in order to allow Commissioner Jackson to learn the format for the meetings.

Minutes:

Approval of the minutes of September 20, 2000 Meeting No. 2251

On **MOTION** of **HORNER** the TMAPC voted **6-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Harmon, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of September 20, 2000 Meeting No. 2251.

TMAPC Comments:

Mr. Westervelt thanked the staff for the clear and concise minutes for the September 27th meeting. He commented that the meeting was a very lengthy and difficult meeting and he expressed the TMAPC's appreciation for the good job preparing the minutes.

Minutes:

Approval of the minutes of September 27, 2000 Meeting No. 2252

On **MOTION** of **JACKSON** the TMAPC voted **6-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Harmon, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of September 27, 2000 Meeting No. 2252.

CONTINUED ITEMS:

R and J Property 2 (2392)

PRELIMINARY PLAT

Southwest corner of West 37th Place South and South Elwood Avenue

Staff Recommendation:

The applicant has timely requested a continuance to October 25, 2000.

TMAPC Comments:

Mr. Westervelt indicated that the applicant has changed his mind and would like to be heard today; however, the Planning Commission is concerned that interested parties may not be attending today because of the timely request for a continuance. Mr. Westervelt announced that the preliminary plat should be heard on October 25, 2000.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HILL**, the TMAPC voted **6-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Harmon, Midget, Pace "absent") to **CONTINUE** the preliminary plat for R and J Property 2 to October 25, 2000 at 1:30 p.m.

APPLICATION NO.: CZ-271

AG TO RS

Applicant: Pat Garner

(PD-23) (County)

Location: West of West 61st Street and South 170th West Avenue

Staff Recommendation:

The applicant did not pay fees for this application, and therefore, this item should be continued to October 25, 2000.

TMAPC Comments:

Mr. Westervelt stated that the applicant paid his fees late, and therefore, this item cannot be heard today.

TMAPC Action; 6 members present:

On **MOTION** of **JACKSON**, the TMAPC voted **6-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Harmon, Midget, Pace "absent") to **CONTINUE** CZ-271 to October 25, 2000 at 1:30 p.m.

Commissioner Pace in at 1:35 p.m.

REPORTS:

Chairman's Reports:

Mr. Westervelt announced that he will be abstaining from Item 18, Z-6789.

Mr. Westervelt turned the meeting over to 2nd Vice Chair Jackson.

Director's Report:

Mr. Stump stated that there are several items on the City Council agenda for Thursday, October 19, 2000.

Mr. Stump reported that the One Stop Permit Center is experiencing a steady increase of usage for taking applications. Mr. Stump stated that if anyone has any comments about the new One Stop Permit Center, they should let him know.

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

County Commissioner Collins in at 1:37 p.m.

SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19088 – Jeffrey D. Lower (883)
7415 South Atlanta

(PD-18) (CD-2)

Staff Recommendation:

The applicant has applied to split a duplex into two parcels. In the original request, Tract B would not have sewer service. The applicant reconfigured the split so that Tract B would abut the sewer line, therefore resulting in both proposed tracts having four side-lot lines. This configuration results in Tract B having a 12.65' panhandle on the private street along the front yard of Tract A. The applicant is seeking a waiver of Subdivision Regulations that each tract have no more than three side-lot lines.

At the September 21, 2000, meeting, the Technical Advisory Committee noted that the panhandle is being created solely for sewer service, and the panhandle would run along the front yard and driveway of Tract A. TAC recommended denial of this lot-split application. Staff, therefore, recommends **DENIAL** of the waiver of Subdivision Regulations and of the lot-split.

Should the Planning Commission approve the waiver of Subdivision Regulations, staff would recommend that approval be given with the condition that a common-wall maintenance agreement be filed at the county courthouse.

Applicant's Comments:

Roy Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing Mr. and Mrs. Gilmore, stated that there are several reasons for granting the waiver. He explained that the PUD contains 12 lots, each of which was constructed with a duplex dwelling. He indicated that a number of the lots are configured in an unusual way, including panhandles and flags. This PUD was intended to be a tight little community with private streets and gated access.

Mr. Johnsen stated that over time nine of the twelve lots have been split along the common wall of the duplex dwelling. Some of the lots would have had frontage on a sewer main and some would not. In this instance, the applicants filed a minor amendment to the PUD to permit the lot-split, which was approved. When the lot-split was filed it became known that the southernmost half of the duplex lot would not actually front a sewer main. He explained that when the lot-split was granted, it was acceptable because the lot, as a whole, had frontage on a public sewer main.

Mr. Johnsen indicated that as a consequence of the lot-split, the subject property would not have frontage on a sewer main. TAC recommended denial of the lot-split due to the lack of frontage on a sewer main. He explained that Mr. Lower read the ordinances and statutes and established a flag that would extend from the south half of the subject lot along the west boundary north to a point of intersection with the easement within which the sanitary sewer main is located. The flag technically meets all of the requirements relative to sanitary sewer; however, it creates a lot with more than three side-lot lines. This triggers an application for the waiver of the Subdivision Regulations.

Mr. Johnsen reminded the Planning Commission that there are already two flag-lots and two lots with more than three side-lot lines. This application would not be setting a precedent. Mr. Johnsen submitted photographs of the subject property (Exhibit A-1).

Mr. Johnsen stated that the quality of the structure is existing and there is no new construction proposed. He explained that he is not proposing to extend the sewer main because it is not needed at this time. Both units are served by sewer and each tract has its own water meter. The subject units share the driveway

and party walls. The reason for not extending the sanitary sewer is because it would tear up significant landscaping and street without any particular reason for doing so. It does not make practical sense to force a sewer that isn't needed.

Mr. Johnsen stated that Lot 10 had an identical situation and it was approved with the condition that a party-wall easement agreement be established. Additionally, the lot owners provided a document for mutual access and use of sewer and water facilities. He indicated that he would propose the same conditions as in the lot-split for Lot 10. When there are common-party walls, private streets and a common roof line, it requires number of documents to make this work and his client is prepared to do so. There would be a party-wall agreement, an easement for sewer and water and a provision for sharing of costs for repairs. The panhandle would not affect anyone except the two owners of the subject properties.

Mr. Johnsen stated that the panhandle is not near a drive to the north unit, but rather for guest parking. He explained that the drive to the north unit goes along the south boundary of Lot 7 and then along the east boundary to a garage in the back. He indicated that there would be easements for the drive as there are now.

Mr. Johnsen requested the Planning Commission to waive the requirement of no more than three side-lot lines and permit the subject property to be split as requested.

TMAPC Comments:

Mr. Ledford asked Mr. Johnsen where the service line is located from the south lot. In response, Mr. Johnsen stated that he believes that the unit was plumbed as one unit and a service line extension provided to the north unit.

Mr. Carnes stated that this subject property is within a private gated community and therefore, because of this technicality, he would make a motion to approve the application as requested.

TMAPC Action; 9 members present:

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

L-19120 – Cox Communications (1614)
10324 North 145th East Avenue

(PD-14) (County)

Staff Recommendation:

The applicant has applied to split off a 60' X 190' tract (Tract 1) from a 157' X 795.7' parcel (Tract 2) to be used for cable utility equipment. Variances of the bulk and area requirements for AG zoning, including average lot width, lot area, and land area, will be considered at the October 17, 2000, County Board of Adjustment hearing.

Proposed Tract 1 will be used for cable utility equipment and will not require sewage services. Therefore, the applicant is asking for a waiver of Subdivision Regulation 6.5.4.(e) requiring passing a soil percolation test.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, subject to the dedication of 50' right-of-way on the east including all previously-dedicated right-of-way to Tulsa County.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split; subject to the dedication of 50' right-of-way on the east including all previously-dedicated right-of-way to Tulsa County and subject to conditions imposed by the County Board of Adjustment on October 17, 2000, as recommended by staff.

* * * * *

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19009 – Tanner Consulting (2683)

(PD-26) (CD-8)

West side of Memorial at East 106th Street

L-19110 – Morgan Powell (1624)

(PD-14) (County)

15914 North 141st East Avenue

L-19111 – Dennis Kelly (3623)

(PD-15) (County)

9006 East 128th Street North

- L-19125 – City of Tulsa (894) (PD-17) (CD-6)
1235 South 120th East Avenue
- L-19126 – Douglas T. Techanchuk (1582) (PD-8) (CD-2)
8140 South Yukon Street
- L-19128 – Lloyd W. Smith (1582) (PD-8) (CD-2)
8116 South Yukon Street
- L-19130 – Tim Knowlton (3483) (PD-26) (CD-8)
11680 South Hudson Court
- L-19134 – Roy Johnsen (2383) (PD-18) (CD-7)
South of southwest corner East 98th Street & Memorial
- L-19136 – Tulsa Development Authority (2502) (PD-2) (CD-1)
2126 North Lansing

Staff Recommendation:

Mr. Beach stated that these are all in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

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

* * * * *

FINAL PLAT:

Grace Acreage (PUD 221-F) (2894) (PD 17) (CD 6)
Southeast of East 41st Street and South 129 East Avenue

Staff Recommendation:

There are three lots in one block on 38.88 acres. PUD 221-F, major amendment, approved 28,480 SF of one-story offices in Lot 1 (1.63 acres), 250,000 SF of church and accessory uses in Lot 2 (11.91 acres), and 265,000 SF of private school and athletic fields in Lot 3 (24.37 acres). The site is situated southeast of the intersection of East 41st Street and South 129th East Avenue Observation Point subdivision containing an apartment complex abuts to the northwest, Quail Ridge subdivision containing single-family residences abuts to the southeast and unplatted, vacant land is to the east.

All releases are in and the plat is in order. Staff recommends **APPROVAL** of the final plat.

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

Ridge Pointe Villas (PUD-411-C) (2483)

(PD-26) (CD-8)

East 101st Street and 84th East Avenue

Staff Recommendation:

This plat consists of 48 lots in two blocks with five reserves. Land area is 11.304 acres. It is development area 6a of PUD 411-C, which was recently amended to allow single-family residential use with 45-foot wide, 5000-square-foot lots. It's abutted on the east by "Ridge Pointe" single-family residential subdivision, on the west by unplatted land that is approved for commercial uses under the PUD, on the north by unplatted land approved for office/warehouse use under the PUD, and on the south by East 101st Street.

All releases are in and the plat is generally in order with the exception of a few changes in the covenants to reflect the approved PUD standards. Staff recommends **APPROVAL** of the final plat subject to revisions to the covenants.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

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

PRELIMINARY PLAT:

GreenHill (PUD-637) (2993)

(PD-6) (CD-9)

Northeast corner of East 45th Street and Lewis Avenue

Staff Recommendation:

GENERAL

The plat is located between Lewis and Atlanta, north of 45th Street. It is intended as a private, gated community, including lots for single-family residences. Two reserve lots, B and C, will be located on the north and south side of the primary entry, 43rd Place.

The project is located in an area of existing residences; it currently is the site of nine large homes. The areas to the north, east and south include large-lot single-family residences.

The project has significant topography, falling from east to west.

ZONING

The project will be developed under PUD-637. The PUD allows private streets with a minimum 30' right-of-way width and requires a screening fence with landscaping along the eastern boundary. The maximum number of lots is 26; the minimum lot area is 10,500 square feet.

STREETS

Primary access into the addition will be via 43rd Place off of South Lewis. A secondary access will enter the addition off of South Atlanta Place. The entries will be gated; the streets will have a right-of-way width of 30 feet and a pavement width of 26 feet. The PUD allows a maximum of 10% grade on the streets.

SANITARY SEWER

Sanitary sewer runs along the rear lot line of the existing lots and to the east along 45th Street. An easement is required between Lots 3 and 4 and between Lots 14 and 15.

WATER

Water is available on Lewis and Atlanta.

STORM DRAIN

It appears that Reserves B and C will be used for detention purposes.

UTILITIES

A perimeter 15' easement is shown.

Staff provides the following comments from TAC.

1. Streets and Access:

- Somdecerrff, Streets: a Limits of No Access (LNA) should be provided on the eastern boundary of the double frontage lots along Atlanta Ave.

2. Sewer:

- Bolding, Wastewater: a deep manhole will be needed in the northwest corner of the site to facilitate serving areas north.

3. Water:

- Holdman, Water: no comment.

4. Storm Drainage:

- McCormick, Stormwater: the detention facilities appear adequate as proposed and will be reviewed as the project progresses.

5. Utilities:

- Bryant, PSO: will review further and make comment.

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

WAIVERS OF SUBDIVISION REGULATIONS:

1. None needed.

SPECIAL CONDITIONS:

1. Limits of No Access (LNA) along eastern boundary of double frontage lots.
2. Deep manhole in northwest to satisfaction of wastewater.

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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

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

Ledco Addition (PUD-634) (0294)

(PD-17) (CD-6)

East side of Lynn Lane, 330' north of East 11th Street

Staff Recommendation:

GENERAL

The plat is located on the east side of Lynn Lane, approximately 330 feet north of the intersection with 11th Street. It is bounded on the north and west by vacant land and on the south by a large ownership that is primarily vacant, with residential and commercial use structures at the intersection of 11th and Lynn Lane. The site is bounded on the east by Lynn Lane, with large-lot single family uses beyond.

Significant vegetation is present on site.

ZONING

The area is zoned primarily AG with OL and CS to the east and south across Lynn Lane and CS to the south at the intersection.

The property is zoned CS to the south and OL to the north. It is overlain by PUD 634.

The proposed use is race car building, maintenance and storage. The uses allowed by the PUD include offices as permitted in Use Unit 11 and race car building, maintenance and storage.

The setback from the Lynn Lane centerline is 120' (70') from property line as approved by the PUD. The applicant is requesting that this be amended to be 110' (60' from the property line).

STREETS

Access will be off of Lynn Lane. The plat indicates a 72' access point in the southeast corner of the site.

The plat indicates dedication to provide 50' of right-of-way along Lynn Lane.

SANITARY SEWER

Sewer will be provided via a septic system.

WATER

Water is available along 11th Street.

STORM DRAIN

The plat does not address detention.

UTILITIES

A perimeter 17.5' easement is shown along the north, west and south boundaries.

Staff provides the following comments from the TAC meeting.

1. Streets/access:

- Somdecerff, Traffic, indicated that the statutory right-of-way should be shown on the east side of the street.
- French, Streets, indicated that a right-turn bay (acceleration lane) would be required. (This should be monitored to see how it affects setbacks). Access will most probably be restricted to the north 40 feet of the south 72 feet, depending on the extra lane.

2. Sewer:

- Bolding, PW/Engineering: septic – no comment

3. Water:

- Holdman, PW/Water: fire hydrant will need to be set.
- Calkins, TFD: needs more information.

4. Storm Drainage:

- McCormick, Stormwater: easement for improvements will be required..

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. Right-turn (acceleration) lane in south 72 feet of the site.
2. Easements to the satisfaction of the Stormwater Department.

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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

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

PLAT WAIVER:

PUD-432-E (793)

(PD-4) (CD-4)

East side of South Utica Avenue between East 11th Street and East 12th Street

Staff Recommendation:

PURPOSE:

The purpose of the request is to allow construction of a gift/novelty/souvenir shop, news stand and thrift store to be constructed on the former Rainbo day-old bakery site.

GENERAL:

The site is part of the Hillcrest Medical Center on the east side of Utica between 11th and 13th Streets. The request comes as a response to the purchase of the Rainbo day-old bread site and the accompanying amendment to the PUD to add it to Development Area C.

A thrift store will be opened on the site to replace the store recently closed on Skelly Drive.

ZONING:

The site is zoned OH and OMH with PUD overlay. It is in the area of multiple districts including CH, OM and RM-2.

STREETS:

The site will have no direct access onto either Utica or 11th Street. Access to the arterials will be via an internal collector.

STORM DRAIN:

The proposed construction may not require detention.

UTILITIES:

Staff does not have information on additional utility needs.

Staff provides the following comments from TAC.

1. Streets and Access:

- Somdecerrff, Streets: dedications will be required as needed along 11th and 12th Street to cover existing improvements. Adequacy of existing is assumed.

2. Sewer:

- Bolding, Wastewater: given the location of the structure per the site plan, no comment.

3. Water:

- Holdman, Water: given the location of the structure per the site plan, no comment.

4. Storm Drainage:

- McCormick, Stormwater: no comment.

5. Utilities:

- No comment.

Based on the checklist below which reflect the policies of the TMAPC and the recommendations of the members of TAC **STAFF RECOMMENDS APPROVAL** of the request for waiver subject to the following:

SPECIAL CONDITIONS:

- ~~1. Dedications along 11th and 12th Streets as requested by the Street Department to cover existing improvements.~~
2. Placement of structure per site plan, avoiding sanitary sewer and water easements.

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"/>
2) Are there restrictive covenants contained in a previously filed plat?	<input type="checkbox"/>	<input type="checkbox"/>
3) Is property adequately described by surrounding platted properties or street R/W?	✓	<input type="checkbox"/>

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

- | | | |
|--|-------------------------------------|-------------------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input type="checkbox"/> | <input checked="" 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) Is on-site detention required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Are additional easements required? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7) Floodplain | | |
| d) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9) Is the property in a P.U.D.? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) If yes, was plat recorded for the original P.U.D.? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10) Is this a Major Amendment to a P.U.D.? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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.

Mr. Stump stated that the applicant is still required to record the conditions of the PUD as a restrictive covenant.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Hillcrest Medical Center, stated that this is to include two parts of lots, one is 80 feet wide and the other is 94 feet wide. He indicated that the plat waiver requests only applies to these two small parcels and neither front on 11th Street or 12th Street. It is inappropriate to give the Street Department the authority to require some dedications on property not incorporated or included in the plat request, which is applicable to only the subject property. He requested that the Planning Commission delete the special condition regarding dedications along 11th and 12th Streets to cover existing improvements.

Mr. Norman stated that if any buildings are developed on the property to the north, then it may or may not trigger a replat requirement and that issue would come before the Planning Commission then. When the 12th Street intersection was reconfigured several years ago, the right-of-way was dedicated at that time. He reiterated that it is totally inappropriate for the Street Department to request this dedication.

Mr. Norman requested that his client not be required to file the requirements of the declaration of covenants with respect to the subject parcel. Anything that comes along in the future requires detail site plan approval and it could be easily caught at that time. He commented that sometimes the process becomes burdensome when dealing with a minor development process when some consideration is appropriate for a relaxation of the requirements that are ordinarily applicable.

Mr. Stump stated that only a portion of the property is under consideration and the rest of the PUD is the area that has the frontage on 11th and 12th Street. It would be appropriate to delete the special condition since the subject property does not front on the two streets. The TMAPC can waive the requirements if the subject property is already platted and if the PUD conditions for approval are included in the form of restrictive covenants and filed of record in the County Clerk's office making the City beneficiary to said covenants. He indicated that the applicant would have to go before the Board of Adjustment for a variance of the restrictive covenant requirement. The TMAPC has the power to waive the platting requirement, but only if the above-mentioned conditions are met.

Mr. Jackere agreed with Mr. Stump's statements regarding the restrictive covenants.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Carnes, Collins, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon, Midget "absent") to **APPROVE** the plat waiver for PUD-432-E subject to the special condition that placement of structures be per site plan, avoiding sanitary sewer and water easements and deleting the special condition regarding the 11th and 12th Street dedications. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

Commissioner Ledford announced that he will be abstaining from PUD-638 Plat Waiver.

PUD-638 (2193)

(PD-18) (CD-7)

Northwest corner of East 33rd Street South and South Jamestown Avenue

Staff Recommendation:

The following information was provided at the TAC meeting of September 7, 2000.

PURPOSE:

The purpose is to allow construction of a two-story medical office building.

GENERAL:

The site is located from East 32nd Place South to East 33rd Street South along the west side of Jamestown Avenue.

ZONING:

The site is zoned RM-1 and RM-2. The overlying PUD allows uses in Use Unit 11 and by right in the OL district. The area to the north across 32nd Street is zoned CS; the area to the south across 33rd Street is zoned RM-1 and RS-3. RS-3 is to the east across Jamestown and OL and RM-1 are to the west.

STREETS:

Two access points are proposed onto 33rd Street and 32nd Place. No access is proposed onto Jamestown.

SEWER:

Sanitary Sewer is on site and appears to need relocation.

WATER:

Water is available on the south side of 32nd Place.

STORM DRAIN:

A storm drain is present at the southeastern corner of the site.

UTILITIES:

Staff does not have information on utility easements; the applicant's information indicates an ONG line on the north and the south.

Staff provides the following comments from TAC.**1. Streets and Access:**

- Somdecerff, Streets, requested a 25' radius return at NE and SE corners of the site.
- French, Traffic, questioned the proposed dedication along 32nd Street in light of previous dedication on the north side of the street. After discussion it was agreed that dedication that provided the standard 12' from curb to property line would be acceptable.

2. Sewer:

- Bolding, Wastewater: may require abandonment of existing line and easement, necessitating tie agreements.

3. Water:

- Holdman, Water: would be accessed from 33rd Street.

4. Storm Drainage:

- McCormick, Stormwater: detention will be required.

5. Utilities:

- Separate easements will be required to access the building.

Additional Staff Comments:

After further review it was noted that a number of items were left to be addressed in the absence of a plat. The following items to be addressed were presented to the applicant on September 28.

1. The PUD allows a maximum of one lot. The subject site takes in eight lots from the previous plat.
2. The PUD standards will have to be recorded by separate instrument.
3. If a portion of the existing sewer line and easement are abandoned, it appears that existing Lots 7 and 8 will be separated from sewer.
4. The setbacks required by the PUD (100' from centerline of 33rd Street) make Lot 7 unusable.

5. The covenants state that the subject lots will be used for residential purposes only. The previous plat did not create covenants enforceable by the City; however, the applicant should be well aware of this issue.
6. TAC members requested dedication along 32nd Street, 25' radius returns at the corners and indicated the distinct possibility that a portion of the existing easement and sewer line will need to be vacated.

Lot ties of some sort would address a number of the issues.

After discussing the items staff indicated that the recommendation would not be in favor of a waiver based on the number of issues to be resolved.

The applicant indicated a willingness to plat while expressing a desire to move to construction rapidly.

Staff indicated that a request for an extension of time to file a final plat could be supported.

Based on the checklist below which reflect the policies of the TMAPC, the recommendations of the members of TAC and post TAC discussions with the applicant, staff recommends **APPROVAL** of the request for extension of time to file a final plat.

SPECIAL CONDITIONS:

1. The final plat shall be filed prior to issuance of the Certificate of Occupancy.

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"/>
2) Are there restrictive covenants contained in a previously filed plat?	✓	<input type="checkbox"/>
3) Is property adequately described by surrounding platted properties or street R/W?	✓	<input type="checkbox"/>

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

- | | | |
|--|--------------------------|--------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input type="checkbox"/> | ✓ |
| 5) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | ✓ |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input type="checkbox"/> | ✓ |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | ✓ |
| iii) Is on-site detention required? | ✓ | ✓ |
| iv) Are additional easements required? | <input type="checkbox"/> | ✓ |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | ✓ |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | ✓ |
| 8) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | ✓ |
| 9) Is the property in a P.U.D.? | ✓ | <input type="checkbox"/> |
| a) If yes, was plat recorded for the original P.U.D.? | <input type="checkbox"/> | ✓ |
| 10) Is this a Major Amendment to a P.U.D.? | <input type="checkbox"/> | ✓ |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | <input type="checkbox"/> | <input type="checkbox"/> |

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 by the applicant.

TMAPC Comments:

Mr. Westervelt asked Mr. Bruce if the request is for an extension of time to file a plat. In response, Mr. Bruce answered affirmatively.

Applicant's Comments:

Jerry Ledford, Jr., 8209 East 63rd Place, Tulsa, Oklahoma 74133-2317, stated that he met with Mr. Bruce regarding the issues and he is in agreement with a request for an extension of time for filing a plat. He expressed concerns regarding the requirement that he would need consent from 60% of the property owners. He explained that he has not approached the property owners yet, but he has begun the platting process. He commented that if the requirement for the 60% consent becomes a burdensome issue, then the issues could be resolved by dedication of the detention easement.

TMAPC Comments:

Mr. Westervelt asked the applicant if there was a problem with the PUD standards being recorded by separate instrument. In response, Mr. Ledford, Jr. stated that this would not be a problem.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-1** (Carnes, Collins, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Boyle, Harmon, Midget "absent") to **APPROVE** the request for an extension of time to file a plat for PUD-638, subject to conditions as recommended by staff.

Z-6571 (683)

(PD-18) (CD-9)

Northeast corner of East 67th Street and South Peoria Avenue

Staff Recommendation:

The following information was presented to the Technical Advisory Committee at their regular meeting of October 5, 2000.

GENERAL

The site is located at the northeast corner of East 67th Street and South Peoria. It is flat, vacant and non-wooded. It is bounded by single-family residential to the north, vacant land to the east, 67th street to the south with vacant land beyond and Peoria Avenue to the west, with an apartment complex beyond.

PURPOSE

The purpose of the request is to allow construction of a "Family Dollar" store.

ZONING

The western 200 feet of the site is zoned CS with OM on the remainder. CS zoning is to the north and south with OL to the southeast, RM-1 to the east, RS-2 and CS to the north and RM-2 to the west.

STREETS

The site is bounded by 67th Street on the south and Peoria Avenue on the west. The site plan indicates one access point to the west onto Peoria and one to the south onto 67th Street.

It does not appear that dedications are proposed on 67th or Peoria at this time.

SANITARY SEWER

Sewer is present to the south and east, it appears that extension will be required.

WATER

Water is present in 67th Street.

STORM DRAIN

Staff does not have information on detention facilities at this time.

UTILITIES

Staff does not have information on utilities at this time.

Staff provides the following comments from the TAC meeting.

1. Streets:
 - Somdecerff, Streets: 20' of dedication will be required along Peoria .A 30' radius return will be required at the northeast corner of 67th and Peoria.
 - French, Traffic: Access should be limited along Peoria. The access points as indicated are acceptable.
2. Sewer:
 - Bolding, PW: Sanitary sewer will need to be extended approximately 200 feet along existing ROW; no additional easement will be required.
3. Water:
 - Holdman, PW: No comment.
4. Storm Drain:
 - McCormick, Stormwater: Drain to existing open channel in 67th Street. No additional detention required.
5. Utilities
 - no comment:

Conclusions:

The proposed project is a portion of a previous plat. TAC members did not foresee any issues in obtaining right-of-way, limiting access or extending sewer, given that no additional right-of-way is required. Based on discussion with the individual TAC members and the following checklist which reflects the policies of TMAPC, staff recommends **APPROVAL** of the request for plat waiver.

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

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

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

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

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

- 7) Floodplain
 - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? ✓
 - 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.

Applicant's Comments:

Ron Lloyd, 2305 Sandpiper Court, Oklahoma City, OK 73170-3604, stated that there would be one instrument filed in this case and requested that the plat waiver be considered. He indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Collins, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon, Midget "absent") to **APPROVE** the plat waiver for Z-6571 as recommended by staff.

Mr. Midget in at 2:16 p.m.

ZONING PUBLIC HEARING

APPLICATION NO.: CZ-272

Applicant: Joe B. Wolfe

Location: North and east of northeast corner of East 76th Street North and North 129th East Avenue

RE TO RS

(PD-15) (County)

Staff Recommendation:

RELEVANT ZONING HISTORY:

CZ-251 May 1999: All concurred in approval of a request to rezone a sixty-acre tract located east of the southeast corner of East 76th Street North and North 129th East Avenue and south of the subject property, from AG to RS. All concurred in approval of RS zoning for that portion outside of the floodway and FD for that land lying within the floodway.

CZ-155/PUD-424 April 1987: A request to rezone a forty-acre tract located north of the subject tract and east of the northeast corner of East 76th Street North and North 129th East Avenue, from AG to RS, for single-family dwellings and duplex dwellings. TMAPC recommended approval of RS zoning per staff recommendation with a continuance of the PUD application. The applicant submitted a revised Outline Development Plan with a reduction of overall density and increased open space within the PUD. All concurred in approval of the amended PUD.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.8 acres in size and is located north and east of the northeast corner of East 76th Street North and North 129th East Avenue. The property is sloping, non-wooded, vacant, and zoned RE.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 79 th Street North	50'	2 lanes	Paved	No

UTILITIES: The City of Owasso serves this development with water but sewer is by septic systems.

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

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Owasso 2010 Land Use Master Plan designates the subject property as Rural Residential – Agricultural. The Land Use Description for Rural Residential-Agriculture districts, according to the Owasso 2010 Land Use Master Plan, states that these areas should be primarily retained as agricultural with large-lot homesites due to the lack of existing or projected municipal sewer service and to be developed with no more than two dwelling units per acre.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, the surrounding land uses, and existing RE zoning, staff recommends **DENIAL** of CZ-272.

Applicant's Comments:

Joe B. Wolfe, 7607 North 175th East Avenue, Owasso, Oklahoma 74055, stated that when he purchased the abutting property rezoned AG he also had to purchase the subject property to prevent the AG zoned property from being landlocked.

TMAPC Comments:

Mr. Westervelt asked Mr. Wolfe if he has reviewed the information from the Owasso Planning Commission regarding this application. In response, Mr. Wolfe answered negatively. Ms. Matthews submitted a copy to Mr. Wolfe.

Mr. Carnes suggested that Mr. Wolfe and staff meet outside for a few minutes and consider this application later during the agenda.

Commissioner Ledford announced that he would be abstaining from Z-6789.

Commissioner Westervelt announced that he would be abstaining from Z-6789.

Commissioner Westervelt out at 2:18 p.m.

APPLICATION NO.: Z-6789

IL TO RM-2

Applicant: Jim Doherty/Sellmeyer Trust

(PD-16) (CD-6)

Location: West of southwest corner of East Pine and U.S. Highway 169 North

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6687 June 1999: All concurred in approval of a request to rezone a 4.5-acre tract located south of the southwest corner of East Pine Street and North Garnett Road from RS-3 to IL.

Z-6651 October 1998: A request to rezone a 4.5-acre tract located south of the southwest corner of East Pine Street and North Garnett Road from RS-3 to IL was approved.

Z-6583 March 1997: All concurred in approval of a request to rezone a tract of land located east of the southeast corner of East Pine Street and North Garnett Road from RS-3 to IL for light industrial uses.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 38 acres in size and is located west of the southwest corner of East Pine Street and U. S. Highway 169 North. The property is flat, non-wooded, vacant, and zoned IL. It is located between the Mingo Valley Expressway (U.S. 169) and the Mingo Creek drainageway.

STREETS:

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

The Major Street Plan designates East Pine Street as a secondary arterial street. The City of Tulsa 1998 – 1999 traffic counts indicate 12,200 trips per day on East Pine Street at North Mingo Road.

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

SURROUNDING AREA: The subject tract is abutted on the north and east by industrial uses, zoned IL; to the south by vacant property, zoned IL; and to the west by the Mingo Creek drainageway, zoned IL. Farther west across the creek are two mobile home parks.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District 1, which also includes, and was created to address the needs of, Tulsa International Airport and its related uses. Plan policies (Section 3.1) call for the district to be planned for aviation-oriented industries and future aviation needs. The district is to have a high intensity designation due to the activity levels of such land uses.

According to the Zoning Matrix the requested RM-2 **may be found** in accordance with the Plan Map. Any zoning classification **may be found** in accordance with the special district designations, provided the uses permitted by the zoning classification are consistent with the land use and other existing physical facts in the area, and supported by the policies of the District Comprehensive Plan.

STAFF RECOMMENDATION:

Staff has several concerns related to this application. First, although the site is not within an existing 65 Ldn noise contour, its proximity to the airport ensures that there will be some noise associated with the location. Second, the site is surrounded on three sides by industrial uses or industrially-zoned vacant land and there is the potential for heavy truck traffic associated with those uses that may be disruptive to residential uses. Third, if the third runway is added to the airport, this area, in all likelihood, will be within the 65 Ldn noise contour.

Based on the existing zoning and development in the surrounding area, staff cannot support the requested RM-2 zoning and recommends **DENIAL** of RM-2 zoning on the subject property. If, however, the TMAPC deems it appropriate to adopt a "renter beware" attitude on the noise issue, the area is considered appropriate for medium intensity uses, of which RM-2 is one.

Mr. Stump described the surrounding area and zonings of the subject area. He explained that this application is for a proposed significant apartment complex between the existing warehousing and the Mingo Creek bed.

Applicant's Comments:

Jim Doherty, Tulsa Metropolitan Chamber of Commerce, 616 South Boston, Tulsa, Oklahoma 74119, stated that staff has some legitimate concerns that could be addressed and he can show that this is an appropriate use of the subject property. He indicated that the Comprehensive Plan that the staff is working from is approximately 25 years old. It envisioned this area as being airport related/industrial uses and to a certain extent it has developed in that way.

Mr. Doherty stated that there has been very little residential development in the subject area, which is part of the problem. He explained that there is also the problem of trying to force the market with the Comprehensive Plan. He indicated that housing is badly needed in the subject area and there will be other requests in the future.

Mr. Doherty commented that the Chamber is well aware of the sensitivity of the subject area and the political repercussions of development there. Mr. Doherty referred to a previous zoning case and proposal for a mobile home park west of Sheridan.

Mr. Doherty stated that he discussed this application with Councilor Justis and he reported that he did not see a problem with the proposal. He indicated that he also discussed the proposal with Brent Kitchen, Director of the Airport Authority. He explained that there was a question whether the subject property fell within or outside of the existing 65 Ldn noise contour. He indicated that with the existing development it is outside of the 65 Ldn noise contour; however, if the third runway is developed, it will be well within and practically under the approach pattern.

Mr. Doherty stated that it is no secret that the proposal is intended for Spartan School of Aeronautics. He explained that Spartan was founded by W. D. Skelly in 1928, and in 1940 it was acquired by J. Paul Getty. In 1998, the school was acquired by a large national company and there are some concerns that this school could be located anywhere, but it needs to stay in Tulsa. He indicated that Spartan's enrollment is currently 1800 students and 300 staff and faculty. The graduates are fueling Tulsa's aerospace industry and this should continue in Tulsa. He stated that Spartan is concerned about their student housing. He

explained that currently the student population is dispersed across the city and affordable apartments are hard to find. He commented that most of the apartments that have been built in the last few years have been primarily in the south side of Tulsa and are expensive.

Mr. Doherty stated that on the Pine campus, which is three-quarters of a mile west of the subject site, there are 1500 students enrolled and it is anticipated that next year, 1400 of the students will need student housing in the subject area. He indicated that Pine Street is already bearing the traffic, which is a natural route to the school. He commented that the traffic count that is in place already includes a significant number of Spartan students and if this proposal is used for student housing, the traffic count will not appreciably increase and could possibly decrease. He stated that Pine Street carries an ATD of 13,400, but this is less than half of what is carried on South Garnett and South Mingo, where a number of other apartment complexes have been located. He commented that there is significant truck traffic on Pine Street due to a warehouse to the east of the subject property. Mr. Doherty stated that the truck traffic is minimal during the rush hour and the nature of the industrial traffic in and out during the day is not particularly disruptive to the natural flow in and out of the department complex. The road is adequate to carry the current traffic load. It would be appropriate to consider traffic signals in the subject area as it continues to develop.

Mr. Doherty stated that the subject property is a long, narrow piece of property, which is bounded on the west by the Mingo Creek flood channel. He indicated that the largest part of the subject property is made usable because the Corps of Engineers did dredge work and widened Mingo Creek. Mr. Doherty described how the subject tract of land will be developed in two phases.

Mr. Doherty commented that the warehouse to the east generates some truck traffic, but it is not continuous. He stated that the noise generated from the trucks is less than found in most areas in an urban setting. Mr. Doherty stated that with appropriate upscale apartments, the impact on the surrounding development is mitigated.

Mr. Doherty stated that if anyone in Tulsa is aware of the noise issue from aviation, it would be Spartan School of Aeronautics. He indicated that the school is also aware of construction techniques to mitigate the noise. He stated that Brent Kitchen indicated that he had no problem with residential development on the subject property as long as sound mitigation was a consideration. Mr. Doherty concluded that the subject property is an appropriate place for student housing and multifamily housing.

TMAPC Comments:

Mr. Midget questioned Mr. Doherty concerning the third runway issue. In response, Mr. Doherty stated that if the third runway is developed, the subject property is within the third runway noise contour. Mr. Doherty explained that the

applicant is aware of this and he discussed this issue with Mr. Kitchen. Mr. Doherty reiterated that Mr. Kitchen has no problem with this proposal as long as sound is mitigated. Mr. Doherty stated that Spartan is well aware of the need for mitigation.

Interested Parties Comments:

Tom O'Brien, CB Richard-Ellis, 7912 East 31st Court, Tulsa, Oklahoma 74145, stated that immediately east to the subject tract is a warehouse complex. East Group Properties owns this tract and have discussed concerns with Spartan. Some of the concerns have been settled, but they do have concerns with children coming into truck court areas, trash, debris and traffic patterns.

Mr. O'Brien stated that Pine Street in front of the subject site is two lanes. He indicated that Pine Street is four-lane over to 107th East Avenue, but immediately west of 107th it turns into a two-lane road. Wolfe Point Industrial Park is immediately north of the subject site, and is the fourth-largest industrial park in Tulsa. The truck traffic in the subject area is significant. Within the Braniff Park West complex, immediately east of the subject property, is a 24 hour, seven-day-a-week distributor for Kimberly-Clark. He indicated that there are 25 to 30 trucks per day, every day except Sunday, when there are ten trucks a day. Other distributors are also in the Braniff Park West Complex. He described new industry that will be moving into the subject area and will create more truck traffic.

Mr. O'Brien questioned having residential areas adjacent to heavy industrial distribution facilities. He stated that he is in support of the staff recommendation and requested that the Planning Commission deny the zoning.

TMAPC Comments:

Mr. Jackson questioned the truck traffic from the distribution center and how much truck traffic it actually generates. In response, Mr. O'Brien stated that it is not the truck traffic that comes out of Braniff Park itself, but the traffic created by Braniff Park West in conjunction with Wolfe Point's industrial traffic. Mr. O'Brien explained that there are no traffic lights and there are no scheduled improvements for Pine Street at this time. Mr. O'Brien listed other industrial developments in the subject area that contribute to the truck traffic and employment traffic. Mr. O'Brien described the subject area as a great distribution hub in the community of Tulsa because of the 244, I-44 and Highway 11 Loop. Mr. O'Brien commented that a lot of distributors do not want to locate in southeast Tulsa because of the traffic congestion.

Mr. Jackson asked Mr. O'Brien what would happen if other surrounding properties developed with 200 employees and two shifts. In response, Mr. O'Brien stated that the other properties will eventually develop for industrial use, but they will more than likely be wholesale distributors or warehousing companies that do not have high employee counts.

Mr. Carnes stated that the subject area is zoned IL and it would appear that housing for the employees would be an extension of the industrial use. In response, Mr. O'Brien stated that this has not been the experience in the development that he has worked with in the City. Mr. O'Brien further stated that there are not generally apartment complexes located next to manufacturing and distribution facilities. Mr. O'Brien stated that this has not been a trend in Tulsa nor Oklahoma City.

Mr. Carnes asked if housing should be next to the employment or should employees travel long distances to their employment. In response, Mr. O'Brien stated that there is some residential land available west of Memorial and it does not have the same infrastructure issues with regards to a two-lane road that feeds all of the truck traffic and employees coming out of the fourth-largest industrial park up and down Pine Street. Mr. O'Brien questioned why the apartments are not proposed near retail services, fast food, and land already zoned for this type of use.

Interested Parties Comments:

Lori Donovan, CB Richard-Ellis, 7912 East 31st Court, Tulsa, Oklahoma 74145, stated that she is representing Jim Freeman, the property owner north of the subject site. She explained that Mr. Freeman owns a 38,000-SF warehouse, which is currently leased to Southwestern Bell. She indicated that Mr. Freeman supports the staff recommendation to deny this zoning change due current traffic flow problems associated with the industrial park.

Ms. Donovan stated that she manages a property to the east of the subject site and the intersection at Pine is hazardous. She indicated that there needs to be further studies done regarding the traffic flow and the lack of services for the potential residential tenants in the subject area, should the apartments be approved. She stated that there are no retail services in the subject area and there are no prospects for retail services in the subject area that she is aware of.

Ms. Donovan requested the Planning Commission to deny this application.

Brenda Gray, 1339 North Mingo, Tulsa, Oklahoma 74116, stated that she supports the recommendation for denial. She commented that floodplain status reports should have been supplied for the subject property. She indicated that she lived in the subject area during the 1984 flood. A fire engine cannot come into the subject area from any direction when there is flooding. She stated that there is water at Memorial, U.S. 169, South Mingo and North Mingo. If there were apartments built on the subject site and there was a flood, the fire engine could not get to the residents.

Ms. Gray pointed out that there is AG-zoned property in the subject area that is planned to be developed industrial. She stated that the subject area is best suited for industrial use.

Ms. Gray stated that she attended all of the third runway meetings and the subject property would be under the incoming flights. The City of Tulsa has purchased everything one block north because of the noise and the third runway. She questioned why it would make sense to develop an apartment in the path of the third runway.

Ms. Gray stated that the trail by the creek that Mr. Doherty mentioned is a service road to the sewage lagoons that are south of the subject property. She mentioned that during the summer, the south breeze will carry the smells to the subject property. Ms. Gray requested that the Planning Commission keep to the integrity of what has been done and the reason for doing so. She commented that more industrial uses built in the subject area will cause the city to widen Pine eventually. She requested the Planning Commission to deny this request.

TMAPC Comments:

Mr. Jackson asked Ms. Gray how far she lives from the subject property. In response, Ms. Gray stated that there are only two residential homes left in the subject area. Ms. Gray explained that her property is zoned AG, but it will probably be zoned commercial or industrial when she moves away.

Applicant's Rebuttal:

Mr. Doherty stated that residential does fit in north Tulsa and there is no reason that all of the residential construction has to be south of 41st Street. He further stated that Mr. O'Brien's client has legitimate concerns, but a good fence between the apartments and the truck court will alleviate the problem of children playing in the truck court.

Mr. Doherty stated that the two-lane issue on Pine Street is not that critical and the reason for there being no plans for improvements is because the traffic needs in south Tulsa are far more pressing. This is all the more reason to not place multifamily in south Tulsa and add to the existing gross problems. He commented that retail services will come when the roof count comes. He stated that there was a thriving retail community in the subject area before the airport began buying out for noise mitigation. QuikTrip and Batman are one half mile west from the subject area and the businesses are thriving.

Mr. Doherty commented that as the economy is further developed in the subject area, there will be a need for more housing there. He explained that this is what will drive the retail; retail does not lead the housing.

Mr. Doherty stated that a portion of the subject site is in the floodplain and that portion will never be developed. The floodplain makes a good green space and separation for residential, and is an impediment to industrial construction. The 1984 flood triggered a number of improvements, which includes the dredging and widening of Mingo Creek. He indicated that the roads do not close in floods, but

that is not saying that they could not close. He explained that sometimes there are downpours that create temporary flooding, but there are several streets in Tulsa where this occurs and it does not justify halting development. If the street flooding is a problem for vehicles to apartments, then it would be a problem for emergency vehicles for industrial uses as well. He commented that emergency runs are more likely to happen in an industrial area than to an apartment area.

Mr. Westervelt in at 2:55 p.m.

Mr. Doherty reiterated that this is the ideal location for the proposed apartments. The applicant is aware of the third runway proposal and the noise factor. He suggested that the Comprehensive Plan is to be used as "may be found", which allows the Planning Commission to look at the property and make the best judgment on the appropriateness of the use. He requested that the Planning Commission approve this application.

TMAPC Comments:

Ms. Pace asked for the address of the Spartan School of Aeronautics. In response, Mr. Doherty stated that it is located at 8830 East Pine and is three-quarters of a mile from the subject property. Ms. Pace agreed that housing is needed in North Tulsa, but this isn't the place. Ms. Pace stated that the application appears to be spot zoning and it should not be placed in the middle of the industrial area. Ms. Pace further stated that she cannot see the imminent need for housing since it is being placed three-quarters of a mile from the campus. In response, Mr. Doherty stated that land located to the west is owned by the airport and one would have to go to Sheridan before finding land suitable for apartment housing. Mr. Doherty indicated that subject property is not the first site that was considered. Mr. Doherty commented that the property located on the northwest corner of Pine and Mingo could not be used because of floodplain constraints and would be within the 65 Ldn noise contour. Mr. Doherty stated that finding sites for housing in the subject area is difficult.

Mr. Midget asked if multifamily is allowed in IL zoned districts by special exception. In response, Mr. Stump answered negatively.

Mr. Horner stated that he is in full support of this application for approval. Spartan School of Aeronautics supports Tulsa and their drop out rate is non-existent.

Mr. Midget stated that he does not think that this is the best site for the proposal, but under the circumstances he can support this application. He commented that it is difficult to find housing close to the subject area.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-1-2** (Carnes, Collins, Hill, Horner, Jackson, Midget "aye"; Pace "nay"; Ledford, Westervelt "abstaining"; Boyle, Harmon "absent") to recommend **APPROVAL** of the RM-2 zoning for Z-6789.

Legal Description for Z-6789:

NE/4, NE/4, NW/4, less North 50' and less East 50' of the South 610' of the North 660', and less that area beginning 50' South of the Northwest corner of the NE/4, NE/4, NW/4 thence South 300' thence Northeast 309.41' thence West 75.04' to Point of Beginning, Section 31, T-20-N, R-14-E, Tulsa County, and the North 217.52' of the S/2, NE/4, NW/4 less East 50' of the South 217.52' of the North 877.52' and less tract beginning 660' South and 731.99' West of the Northeast corner of the NE/4, NW/4, thence West 558.01' thence South 217.52', thence East 490' thence Northeast 238.58' to POB, Section 31, T-20-N, R-14-E, Tulsa County, and Beginning 217.52' South of the Southeast corner of the NE/4, NE/4, NW/4 thence South 513.09' thence West 1,319.87' thence North 512.82'; thence East 1,319.87' to the POB, less beginning 1,390.34' South and 1,319.87' West of the Northeast corner of the NE/4, NE/4, NW/4 thence North 512.82' thence East 490', thence Southwest 47.19' thence on a curve to the left 338.66' thence South 141.17' thence West 400' to POB, and less tract beginning 877.52' South of the Northeast corner of the NW/4 thence South 513.90', thence West 50' thence North 513.10' thence East 50' to POB, Section 31, T-20-N, R-14-E Tulsa County, and Beginning 737.55' North of the Southwest corner of the SE/4, NW/4, thence East 1,319.87' thence North 512.82' thence West 1,319.87' thence South 512.82' to POB less the East 130.81' and less the West 400' thereof, Section 31, T-20-N, R-14-E, Tulsa County, and Beginning 407.55' North of the Southwest corner of the SE/4, NW/4, thence North 330', thence East 1,319.67', thence South to Mingo Valley Expressway Southwest along the Mingo Valley Expressway to a point 407.55' North of the South line of NW/4, thence West to a POB, less the West 400' thereof, Section 31, T-20-N, R-14-E, Tulsa County, containing 38.03 acres more or less **From IL (Industrial Light District) To RM-2 (Residential Multifamily Medium Density District).**

Ms. Matthews reported that after discussing CZ-272 with Mr. Wolfe, he has indicated that he would like to withdraw this case and have fees applied toward some future action.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon "absent") to **WITHDRAW** CZ-272 and apply fees toward future action as requested by applicant.

APPLICATION NO.: PUD-640

RT TO RT/PUD

Applicant: Ted Sack

(PD-18) (CD-9)

Location: South of southeast corner of East 61st Street and South Yorktown

Staff Recommendation:

The PUD proposes a maximum of 17 single-family dwellings on 2.75 acres located on the east side of South Yorktown Avenue at East 63rd Street. The tract has 200' of frontage on South Yorktown Avenue.

The subject tract is zoned RT Residential Townhouse District. The tract is abutted on the north by multifamily uses zoned RD/PUD-219; on the east by the Joe Creek channel zoned RS-2; and on the south by Graham Park zoned RS-2. To the west, across Yorktown Avenue, is an RS-2 zoned subdivision and McClure Elementary School zoned RS-2.

The PUD proposes a private street that would have access to South Yorktown Avenue. The proposed cul-de-sac exceeds the maximum of 500' in length (Section 4.2.7 of the Subdivision Regulations for the Tulsa Metropolitan Area).

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-640, 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-640 subject to the following conditions:

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

2. Development Standards:

Land Area (Gross): 2.75 AC

Permitted Uses:

Use Unit 6, detached single-family dwellings and customary accessory uses.

Maximum Number of Dwelling Units: 17

Minimum Lot Area: 5,500 SF*

Minimum Livability Space per Dwelling Unit per Lot: 1,200 SF*

Minimum Depth of Required Yards:	
From the north, east and south boundaries of the PUD	20 FT
From the South Yorktown Avenue right-of-way	15 FT
From the Private Street right-of-way	
Cul-de-sac Lots	15 FT**
Other Lots	20 FT
From Internal side-lot lines	5 FT

Private Streets:	
Minimum width of private street right-of-way	30 FT
Minimum width of paved travel surface	26 FT
Minimum size of cul-de-sac paving and right-of-way,	
To be determined during platting process by TMAPC.	

Other Bulk and Area Requirements:
As established within an RS-4 District.

*Shall not include private or public street rights-of-way.

**Garages shall be setback at least 20 feet.

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

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

The applicant indicated his agreement with staff's recommendation.

The Following Interested Parties Expressed their Opposition:

Nancy Wills, 6221 South Yorktown, Tulsa, Oklahoma 74136; **Jim Costas**, 1578 East 59th Street, Tulsa, Oklahoma 74136.

The Following Concerns were expressed by the above listed Interested Parties:

Trees will be destroyed; air quality will diminish; drainage concerns; global warming issues; best use for the land is environmental and educational; keep the neighborhood as green as possible and save the trees.

TMAPC Comments:

Mr. Midget asked Ms. Wills if she lived in a condominium near the subject site. In response, Ms. Wills stated that she owns a condominium in Cambridge Condominiums, which is located north of the subject property.

Mr. Westervelt informed Ms. Wills that he appreciated her comments, but the Planning Commission cannot make their zoning decisions based on clean air and global warming. He stated that it is not part of the Zoning Code or practice to include such items.

Ms. Pace informed Mr. Costas that she is concerned about good and healthy trees being destroyed, but the Planning Commission cannot regulate the destruction of trees. Ms. Pace recommended that Mr. Costas speak with the developer and see if some of the trees can be saved during development. Ms. Pace commented that the subject application is an appropriate land use for the subject property.

Mr. Westervelt informed Mr. Costas that he can attend the City Council meeting to voice his concerns regarding the trees and clean air. Mr. Costas requested that he be notified of the City Council meeting.

Mr. Stump stated that the subject property is currently zoned for townhouse development, which could be developed at a higher density than the proposal. The likelihood of saving trees if the property was developed to its full density allowed is very unlikely; however, this is a less dense development and there is a

possibility some trees can be saved, and there will be more green space because it is less dense.

The following Interested Parties expressed their Support:

Hans Christiansen, 6237 South Utica, Tulsa, Oklahoma 74136; **Lee Thurman**, 6247 South Yorktown Place, Tulsa, Oklahoma 74136.

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

The subject site has been an eyesore for the neighborhood and this proposal will be an improvement; the proposed townhouses will be a great asset to the subject neighborhood; 17 single-family dwellings is a great proposal.

Applicant's Rebuttal:

Mr. Sack stated that the proposal is for 17 single-family detached homes and not townhouses. This proposal is a lower density than the underlying zoning would allow. He indicated that the developer is aware of the trees and it is the desires of the developer to try to maintain as many of the trees as possible. He stated that he has had a pre-design meeting with the Development Services staff and the majority of utilities will be located within the street right-of-way to minimize the disturbance of existing trees.

Mr. Sack stated that the proposal is an appropriate use and a good use for the subject area. He indicated that the drainage from the subject property will go into Joe Creek.

TMAPC Comments:

Mr. Carnes asked Mr. Sack to answer the concern whether the houses will be subsidized homes. In response, Mr. Sack stated that the homes will start at \$150,000 to \$175,000.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon "absent") to recommend **APPROVAL** of PUD-640 subject to conditions as recommended by staff.

Legal Description for PUD-640:

A TRACT OF LAND THAT IS PART OF LOT 8 AND LOT 23 OF "PECAN ACRES", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: "BEGINNING AT A POINT" THAT IS THE NORTHWEST CORNER OF SAID LOT 8 OF "PECAN ACRES"; THENCE S 89°51'53" E ALONG THE NORTHERLY LINE OF SAID LOT 8 AND THE EASTERLY EXTENSION THEREOF FOR 551.00'; THENCE S 55°54'54" E FOR 40.72'; THENCE

S 12°41'44" E FOR 83.23' TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 12°49'31" AND A RADIUS OF 432.96' FOR 96.92' TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 8; THENCE N 59°51'53" W ALONG SAID SOUTHERLY LINE FOR 613.59' TO THE SOUTHWEST CORNER OF LOT 8; THENCE DUE NORTH ALONG THE WESTERLY LINE OF LOT 8 FOR 200.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, **From RT (Residential Townhouse District) To RT/PUD (Residential Townhouse District/Planned Unit Development).**

APPLICATION NO.: PUD-641

OL/RS-3 TO OL/RS-3/PUD

Applicant: Roy D. Johnsen

(PD-18) (CD-7)

Location: West of northwest corner of East 71st Street and South Yorktown

Staff Recommendation:

The PUD proposes a continuing care retirement community and an office park on 56.47 net acres located west of the northwest corner of South Sheridan Avenue. The subject tract is zoned RS-3 and OL. The tract is abutted on the north by vacant RS-3 zoned property; on the east by vacant OL property and a multifamily development zoned RS-3/PUD-239; and on the west by vacant RS-3 and OL property, a tract zoned OL/PUD-246-A that has been approved for office uses, and by multifamily uses zoned OL/PUD-263-A. To the south across 71st Street are multifamily uses zoned PUD-190-B-D-E and an elderly assisted living center zoned RS-3/PUD-190-F.

The PUD proposes two development areas. Development Area B contains 6.75 net acres located along the East 71st Street frontage. Office uses are proposed for this development area. Development Area A contains 49.74 net acres and is located north of Development Area B. Development Area A would allow single-family, apartment, assisted living facility, elderly/retirement housing, life care retirement center and nursing home uses.

The PUD proposes that Development Area B have access to East 71st Street and that Development Area A have one access point to South Granite Avenue. This proposed vehicular circulation system is not consistent with the Comprehensive Plan. The Comprehensive Plan calls for Granite Avenue to be extended as a collector street intersecting with 68th Street South which is also classified as a collector street, but because of previous platting (Corporate Oaks – recorded 2/10/82), 68th Street cannot be connected with Granite. The Comprehensive Plan also proposes that South Granite Avenue be developed to collector standards and extend to East 66th Street South. An additional collector street is also proposed that would connect with Granite Avenue at 68th Street South and

would extend approximately through the middle of the PUD and then turn south to 71st Street South.

If the access and circulation is modified to be consistent with the Comprehensive Plan, 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-641 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-641 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:	49.74 AC
Permitted Uses:	Nursing Home as included within Use Unit 2; Single-Family Dwellings as included within Use Unit 6; and Apartments, Assisted Living Facility, Elderly/Retirement Housing and Life Care Retirement Center as included within Use Unit 8.
Maximum Single-Family Dwelling Units:	30
Maximum Multifamily Dwelling Units:	346
Maximum Building Floor Area of Assisted Living/Nursing:	158,000 SF
Maximum Land Coverage of Buildings:	30%
Livability Space per Dwelling Unit:	As required by the underlying zoning.
Maximum Building Height:	six stories
Minimum Building Setbacks:	
One-story Buildings	
From Development Area Boundaries	50 FT

Two or More Story Buildings
From Development Area B 50 FT
From other boundaries of the Dev. Area 135 FT

Maximum Number of Lots: one*

Off-Street Parking: As required by the applicable Use Unit.

*More than one lot may be permitted if the standards for each lot are approved by TMAPC during the platting process.

Minimum Landscaped Area: 30% of Net Area.

Signs: As allowed in the RM-2 district.

DEVELOPMENT AREA B

Net Land Area: 6.75 AC

Permitted Uses:

Uses included within Use Unit 11 Office, Studios and Support Services, including drive-in banking facilities; and uses customarily accessory to permitted principal uses.

Maximum Floor Area Ratio Per Lot: .50

Maximum Building Height: ten stories

Minimum Building Setbacks:

From Centerline of East 71st Street 110 FT

From the North Development Area Boundary

Ten feet plus two feet for each one-foot of building height exceeding fifteen feet.

From Other Development Area Boundaries 25 FT

Maximum Number of Lots: one*

Off-Street Parking: As required by the applicable Use Unit.

Minimum Landscaped Area: 15% of Net Lot Area.

Signs: As allowed in the OL district.

*More than one lot may be permitted if the standards for each lot are approved by TMAPC during the platting process.

3. ~~The access and circulation system shall satisfy the function prescribed by the Comprehensive Plan. This could include South Granite Avenue being developed to collector standards and extended to the northwest corner of the PUD; an additional collector street being provided that would connect with Granite Avenue at approximately East 68th Street South and would extend through the PUD and then turn south to East 71st Street South. The access to the PUD shall be principally from East 71st Street South. The private street entry shall not be located in the Granite right-of-way extension; there shall be a secondary service and emergency access from Development Area A through Development Area B to East 71st Street South. Collector Street right-of-way shall be dedicated on Granite to the north boundary of the subject property.~~
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, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

8. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas.
9. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
10. Within a residential area 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.
11. 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 ten percent.
12. 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.
13. 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.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
15. 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:

Roy Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing William K. Warren Foundation and Monroe, Inc., submitted an amended text and site plans (Exhibit B-1) and stated that he agrees with staff's recommendation except the access issues.

Mr. Johnsen cited the background information regarding the subject property and surrounding property. He indicated that the subject property is 56 acres and will be leased for the purposes of the retirement community. He described the surrounding zoning and the zoning of the subject property.

Mr. Johnsen stated that the design of the proposal and the circulation system has been cited to achieve the benefit of the views and amenities. He explained that his client is trying to achieve an attractive meandering access into the subject property past some of the lake area from Granite. Granite is on the Major Street and Highway Plan as a collector street and at its intersection of 71st it is signalized, which is one of the reasons he does not want to tie to it. He explained that 71st Street is a primary arterial and forms the south boundary of the subject property, which is six-lanes-divided. It is not intended for this proposal (retirement community) as its principal access point; however, Granite would be the principal access point. Staff believes that there should be a secondary access and he agrees, but only as an emergency type of access from the proposal to 71st Street. He stated that the location and design of the emergency access could be deferred to detail site plan and/or platting.

Mr. Johnsen stated that the extension of Granite to the north is an issue. Mr. Johnsen described the past developments in the subject area and the topography of the subject area. Staff has suggested that Granite be extended to the north boundary of the proposal and then the opportunity would be available in the future if it ever needs to be extended. Mr. Johnsen described the steep topography and how difficult it would be to extend Granite to the north. He commented that the subject proposal does not need Granite extended to the north. He suggested a modification to the staff recommendation that a requirement be made to dedicate the second half of the Granite right-of-way extending to the subject property's north boundary; however, it would not be paved at this time. He commented that staff would prefer that his client dedicate the rest of the right-of-way and pave it to the north boundary. However, he believes that dedicating the right-of-way is sufficient, given the facts that are in the subject area.

Mr. Johnsen stated that staff's standard regarding the internal streets is acceptable. He explained that the retirement community would have only one lot and there would not be any private streets with lots adjoining it.

TMAPC Comments:

In response to Mr. Ledford's concerns regarding access to the north lot of Corporate Oaks, Mr. Johnsen stated that he does not intend to cut off the access to the north lot of Corporate Oaks. Mr. Johnsen further stated that the location for the access to the north could be determined during the detail site plan review and the turnaround will be done within the subject propertie's ownership. Mr. Johnsen assured the Planning Commission that he has no intent to block the

access to the north lot. In response, Mr. Ledford stated that he wanted to bring this to Mr. Johnsen's attention.

Mr. Westervelt asked if there would be a problem with loitering or creating a problem if Granite is stubbed out to the north. In response, Mr. Stump stated that staff's concern is that there is a significant amount of land that is not included in this PUD, and the only access would be through some existing single-family residential stub streets to the north and northwest unless Granite coming from the south could provide access to these areas. If the access to Granite is preempted then whatever is developed on the remaining vacant tracts will be forced through the single-family residential areas.

Mr. Westervelt asked if the Planning Commission required the dedication of right-of-way and moved the private street off to the east so that it does not interfere with the Granite right-of-way, it would be better to leave it unpaved. In response, Mr. Stump stated that staff would have no problem with that proposal if the City is willing to accept an unimproved right-of-way.

Mr. Ledford stated that when Corporate Oaks was platted, half of the street right-of-way was dedicated to the north property line of Corporate Oaks. He explained that the adjacent owner would not dedicate right-of-way.

Mr. Stump stated that staff does not want to commit the City Public Works Department to accepting a right-of-way without the improvements built.

Mr. Stump stated that the secondary access proposed by Mr. Johnsen is acceptable; however, the access should be available for emergency use and service traffic. This type of facility would have a significant number of employees and a large tract of land that will require high maintenance and maintenance truck traffic.

There were no interested parties wishing to speak.

Mr. Ledford stated that one of the problems is not knowing where the right-of-way will go north of Corporate Oaks. The topography is difficult, and if a street is built it would be at the wrong grade. Mr. Ledford suggested that the right-of-way be dedicated until at such time it is positive where Granite would connect and place the correct grade.

Mr. Westervelt agreed with Mr. Ledford's suggestion regarding the dedication of right-of-way. He stated that the private street needs to be held back off of the Granite right-of-way and there should be a second emergency and service access onto 71st Street.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted 9-0-0 (Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon "absent") to recommend **APPROVAL** PUD-641 subject to the conditions and modifications, and direct staff to modify the Comprehensive Plan regarding collector streets for the subject area. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

Legal Description for PUD-641:

Commencing at the Southwest corner of the SE/4 of Section 3, T-18-N, R-13-E of the IBM; thence N 01°28'35" W a distance of 60.00' to a point on the North right-of-way line East 71st Street; thence N 88°42'46" E, a distance of 659.19', thence N 01°27'56" W a distance of 300.00', to the Point of Beginning, thence N 01°27'56" W a distance of 464.87' to the Northeast corner of the Argyle subdivision, thence S 88°42'15" W, along the North line of the Argyle subdivision a distance of 329.75', thence S 01°27'32" E, along the west line of the Argyle subdivision a distance of 164.53', thence N 31°50'13" W, a distance of 545.57', thence S 85°05'55" W a distance of 207.65', thence S 35°44'14" W, a distance of 242.82', thence S 88°41'58" W, a distance of 29.69', thence N 01°30'38" W, a distance of 297.58', thence N 89°12'12" E, a distance of 525.99', thence N 00°52'38" W, a distance of 978.81', thence N 88°39'24" E, a distance of 398.17', thence S 68°14'29" E, a distance of 433.71', thence S 43°26'30" E, a distance of 472.49'; thence S 01°24'56" E, a distance of 198.65' to the Northwest corner of Summit Place subdivision; thence S 01°24'56" E, a distance of 258.00' to the Southwest corner of Summit Place subdivision; thence N 88°41'15" E, along the South line of Summit Place subdivision a distance of 323.84'; thence S 01°24'56" E, a distance of 860.79'; thence S 88°42'46" W, a distance of 981.65' to the Point of Beginning, and Commencing at the Southwest corner of the SE/4, Section 3, T-18-N, R-13-E of the IBM; thence N 01°28'35" W, a distance of 60.00' to a point on the North right-of-way line of East 71st Street; thence N 88°42'46" E, along the North right-of-way line of East 71st Street South, a distance of 659.24' to the Point of Beginning, thence N 01°27'56" W, a distance of 300.00'; thence N 88°42'46" E, a distance of 981.65'; thence S 01°17'14" E, a distance of 300.00'; thence S 88°42'46" W along said North right-of-way, a distance of 980.71'; returning to the Point of Beginning, **From OL/RS-3 (Office Low Intensity District/Residential Single-family High Density District) To OL/RS-3/PUD (Office Low Intensity District/Residential Single-family High Density District/Planned Unit Development).**

APPLICATION NO.: Z-6791
Applicant: John Moody

RS-3/PUD TO OL/PUD
(PD-18) (CD-8)

Location: North and east of East 89th Street South and South Yale Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6784 September 2000: All concurred in denial of a request to rezone a lot located north of the northeast corner of East 89th Street and South Vandalia Avenue and west of the subject tract on the west side of South Yale Avenue from RS-3 to OL.

Z-6765 June 2000: All concurred in approval of a request to rezone a tract located south of the southwest corner of East 87th Street and South Yale Avenue and fronting South Yale Avenue from RS-3 to OL.

PUD-355-A December 1999: A request for a major amendment to PUD-355 located on the northwest corner of East 91st Street South and South Yale Avenue and west across South Yale from the subject property. The original PUD-355 approved uses allowed by right in an OM district with restaurant and other accessory uses within a principal office building. The major amendment proposed and was approved for uses permitted by right in a CS district on the south 299 feet of the east 195 feet of the tract. This amendment shifted commercial uses closer to East 91st Street South and established a larger buffer area between the PUD and the residential uses to the north.

Z-6715 October 1999: All concurred in approval of a request to rezone a tract located on the northwest corner of East 89th Street South and South Yale Avenue, west of the subject property from RS-3 to OL.

Z-6684 April 1999: All concurred in approval of a request to rezone a 200' x 245' tract located south of the southwest corner of East 87th Street and South Yale, fronting South Yale Avenue on the west side, from RS-3 to OL.

Z-6365 July 1992: A request to rezone a twelve-acre tract located on the east side of South Yale Avenue at East 88th Place South, north of the subject PUD, from AG to RS-3 for residential development.

Z-6318 July 1991: A request to rezone a 22-acre tract located north of the subject property on the west side of South Yale Avenue between East 86th Place South and East 88th Place from AG to RS-3 for a residential development.

PUD-458 January 1990: A request to rezone a 47-acre tract located south of the southeast corner of East 81st Street and South Yale Avenue from RS-3 to RS-3/PUD.

PUD-269-A September 1982: All concurred in approval of a major amendment to the PUD to reduce the number of office buildings allowed on the subject tract; increasing the height of buildings from two stories to five stories and increasing the open space from approximately 58% to 65%, which would allow for a park-like setting for the building.

Z-5633/PUD-269 November 1981: A request to rezone the subject property from RS-3 to OL/PUD-269. Staff and TMAPC recommended approval of the request but reduced the amount of OL zoning allowed to approximately 279.4 feet by 880.7 feet along South Yale Avenue, with the balance of the tract remaining RS-3, which included the subject two acres. All concurred in approval of the request subject to the conditions as recommended.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately two acres in size and is located north and east of East 89th Street South and South Yale Avenue. The property is flat, partially wooded, provides access to the existing office development, and zoned RS-3/PUD.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
South Yale Avenue	120'	4 lanes	Paved	No

The Major Street Plan designates South Yale Avenue as a primary arterial street. The City of Tulsa 1998 – 1999 traffic counts indicate 25,400 trips per day on South Yale Avenue at the intersection of East 91st Street South.

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

SURROUNDING AREA: The subject tract is abutted on the north by vacant property zoned RS-3/PUD-269-A; to the south by an office building and accessory parking, zoned OL/PUD-269-A; to the east by apartments, zoned RM-1; and to the west across South Yale by single-family dwellings and offices, zoned RS-3 and OL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – No Specific Land Use. According to the Zoning Matrix the requested OL **may be found** in accordance with the Plan Map.

STAFF RECOMMENDATION:

Based on the existing zoning and development, staff recommends **APPROVAL** of OL zoning for Z-6791, contingent upon approval of PUD-269-B and conditions imposed therein.

APPLICATION NO.: PUD-269-B

MAJOR AMENDMENT

Applicant: John Moody

(PD-18) (CD-8)

Location: North and east and northeast corner of East 89th Street South and South Yale Avenue

Staff Recommendation:

PUD-269-A was approved in 1982. The PUD allowed one five-story office building containing 98,453 SF on 11.967 acres located north of the northeast corner of East 89th Street and South Yale Avenue. This major amendment proposes an additional three-story office building containing 35,200 SF.

The subject tract is zoned RS-3, OL/PUD and concurrently an application has been filed (Z-6791) to rezone a portion of the RS-3 zoned property to OL – Office Light District. The tract is abutted on the north by a single-family subdivision zoned RS-3; on the east by single-family uses zoned RM-1/PUD-354; and on the south by vacant OL zoned property. There are OL-zoned tracts to the west across South Yale Avenue.

As stated above, this major amendment proposes to add a three-story office building containing 35,200 SF. The setback from the centerline of Yale Avenue would be reduced from 425' to 200' and the setback from the north boundary line of the PUD would go from 250' to 150'. It is also proposed that the landscaped area be reduced from 65% of the net lot area to 55%.

If Z-6791 is approved as recommended by staff, 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 269-B, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD 269-B subject to the following conditions:

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

Land Area (Gross):	11.967 Acres	521,310 SF
(Net):	11.152 Acres	485,797 SF

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:

Building A	94,453 SF (Existing)
Building B	35,200 SF

Maximum Building Height:

Building A	Five stories (Existing)
Building B	Three stories

Minimum Building Setbacks:

From Centerline of South Yale Avenue	200 FT
From South Boundary of PUD	100 FT
From East Boundary of PUD	200 FT
From North Boundary of PUD	150 FT

Minimum Parking Setbacks:

From the North Boundary of the PUD	75 FT
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Maximum Number of Lots:

One*

Minimum Landscaped Area:

55% of net lot area

Off-Street Parking:

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

Signs:

As permitted in an OL district, except no wall signs shall be permitted on the north-facing wall of Building B.

*More than one lot may be permitted if the standards for each lot are approved by TMAPC during the platting process.

Lighting:

Additional exterior light standards or building-mounted lights shall not exceed 30' in height and shall be hooded and directed downward and away from the east and north boundaries of the PUD. Within 100' from the north and east boundaries, additional light standards or building-mounted lights shall not exceed ten feet in height and there shall be no light standards within the north 50' of the PUD.

3. Landscaping and screening shall be in substantial compliance with applicant's development plan, including maps and text.

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, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen 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.
12. There shall be no outside storage of recyclable material, trash or similar material [outside a screened receptacle], nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon "absent") to recommend **APPROVAL** of OL zoning for Z-6791, and recommend **APPROVAL** of major amendment for PUD-269-B subject to conditions as requested by staff.

Legal Description for Z-6791:

The North 100' of the South 379.45' of the North 591.88' of the West 880.77' of the S/2, SW/4 of Section 15, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, **From RS-3/PUD to OL/PUD.**

Legal Description for PUD-269-B:

Lot 1, Block 1, Geophysical Resource Center, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **From: OL/RS-3/PUD-269-A (Office Low Intensity District/Residential Single-family High Density District/Planned Unit Development) To: OL/RS-3/PUD-269-B (Office Low Intensity District/Residential Single-family High Density District/Planned Unit Development).**

Commissioner Horner out at 3:43 p.m.

APPLICATION NO.: Z-6790

Applicant: Jeffrey Dunn

Location: Northeast corner of East 74th Street and South Lewis

OL TO OM

(PD-18) (CD-2)

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6586 April 1997: A request to rezone the subject tract from RS-1 to CS in order to continue a martial arts school. All concurred in denial of CS, and OL zoning was approved.

BOA-17635 April 1997: An appeal of the Code Enforcement official's decision for the determination and the continued use of a non-conforming martial arts school on the subject tract. The Official's decision was upheld.

Z-5942 May 1984: All concurred in approval of a request to rezone a one-acre tract located on the northeast corner of East 75th Street South and South Lewis Avenue from RS-1 to OM.

Z-5672/PUD-293 September 1983: A request to rezone a 2.5-acre tract located east of the northeast corner of East 75th Street South and South Lewis Avenue and abutting the subject tract on the southeast corner from RS-1 to RM-2 for multifamily use was denied. All concurred in approval of RD zoning of the property subject to a PUD being filed which would reduce the density of units to 26.

Z-5805/PUD-329 August 1983: All concurred in approval of a request to rezone the tract located south of the subject property on the southeast corner of East 74th Street and South Lewis Avenue from RS-1 to OM with a PUD for office development.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately one acre in size and is located on the northeast corner of East 74th Street South and South Lewis Avenue. The property is sloping, partially wooded, contains a vacant office building and is zoned OL.

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

The Major Street Plan designates South Lewis Avenue as a secondary arterial street. The City of Tulsa 1998 – 1999 traffic counts indicate 27,500 trips per day on South Lewis Avenue at East 71st Street South.

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

SURROUNDING AREA: The subject tract is abutted on the north and east by condominiums, zoned RS-3/PUD-124; to the south by an office building, zoned OM/PUD329; and to the west across South Lewis Avenue by offices zoned OM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

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

STAFF RECOMMENDATION:

Based on existing development, trends in the area and the Comprehensive Plan, staff cannot support the requested OM for the subject site, and therefore recommends **DENIAL** of OM for Z-6790.

Applicant's Comments:

Jeffrey Dunn, 1723 East 71st Street, Tulsa, Oklahoma 74136, requested a continuance to discuss his application further with staff.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Collins, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon, Horner "absent") to **CONTINUE** Z-6790 to November 1, 2000 at 1:30 p.m.

* * * * *

Commissioner Horner in at 3:45 p.m.

APPLICATION NO.: PUD-557-A/Z-5620-SP-11

**MAJOR AMENDMENT
CORRIDOR SITE PLAN**

Applicant: William LaFortune

(PD-18) (CD-8)

Location: East of the southeast corner of East 93rd Street and South Memorial

RELEVANT ZONING HISTORY:

Z-6617/PUD-581/Z-6140-SP-2 February 1998: A request to rezone an 11.9-acre tract located on the southwest corner of the Creek Turnpike and South Memorial Drive from RS-1 to CO was recommended for approval to a much greater depth than the Comprehensive Plan envisioned due to the drainageway and City of Tulsa detention facility located west of the property. This tract was incorporated with PUD-581/Z-6140-SP-2 to become part of the proposal and approval for multifamily development.

PUD-405-G/Z-5722-SP-8 May 1997: This Major Amendment and Corridor Site Plan was a proposal to add commercial uses (Use Units 12, 13, and 14) to a portion of the PUD that allowed office uses only. The property is located west of the subject property and on the southwest corner of East 93rd Street and South Memorial Drive. All concurred in approval of the request.

Z-5620-SP-1 through 8. The subject Corridor Site Plans have been approved for a 1,056-unit apartment complex, a service station, car wash and convenience store, a drive-in restaurant, offices, automotive parts retain store, and an outdoor advertising sign and have all been established with site plans.

Z-5620 December 1981: A request to rezone a 96-acre tract, which included the subject tract, and property located between East 91st Street and the Creek Turnpike from CS, RM-0 and RS-3 to CO. All concurred in approval of CO except the east 1,400 feet that remained RS-3.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately eight acres in size and is located in the southeast corner of East 93rd Street South and South Memorial Drive. The property is flat, non-wooded, vacant, and is zoned CO.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
South Memorial Drive	120'	4 lanes	Paved	Yes
East 93 rd Street South	60'	2 lanes	Paved	Yes

The Major Street Plan designates South Memorial Drive as a primary arterial street. The City of Tulsa 1998 – 1999 traffic counts indicate 33,400 trips per day on South Memorial Drive at East 91st Street South.

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

SURROUNDING AREA: The subject tract is abutted on the north by an apartment complex, zoned CO; to the east by single-family dwellings, zoned RS-3; to the west by a new and used automobile and light truck sales with service and repair and accessory uses, zoned CO/PUD-557, and to the south by the Creek Turnpike, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

Staff Recommendation:

PUD-557 was approved by the Tulsa City Council on May 22, 1997. The PUD contains approximately 16 acres and is zoned CO. The PUD consists of two development areas. The west half of the PUD, Development Area A, has been developed as an automobile dealership, including new and used vehicle sales, service and repair. Development Area B is vacant but has been approved for multifamily uses.

This major amendment and corridor site plan includes only Development Area B of PUD-557 and proposes to add as permitted uses a public library as included within Use Unit 5 and an outdoor advertising sign as included within Use Unit 21. Development Area B is abutted on the east by a single-family subdivision zoned RS-3/PUD-316; on the west by Development Area A, which contains an existing

automobile dealership; and on the south by the Creek Turnpike. To the north, across East 93rd Street South, are multifamily uses zoned CO.

The request is for alternative standards for Development Area B, which would be mutually exclusive.

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-557-A/Z-5620-SP-11, 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-557-A/Z-5620-SP-11 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:**

**ALTERNATIVE DEVELOPMENT STANDARDS FOR
DEVELOPMENT AREA B**

Land Area (Gross):	8.48 AC	369,544 SF
(Net):	8.00 AC	348,480 SF

Permitted Uses:

A public library as included in Use Unit 5 and outdoor advertising as included in Use Unit 21.

Maximum Land Coverage of Buildings: 30%

Maximum Building Setbacks:

From the centerline of East 93 rd Street South	55 FT
From the east boundary of Development Area	90 FT
<u>One and two story buildings:</u>	<u>50 FT</u>
<u>Three or more stories</u>	<u>90 FT</u>
From the west boundary of Development Area	10 FT
From the south boundary of Development Area	15 FT

Minimum Parking Area Setbacks:

From the east boundary of Development Area	25 FT
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Maximum Building Height: 43 FT

Off-Street Parking:

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

Access:

No vehicular access to 93rd Street shall be permitted within the east 150 feet of the development Area.

Business Signs:

There shall be a maximum of one ground sign on the East 93rd Street frontage not to exceed 12 feet in height and 120 SF of display surface area.

Wall signs shall be permitted only on the north-facing wall, not exceeding one-half square foot of display surface area per lineal foot of building wall to which attached, and on the west- and south-facing walls, not exceeding one square foot of display surface area per lineal foot of building wall to which attached.

Outdoor Advertising Sign:

One outdoor advertising sign shall be permitted within the south 60 FT of the west 200 FT of the development area if Development Area B is not developed residentially.

The outdoor advertising sign shall comply with Section 1221.F of the Tulsa Zoning Code.

Lighting:

Exterior light standards or building-mounted lights shall not exceed 25 FT in height and shall be hooded and directed downward and away from the east and north boundaries of the Development Area. Within 120 FT from the east boundary of the Development Area, light standards or building-mounted lights shall not exceed 12 FT in height and there shall be no light standards within 25 FT of the east boundary of the development area.

Minimum Landscaped Area: 15% of net lot area.

Landscaping and Screening:

A six-foot high screening wall or fence shall be provided along the east boundary of the Development Area. A landscaped area (which may include berms, shrubs and trees) of not less than 25 FT in width shall be located along the east boundary of the development area.

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 areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
7. 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.
8. 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.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. 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:

William LaFortune, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he agrees with the staff recommendation except for the maximum building setback from the east boundary of Development Area. He requested a 50' setback from the east boundary of the development area. He explained that the

90' setback was the originally approved for the multifamily use and it is his position that the library use is a more passive use. The 90' setback would force parking on the east side of the subject property and that is undesirable.

Mr. LaFortune stated that the library may be only one story, but that has not been decided. If the library is two stories, there are no plans to have large picture windows to look at the back of houses. There may be some skylights or high windows for light only.

Mr. Stump stated that staff would not have a problem with a 50' setback for a one or two-story building, but greater than two-story, it must be 90'.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon "absent") to recommend **APPROVAL** the major amendment/corridor site plan for PUD-557-A/Z-5620-SP-11, subject to conditions and modifications of the TMAPC. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

Legal Description for PUD-557-A/Z-5620-SP-11:

Lot 2, Block 1, Sunchase II, a Resubdivision of part of Lots 1 and 2, Block 2, Sunchase, in part of the SW/4, NW/4, Section 24, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma **From CO/PUD-557 (Corridor District/Planned Unit Development) To CO/PUD-557-A (Corridor District/District/Planned Unit Development).**

APPLICATION NO.: PUD-239-3

MINOR AMENDMENT

Applicant: Bob Latch

(PD-18) (CD-7)

Location: West of southwest corner of East 67th Place and South Sheridan

Staff Recommendation:

The applicant is requesting a minor amendment to allow a rear setback to be 13 feet instead of 20 feet for covered patios on two lots in the Summit Place Addition.

There have been several modifications to setbacks granted in this Addition in the past. Staff does not have concerns with the proposal for covered patios in this area.

Staff recommends **APPROVAL** of the minor amendment as requested with the conditions that the sides of the patio structure remain unenclosed, and that the structures do not infringe upon existing utility easements in any manner.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon "absent") to **APPROVE** the minor amendment for PUD-239-3 subject to conditions as recommended by staff.

APPLICATION NO.: Z-6792

AG TO ANY

Applicant: City Council

(PD-17) (CD-6)

Location: East of northeast corner of East 11th Street South and South 145th East Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6665/PUD-605 July 1999: A request to rezone the subject property from AG to IL/PUD for light industrial uses was recommended for approval by staff and TMAPC. The City Council denied the request. The case was appealed to District Court.

Z-6661 October 1998: A request to rezone was filed for a 20-acre tract, located in the northeast corner of East 11th Street and South 145th East Avenue and abutting the subject tract to the south from AG to CS or IL. Planning Commission and City Council concurred in approval of CS on the South 286' of the west 537.72' of the tract only.

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

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately twenty acres in size and is located north of the northeast corner of East 11th Street South and South 145th East Avenue. The property is gently sloping, non-wooded, vacant, and zoned AG.

STREETS:

Existing Access	MSHP Design.	Exist. No. Lanes	Surface	Curbs
East 11 th Street South	100'	2 lanes	Paved	No
South 145 th East Avenue	120'	2 lanes	Paved	No

The Major Street Plan designates East 11th Street South as a 100' secondary arterial street and South 145th East Avenue as a 120' primary arterial street. The City of Tulsa 1998 – 1999 traffic counts indicate 7,700 trips per day on South 145th East Avenue at East 11th Street intersection.

UTILITIES: Water would be available by an extension of approximately one-quarter mile to the east. There is no public sewer service to this area.

SURROUNDING AREA: The subject tract is abutted on the north, south, east and west by vacant land, zoned AG and to the northwest by the Albertson's distribution center, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District – Low/Medium Intensity Mixed Uses. Therefore, any zoning category **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

Staff has previously supported the requested IL zoning on the subject property and can still support that zoning. However, since this request also includes all zoning classifications except AG, staff also can support the following districts as being compatible with the existing conditions and zoning.

1. All residential districts except RM-3 and RMH;
2. OL or OM;
3. CS or CG; and
4. SR

Commissioner Jackson turned the meeting over to Commissioner Westervelt.

TMAPC Comments:

Mr. Midget asked Mr. Jackere if the Planning Commission could recommend any zoning classification that would be appropriate for the subject area. In response, Mr. Jackere stated that the Planning Commission could recommend any zoning classification that was advertised for.

Mr. Westervelt stated that this case is on appeal before the Supreme Court and both parties have appealed. The City Council requested the Planning

Commission to hold a public hearing to consider all zoning classifications that might be appropriate. Staff has narrowed down the classifications that would be appropriate for the subject area.

Mr. Carnes questioned if the subject application should be heard since it is before the Supreme Court.

Interested Parties Comments:

Jeff Levinson, 35 East 18th Street, Tulsa, Oklahoma 74119, representing the property owner Mr. Polambus, stated that he would prefer to hear from the interested parties and then have rebuttal time following.

Jim Mautino, representing Tower Heights Homeowners Association, 14628 East 12th Street, Tulsa, Oklahoma 74108, stated that the residents in the subject area would like to maintain a quality of life. He indicated that the residents would like the subject property to develop in a manner like the surrounding properties. Mr. Mautino submitted photographs (Exhibit C-1). Mr. Mautino described the surrounding properties as residential except for the subject property, which has been a hayfield in the past.

Mr. Mautino suggested that the subject property should be developed as residential, botanical gardens or remain a hayfield. He commented that there are potentials for the subject property rather than industrial.

TMAPC Comments:

Mr. Westervelt asked Mr. Mautino if he has had a chance to review the blasting ordinance that Councilman Art Justis has crafted. In response, Mr. Mautino stated that he has reviewed the blasting ordinance and he is currently discussing the ordinance with Art Justis because there are some issues that would affect his neighborhood. Mr. Mautino reminded the Planning Commission that the subject property is on limestone.

Commissioner Collins out at 4:00 p.m.

Interested Parties Comments:

Jim Santmyer, 773 South 142nd East Avenue, Tulsa, Oklahoma 74108, stated that his property is west of the subject property. He indicated that he is a homebuilder and he has a solution for the subject property. He explained that he is trying to buy some of the subject property and understands that there are three or four property owners wanting to sell their property. He indicated that he has two or three investors who would like to go into business with him to build homes on one-half-acre to one-acre lots.

unrealistic. Mr. Levinson cited testimony of the interested parties from a recent court hearing regarding residential development, industrial development, etc. Mr. Levinson concluded that staff, Mr. Gardner and the Planning Commission have determined that IL zoning is an appropriate use. He indicated that the subject property is not near the residential areas. He requested the Planning Commission to approve the IL zoning.

Mr. Midget asked if the first hearing was held on December 2, 1998 and the application was filed in October 1998. In response, Mr. Levinson answered affirmatively.

Mr. Westervelt stated that he recalls that the Planning Commission suggested the applicant file a PUD in order to work out issues with the neighborhood. Mr. Westervelt further stated that when this application went to the City Council it was a PUD with underlying IL zoning and some constraints on it; however, now the choice is straight zoning without the opportunity to have a PUD for added protection. In response, Mr. Stump agreed with Mr. Westervelt's comment. Mr. Stump stated that a PUD application is not before the Planning Commission today.

Mr. Jackere stated that a PUD has not been advertised and the Planning Commission does not have that choice today.

Mr. Westervelt asked what the setback is in each of the categories from residential. In response, Mr. Stump stated that the IL district has the largest setback from residential (75'); commercial has a ten-foot setback and SR has a 50' setback with an additional two feet for every foot of building height exceeding 35 feet if in the RS or RE district. Mr. Stump concluded that IL produces the largest building setback than any of the other districts from a single-family zoned area.

Mr. Levinson recognized the people in the audience in support of the application (approximately eight people in support).

TMAPC Comments:

Mr. Midget stated that he preferred the original recommendation from the Planning Commission. He indicated that he recently reviewed the minutes from the previous hearings. Mr. Midget listed the issues mentioned in the previous hearing: traffic congestion, blasting, and the limestone underground. Mr. Midget commented that the subject property is one-half mile from the residents and he thought this would be adequate buffering. He stated that there was an issue of the property not being capable of perking and septic tank issues. He further stated that it would not be cost effective to build houses on the subject property. The original recommendation was a reasonable recommendation and now the PUD constraints are lost because this will be straight zoning. Mr. Midget

concluded that he would agree with the IL zoning again, but he is hesitant because there is no PUD and no ability to enforce some constraints.

Mr. Westervelt stated he agreed with Mr. Midget's observation regarding the original recommendation. He further stated that he is disappointed that the PUD has been lost through the this process. Mr. Westervelt concurred that IL zoning is probably the only zoning that would be appropriate due to the fact that it has the largest setback. Mr. Westervelt encouraged Mr. Levinson and the neighborhood to get together and solve issues voluntarily before this application goes to the City Council.

Mr. Midget stated that he would like to encourage the property owner to keep the PUD concept in place when developing.

Ms. Hill stated that she would like to see residential in the subject area; however, she is not encouraging more septic systems. She commented that IL zoning, compared to the garbage dump she is living next to currently, wouldn't be offensive.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Harmon "absent") to recommend **APPROVAL** IL zoning for Z-6792.

Legal Description for Z-6792:

The North Half of the Northwest Quarter of the Southwest Quarter (N/2, NW/4, SW/4) of Section 3, Township 19 North Range 14 East of the Indian Base and Meridian, Tulsa County State of Oklahoma **From AG (Agricultural District) To IL (Industrial/Light District).**

APPLICATION NO.: PUD-417

MINOR AMENDMENT

Applicant: Darin Frantz

(PD-6) (CD-4)

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

Staff Recommendation:

The applicant is requesting a minor amendment to increase square footage of hospital use in the approved hospital expansion area of St. John Hospital. The proposal can be considered a minor amendment because the additional square footage will amount to less than 15% of a use allowed under the approved Planned Unit Development.

The proposed expansion of the hospital will be accomplished by two new stories for the structure on the northeast corner of 21st Street and Utica Avenue. There

will be an increase in square footage of 63,990 square feet for the new floors. Also, a new "air bridge" will connect the Power and Maintenance Facility to the Parking Garage.

Staff has reviewed the approved site plan for the hospital. The footprint of the approved site plan will not be changed, and the additional stories will be of the same type of approved use that exists in the hospital development area. Staff recommends **APPROVAL** of the minor amendment as requested.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Harmon "absent") to **APPROVE** the minor amendment for PUD-417 as recommended by staff.

OTHER BUSINESS:

APPLICATION NO.: PUD-602

DETAIL SITE PLAN

Applicant: Neal Horton

(PD-18) (CD-8)

Location: West of the northwest corner of East 71st Street and South Garnett

Staff Recommendation:

The applicant is requesting detail site plan approval for a new restaurant to be located in Lot 2, Block 1, Eastside Market. Carrabba's Restaurant will contain 6,742 square feet of floor area.

Staff has examined the request and finds conformance to bulk and area, building square footage, setback, parking, general screening and total landscaped area standards and specifications outlined in PUD 602.

Staff, therefore, having found conformance to the approved standards and specifications for PUD 602, recommends **APPROVAL** of the Detail Site Plan as submitted with the condition that lighting not exceed 40 feet in height and be hooded and directed downward as per PUD standards.

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

Mr. Stump stated that the porch is an area that will not be allowed to have food service. He explained that if the porch had food service the applicant would have insufficient parking. The actual building is 6,742 square feet for the restaurant and no outside food service.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Harmon "absent") to **APPROVE** the detail site plan for PUD-602, subject to conditions as recommended by staff.

Set Public Hearing Date for Proposed Amendments to the Zoning Code of the City of Tulsa, Oklahoma to legalize the use of street and highway right-of-way for placement of election campaign signs.

Staff Comments:

The City Council has directed the TMAPC to hold a public hearing, with proper notice given, on certain proposed amendments to the Zoning Code to permit election campaign signs to be placed upon street and highway right-of-way within the City.

TMAPC Comments:

Mr. Westervelt stated that the first hearing date that his could be heard is December 6, 2000. He suggested that this item go before the Rules and Regulations Committee on November 15, 2000 at 11:30 a.m. He requested that the Sign Advisory Board and Traffic Engineering be present.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon "absent") to **APPROVE** the date of December 6, 2000 at 1:30 for a public hearing regarding proposed amendments to the Zoning Code of the City of Tulsa regarding placement of election campaign signs in the street and highway rights-of-way.

There being no further business, the Chairman declared the meeting adjourned at 5:00 p.m.

Date approved: 11/15/02



Chairman

ATTEST: 

Secretary