

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2260

Wednesday, December 20, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, December 19, 2000 at 9:00 a.m., posted in the Office of the City Clerk, as well as in the office of the County Clerk.

After declaring a quorum present, Vice Chair Boyle called the meeting to order at 1:37 p.m.

REPORTS:

Chairman's Reports:

Consider City Council Chairman Roop's request to withdraw resolutions amending the District Plan Maps and resubmit at a later date.

Mr. Boyle asked staff to explain what the Planning Commission is being asked to do at this point. In response, Mr. Stump stated that the resolutions were considered and recommended to the City Council and transmitted December 4, 2000. Mr. Stump explained that the City Council has 45 days to act on these or they become approved automatically, which would be in January. Mr. Stump indicated that Councilor Roop has requested that the Planning Commission retract the transmittals; however, there is a question whether the Planning Commission has the ability to do this. Mr. Stump stated that he is not aware of a procedure that would allow this request.

Mr. Boulden stated that he discussed this issue with the counsel for the City Council and they now project the date they would have to act is January 17th or 18th. There is no urgency at this time and once the transmittal is submitted, it is in the Council's control and cannot be retracted by the Planning Commission.

Mr. Boyle stated that if the Planning Commission did withdraw the transmittals and resubmitted at a later date, that would essentially be rehearing, which would require more advertising for a public hearing.

Mr. Midget stated that it has been a long-standing practice to not accept these types of requests from individual Councilors. If the Council as an institution comes to the Planning Commission with a request, then it could be considered.

Mr. Boyle stated that based on all of the above information, the request is ruled as out of order and being inconsistent with the Planning Commission Procedures.

Director's Report:

Mr. Stump stated that on December 14, 2000, the City Council had the second reading for the proposal to grandfather in unpaved parking lots that existed as of June 1970. The City Council voted to approve the grandfathering, which is not what the Planning Commission recommended.

Mr. Stump announced that there would be no City Council meeting this week.

APPLICATION NO.: PUD-306-A-2

Applicant: Randy Bright

Location: 9222 South Harvard

MINOR AMENDMENT

(PD-18) (CD-2)

Applicant has withdrawn this application.

PUBLIC HEARING TO CONSIDER AMENDING THE TULSA ZONING CODE TEXT, TITLE 42, TRO, FOR THE FOLLOWING CHAPTERS: 2, 3, 4, 6, 8, 9, 11, 12, 13, 14, 15, 16 AND 18.

TMAPC Comments:

Mr. Boyle stated that there are numerous interested parties present and numerous requests for continuance.

Mr. Boyle asked the interested parties if there was any opposition regarding the continuance of this item.

There were no interested parties wishing to speak.

Mr. Stump stated that in approximately 30 days, January 24, 2001, there would be a public hearing (recessed from today), in order to give the neighborhood associations time to hold meetings and have their comments ready for the hearing. Staff is open to any date that the Planning Commission would like to continue this item to.

Interested Parties Comments:

Michael Bates, 4727 East 23rd Street, Tulsa, Oklahoma 74114, stated that 30 days would not be enough time to hold neighborhood meetings due to the holidays. He commented that there would be several neighborhood associations that would not have met before the January 24th date.

Mr. Boyle asked Mr. Bates if the first meeting in February would give the neighborhood associations enough time to have meetings and be ready with comments. In response, Mr. Bates answered affirmatively. Staff agreed with the February 7, 2001 date.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; none "abstaining"; Harmon, Westervelt "absent") to **CONTINUE** the public hearing to consider amending the Tulsa Zoning Code Text, Title 42, TRO, for the following Chapters: 2, 3, 4, 6, 8, 9, 11, 12, 13, 14, 15, 16 and 18 to February 7, 2001 at 1:30 p.m.

SUBDIVISIONS

RECIND LOT-SPLIT TIE-AGREEMENT:

L-19154 – Jeff Dunn (192)

(PD-4) (CD-4)

Southwest corner East 8th Street and Norfolk

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

Staff Recommendation:

A lot-split was approved on April 11, 1989, that required a part of Lot 4 and Lot 5 to be tied to Lot 3, Block 4, Oaklawn Addition. An application has been made to split Lot 3, with the west 7.5' to be tied to Lots 4 and 5. On November 28, 2000, the Board of Adjustment approved a variance of the minimum lot width requirement from 60' to 52.5'.

This is an effort by the American Lung Association to assemble a parcel for their new offices. They will own the west 7.5' of Lot 3 and all of Lots 4 - 8. However, the previous tie-agreement needs to be rescinded to allow this to proceed.

Staff recommends **APPROVAL** of rescinding the previous tie-agreement of Lot-split #16154, and the new tie agreement of the west 7.5' of Lot 3 being tied to Lots 4 and 5.

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** TMAPC voted **8-0-1** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Midget, Pace "aye"; no "nays"; Ledford "abstaining"; Harmon, Westervelt "absent") to **APPROVE** rescinding the previous tie-agreement of Lot-split #16154, and the new tie agreement of the west 7.5' of Lot 3 being tied to Lots 4 and 5 as recommended by staff.

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19112 – Sack & Associates, Inc. (3483) (PD-26) (CD-8)
11656 South Hudson Court

Staff Recommendation:

The applicant has applied to make three tracts out of four existing lots. Proposed Tract A will tie a portion of Reserve Area D and part of Lot 9 to Lot 8; proposed Tract B will tie a small part of Reserve Area D and the remainder of Lot 9 to Lot 10; proposed Tract C will be the remainder of Reserve Area D.

The proposed configuration will result with all three tracts having more than three side lot lines. The applicant is seeking a Waiver of Subdivision Regulations that each tract have no more than three side lot lines.

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.

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 **MIDGET** TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Harmon, Westervelt "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19112 as recommended by staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- | | |
|---|------------------|
| <u>L-19140 – Wallace Lee Jones (791)</u>
16807 West 19 th Place | (PD-23) (County) |
| <u>L-19142 – Thomas P. Fees (2213)</u>
5912 East 96 th Street North | (PD-15) (County) |
| <u>L-19143 – Toby Stowers (723)</u>
East of Peoria on East 168 th Street North | (PD-13) (County) |
| <u>L-19155 – Mike Marrara (3304)</u>
1336 North 143 rd East Avenue | (PD-16) (CD-6) |
| <u>L-19161 – Tanner Consulting (794)</u>
South 103 rd East Avenue & East 21 st Street | (PD-5) (CD-5) |
| <u>L-19163 – City of Tulsa (3693)</u>
5656 South Mingo | (PD-18) (CD-7) |
| <u>L-19167 – Bruce Bush (574)</u>
12500 South 129 th East Avenue | (PD-19) (County) |

Staff Recommendation:

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

TMAPC Action; 9 members present:

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

FINAL PLAT:

R and J Property 2 (2392)

(PD-9) (CD-2)

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

Staff Recommendation:

Mr. Bruce stated that all release letters have been received and everything is in order. Staff recommends **APPROVAL** of the final plat for R and J Property 2.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET** TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Harmon, Westervelt "absent") to **APPROVE** the final plat for R and J Property 2 as recommended by staff.

Redeemer Covenant Church (2283)

(PD-26) (CD-8)

One-quarter mile east of the northeast corner of South Yale Avenue and East 101st Street South

Staff Recommendation:

Mr. Bruce stated that all release letters have been received and everything is in order. Staff recommends **APPROVAL** of the final plat for Redeemer Covenant Church.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

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

PRELIMINARY PLAT:

Airport Storage (2603)

(PD-16) (CD-3)

East of the northeast corner of North Sheridan Road and East Virgin Street

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

Staff Recommendation:

GENERAL:

The site is located on the north side of Virgin Street east of Lewis Avenue. The subject property is bounded by commercial and industrial uses on the southwest and southeast. Vacant land is present to the east, west and north. The proposed use is mini-storage.

ZONING:

The site is currently zoned CS and IL. The southwest portion of the site is bounded by the CS district; the southeast portion of the site is bounded by the IL district. It is bounded on the east by RS-3 zoning and on the west, north and northeast by IL.

STREETS:

Access will be taken off of Virgin Street and one point of access is defined at this time.

SEWER:

An eight-inch sanitary sewer is present on the east side of Sheridan Road.

WATER:

A ten-inch water line is present on the east side of Sheridan Road.

STORM DRAIN:

Detention drainage and access easements are not addressed by the plat at this time.

UTILITIES:

Utility easements are not indicated.

Staff provides the following information from TAC.

STREETS:

- Somdecerrf, Traffic: Book and page references should be shown for the Virgin Street ROW.
- French, Streets: the commercial driveway should be in a maximum of 36' width. A portion of the existing median will have to be removed to accommodate the access.

SEWER:

- Bolding, PW: An eight-inch sewer is available on the south side of Virgin Street.

WATER:

- Holdman, PW: Water will have to be extended from the southwest corner.

STORM DRAIN:

- McCormick, PW: Detention and easements for access and maintenance will be required with a PFPI. Direct drainage to the outside as shown on the plat will not be allowed.

FIRE:

- Calkins, Fire: A fire hydrant will be required at the deadend on the north or circulation around the north end of the park sufficient to accommodate a fire truck will be required.

UTILITIES: No comments.

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

WAIVER OF SUBDIVISION REGULATIONS:

None required.

SPECIAL CONDITIONS:

1. Book and Page references should be shown for the Virgin Street ROW.
2. The existing median will be removed to the satisfaction of Public Works. Maximum width of the access is 36'.
3. Detention with appropriate easements will be required. Direct drainage to offsite properties is not allowed.
4. Buildings must be situated to allow circulation around the north end of the park or a hydrant must be installed.

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 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 **HORNER** TMAPC voted **8-0-1** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Midget, Pace "aye"; no "nays"; Ledford "abstaining"; Harmon, Westervelt "absent") to **APPROVE** the preliminary plat for Airport Storage, subject to special conditions and standard conditions as recommended by staff.

* * * * *

Stone Creek Farms (2594) (PD-17) (CD-6)
West of northwest corner of 51st Street South and 193rd East Avenue

Staff Recommendation:

GENERAL:

The site is located on the north side of 51st Street west of 193rd East Avenue (County Line Road). The area on the north side of 51st Street is primarily vacant and agricultural in use. An existing airstrip which is no longer in use is in the eastern portion of the site. The dividing line between Tulsa and Broken Arrow with Broken Arrow to the south is 51st Street. Multifamily use is to the south.

The proposed use is single-family residential on lots of approximately 55' x 120'.

ZONING:

The site is currently zoned RS-4. It is bounded on the north by RS-4, on the east by RM-O with CS beyond, on the south across 51st Street by R3, A-1 and R-5C and on the west by AG.

STREETS:

Access will be taken off of 51st Street; two points of access are defined at this time.

SEWER:

Staff does not have information on sanitary sewer.

WATER:

Staff does not have information on water availability at this time.

STORM DRAIN:

Detention drainage and access easements are indicated with a large Reserve A to the east, assumed to be used for detention area.

UTILITIES:

A 17.5' easement is indicated along the south, east and west property lines; an 11' easement is shown along the north boundary line.

Staff provides the following information from TAC.

STREETS:

- Somdecerrf, Traffic: The easternmost street should be named 109th East Place, not Avenue. A 30' radius return will be required at onto 51st Street at both entry streets. The radius point of the 'eyebrow' on the east and west streets should be at the intersection of the centerlines, not offset as shown on the plat.
- French: Streets: Reserve B should be described in Section F of the covenants and should not extend past the boundary of the plat. A north/south collector will be required in the future in the vacant area to the west of this plat.

SEWER:

- Bolding, PW: Sewer will be served by Broken Arrow. There is a \$700 per acre fee for service.

WATER:

- Holdman, PW: A 12" line will have to be extended from the corner of 41st Street and 193rd East Avenue.

STORM DRAIN:

- McCormick, PW: None.

FIRE:

- Calkins, Fire: None.

UTILITIES:

- A Conoco jet fuel line runs along the south boundary, serving the abandoned airport.

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

WAIVER OF SUBDIVISION REGULATIONS:

None.

SPECIAL CONDITIONS:

1. A 30' radius will be required at intersections with 51st Street.
2. 109th East Avenue should be changed to 109th East Place.
3. The radius point of the eyebrows should be at the intersection of the north/south and east /west streets, not offset as shown.
4. Reserve B should be described in the covenants and should not extend past the limits of the addition.
5. The jet fuel line along the southern boundary should be addressed.

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.

Applicant's Comments:

Barrick Rosenbaum, 1913 West Tacoma, Suite C, Broken Arrow, Oklahoma 74012, stated that he has been discussing the waterline issue with staff and the City of Broken Arrow. There were some agreements regarding servicing the waterline from a twelve-inch waterline located on the south side of 51st Street. He reported that Alan Holman, Development Services, indicated that the applicant could talk with the City of Broken Arrow to get approval to tie into the waterline on 51st Street. If Broken Arrow approves this request, then the City of Tulsa Utility Authority would grant that permission. He stated that he has not received the approval from the City of Broken Arrow at this time.

Mr. Rosenbaum stated that if the City of Broken Arrow does not allow him to tie into the 51st Street waterline, then he understands that he will have to put the waterline in off of 41st Street.

TMAPC Comments:

Mr. Boyle asked Mr. Rosenbaum if he understands that by approving the preliminary plat the waterline issues are not really addressed. In response, Mr. Rosenbaum answered affirmatively.

TMAPC Action; 9 members present:

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

* * * * *

PLAT WAIVER:

Z-6796 (1302)

(PD-25) (CD-1)

West of the northwest corner of 46th Street North and North Cincinnati Place

Staff Recommendation:

GENERAL:

The site is located on the north side of 46th Street North, east of Cincinnati.

The site is lot 14 and a portion of lot 15 of the Fairhill 2nd Addition.

PURPOSE:

The purpose of the request is to allow construction of "Big Daddy Treats".

ZONING:

The site is currently zoned CS. (Council action to change zone from RS-3/OL to CS on December 7).

STREETS:

Access will be taken off of 46th Street and Cincinnati Place. One point of access is shown off of Cincinnati and two are shown off of 46th Street.

SEWER:

An eight-inch sanitary sewer is present to the east.

WATER:

A six-inch water is available on the east side.

STORM DRAIN:

Detention: drainage and access easements are not addressed by the request.

UTILITIES:

Utility easements are not indicated.

Staff provides the following information from TAC.**STREETS:**

- Somdecerrf, Traffic: eight feet should be dedicated along the 46th Street ROW taking the ultimate width to 58'.
- French: Streets: A Limits of No Access should be filed along 46th Street.

SEWER:

- Bolding, PW: Sanitary sewer is present to the west. Specific location of the line serving the parcel to the east will be required.

WATER:

- Holdman, PW: No comments.

STORM DRAIN:

- McCormick, PW: No comments.

FIRE:

- Calkins. Fire: No comments.

UTILITIES:

- Bryant, PSO: Secondary poles will have to be relocated.

Based on the TAC discussion and the following checklist which reflects the policies of TMAPC. Staff recommends **APPROVAL** of the request for plat waiver with the following conditions:

1. Right of Way Dedication on 46th Street
2. Limits of No Access along 46th Street
3. Location of sanitary sewer line serving parcel to the east.

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.? ✓

*** Limits of No Access Required.**

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.

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** TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Harmon, Westervelt "absent") to **APPROVE** the plat waiver for ~~Z-6769~~ ^{Z-6796}, subject to conditions as recommended by staff.

BOA-18940 (1094)

(PD-17) (CD-6)

East of the northeast corner of East 21st Street and South 145th East Avenue

Staff Recommendation:

The Board of Adjustment approved a special exception to allow an antenna tower (Use Unit 4) at this location on December 12, 2000. This action triggers the platting requirement.

It is the TMAPC's policy to waive the platting requirement for antennas and supporting structures under Use Unit 4, Public Protection and Utility Facilities.

Staff administratively waived formal TAC review and recommends **APPROVAL** of the plat waiver.

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** TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Harmon, Westervelt "absent") to **APPROVE** the plat waiver for BOA-18940 as recommended by staff.

CHANGE OF ACCESS ON RECORDED PLAT:

Lot 1, Block 1, Stanley Commercial Addition (1693)

West side of South Pittsburgh Avenue, north of East 31st Street

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

Staff Recommendation:

This application is made to accommodate an additional driveway location to serve this parcel that was created by a recent lot-split.

The Traffic Engineer has reviewed and approved the request.

Staff recommends **APPROVAL** of the change of access.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET** TMAPC voted **9-0-1** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Midget, Pace "aye"; no "nays"; Ledford "abstaining"; Harmon, Westervelt "absent") to **APPROVE** the change of access on recorded plat for Lot 1, Block 1, Stanley Commercial Addition as recommended by staff.

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6800

Applicant: J. Don Walker

Location: Northeast corner East 121st Street and South Yale

RS-1 TO RS-2

(PD-26) (CD-8)

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6452/PUD-526 and Z-6454/PUD-528 February 1995: All concurred in approval of rezoning and a Planned Unit Development on the northwest corner and the southwest corner of the South Yale and East 121st Street South intersection from AG to RS-1/CS/PUD on the northwest corner and RS-2/CS/PUD on the southwest corner.

Z-6453/PUD-527 February 1995: All concurred in approval of a request to rezone a 20.7-acre tract that included the subject property from AG to RS-1/CS/PUD.

Z-6273 December 1989: A request to rezone the subject tract from RS-1 to CS and RM-0 was recommended for approval by TMAPC and denied by the City Commission.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3.5 acres in size and is located north of the northeast corner of East 121st Street South and South Yale Avenue. The property is flat, non-wooded, vacant and zoned RS-1, CS and PUD-527.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
South Yale Avenue	100'	2 lanes	Paved	No
East 121 st Street South	120'	2 lanes	Paved	No

The Major Street Plan designates South Yale Avenue as a secondary arterial street in this area and East 121st Street South as a primary arterial street. The City of Tulsa 1993 – 1994 traffic counts indicate 4,800 trips per day on East 121st Street South at the intersection of South Yale Avenue.

UTILITIES: The subject tract has municipal water and sewer is by private septic systems.

SURROUNDING AREA: The subject tract is surrounded by vacant property zoned RS-1, CS and all within PUD-527. Beyond the PUD boundaries, the site is abutted on the north and east by single-family dwellings, zoned RS-1/PUD-358; to the south by a wholesale nursery, zoned AG; to the west by vacant land, zoned RS-1/CS/PUD-526; and to the northwest by single-family homes, zoned RS-1.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low/Medium Intensity – No Specific Land Use. According to the zoning matrix, the proposed RS-2/PUD is in accord with the Plan Map.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing development and pending approval of an accompanying PUD amendment, staff can support the requested rezoning and therefore recommends **APPROVAL** of RS-2.

The applicant indicated his agreement with staff's recommendation.

AND RELATED ITEM:

APPLICATION NO.: PUD-527-A

Applicant: R. A. Ellison

Location: Northeast corner of East 121st Street and South Yale Avenue

MAJOR AMENDMENT

(PD-26) (CD-8)

Staff Recommendation:

PUD-527 was approved by the Tulsa City Council in February 1995. The original approval was for approximately nine acres of commercial uses at the northeast corner of the subject tract and approximately eleven acres of residential uses that wrapped around the proposed commercial on the north and east. The original approval was for 108,900 SF of commercial uses and 42 single-family dwellings. This major amendment proposes the same maximum square feet of floor area for commercial uses and two more single-family dwellings; i.e., 44 dwelling units instead of the previously-approved 42 units. The proposed amendment would also reconfigure the development areas. As previously approved, the commercial development area had 840 feet of frontage on South Yale Avenue and 480 feet of frontage on East 121st Street. This amendment proposes that the commercial area have 611 feet of frontage on South Yale Avenue and 658.76 feet on East 121st Street South. All of the proposed residential uses would be north of the commercial area. In the original approval, the residential area had access to Yale Avenue and 121st Street. With this amendment, the primary access to the residential area would be from South Yale Avenue with emergency access to East 119th Street South (a private street that stubs on the east boundary of the proposed residential area).

The subject tract is zoned CS/RS-1/PUD-527. An application has been filed to rezone a portion of the RS-1 zoned property to RS-2 (Z-6800). The subject tract is abutted on the north by a single-family dwelling on a large RS-1-zoned tract; and on the east by a stormwater detention area and single-family homes zoned RS-1/PUD-358. To the south of the tract, across 121st Street South, is a landscape nursery zoned AG. To the west, across South Yale Avenue are

single-family homes zoned RS-1 and vacant property zoned CS, RS-1, and PUD-526.

If Z-6800 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-527-A, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-527-A subject to the following conditions:

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

DEVELOPMENT AREA A

Land Area (Gross): 9.42 Acres

Permitted Uses:

Uses included within Use Unit 10, Off-Street Parking; 11, Office and Studios; 12, Eating Establishments, Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 16, Mini-Storage; 18, Drive-In Restaurants; and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area: 108,900 SF

Maximum Building Height:

One story, not to exceed 25 feet for flat-roof buildings or 35 feet for gabled-roof buildings.

Minimum Building Setbacks:

From the north boundary of the Development Area	50 FT
From the east boundary of the PUD	50 FT
From the centerline of East 121 st Street South	120 FT
From the centerline of South Yale Avenue	100 FT

Minimum Lot Frontage: 150 FT

Minimum Landscaped Area:

A minimum of 10% of the net land area of each lot shall be improved in accord with the Landscaped Chapter of the Tulsa Zoning Code as internal landscaped open-space, which shall include at least five feet of street frontage landscaped area.

Signs:

One ground sign per lot is permitted with a maximum height of 25 feet and a maximum display surface area of 160 SF. If a lot is greater in size than five acres and has at least 150 feet of frontage on both 121 Street and Yale Avenue, one sign per street frontage is permitted at the above-listed size.

Wall signs shall be permitted not to exceed one square foot of display surface area per linear foot of building wall to which attached. No wall signs shall be permitted on north- or east-facing walls within the east 150 feet and the north 150 feet of the Development Area.

DEVELOPMENT AREA B

Land Area (Gross): 11.47 Acres

Permitted Uses:

Uses included within Use Unit 6, Detached Single-Family Dwellings and customary accessory uses.

Maximum Number of Dwelling Units: 44

Minimum Lot Width: 55 FT

Minimum Land Area Per Lot: 6,600 SF

Minimum Livability Space Per Lot: 1,500 SF

Maximum Building Height: 35 FT

Minimum Depth of Required Yards:

From the north, east, south and west boundaries	
Of the development Area	20 FT
From Private Street right-of-way	18 FT*
From Internal side-lot lines	5 FT

*Garages shall be set back at least 20 feet.

Access:

There shall be a minimum of two access points to Development Area B

Private Streets:

Minimum width of private street right-of-way	30 FT
Minimum width of paved travel surface	26 FT

3. The rear of buildings in Development Area A shall have a similar architectural façade to the front of the buildings.
4. Mutual access shall be provided between lots in Development Area A.
5. If Development Area A is subdivided, uses and intensities, access and development standards for each lot shall be established by minor amendment or by TMAPC during the platting process.
6. Landscaping and Screening: A landscaped area of not less than five feet in width shall be located along the north and east boundaries of Development Area A. A six-foot high masonry wall shall be provided along the north and east boundaries of Development Area A. The masonry walls shall be constructed with a brick, stucco or broken concrete façade as approved by TMAPC.
7. No Zoning Clearance Permit shall be issued for a lot within Development Area A 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.
8. A Detail Landscape Plan for each lot within Development Area A 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.
9. 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.

10. All trash, mechanical and equipment areas, including building-mounted within Development Area A shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
11. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height.
12. 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.
13. In Development Area B, 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.
14. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness that meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.
15. 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.
16. 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.
17. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
18. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC and Traffic Engineering prior to issuance of a building permit.

19. 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.

20. 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.

Interested Parties Comments:

Joe Tom Smith, 11885 South Yale, Tulsa, Oklahoma 74137, stated that he owns the property to the north of the subject property. Mr. Smith expressed concerns regarding flooding and stormwater drainage.

Applicant's Comments:

Rick Ellison, 9530 South College Avenue, Tulsa, Oklahoma 74136, stated that he acknowledges Mr. Smith's concerns and will take it under advisement.

TMAPC Comments:

Mr. Ledford stated that the site plan needs to be corrected to show paving from the existing north/south street to the access gate. In response, Mr. Dunlap stated that he has discussed this issue with the applicant and he is aware of the alignment.

TMAPC Action; 9 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to recommend **APPROVAL** of RS-2 zoning for Z-6800 as recommended by staff and recommend **APPROVAL** of the major amendment for PUD-527-A subject to conditions and correction to detail site plan regarding the emergency access.

Legal Description for Z-6800:

A tract of land lying in the SW/4, SW/4 of Section 34, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and more particularly described as follows: Beginning at a point 467.00' due North of the Southwest corner of Section 34; thence S 89°50'50" E a distance of 467.00'; thence due North a distance of 330.00'; thence N 89°50'50" W a distance of 467.00'; thence due South a distance of 330.00' to the Point of Beginning and located north of the northeast corner of East 121st Street South and South Yale Avenue, **From RS-1/PUD (Residential Single-family Low Density District/Planned Unit Development) To RS-2/PUD (Residential Single-family Medium Density District/Planned Unit Development).**

Legal Description for PUD-527-A:

Beginning at the Southwest corner of Section 34, T-18-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, thence due North along the West line of said SW/4, SW/4, Section 34, T-18-N, R-13-E, a distance of 1,320.07'; thence S 89°52'14" E a distance of 815.08' to a point on the Westerly line of Hunter's Hills Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the plat, thence Southerly along said West line as follows: S 05°43'12" E a distance of 34.45'; thence S 01°05'58" E a distance of 166.10'; thence N 89°52'14" W a distance of 162.00'; thence S 00°02'54" W a distance of 1,120.00' to a point on the South line of said SW/4, SW/4, Section 34; thence N 89°50'50" W along said South line a distance of 658.76' to the Point of Beginning, and located on the northeast corner of East 121st Street South and South Yale Avenue, Tulsa, Oklahoma, **From RS-1/CS/PUD-527 To RS-1/RS-2/CS/PUD-527-A (Planned Unit Development)**

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6798

RS-3 TO OM

Applicant: Jeff Dunn

(PD-4) (CD-4)

Location: Southwest corner of East 8th Street and South Norfolk

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

Staff Recommendation:

RELEVANT ZONING HISTORY:

BOA-18930 November 2000: The Board of Adjustment approved a variance of the minimum required lot width on Lot 3, the easternmost lot of the subject tract, to allow a lot-split. The lot was then added to the western adjoining lots, creating the subject property. This property is proposed for additional land area for development as offices, educational facilities and historical preservation purposes for the American Lung Association of Oklahoma (ALAO).

PUD-629 April 2000: All concurred in approval of the rezoning of a nine-acre tract located on the west side of South Peoria Avenue at East 8th Street South and north of the subject property, from PK, RM-3, RM-2 and CH to a PUD for a mixed use development (The Village at Central Park) to include residential, retail and office uses.

Z-6741 February 2000: All concurred in approval of a request to rezone the tract abutting the subject tract on the west from RS-3 to OM for office and cultural facility.

Z-6507 November 1995: A request to rezone a 3.3-acre tract located on the northwest corner of East 6th Street and South Peoria from RM-2 to CS for an outpatient medical office, clinical facility providing dental care, health care, pharmacy and counseling services for the Indian Health Care Resource Center of Tulsa. All concurred in approval of CS zoning.

BOA-13712 August 1985: The Board of Adjustment approved a request for a special exception to permit an existing American Legion Post in an RS-3-zoned district on property adjoining the subject tract on the east.

BOA-13089 April 1984: The Board of Adjustment approved a special exception to permit an accessory building on a lot as the principal use and on the subject tract. The proposed use of the building was for storage of equipment for the adjoining cemetery.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately five acres in size and is located on the southwest corner of East 8th Street and South Norfolk Avenue. The property is flat, non-wooded, contains two small storage buildings (referenced in BOA-13089, above), and zoned RS-3.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 8 th Street South	60'	2 lanes	Paved	Yes
South Norfolk Avenue	50'	2 lanes	Paved	Yes

The Major Street Plan designates East 8th Street South and South Norfolk Avenue as minor streets.

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

SURROUNDING AREA: The subject tract is abutted on the north by The Village at Central Park, currently under construction and zoned RM-2; on the south by Oaklawn Cemetery, zoned RS-3; on the east by the American Legion Post, zoned RM-2; and on the west by the former Fire Alarm Building. A number of recent developments have occurred in this area that would indicate it is in transition. The Indian Health Care Resource Center has been built on the site of the former Longfellow School at 6th and Peoria. The previously noted Village at Central Park is now being developed on the site of a former blighted area and next to it on the south, Family and Children's Services is planning an expansion. The American Lung Association has purchased the former Fire Alarm Building adjacent to this site and has approval of the Board of Adjustment for a variance of minimum lot width on a portion of this site to permit a lot-split in conjunction with development of new offices for the Association.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – No Specific Land Use. However, the property immediately to the west of the site, containing the Old Fire Alarm Building, is being processed for designation as Medium Intensity – No Specific Land Use to accommodate OM zoning.

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

STAFF RECOMMENDATION:

Based on existing and proposed development and trends in the area, staff can support the requested rezoning and therefore recommends **APPROVAL** of OM zoning for Z-6798. If the Planning Commission is inclined to recommend approval of this case, they should also direct staff to prepare appropriate amendments to the District 4 Plan map.

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 **8-0-1** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Midget, Pace, "aye"; no "nays"; Ledford "abstaining"; Harmon, Westervelt "absent") to recommend **APPROVAL** the OM zoning for Z-6798 as recommended by staff.

Legal Description for Z-6798:

Lots 3, 4, and 5, Block 4, Oaklawn Addition, and addition to the City of Tulsa, Tulsa County, State of Oklahoma, and the vacated right-of-way of Madison Avenue from Oaklawn Cemetery to the south right-of-way line of East 8th Street, Tulsa, County, Tulsa, Oklahoma, and located on the southwest corner of East 8th Street and South Norfolk Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To OM (Office Medium Intensity District).**

APPLICATION NO.: Z-6799

RS-3/RM-2/RMH/OL/CG TO CG

Applicant: Darin Akerman

(PD-17) (CD-6)

Location: Northeast corner of East 4th Street and South 129th East Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

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

Z-6458 October 1994: All concurred in approval of a request to rezone a 5.3-acre tract located east of the northeast corner of East Admiral Place and Skelly By-pass and north of the subject property, from RS-3 to IL for a telecommunication tower.

Z-6217/PUD-537 July 1995: A request to rezone two tracts comprising 4.5 acres. The northern tract is located on the southeast corner of East 4th Street and South 129th East Avenue and the southern tract is located on the northeast corner of East 5th Street South and South 129th East Avenue. The proposal was to rezone this property from RS-2 and OL to CG. Approval was granted based on conditions and amendments to the PUD to allow the existing residential use on the southern tract and a mini-storage facility on the northern tract.

Z-6458 October 1994: All concurred in approval of a request to rezone a 5.35-acre tract located on the north side of East Admiral Place in the northeast corner of East Skelly Drive and East Admiral Place and north of the subject tract, from RS-3 to IL for a telecommunication tower.

Z-6192 April 1988: All concurred in approval of a request to rezone a 17-acre tract located on the northeast corner of East Admiral Place and South 129th East Avenue from AG and RS-3 to CG and CO.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 45.7 acres in size and is located on the northeast corner of East 4th Street and South 129th East Avenue. The property is sloping, partially wooded, vacant, and zoned RS-3, RMH, OL and CG.

STREETS:

Existing Access	MSHP Design.	Exist. No. Lanes	Surface	Curbs
East Admiral Place	100'	4 lanes	Paved	No
South 129 th East Avenue	100'	4 lanes	Paved	Yes

The Major Street Plan designates East Admiral Place and South 129th East Avenue as secondary arterial streets. The City of Tulsa 1998–1999 traffic counts indicate 14,900 trips per day on South 129th East Avenue the intersection of East Admiral Place. East 4th Street does not go through at this point.

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

SURROUNDING AREA: The subject tract is abutted on the north and west by the interchange of I-44 Expressway, East Admiral Place and I-244 Expressway, zoned RS-3; and to the northeast across East Admiral Place is a communication tower and storage, zoned IL. To the east is the Albertson's warehouse and distribution center, zoned IL; to the west is a mobile homes sales use, zoned IL;

to the southwest is a mini-storage facility, zoned CG/OL/PUD-537; and to the south is vacant property zoned CG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity – No Specific Land Use and Development Sensitive.

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

STAFF RECOMMENDATION:

The major portion of the subject property is already zoned CG and this application has been filed to include the outlying tracts that are under common ownership on the north, east, and south, as CG-zoned property. Based on the Comprehensive Plan, existing development and trends in the area, staff can support the requested CG zoning and therefore recommends **APPROVAL** of CG zoning for Z-6799.

The applicant indicated his agreement with staff's recommendation.

Interested Parties Comments:

James Mautino, 14628 East 12th Street, Tulsa, Oklahoma 74128, representing Tower Height Homeowner's Association, asked if the zoning is for the 45.7 acres. In response, Ms. Matthews stated that the portion to the southeast was originally part of the legal description; however, it is not part of this application. Ms. Matthews indicated that the portion under application is 45.7 acres.

Mr. Mautino stated that he has no objections to the CG zoning, but he does have concerns regarding the tributary of Cooley Creek. He indicated that he has discussed this issue with Darin Akerman.

Applicant's Rebuttal:

Darin Akerman, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that he is aware of the floodplain and during the platting process this issue will be dealt with and the City of Tulsa will make sure that it is done properly.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, "aye"; no "nays"; none "abstaining"; Harmon, Westervelt "absent") to recommend **APPROVAL** CG zoning for Z-6799 as recommended by staff.

Legal Description for Z-6799:

A TRACT OF LAND THAT IS PART OF GOVERNMENT LOTS 5 AND 6, AND THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION 4, T-19-N, R-14-E OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE S/2 OF THE NW/4 OF SAID SECTION 4; THENCE N 89°26'53" E ALONG THE SOUTHERLY LINE OF SAID S/2 OF THE NW/4 FOR 50.00' TO A POINT ON THE PRESENT EASTERLY RIGHT-OF-WAY LINE OF SOUTH 129TH EAST AVENUE, SAID POINT BEING THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE AS FOLLOWS: N 00°44'30" W, PARALLEL WITH AND 50.00' EASTERLY OF AS MEASURED PERPENDICULAR TO THE WESTERLY LINE OF THE S/2 OF THE NW/4 FOR 289.49'; THENCE N 89°15'30" E FOR 10.00'; THENCE N 00°44'30" W, PARALLEL WITH AND 60.00' EASTERLY OF AS MEASURED PERPENDICULAR TO THE WESTERLY LINE OF THE S/2 OF THE NW/4 FOR 73.35'; THENCE N 89°15'30" E FOR 10.00'; THENCE N 06°51'10" E FOR 181.38' TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 44; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AS FOLLOWS: THENCE N 64°00'40" E FOR 0.00' TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 48°11'08" AND A RADIUS OF 340.00' FOR 285.94'; THENCE N 30°44'15" E FOR 233.16'; THENCE N 15°49'32" E FOR 0.00' TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 39°22'20" AND A RADIUS OF 1,106.23' FOR 760.17'; THENCE S 89°38'24" W FOR 23.42'; THENCE N 60°28'46" E FOR 0.00' FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 29°09'38" AND A RADIUS OF 2,169.01' FOR 1,103.92' TO A POINT OF TANGENCY; THENCE N 89°38'24" E, PARALLEL WITH AND 150.00' SOUTHERLY OF AS MEASURED PERPENDICULAR TO THE NORTHERLY LINE OF GOVERNMENT LOT 6 OF SAID SECTION 4 FOR 784.18' TO A POINT ON THE EASTERLY LINE OF THE NW/4 OF SECTION 4; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, S 00°30'47" E ALONG SAID EASTERLY LINE FOR 340.00'; THENCE S 89°38'24" W PARALLEL WITH SAID NORTHERLY LINE FOR 785.09'; THENCE S 00°21'36" E PERPENDICULAR TO SAID NORTHERLY LINE FOR 581.50'; THENCE S 89°38'24" W FOR 324.36'; THENCE S 64°33'07" W FOR 626.69'; THENCE S 45°33'07" W FOR 320.00'; THENCE S 00°33'07" E FOR 320.98'; THENCE S 89°26'53" W PARALLEL WITH THE SOUTHERLY LINE OF SAID S/2 OF THE NW/4 FOR 300.40'; THENCE S 30°55'56" W FOR 50.00' ; THENCE S 00°33'07" E PERPENDICULAR TO THE SOUTHERLY LINE OF SAID S/2 OF THE NW/4 FOR 57.38' TO A POINT ON THE SOUTHERLY LINE OF SAID S/2 OF THE NW/4; THENCE S 89°26'53" W ALONG THE SOUTHERLY LINE OF THE S/2

OF THE NW/4 FOR 363.54' TO THE POINT OF BEGINNING OF SAID TRACT OF LAND From RS-3/RM-2/RMH/OL/CG (Residential Single-family High Density District, Office Low Intensity District and Commercial General District) To CG (Commercial General District).

APPLICATION NO.: PUD-642

Applicant: J.W. Ledford, Jr.

Location: 4137 South Harvard

OL TO OL/PUD

(PD-6) (CD-7)

Mr. Ledford, Sr. stated that he would be abstaining on this item.

Staff Recommendation: (As amended by applicant and presented by staff at the December 20, 2000 TMAPC meeting.)

There is an existing office complex, zoned OL, on the subject tract that was developed in 1972 on a 1.89-acre unplatted tract. The tract is located at 4137 South Harvard Avenue, has approximately 125 feet of frontage on Harvard Avenue, and extends eastwardly from the centerline of Harvard Avenue a distance of approximately 660 feet.

The existing improvements consist of a one-story office building containing 12,000 square feet of floor area and associated off-street parking located on the west approximately 400 feet of the tract. Properties to the north and south of the west 400 feet are zoned OL, Office Light Intensity and used for nonresidential purposes. There are office uses zoned OL to the west of the tract, across South Harvard Avenue. Properties to the north, east and south of the east 260 feet are zoned RS-1 and used for residential purposes (Villa Grove Heights).

The PUD proposes an office park permitting separate and individual ownership of the one existing and two proposed office buildings. The PUD proposes two development areas consisting of the existing developed portion of the tract (Development Area A), which is proposed to be platted as one lot, and the undeveloped portion of the tract (Development Area B), which would be platted as two lots. Access to the interior lots would be provided by a mutual access easement, and required parking would be provided on the lot or by cross-parking easements.

As stated above, Development Area A has a one-story office building on it and the proposed Development Area is abutted on the north and south by one-story buildings zoned OL. Development Area B is abutted on the north, east and south by RS-1-zoned tracts. The PUD proposes a maximum building height of two stories in this proposed Development Area. Because of the existing residential uses and zoning, staff cannot support the proposed two-story maximum building

height for Development Area B. (Subsequent proposal by applicant limited the maximum building height to one-and-a-half-story with restrictions on windows.)

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-642, 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-642 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:	40,386 SF
Permitted Uses:	Uses permitted by right within an OL district.
Maximum Floor Area:	12,000 SF
Maximum Building Height:	One story
Minimum Building Setbacks:	
From centerline of South Harvard Avenue	100 FT
From north property line	4 FT
From south property line	30 FT
From interior lot boundaries	0 FT
Minimum Parking Setbacks:	
From north property line	10 FT
From south property line	0 FT
From interior lot boundaries	0 FT
Minimum Landscaped Area:	21.5%

Parking Ratio:	As required by Tulsa Zoning Code in accordance with the applicable Use Unit designation.
Signs:	As permitted in the OL District.
Maximum Number of Lots:	One

DEVELOPMENT AREA B

Net Land Area:	35,863 SF
Permitted Uses:	Uses permitted by right within an OL District.
Minimum Lot Size	10,000 SF
Maximum Number of Lots	2*
Minimum Building Setbacks:	
North property line	10 Feet
South property line	
Within the East 150' of Development Area B	50 Feet
Within Development Area B, less and except the east 150'	30 Feet
East property line	10 Feet
Interior lot boundaries	0 Feet

*If Development Area B contains more than one lot, uses and intensities, access and development standards for each lot shall be established by minor amendment or by TMAPC during the platting process.

Minimum Parking Setbacks:	
North property line	10 Feet
South property line	0 Feet**
East property line	10 Feet
Interior lot boundaries	0 Feet

Parking Ratio:	As required by Tulsa Zoning Code in accordance with the applicable Use Unit designation.
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Signs:	There shall be no wall or ground signs allowed in Development Area B.
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**Along the south boundary, within the off-street parking areas, wheel stops shall be required and shall be set back not less than 2 ½ feet from the south boundary.

Within the east 150 feet of Development Area B the following development standards shall apply:

Maximum Floor Area Per Lot:	.35
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Building Style:
The building shall have a pitched roof and shall be of an architectural style compatible with residential structures.

Maximum Building Height:
The building shall not exceed 1 ½ stories nor 25 feet in height. Upper level floor area shall be limited to non-habitable space and may be used for storage and shall be deemed floor area for the purposes of determining required parking.***

***Second level windows shall be limited to dormer-type windows having obscure glass and shall be prohibited on the east elevation of the building.

Elevations and floor plan shall be submitted with the required detail site plan for review and approval of the Tulsa Metropolitan Area Planning Commission.

Within Development Area B, less and except the east 150' thereof, the following development standards shall apply:

Maximum Floor Area Per Lot: .38

Building Style:

The building shall have a pitched roof and shall be of an architectural style compatible with residential structures.

Maximum Building Height:

The building shall not exceed 1 ½ stories nor 25 feet in height. Upper level floor area may be used for habitable office space.****

****Second-level windows on the north and south elevations of the building shall be limited to dormer-type windows and shall be prohibited on the east elevation of the building.

Elevations and floor plan shall be submitted with the required detail site plan for review and approval of the Tulsa Metropolitan Area Planning Commission.

3. Each lot in the PUD shall have vehicular access to all other lots in the PUD through the use of mutual access easements that are directed toward South Harvard Avenue.
4. Screening and Landscaping: Development Area B shall be screened from the abutting R district by a six-foot high or higher screening wall or fence along the lot lines in common with the R district. The span of the required screening fence may be interrupted as may be required to preserve existing trees along the boundaries abutting residentially-zoned properties. Landscape area shall not be less than 15% of the land area of Development Area B, but within each lot, the landscaped area shall not be less than 10% of the land area of the lot; provided, however, the allocation of required landscaped area shall be set forth within the deed of dedication of the required subdivision plat. Along the south boundary of Development Area B, not less than five landscaped islands with a minimum landscaped area of 15' shall be provided and within each island at least one tree shall be planted and maintained.
5. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

6. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment 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.
9. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light in Development Area B shall exceed 12 feet in height.
10. The Department Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
11. 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.
12. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.

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

Mr. Dunlap stated that since the mailing of the agenda, staff has been in negotiation with the applicant. Staff supports the supplemental development standards with some changes. (These minutes reflect the amended application and the recommendation presented to TMAPC.)

Applicant's Comments:

Roy Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that the subject property was zoned OL in 1970. Mr. Johnsen explained the history and development of the platting for the surrounding property and the subject property.

Mr. Johnsen stated that he filed a PUD application in order to have a close scrutiny of how the project is to be done. He explained that he has been in negotiation with the staff and their concern is to maintain compatibility with nearby single-family properties.

Mr. Johnsen indicated that the properties to the north of the subject property are owned by Mr. Manley. He stated that he spoke with Mr. Manley and he has no objections to this application. The property to the immediate east has been acquired by his client and the reason for acquiring the lot is for easements and common drainage issues; however, their intention was to continue its use for single-family.

Mr. Johnsen stated that he discussed this application with staff regarding the development of the subject property in a compatible fashion and achievement of good economic use of the subject property. The concept that he has suggested, and believes that staff has endorsed, is the one-and-half-story-type office development, residential in scale with a pitched roof and the east 150' of the subject property limited to this type of building. The second level would be limited to storage/non-inhabited type of space, which is what a one-and-half-story has traditionally been and proves to be very successful and compatible with adjoining single-family properties. He indicated that he prepared development standards to implement this concept. The change that the landscape medians be four-foot by fifteen-foot is acceptable. He stated that he did leave one standard off, which should be that on the east 150' should be a minimum of 50' from the south line.

Mr. Johnsen described the lots are very deep and the homes are toward the Jamestown frontage, which is the public street to the east. He commented that there is good separation from where the buildings are located.

TMAPC Comments:

Mr. Boyle asked staff if they are in agreement with Mr. Johnsen's standards. In response, Mr. Dunlap indicated his agreement.

Interested Parties Comments:

Roger Scott, Attorney, 525 South Main, Tulsa, Oklahoma 74103, representing Village Grove Addition neighbors, stated that there are 38 members who have signed a petition protesting this matter. (Mr. Scott did not submit a petition at this time.)

Mr. Scott stated that he informed his clients that a PUD is the best way to develop the subject property and would allow more protection to the neighborhood. (Staff submitted a copy of Mr. Johnsen's additional standards to Mr. Scott.)

Mr. Scott commented that he is concerned with the height of the buildings, which will be located in Development Area B. He stated that he would object to the proposed building being a story and a half. The neighborhood would prefer that the proposed building be one story as the property to the west. A one-story building will be more compatible with the neighborhood and less intrusive as a visual matter.

Mr. Scott stated that he agrees that the subject property should be properly screened; however, he feels that the screening should be no less than eight feet in height to hide the commercial use.

Mr. Scott expressed concerns regarding flooding and stormwater runoff. He stated that he is concerned about the stormwater runoff that will come as a result of developing the easterly half. He commented that he realizes that stormwater management is not the Planning Commission's responsibility, but he would like a recommendation made that any development of the subject property include appropriate protection by either a detention pond or something of this nature to prevent additional overland water coming down to the southeast. Mr. Scott explained some of the flooding problems that currently exist in the subject area.

Mr. Scott stated that the neighborhood does not want any vehicular access out of the east onto Jamestown. He commented that he agrees with the access to Harvard.

TMAPC Comments:

Mr. Jackson stated that the applicant has indicated that the proposed building would be residential in nature, and commonly, residential houses could be up to 35' in Tulsa. Mr. Jackson commented that if the proposed building were another house behind the existing homes, it could be a true two-story residential home with unobscured windows. In response, Mr. Scott stated that he understands Mr. Jackson's comments and he would agree that the proposal of one and a half

story with obscured windows would be better than a two-story home. Mr. Scott further stated that there are no two-story homes in the residential neighborhood. In response, Mr. Jackson questioned that there are no two-story homes in the entire neighborhood. In response, Mr. Scott stated that as far as he knows there are no two-story houses in the subject area.

Mr. Jackson asked Mr. Scott if there are any eight-foot fences in the subject area. In response, Mr. Scott stated that he cannot answer that question, but he doesn't know of any residential homes that abut an office complex either.

Mr. Jackson asked Mr. Scott if the proposed building was one and half story and the windows were obscured on the east side, would the residents have a problem with this. In response, Mr. Scott answered that his clients would probably have a problem with that proposal. In response, Mr. Jackson asked why they would have the problem if the windows are obscured and no one could see out or in. In response, Mr. Scott stated that it is because it would still be a two-story aspect and it would not be compatible. Mr. Jackson asked if it is simply a matter that the residents do not want to see a one-and-a-half story building or they do not want the proposed building being able to see them. In response, Mr. Scott stated that he believes that it is both aspects. Mr. Scott further stated that he agrees that the current proposal is better than a two-story building.

Ms. Pace stated that similar buildings have been developed as proposed, which have been dentist buildings, along Harvard Avenue. She explained that the Planning Commission spent a lot of time ensuring that people would not be looking out the windows into the adjoining homes. Ms. Pace listed several areas in Tulsa where this type of proposal has been successful and she didn't believe that there have been any complaints. Ms. Pace suggested that Mr. Scott's clients look at some of the existing office buildings along Harvard that are similar to the proposal. Ms. Pace stated that she believes that if the residents would look at a couple of these offices, they will see that the windows are opaque and no one can look outside the windows to see into the residential homes. Ms. Pace further stated that it is written into the PUD that the windows can never be changed to see-through windows.

Mr. Scott stated that several of the neighbors are present today and floodwater is one of the major concerns. In response, Mr. Boyle stated that the Planning Commission could assure the residents that there is another department in the City government that will review the stormwater issues. Mr. Boyle commented that the Stormwater Management does a very good job.

Mr. Scott asked if the neighborhood would have the opportunity to give input regarding the stormwater issues. In response, Mr. Stump stated that platting process would address the stormwater drainage, and typically it is worked out after the neighbors are given notice about the preliminary plat. Mr. Stump further stated that the City's ordinance is that new development cannot increase the rate

of runoff into streams that do not have the capacity to take higher rates of runoff. Mr. Stump explained that the developer would have to retain the stormwater runoff or divert it to other areas that do have capacity, or improve the drainage channel to increase the capacity.

Mr. Midget informed Mr. Scott that he and his clients call the City staff, Paul Zachary, Public Works Department, to obtain information regarding this issue.

Mr. Scott requested that the applicant notify his clients prior to the platting process in order to have input.

Applicant's Rebuttal:

Mr. Johnsen indicated that he would contact Mr. Scott as the representative of the neighborhood. He explained that the preliminary plat notices go to the abutting property owners, which is a formal notice.

Mr. Johnsen stated that his client would be required to retain the stormwater drainage on this particular project. He explained that his client has already been advised of the retention requirement.

Mr. Johnsen stated that in regard to the eight-foot screening fence, it is a matter of taste, but many people find an eight-foot screening fence to be offensive. He explained that eight-foot screening fences are difficult to maintain properly. In this office setting there will be a very attractive building with trees along the south line (mature trees that will be saved during development). Mr. Johnsen commented that not all mature trees will be saved, but his client hopes to save a substantial number of the mature trees.

Mr. Johnsen stated that the one-and-a-half-story building would have obscured windows and it is in the supplemental standards. He indicated that one lot south of the subject property is a two-story building, the Harvard Physicians Building. This building was approved by the Board of Adjustment. The BOA allowed a two-story building, .4 FAR, no limits on the second-story windows, and a flat roof. However, to the south of the subject property, a one-and-a-half-story dental office was approved, which is very attractive.

Interested Parties Comments:

Archer Ratzloff, 4317 South Jamestown, Tulsa, Oklahoma 74135, expressed concerns that the applicant owns property from Harvard to Jamestown and would put a road in.

Mr. Boyle informed Mr. Ratzloff that the standards would protect the access from being onto Jamestown. Mr. Boyle stated that if the applicant changes the use, he would have to reapply and notify the surrounding properties. Mr. Ratzloff questioned why the applicant didn't meet with the neighbors before the application and meeting.

TMAPC Comments:

Mr. Stump reminded the Planning Commission that the obscure windows proposed would only be required on the easternmost building.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-1** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Midget, Pace, "aye"; no "nays"; Ledford "abstaining"; Harmon, Westervelt "absent") to recommend **APPROVAL** the OL/PUD for PUD-642, subject to a six-foot fence and supplemental standards with additional changes, subject to the building height no more than one-and-a-half-story as presented by applicant.

Legal Description for PUD-642:

A tract of land beginning 600' South of the Northwest corner of Section 28, T-19-N, R-13-E, of the IBM, Tulsa County, Oklahoma; thence East 660'; thence South 125'; thence West 660'; thence North 125' to the point of beginning, Tulsa County, Oklahoma according to the U. S. Government survey thereof, **From OL (Office Low Intensity District) To OL/PUD (Office Low Intensity District/Planned Unit Development).**

APPLICATION NO.: CZ-277

AG TO IM

Applicant: Jean Little/Keith Stumpff

(PD-15) (County)

Location: Northwest corner East 66th Street North and North Yale

Staff Recommendation:

RELEVANT ZONING HISTORY:

CZ-269 September 2000: All concurred in approval of a request to rezone a 17-acre tract located west of the subject property in the northeast corner of East 66th Street North and Highway 75 North, from AG to IM for industrial development.

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

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5.4 acres in size and is located in the northwest corner of East 66th Street North and North Yale Avenue. The property is flat, sloping, partially wooded, vacant, and zoned AG.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 66 th Street North	100'	2 lanes	Paved	No
North Yale Avenue	100'	2 lanes	Paved	No

The Major Street Plan designates East 66th Street North and North Yale Avenue as secondary arterial streets. The Tulsa County 1993-1994 traffic counts indicate 3,397 trips per day on East 66th Street North at North Yale Avenue.

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

SURROUNDING AREA: The subject tract is abutted on the north by wooded vacant land, zoned AG; on the east by wooded vacant land and a warehouse, zoned IM; on the west by a cemetery, zoned AG; on the south by industrial uses, zoned IM; and to the southwest by an office use, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 15 Plan, a part of the Comprehensive Plan for the North Tulsa County Area, designates the subject property as Special District 1 – Cherokee Special Industrial District/High Intensity – Industrial Land Use and some Development Sensitive, in conjunction with the floodplain.

According to the Zoning Matrix the requested IM **may be found** in accordance with the Plan Map due to the site's location within a Special District.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing development and trends in the area, staff can support the requested IM and recommends **APPROVAL** of IM for CZ-277.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, "aye"; no "nays"; none "abstaining"; Harmon, Westervelt "absent") to recommend **APPROVAL** of the IM zoning for CZ-277 as recommended by staff.

Legal Description for CZ-277:

A parcel of land lying in the SE/4, SE/4 of Section 33, T-21-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the official U. S. Government survey thereof, more particularly described as follows, to-wit: Beginning at a point in the East boundary of said SE/4, SE/4 a distance of 60.00' from the Southeast corner thereof, thence S 88°47'30" W, 60' from and parallel to the South boundary of

said SE/4, SE/4 a distance of 657.05'; thence N 01°09'18" W a distance of 358.70'; thence N 88°47'30" E a distance of 657.32' to a point in the East boundary of said SE/4, SE/4; thence S 01°06'42" E along the East boundary a distance of 358.70' to the point of beginning, **From AG (Agriculture District) To IM (Industrial Moderate District).**

APPLICATION NO.: CZ-278

AG TO RE

Applicant: Brandon Perkins

(PD-19) (County)

Location: Southeast corner of East 131st Street and South Garnett

Staff Recommendation:

RELEVANT ZONING HISTORY:

CZ-231 April 1997: All concurred in approval of a request to rezone the ten-acre tract located along the east side of the subject tract and fronting South 121st East Avenue, from AG to RS for residential development.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 62.4 acres in size and is located south of the southeast corner of East 131st Street South and South Garnett Road. The property is sloping, partially wooded, vacant, and zoned AG.

STREETS:

Existing Access	MSHP Design.	Exist. No. Lanes	Surface	Curbs
East 131 st Street South	100'	2 lanes	Paved	No

The Major Street Plan designates East 131st Street South as a secondary arterial street. The City of Broken Arrow 1998 traffic counts indicate 1,232 trips per day on South Garnett Road at East 131st Street South.

UTILITIES: Water is available in the area, but according to the Broken Arrow Planner, only a very small line is currently serving existing development. According to the City Planner, the City of Broken Arrow would require the developer to install a 12" water line. Sewer is available along South Garnett Road.

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

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Future Development Guide for the City of Broken Arrow designates the subject property as Urban – Residential (Level 2), due to lack of infrastructure.

According to the Land Use Intensity System (LUIS) Zoning District Table, the requested RE is **not** considered to be in conformance with the Broken Arrow Plan.

STAFF RECOMMENDATION:

This case has been referred to the City of Broken Arrow, as it is within its fence-line. The Broken Arrow Planning Department staff recommends that this case be denied, based on its not being in accord with the Comprehensive Plan and lack of infrastructure to serve it (letter attached). For that reason this staff cannot support rezoning for CZ-278, and therefore, recommends **DENIAL** of RE zoning on CZ-278.

AND

APPLICATION NO.: CZ-279

AG TO CS

Applicant: Brandon Perkins

(PD-19) (County)

Location: Southeast corner of East 131st Street and South Garnett

Staff Recommendation:

RELEVANT ZONING HISTORY:

CZ-231 April 1997: All concurred in approval of a request to rezone a ten-acre tract located east of the subject tract fronting East 131st Street South and South 121st East Avenue, from AG to RS for residential development.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 8.9 acres in size and is located in the southeast corner of East 131st Street South and South Garnett Road. The property is sloping, partially wooded, vacant, and zoned AG.

STREETS:

Existing Access	MSHP Design.	Exist. No. Lanes	Surface	Curbs
South Garnett Road	100'	2 lanes	Paved	No
East 131 st Street South	100'	2 lanes	Paved	No

The Major Street Plan designates South Garnett Road and East 131st Street South as secondary arterial streets. The City of Broken Arrow 1998 traffic counts indicate 1,232 trips per day on South Garnett Road at East 131st Street South.

UTILITIES: Water is available to the area, but according to the Broken Arrow Planner, only through a small line that currently serves existing development. Sewer is available along South Garnett Road.

SURROUNDING AREA: The subject tract is abutted on the north by single-family dwellings, zoned RS; to the south and east by vacant land, zoned AG and presently under application for rezoning from AG to RS; and to the west by a single-family dwelling, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Future Development Guide for the City of Broken Arrow designates the subject property as Urban – Residential (Level 2) due to the lack of infrastructure.

According to the Land Use Intensity System (LUIS) Zoning District Table, the requested CS zoning **is not** in conformance with the Broken Arrow Plan.

STAFF RECOMMENDATION:

This case, like the previous one (CZ-278) was referred to the Broken Arrow Planning Department as it lies within the Broken Arrow fence-line. That Broken Arrow staff has recommended that this case be denied, based on its not being in accord with the Comprehensive Plan and the lack of infrastructure to serve it. Therefore, this staff recommends **DENIAL** of CS zoning for CZ-279.

Applicant's Comments:

Brandon Perkins, 7038 East 82nd Street, Tulsa, Oklahoma 74133, stated that the subject property is currently in the Broken Arrow fence line; however, it has not been annexed at this time. Brandon Perkins described the zoning for the surrounding properties.

Mr. Perkins stated that the City of Broken Arrow has passed an ordinance that does not allow any development in their jurisdiction that is on septic systems. He explained that there is a sewer line along the west side of Garnett; however, it is a high-pressure force main and getting into it will be physically impossible. He indicated that water is available along 131st Street. He stated that if this project is sent back to Broken Arrow and the property is annexed, then there is no way to develop the subject property. In the county a septic system is allowed on one-half acre lots and above.

Mr. Perkins commented that the Broken Arrow Comprehensive Plan is only a guide, which does not have to be followed to the letter.

Lindsey Perkins, 4735 South Atlanta Place, Tulsa, Oklahoma 74105, stated that the surrounding developments are on large lots with septic tanks and it is the market. The Department of Environmental Quality stated that the proposed development is the most environmentally sensitive type of development that could occur. He commented that he does not understand why the City of Broken Arrow is proposing high density development in the Comprehensive Plan.

Mr. Perkins stated that this application is for three-quarters of acre to one-acre developments with very little impervious area.

Mr. Perkins commented that regarding the CS request, he is flexible, but felt it was appropriate. He indicated that he would zone it RE if that is the Planning Commission's preference, but he does not feel that residential neighborhoods do well at major intersections. Someday 131st and Garnett will be a considerable intersection and felt that the CS zoning was a reasonable request.

TMAPC Comments:

Mr. Boyle asked Mr. Perkins if he disagreed with the Broken Arrow Planning Commission that the infrastructure is not adequate to service the area. Mr. Perkins stated that the infrastructure is adequate for the type of development in the subject area.

Mr. Boyle stated that the Broken Arrow Planning Commission would know the subject area better than the TMAPC and what could justify the TMPC disagreeing with the Broken Arrow Planning Commission's determination. In response, Mr. Perkins stated that it is the TMAPC's authority to do so because the Comprehensive Plan is only a guide. Mr. Perkins indicated that it is only this one tract that Broken Arrow has indicated that they would like to annex and there is nothing else in the immediate area that has developed in this mode or been annexed. Mr. Perkins felt that the application is what triggered Broken Arrow's interest in annexing this area.

Mr. Jackson asked Mr. Perkins what the size of the waterline on 131st is. Mr. Perkins stated that it is a six-inch line. Mr. Jackson asked Mr. Perkins how many dwellings would be on the subject property. In response, Mr. Perkins stated that there would be approximately 65 lots. Mr. Jackson summarized that there would be 65 taps on a six-inch line and the subject area is close to the river where it is sandy loam and should be able to handle the septic systems.

Mr. Jackson asked the applicant if 131st and Garnett are two-lane roads. In response, Mr. Perkins stated that the roads are two-lane at the present time. Mr. Jackson asked Mr. Perkins where the closest commercial entities are located to the subject property. In response, Mr. Perkins stated that the Broken Arrow Comprehensive Plan has zoned all of the intersections with some sort of commercial zoning until this particular intersection and it does not show any CS.

Mr. Carnes asked if gas utilities are available in the subject area. In response, Mr. Perkins stated that gas and electric utilities are available. Mr. Carnes stated that the subject property is located in the County of Tulsa and the half-acre lots are appropriate.

Mr. Ledford asked Mr. Perkins if the waterline along 131st Street is owned by Broken Arrow. In response, Mr. Perkins stated that to his knowledge Broken Arrow does own the waterline. Mr. Ledford stated that he understands that the Broken Arrow ordinance is that if a developer ties onto their water or sewer, it would have to be annexed into Broken Arrow. In response, Mr. Perkins stated

that wasn't the case two years ago when he developed a similar development. Mr. Perkins further stated that he understands he will have to work out the water and stormwater drainage. Mr. Perkins reminded the Planning Commission that this is a simple zoning application and it is a low-density development.

The following Interested Parties represent opposition to CZ-278 & CZ-279:

Marvin Morgan, 11408 East 130th Street South, Broken Arrow, Oklahoma 74011; **Kim Worthington**, 13400 South Garnett, Broken Arrow, Oklahoma 74011.

The above listed Interested Parties shared the following comments:

Stormwater drainage; development causing more flooding in the south area, and more traffic in the subject area.

Interested Parties Comments:

Gordon Holmes, 12822 South 119th East Avenue, Broken Arrow, Oklahoma 74011, stated that he did not oppose the residential development and the septic systems work well in the subject area. Mr. Holmes did oppose the CS zoning for CZ-279.

TMAPC Comments:

Mr. Boyle asked Mr. Holmes if he would like the Planning Commission to approve the RE zoning for CZ-278 and deny the CS zoning for CZ-279. In response, Mr. Holmes answered affirmatively.

Applicant's Rebuttal:

Mr. Perkins stated that the waterline is an eight-inch line rather than a six-inch line. He indicated that he would have to work out the water issue with the City of Broken Arrow.

Mr. Perkins indicated that he is willing to amend his application for CZ-279 to RE rather than CS or return with a new application.

TMAPC Comments:

Mr. Jackson stated that he is in favor of both applications and this would be a good attribute for the subject area.

Discussion on **JACKSON's MOTION** to recommend **APPROVAL** for RE zoning on CZ-278 and CS zoning for CZ-279 as submitted.

Mr. Midget stated that he could support the approval of these two applications. He further stated that he has reservations of holding these applications up to give the City of Broken Arrow a chance to annex the subject property.

Mr. Horner stated that the subject area soil is most adaptable for septic sewer systems.

Ms. Pace stated that she can support the RE portion, but she cannot support the CS zoning. The CS zoning is too much for the subject area at this time. She commented that a commercial development should not be on a septic system in an area such as this.

Ms. Hill stated that she is very familiar with the subject area. She indicated that she is not in favor of the CS zoning because the infrastructure is not there for the CS zoning. She stated that the RE zoning is appropriate and the subject area is able to handle the septic systems.

Mr. Boyle suggested that the applications be separated for voting purposes.

TMAPC Action; 9 members present:

On amended **MOTION** of **JACKSON**, the TMAPC voted **9-0-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, "aye"; no "nays"; none "abstaining"; Harmon, Westervelt "absent") to recommend **APPROVAL** of the RE zoning for CZ-278 as presented.

Legal Description for CZ-278:

The N/2, NW/4, of Section 8, T-17-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, less and except the North 485.6' of the West 800.00' and less and except the East 280.00', Tulsa County, State of Oklahoma, **From AG (Agriculture District) To RE (Residential Single-family, Estate District).**

TMAPC Action; 9 members present:

On **MOTION** of **JACKSON**, the TMAPC voted **4-5-0** (Carnes, Horner, Jackson, Midget "aye"; Boyle, Collins, Hill, Ledford, Pace "nays"; none "abstaining"; Harmon, Westervelt "absent") to recommend **APPROVAL** of CS zoning for CZ-279 as presented.

Motion failed.

TMAPC Action; 9 members present:

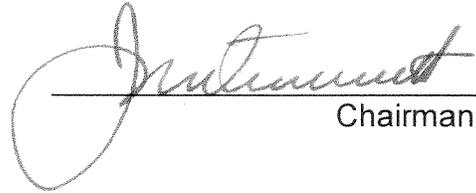
On **MOTION** of **PACE**, the TMAPC voted **8-1-0** (Boyle, Carnes, Collins, Hill, Horner, Jackson, Ledford, Pace, "aye"; Midget "nay"; none "abstaining"; Harmon, Westervelt "absent") to recommend **DENIAL** of the CS zoning for CZ-279.

Legal Description for CZ-279:

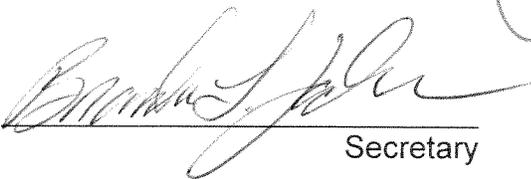
The West 800.00' of the North 485.60' of the N/2, NW/4, Section 8, T-17-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma.

There being no further business, the Chairman declared the meeting adjourned at 3:15 p.m.

Date approved: 1/17/01



Chairman

ATTEST: 

Secretary