

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2264

Wednesday, February 7, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, February 5, 2000 at 12:00 p.m., posted in the Office of the City Clerk at 11:51 a.m., as well as in the office of the County Clerk at 11:49 a.m.

After declaring a quorum present, Vice Chair Harmon called the meeting to order at 1:31 p.m.

Minutes:

Approval of the minutes of January 17, 2001 Meeting No. 2262

On **MOTION** of **HORNER** the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of January 17, 2001 Meeting No. 2262.

Minutes:

Approval of the minutes of January 24, 2001 Meeting No. 2263

On **MOTION** of **HORNER** the TMAPC voted **6-0-2** (Carnes, Harmon, Horner, Jackson, Pace, Selph "aye"; no "nays"; Hill, Ledford "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of January 24, 2001 Meeting No. 2263.

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REPORTS:

Committee Reports:

Budget and Work Program Committee

Adoption of Preliminary Work Program FY 2002

FY 2002 TMAPC PROGRAM FOCUS

Major Program Topics

➤ **Create the New Position of Neighborhood Relations Coordinator to Neighborhood Groups and the Development Community**

A new position is proposed whose primary focus would be to facilitate the dissemination of information to neighborhood groups and the development community on a wide range of topics related to growth and development regulations. This position would develop and update a broad range of information and place it on the INCOG website; i.e., background information on rezonings, Board of Adjustment requests and actions, proposed Comprehensive Plan amendments, new subdivision plats, etc. In addition, this person would organize training sessions for neighborhood leaders and development professionals as appropriate.

➤ **Processing of Rezoning, PUD and Subdivision Requests**

A major portion of staff time will again be devoted to advising property owners, developers and others about the Comprehensive Plan for the Tulsa Metropolitan Area, the City and County Zoning Ordinances, and the Subdivision Regulations. Then applications are taken, notices of public hearings sent out and information disseminated to neighborhood groups about these applications. Staff then solicits input from City and County departments on these applications to include in the staff recommendations. Minutes of TMAPC meetings are prepared and various City and County groups are advised of the recommendations or decisions of TMAPC.

➤ **Annual Updates and Review**

In order to keep the Comprehensive Plan, Zoning Ordinances, and Subdivision Regulations updated and make additions of the Capital Improvements Plan (CIP); staff must annually review and possibly amend these items for conformity and consistency.

➤ **Continued Implementation of Infill Study Recommendations**

Update checklists and flowcharts of the development process related to rezoning, variances, special exceptions, lot-splits, subdivision platting and amendment of the Comprehensive Plan. Create and keep updated handouts with contact persons for various development review activities at INCOG and the City and County of Tulsa. Also, a detailed index of the

City and County Zoning Codes will be developed to aid neighborhood groups and developers to find what they need in these Codes.

➤ **Continued Neighborhood Plan Implementation**

Assist neighborhoods, i.e., Kendall-Whittier, River Wood (South Peoria Neighborhood), East Tulsa/Mingo Valley Association, to implement the recommendations of previously-completed neighborhood plans for the improvement and stabilization of these areas.

➤ **Assist Urban Development Department with Neighborhood Studies**

TMAPC staff will assist, as appropriate, the staff of the Urban Development Department undertaking neighborhood plans. Staff will be available to provide information on zoning regulations, existing plans for the area and a historical perspective on problems and successes in these areas.

➤ **Continue to Assist Neighborhoods With Owner Initiated Downzoning of Their Neighborhoods**

There is continuing interest in downzoning residential areas to have their zoning more accurately reflect the density and type of development that currently exists. The Irving Neighborhood is one of those expected to undergo this process in this fiscal year.

➤ **Detailed Collector Street Plans for Intensely Developing Areas**

A number of developing areas of Tulsa, especially those bordering U.S. 169 south of 61st Street and the 71st Street South Corridor need detailed planning of a network of collector streets that can relieve congestion on arterial streets in these areas. The study would propose such a system that could then be adopted as part of the Major Street and Highway Plan to guide new development and public expenditures in the areas.

➤ **Coordinating Access to Public Transportation in Suburban Style Commercial Centers**

This study would work with MTTA, the City of Tulsa and commercial developers to find ways of providing better public transportation to suburban shopping areas which are currently only car oriented.

➤ **Continue to Provide Staff to the One-Stop Permit Center**

One TMAPC staff person will be provided to the One-Stop Permit Center to answer zoning, Board of Adjustment, lot-split and subdivision platting questions and take applications related to all of these areas.

> **Homeownership Tulsa (HOT)**

To provide technical assistance to efforts in areas of data tracking, change in ownership rates (Citywide and at the census tract level) and in identifying potential program resources and provide assistance to implement Nickerson study recommendations.

> **Special Studies**

Other special studies as requested by the Mayor, City Council, County Commission, or TMAPC.

> **Coordination With City Departments and The Mayor's Office**

Staff will continue to coordinate TMAPC, BOA, regulatory and planning activities with appropriate City Departments and the Mayor's office through weekly coordination meetings, meetings with Technical Advisory Committee on subdivisions and Planned Unit Developments (PUD's) and ad hoc meetings as needed.

ROUTINE SUPPORT ACTIVITIES

> **Mapping and Graphics Program**

> **Training**

On-going training/support for TMAPC; Boards of Adjustment, City Council orientations, neighborhood associations, and homeowners associations.

> **Data Support**

Assist the development community, City Departments, City Council, County Commissioners, neighborhood groups and the Chamber of Commerce with obtaining U.S. Census data and other locally generated data for the City of Tulsa and Tulsa County.

> **Public Information**

Insight newsletter.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Midget, Westervelt "absent") to recommend **ADOPTION** of Preliminary Work Program for FY 2002.

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Director's Report:

Mr. Dunlap reported that there are several items on the City Council agenda for Thursday, February 08, 2001 and Dane Matthews will be attending the meeting.

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SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19171 - Matt Thomason (PD-15) (County)
Northeast corner 72nd Street North and 117th East Avenue

Staff Recommendation:

The applicant has applied to split a 165' X 198.5' tract off a 329' X 369' tract. The proposed configuration will result in Tract 2 having four side-lot lines; therefore, the applicant is seeking a waiver of Subdivision Regulations that each tract have no more than three side-lot lines.

Both tracts meet the RE bulk and area requirements. The Technical Advisory Committee expressed no concerns on this application.

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.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for L-19171 as recommended by staff.

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LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19160 – Pat Graham (514) (PD-15) (County)
11701 North 113th East Avenue

L-19175 – Sisemore Weisz & Associates, Inc. (3394) (PD-18) (CD-6)
5525 South 129th East Avenue

L-19177 – Marvin McDonald (3492) (PD-8) (CD-2)
Northeast corner West 61st Street and 30th West Avenue

L-19178 – Pat Graham (514) (PD-15) (County)
11801 North 113th East Avenue

L-19183 – City of Tulsa (3693)
5556 South Mingo

(PD 18) (CD-7)

Staff Recommendation:

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

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Midget, Westervelt "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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

PRELIMINARY PLAT:

Cooley Creek Center

(PD 17)(CD 6)

Northeast corner of South 129th East Avenue and East 4th Place South

Staff Recommendation:

Note: The original Cooley Creek plat (12/15/00) included an area on both the east and the west sides of the creek, a total of approximately 40 acres. That original submittal has been amended (re-reviewed at TAC) limiting it to the area on the west side of the creek (approximately seven acres). Some of the graphics submitted in TMAPC packet include the entire 40 acres. The TMAPC was asked to limit its review to the area abutting 129th East Avenue on the west side of the creek.

GENERAL:

The site is located on the east side of 129th East Avenue, south of Admiral Boulevard. Cooley Creek runs along the eastern side of the project.

ZONING:

The site is zoned CG. There is IL to the north across Admiral and CG to the east and southeast. Properties zoned OL and CG are to the south, with RS-2 to the southeast and IL present to the west across 129th.

STREETS:

Primary access will be off of 129th East Avenue, creating a collector that will run along the east side of the lots, terminating at the creek. In the future it is anticipated that it will continue across the creek. The three proposed lots will be

located between 129th East Avenue and the collector; the southern lot will be accessed off of both the collector and 129th. The northern two lots will be accessed off of the collector.

Mutual access is proposed from the collector to 129th East Avenue in lieu of a turnaround. The proposed collector will intersect 129th East Avenue approximately opposite 4th Street which is on the west side of 129th. East 4th Street has been closed on the east side of 129th, becoming the focus of some discussion at TAC. (See comments below.)

SEWER:

A 21" sewer is present on site in the southwest.

WATER:

A 12" water is available on the south side of East Pine Street.

STORM DRAIN:

A large area of 100-year floodplain runs north to south along the eastern side of the current site. Significant drainage work will have to be done prior to developing the area on the east side of the creek.

UTILITIES:

17.5' easements are indicated along the perimeter.

Staff provides the following information from TAC.

STREETS:

- References will be required for 129th Street dedications.
- A PFPI will be required to reconfigure the existing median in 129th Street.
- East 4th Street should be reopened on the east side of 129th Street, south of the subject property. The proposed collector should align with 4th Street across 129th Street.

SEWER:

- Extension is needed.

WATER:

- Extension is needed.

STORM DRAIN:

- The limits of the 100-year floodplain should be accurately depicted.

FIRE:

- A 1/31 clarification discussion with Fire indicates that full turnaround (48'R) will be required at the northern end of the collector. Mutual access through the lots to the west will not be acceptable based on the weight of the trucks on private property.

UTILITIES: None.

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

WAIVER OF SUBDIVISION REGULATIONS:

- None

SPECIAL CONDITIONS:

STREETS:

- References will be required for 129th Street dedications.
- A PFPI will be required to reconfigure the existing median in 129th Street.
- East 4th Street should be reopened on the east side of 129th Street, south of the subject property. The proposed collector should align with 4th Street across 129th Street.

STORM DRAIN:

- The limits of the 100-year floodplain should be accurately depicted.

FIRE:

- A full turnaround (48'R) will be required at the northern end of the collector.

STANDARD CONDITIONS:

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

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

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **APPROVE** the preliminary plat for Cooley Creek Center, subject to special conditions and standard conditions, and a waiver of the Subdivision Requirements requiring a sidewalk on both sides of the collector street, allowing a sidewalk on the west side only, as recommended by staff.

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Spicewood - PUD 359-A (1283)

(PD-18) (CD-8)

East 77th Street South, east side of South Memorial Drive

Staff Recommendation:

This plat consists of 37 lots in one block and two reserves on 8.73 acres. It will be developed for single-family attached dwellings similar to townhouses. This is a replat of Lot 2, Mayfair Courts.

The following were discussed **January 18, 2001** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- The TMAPC recommended approval of the major amendment on January 17, 2001 per staff's recommended development standards with one exception: the building setback line along the west side of the property was changed to 15 feet from the proposed 11 feet. The layout of the streets and lots will likely change after making adjustments for the approved building line. The previously approved Development Area B of the PUD allowed a 208-unit retirement care facility. This amendment allows 37 dwelling units.
- Subsequent to the TAC meeting, staff spoke with the applicant by phone and they said the four feet will be taken out of several of the lots and the differences will amount to only inches. Further, they said the basic layout of lots and streets will remain the same. Staff is comfortable with this response and would not recommend withholding preliminary plat approval on this point alone.

2. Streets/access:

- The internal streets will be private, 26' wide in 30' rights-of-way. Access to the development will be from South Memorial Drive through the previously-platted panhandle containing 77th Street, which is also private. This panhandle is also part of a mutual access easement providing access to the existing nursing home abutting to the east.
- French, Traffic, stated the mutual access easement should be shown and labeled on the face of the plat. He also stated that the covenants need to contain language about the design criteria for the streets in Reserve A and describe any exceptions to City standards. He also wants access limits and the existing median shown along Memorial. He also recommended a turnaround at the south end of the easternmost north-south private street.
- Somdecerrf, Transportation, stated the book and page number for right-of-way along Memorial must be shown. Also needs dimensions from the section line.
- Calkins, Fire Department, stated that a second access location would be needed.
- After discussion it was determined that the second access point with a crash gate could be on the east side of the property in line with the private east-west street about 1/3 of the way up from the southeast corner.

3. Sewer:

- The plat shows extensive utility easements throughout the property.
- There were no comments or concerns.

4. Water:

- The plat shows extensive utility easements throughout the property.
- There were no comments or concerns.

5. Storm Drainage:

- The property drains in all directions from a high point in the middle. An interested party at the TMAPC hearing expressed concern about excessive drainage to the north.
- There were no other comments or concerns.

6. Utilities:

- This plat shows utility easements for each lot and combined utility/drainage easements in several locations.
- McCormick, Stormwater, stated that there could be no obstructions in the drainageway.

7. Other:

- There were no other comments.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Identify the full extent of any mutual access easements in addition to the Reserve Areas.
2. Identify the design criteria for the private streets and any exceptions to City standards in the covenants.
3. Show access limits and the median along Memorial Drive.
4. Provide a turnaround acceptable if required by the Fire Department at the south end of the easternmost north-south street.
5. Indicate a second point of access for emergency use with appropriate language regarding maintenance and operation of any "crash gates".
6. Include language in the covenants regarding the combined utility and drainage easements and prohibiting any interference with the drainage within those easements.
7. The entry gate shall meet the current Traffic Engineering standards.

Standard Conditions:

1. All conditions of PUD-359-A shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
5. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
6. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

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

22. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
23. All other Subdivision Regulations shall be met prior to release of final plat.

TMAPC Comments:

Mr. Ledford stated that there are no special condition comments regarding the entry area having to meet the Traffic Engineering requirements. He further stated that he doesn't understand item number five. In response, Mr. Beach stated that there wasn't special discussion regarding the entry area and there didn't appear to be any objection to the layout that was proposed at the TAC meeting. Mr. Ledford stated that there would be a gated entry going into the Spicewood area because the mutual access also provides access to the nursing home area. Mr. Ledford explained that he doesn't agree with item number four indicating that a turnaround is needed for the Fire Department. Mr. Ledford explained that the mutual access goes east and the Fire Department can make a complete loop through the nursing home area without a turnaround. Mr. Ledford suggested that item number four be studied further. Mr. Ledford stated that he would like to add a special condition that the entry gate be looked at and meet the current Traffic Engineering standards. In response, Mr. Beach stated that he would follow up on the turnaround and make clear what is being requested. Mr. Beach explained that when the turnaround was being discussed, it appeared that there would be appropriate locations for a turnaround by looking at the plat. Mr. Beach stated that looking at the site plan he understands Mr. Ledford's comments and he will follow up on these issues. Mr. Beach explained that staff always relies on the release letter as a statement that the layout is satisfactory.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **LEDFORD** TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **APPROVE** the preliminary plat for Spicewood subject to special conditions and standard conditions as modified by TMAPC. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

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University Courtyards - (3104)

(PD-16) (CD-6)

West of the southwest corner of U.S. Highway 169 and East Pine Street

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

Staff Recommendation:

This plat consists of one lot in one block and two reserves on 16.09 acres. It will be developed for multi-family residential uses.

The following were discussed **January 18, 2001** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

This property was rezoned from IL to RM-2 late last year. The rezoning application included a larger parcel that extends farther south. This plat represents about half of the total tract.

2. Streets/access:

The property fronts on East Pine Street where it will gain all of its access. There are two 45' access locations indicated on the plat.

French, Traffic, stated the access locations need to be approved by the Traffic Engineer. He also stated the easternmost access needs to be moved west at least ten feet to allow for curb returns. Both access locations should be reduced to the standard 40 feet.

Somdecerff, Transportation, stated the book and page number for right-of-way along Pine must be shown.

3. Sewer:

A sewer main extension will be required.

4. Water:

The unnamed easement shown on the plat is for water. Holdman, Water, stated that this easement should be a minimum 20 feet and that a water main extension will be required.

5. Storm Drainage:

The property drains generally to the west and southwest. Part of the property is in the floodplain.

McCormick, Stormwater, stated that an easement needs to be dedicated for the floodplain and a floodplain determination from the Corps of Engineers should be obtained.

6. Utilities:

This plat shows perimeter utility easements along the east, north and part of the west side. It shows an extensive unnamed easement several locations within the property.

Fischer, applicant, stated the unnamed easements are for water and sanitary sewer. (See additional comments above under Water.)

The PSO representative stated there is a 65-foot power structure located in the western drive (see site plan for drive location). He indicated it could be moved at significant cost to the owner.

Fischer, applicant, stated that he will study the layout and probably make changes to shift away from the power structure.

Staff will assume this issue has been resolved upon receipt of a letter of release of the final plat from PSO and sees no reason why this would change the plat.

7. Other:

There were no other comments.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Move access locations to accommodate driveway curb returns, reduce to 40 feet wide, and get approval of Traffic Engineer.
2. Coordinate water and sewer main extensions with associated easements with Department of Public Works.
3. Obtain floodplain determination from the Corps of Engineers and put floodplain in easement.

Standard Conditions:

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

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

20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Horner reminded the Planning Commission that this was the last presentation by Jim Doherty. (Mr. Doherty passed away on January 31, 2001.)

TMAPC Action; 9 members present:

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

* * * * *

Youth Services - (192)

(PD-4) (CD-4)

East 3rd Street South and South Norfolk Avenue

Staff Recommendation:

This plat consists of one lot in one block and two reserves on 2.48 acres. It will be developed for an emergency and protective shelter. This is a replat of Lots 3-14, Block 108, Hodge Addition.

The following were discussed **January 18, 2001** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- May 1998, this property received approval from the Board of Adjustment of a Special Exception to permit the use under Use Unit 2. This triggers the platting requirement. A plat waiver was then granted by the TMAPC on June 28, 1998.

2. Streets/access:

- The property is bounded by 3rd Street to the north, Norfolk Avenue to the east, 4th Street to the south, and Cherokee Expressway to the west. Madison Avenue, before it was vacated, is between this property and the

expressway and is included as part of the development site. There is a vacated alley running north-south through the middle of the property. Access limits are not shown and may be from any of the three abutting streets. It was TAC's requirement in the plat waiver review to dedicate 10 feet along East 3rd Street and 25' R curves at the northeast and southeast corners of the property. These are shown on the plat.

- Somdecerrf, Transportation, noted that the standard street dedication language is missing from the Deed of Dedication and needs to be added.

3. Sewer:

- In the plat waiver review, it was determined that the sewer will be relocated and placed in the perimeter easements.
- Payne, Wastewater, stated the sewer relocation needs to be finished prior to construction of the building. The 11' sanitary sewer easement on the west side of the property should be 15'.

4. Water:

- In the plat waiver review, TAC required new easements to accommodate the relocation of the waterlines. One is shown along the west side of the property.
- There were no additional comments.

5. Storm Drainage:

- In the plat waiver review, it was determined that a PFPI would be required for storm sewer construction.
- McCormick, Stormwater, stated that detention would be required if the project would increase runoff from the site.

6. Utilities:

- This plat shows perimeter utility easements all around.
- PSO representative stated that the existing facilities in the vacated alley would need to be moved.
- SWB representative also stated that the existing facilities in the vacated alley would need to be moved.

7. Other:

- There were no other comments.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

- ~~1. Increase the Sanitary Sewer Easement on the west side of the property from 11 feet (shown) to 15 feet.~~

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

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

Mr. Beach stated that he would like to withdraw the special condition. He explained that there has been discussion with wastewater regarding the sanitary sewer easement and at this time the requirement is being withdrawn.

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 **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **APPROVE** the preliminary plat for Youth Services, subject to standard conditions as recommended by staff. (Language in the staff recommendation that was deleted by staff is shown as strikeout; language added or substituted by staff is underlined.)

Comprehensive Plan

Consider re-transmitting amendments to the City Council for the following District Plan Maps/Texts, a part of the Comprehensive Plan for the Tulsa Metropolitan Area: 2, 4, 5, 6, 9, 16, 17, 18 and 26

Staff Recommendation:

Ms. Matthews reminded the Planning Commission that these are routine housekeeping amendments that were transmitted to the City Council on December 4, 2000. City Council sent the housekeeping amendments back to the Planning Commission in order to have additional time to review them and to stop the 45-day clock from ticking.

Ms. Matthews explained that the Planning Commission doesn't have a formal method in place for re-transmitting except to send back the amendments and stand by the original approval.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **APPROVE** the re-submittal of amendments to the City Council for the following District Plan Maps/Texts, 2, 4, 5, 6, 9, 16, 17, 18 and 26.

CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: Z-6804

Applicant: John W. Moody

Location: North and east of northeast corner of East 41st Street and South Harvard

RS-3 TO OM

(PD-6) (CD-7)

Staff Recommendation:

RELEVANT ZONING HISTORY:

PUD-592 August 1998: A request to rezone the subject tract from CH and RS-3 zoning to a PUD to allow two existing developments to share parking through a cross-parking easement. One parcel contained a church, day nursery, parsonage and residence; the other parcel contained a movie, video, and stage production company. The PUD was approved subject to modifications and conditions established during the TMAPC public hearing.

BOA-17925 February 1998: A request for a variance to meet parking requirements on a lot other than where the principal use is located; the property included in this request was the subject property. The request was filed by owners of the northernmost tract; the lots to be used as additional parking were the southern tract owned by the existing church and zoned RS-3. The Board of Adjustment denied the request.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.09 acres in size and is located east of the northeast corner of East 41st Street South and South Harvard Avenue. The property is gently sloping; non-wooded; contains a church, children's nursery, residence, and related parking, and is zoned RS-3/PUD-592.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 41 st Street South	100'	4 lanes	Paved	Yes
South Harvard Avenue	100'	4 lanes	Paved	Yes

The Major Street Plan designates East 41st Street South and South Harvard Avenue as secondary arterial streets. The City of Tulsa Traffic Counts 1998 – 1999, indicates 29,200 trips per day on South Harvard at East 41st Street South intersection.

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

SURROUNDING AREA: The subject tract is abutted on the north and east by single-family dwellings, zoned RS-3; to the south by single-family dwellings, zoned RS-1 and vacant property, zoned RM-2 and CS; and to the southwest by an office and a convenience store, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the north tract of the subject property as Low Intensity – Residential.

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

STAFF RECOMMENDATION:

Based on existing and proposed development in the area, staff can support the requested rezoning and therefore recommends APPROVAL of OM zoning for Z-6804, provided the accompanying Major Amendment to PUD-592 is approved as well.

If the Planning Commission is inclined to recommend approval of this zoning application, they should direct staff to prepare appropriate District Plan amendments.

APPLICATION NO.: PUD-592-A**MAJOR AMENDMENT****Applicant:** John W. Moody

(PD-6) (CD-7)

Location: North and east of northeast corner of East 41st Street and South Harvard**Staff Recommendation:**

PUD-592 was approved in August 1998 to allow two existing developments to share parking through a cross-parking easement. One parcel contained a church, day nursery, parsonage and residence. The other parcel housed a company that develops Christian movies, videos and stage productions. Maximum building floor area was limited to the existing buildings with the provision that new construction may be allowed only if TMAPC approves a minor amendment. Permitted uses were limited to the existing uses and there were significant screening and parking standards to limit the impact on the abutting residentially zoned property.

A variance of the required off-street parking spaces was granted (Board of Adjustment (BOA Case No. 18181) in September of 1998. A total of 306 spaces were required for the combined office and church use. The BOA approved a variance to allow 210 parking spaces per PUD-592 and site plan. The BOA approval only applies to the existing uses and site plan. The applicant is proposing changing the church use to funeral home use and also proposing to build an additional structure. The underlying zoning for PUD-592 is CH and RS-3. Concurrently an application has been filed (Z-6804) to rezone a portion of the RS-3 zoned property to OM.

Staff cannot support the request in its present form, but the applicant has agreed to submit additional information and detail.

Therefore staff recommends that this item be continued to February 28, 2001 in order for additional information to be presented to and reviewed by staff. The applicant is in agreement with this request.

TMAPC Comments:

Mr. Harmon stated that there are 21 people signed up to speak for this item. Mr. Carnes informed Mr. Harmon that it has been protocol that when staff requests a continuance that the Planning Commission ask the applicant and interested parties to speak only to the issue of the continuance.

Applicant's Comments:

John Moody, 7146 South Canton Avenue, Tulsa, Oklahoma 74136-6303, stated that he agrees with staff. He explained that he has met with staff regarding this application and has redesigned the PUD in order to incorporate more parking and other features that will be more beneficial to this application and the neighborhood. The plan has to be in textural form and should be ready for presentation on February 28, 2001. He stated that he plans to meet with the neighborhood and the interested parties who have signed up to speak today. He indicated that the meeting would take place at the church in approximately ten days.

TMAPC Comments:

Mr. Horner asked Mr. Moody if the request for continuance was from the applicant or from staff. In response, Mr. Moody stated that staff requested the continuance. Mr. Moody explained that he agreed with the continuance because he agreed to change his plans and revise the plans.

TMAPC Action; 9 members present:

MOTION of CARNES to CONTINUE Z-6804/PUD-592-A to February 28, 2001 as recommended by staff.

TMAPC Comments:

Mr. Carnes stated that the fact that the applicant is willing to meet with the neighborhood has always been enough reason to grant a continuance.

After three speakers it was apparent that the interested parties opposed the continuance.

Mr. Carnes reiterated that the staff has requested a continuance because the application is not ready to be heard in a public hearing today. The Planning Commission and staff are not ready to hear this application today.

After a lengthy discussion it was determined that it would be futile to hear the interested parties due to the fact that the application is not completed.

TMAPC Action; 9 members present:

On **MOTION of CARNES**, the TMAPC voted **8-1-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; Selph "nays"; none "abstaining"; Boyle, Westervelt "absent") to **CONTINUE Z-6804/PUD-592-A to February 28, 2001.**

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

Staff Recommendation:

**Zoning Code Amendments set for Public Hearing 02/07/01
(Continued from 12/20/00)**

The amendments have been suggested primarily for one of three reasons, i.e., 1) to implement recommendations of the Infill Task Force; 2) to correct ambiguities in the Code and 3) to respond to concerns by personnel enforcing the provisions of the Code. The following is a summary of these proposed amendments. Where existing language is removed it is shown as a strike-through. Where new language has been added it is underlined.

The following is a summary of the reasons for and impact of each proposed change. For the sake of brevity a comprehensive analysis of each proposed change is not presented.

Page 1:

Section 210.B.3. – Clarification of what portion of the yard is currently regulated and a new exemption of townhouse and apartment complexes from the four-foot height limitation on fences in required front yards. (This limitation has not been traditionally enforced, nor does it need to be.)

Section 210.B.5.a. – Adds a specific height limitation on detached accessory buildings in required rear yards above and beyond the current “one-story” limitation. Also increases the percentage of required rear yard that may be covered by a detached accessory building in the RS-4, 3, 2 and RD districts. The current 20% coverage limitation does not permit a reasonably-sized garage to be built in these districts because of the small size of the required rear yard.

Section 210.B.5.b. – Merely a reformatting of 210.B.5. for increased clarity.

Page 2:

Section 210.B.5.c. – New subsection, which permits existing nonconforming detached accessory buildings to be torn down, reconstructed, and possibly enlarged without Board of Adjustment approval.

Section 210.B.6 & 8. – Prohibits certain accessory structures in the required front yard.

Section 224 – Expands the exemption from erecting screening fences or special setbacks (new) from a residential (R) district when that district was a freeway, expressway or a lot which has an approved non-residential use on it.

Page 3:

Section 302.A. Table 2 – Applies the same condition for home occupations in an Agricultural District as are already in force in the Residential Districts.

Page 4:

Section 302.B.1.e. – Add a new subsection which prohibits the same Use Units as home occupations in the Agricultural District as are prohibited in the Residential Districts.

Section 304.C. – Corrects references to other sections of the Zoning Code.

Page 5:

Section 401. Table 1 – Proposes to allow off-street parking in RS-3, RS-4, RD, RT and RMH districts if granted a special exception by the Board of Adjustment and if they meet the new requirements of Section 404.J. shown on page 8.

Section 402.B.1.b. – Clarifies what types of accessory buildings are currently not permitted in the front yard.

Page 6:

Section 402.B.1.c. – Removes redundant language that is covered in other parts of the Code.

Section 402.B.1.d. – Limits the maximum size of all accessory buildings in smaller-lot residential districts (RS-2, 3 and 4) to 500 square feet from the current 750 square feet unless the 40% rule applies.

Page 7:

Section 403 Table 3 – Before the RS-4 district was created, all single-family dwellings in the RD, RT and RM district had to comply with the least restrictive single-family district, i.e., RS-3. This amendment now changes that to the RS-4 requirement which is now the least restrictive single-family district.

Page 8:

Section 403. Table 3 Footnote 8 – Allows single-family or duplex dwellings in the RM districts to be built to the side yard requirements of the RS-4 district.

Section 404.J. – Provides for the only location where off-street parking (Use Unit 10) may be permitted by the Board of Adjustment when it is in an RS-3 or RS-4 district.

Page 9:

Section 601. Table 1 – Clarifies the existing conditions under which Convenience Goods and Services are permitted in O districts. Does not change intent of existing regulations.

Page 10:

Sections 604.C and F. – Same reasons as stated for Page 9 amendments.

Page 11:

Section 805.D and E. – Update verbiage.

Page 12:

Section 805.H. – Update verbiage.

Page 13:

Section 901 Table 1 – Allow restaurant and retail uses in industrial districts by right, not special exceptions as currently required.

Page 14:

Section 1104.E. – Make wording consistent with other parts of the Code. No change in intent.

Section 1216 – Clarify that both the Chapter 4 and Chapter 12 conditions for mini-storage developments must be met.

Page 15:

Section 1207.C.1.c. – Eliminates the requirement that each unit in a duplex contain an area that is at least 20' x 20' in size. Many existing duplexes do not meet this requirement even though they are appropriate for the neighborhood.

Section 1207a.C.1.c. – Same purpose as above except for townhouses.

Section 1217.C.2 – Since Use Unit 17 uses, automotive and other vehicle related uses, are only allowed in CS-zoned areas if the Board of Adjustment approves a special exception and these uses usually have outdoor storage and display of their merchandise (auto, boat, mobile home and RV sales lots), it was felt that the BOA could determine if outdoor storage and display was appropriate when they heard the special exception.

Page 16:

Section 1301.A. – The current definition of livability space already covers the restrictions in first sentence and does not need to be repeated. The second and third sentences are deleted in order to provide for more flexibility for older commercial areas which are not designed with enough space for a separate loading area. The sentences added at the end of the subsection are to clarify existing policies.

Section 1301.B. – Deleted this requirement because it has never been enforced and the Landscape Chapter of the Zoning Code now accomplishes some of what was intended by this subsection.

Section 1301.C. – New restriction to limit the number of unconnected parking areas (includes driveway) in the front yard to one. This is intended to prevent most of the front yard from being used to park vehicles in single-family districts.

Section 1301.D. – Providing required parking on a nearby lot away from the use requiring the parking could be done by granting a special exception rather than the current requirement for a variance. This would make it easier to provide off-street parking in the older developed part of town.

Section 1301.F. & G. – Clarification of existing requirements.

Page 17:

Section 1303.A.1. – Sections whose provisions have now expired are being eliminated.

Section 1303.A.3. - New portion allows 2.5 feet of car overhang to be counted as part of the parking space, even though that area may not be paved and is counted as part of a required landscaped area. This provision would allow parking lots to fit in smaller areas, benefiting the older parts of the city.

Pages 18, 19 and 20:

Section 1303.A.4. Figures 1-4 – Slight reductions in the minimum size of required parking spaces and access aisles to better fit them into older areas of the city which have limited space available.

Page 21:

Section 1303.C. – Added restrictions on parking lot lighting to limit its impact on residential areas.

Section 1303.D. – Establishes for the first time limits to how much of the front yard in RE and RS districts may be used for parking.

Page 22:

Section 1305 – Clarifies existing provisions and allows the Board of Adjustment to now reduce required parking by up to 10% in mixed commercial developments by granting a special exception rather than a variance. Also City Council would be allowed to grant that 10% reduction in Planned Unit Developments.

Section 1404.A. and B. – Clarifies intent of existing subsection and corrects terminology.

Page 23:

Section 1504 – Provides that an employee of the Public Works Department may make minor modifications to Zoning Code requirements if such modification would not impair the intent of the Zoning Code. This staff person would only be allowed to modify the Zoning Code requirements as set forth in this section. All

other relief would still need to go to the Board of Adjustment. The ten items listed in this section were variances or exceptions, which the BOA has almost always approved in the past. Having a staff person act on these modifications would save many applicants time and money.

Page 24:

Section 1608.A.18. – See explanation for Page 16 – Section 1301.D.

Section 1800 “Livability Space” – Allow driveways and open parking areas in the rear yard of single-family and duplex areas to be counted as livability space. Many of these areas are used as recreation areas in rear yards and this amendment will allow homes with detached garages to not be penalized. This should mean that many older homes on small lots, which are planned for expansion, will not need to go to the Board of Adjustment for a variance of livability space.

Section 1800 “Parking Area” and “Structure” – Clarifies existing interpretations of the Zoning Code.

(Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

SECTION 210. YARDS

B. Permitted Obstructions in Required Yards

Obstructions are permitted in required yards as follows:

1. Cornices, canopies, eaves, fireplaces, and similar architectural features may project not more than two feet into a required yard.
2. Fire escapes may project not more than 4-1/2 feet into a required yard.
3. Fences, plant materials, berms, walls, and permitted signs may be located in any required yard provided that the same do not constitute a nuisance as provided in Title 24, Tulsa Revised Ordinances, Chapter 1, Section 103.A. Fences and walls within required yards shall not exceed a height of 8 feet. Any fence or wall which projects into or encloses a required front yard shall not exceed a height of four feet; however, this height limitation shall not apply to townhouse or multifamily developments containing more than 15 dwelling units. The Board of Adjustment, as a special exception, may modify these limitations.
4. Signs which are permitted as accessory uses in residential districts may be located within any yard which is bounded by a public street.

5. Permitted Obstructions in the Required Rear Yards in the RE, RS and RD Districts

- a. A detached accessory building, not exceeding one story nor 18 feet nor 10 feet in height to the top of the top plate in height, may be located in a required rear yard provided the building does not cover more ~~than 20% of the area~~ than the following portion of the required rear yard:

<u>RS-3, RS-4 and RD Districts</u>	<u>30%</u>
<u>RS-2 District</u>	<u>25%</u>
<u>RS-1 and RE Districts</u>	<u>20%</u>

- b. Detached accessory buildings shall be and is located at least three feet from any lot line, provided, however, where said lot line abuts a public street, the detached accessory building shall be set back from the centerline of the street 20 feet plus one-half of the right-of-way designated on the Major Street and Highway Plan, or 45 feet from the centerline of the street if said street is not designated on the Major Street and Highway Plan.

- c. Where an existing nonconforming detached accessory building in the rear yard is less than three feet from any lot line, such building may be expanded or demolished, reconstructed and/or expanded without being three feet from any property line; provided the reconstructed and/or expanded building complies with the following requirements:

1. It is no closer to any lot line than the existing non-conforming structure.
2. It is not over one story in height.
3. It does not cover more of the required rear yard than permitted in Section 210.B.5.a. above, and
4. It does not exceed 500 square feet in building floor area if the building does not comply with the setback requirements of Section 210.B.5.b. above.

6. Swimming pools, tennis courts, and fallout shelters, except in required front yards.
7. Mobile home hitches.
8. Customary accessory structures, such as clotheslines, barbecue pits, playground equipment, except in required front yards.
9. Antennas and their supporting structures and guy lines may be located in the required rear yard.

Amend Section 224 to read as follows:

SECTION 224. SCREENING AND SETBACKS FROM R DISTRICTS WHICH ARE FREEWAYS OR NON-RESIDENTIAL USES FENCES ABUTTING FREEWAYS

When the erection of a screening wall or fence or special setback is required by this code because a use abuts an R District, such wall, fence or setback shall not be required if the use of the abutting R District is a freeway, expressway, turnpike, non-residential use previously approved by the BOA or non-residential development area in a PUD. ~~when a use abuts an R District, such wall or fence shall not be required if the abutting R District is a freeway, expressway or turnpike.~~ This exemption from screening along a freeway, expressway or turnpike shall not apply when the abutting use is a Use Unit 28 use.

* * * * *

SECTION 302. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT

A. Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in an Agriculture District are permitted in such district. In addition, the uses set forth in Table 2 are permitted as accessory uses.

Table 2

Accessory Uses Permitted In the Agriculture District

Uses	District
1.Bulletin Boards	AG
2.Home Occupations	
<u>As permitted by Section 402.B.b.a.</u>	AG
<u>As permitted by Section 402.b.6.b and 404.B</u>	AG*
3.Identification Signs	AG
4.Real Estate Signs	AG
5.Parking/Storage of Recreational Vehicles	AG
6.Antennas and Supporting Structures	AG

*By Special Exception requiring Board of Adjustment approval subject to the requirements set forth in Section 404.B.

B. Accessory Use Conditions

1. General Conditions

- a. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, and shall comply with the requirements applicable to the principal building.
- b. Accessory buildings shall meet the minimum yard or building setback requirements.
- c. Antennas and their supporting structures which are accessory to a residential use are permitted to be mounted on a residential dwelling or customary accessory building; provided that it does not exceed sixty-five (65) feet in height measured from the average ground elevation at the residential dwelling to the highest horizontal point of the antenna supporting structure and that the surface area of all such mounted antennas shall not exceed ten (10) square feet. Only one (1) side having the largest surface area is to be calculated. These provisions do not apply to principal use antennas or to antennas which are accessory to uses requiring Board of Adjustment approval.
- d. Structures other than a dwelling or customary accessory building which are used to support accessory antennas (including guy lines) shall:
 - (1) be located in the rear yard only, and limited to one such structure,
 - (2) not exceed 65 feet in height, measured from the average ground elevation at the residential dwelling to the highest horizontal point of the antenna supporting structure;
 - (3) not encroach upon the land or airspace of any abutting property, and
 - (4) not exceed 24 inches in width above 25 feet in height, exclusive of guy lines.
- e. Uses within Use Units 12, 12a and 15 through 28 inclusive shall not be considered as home occupations and are prohibited in the agricultural district.

* * * * *

SECTION 304. REQUIREMENTS FOR SPECIAL EXCEPTION USES IN AN AGRICULTURE DISTRICT

The Special Exception Uses permitted in the Agriculture District, as designated in Table 1, are subject to the requirements set out below, and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

- A. The accessory use provisions of the Agriculture District pertaining to signs are applicable to accessory signs for uses permitted by special exception.
- B. Special Exception uses shall conform to the bulk and area requirements of the use district in which located, unless the use unit requirements are more restrictive, in which case the more restrictive shall control.
- C. A nursing home shall meet the use conditions as set forth in Section 1202.C.5 of this Code. A community group home, convent, monastery and novitiate shall meet the use conditions as set forth in Section 1205.C.4 of this Code.

SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS

The principal uses permitted in the Residential Districts are designated by use unit. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading and screening requirements and other use conditions in Chapter 12. The use of an RE, RS, RD or RT District for access to any RM, O, C, or I District, or the use of an RM District for access to any O, C, or I District is prohibited unless permitted through an approved Planned Unit Development. The use units permitted in Residential Districts are set forth below in Table 1.

Table 1
Use Units Permitted in Residential Districts*

Use Units		Districts					
No.	Name	RE	RS	RD	RT	RM	RMH
1.	Area-Wide Uses by Right	X	X	X	X	X	X
2.	Area-Wide Special Exception Uses #	E	E	E	E	E	E
4.	Public Protection & Utility Facilities	E	E	E	E	E	E
5.	Community Services & Similar Uses	E	E	E	E	E	E
6.	Single-Family Dwelling	X	X	X	X	X	E
7.	Duplex Dwelling		E**	X	X	X	
7a.	Townhouse Dwelling				X	X	

8.	Multifamily Dwelling & Similar Uses	E****	E****	E****		X	
9.	Manufactured Home Dwelling	E	E	E		E	X
10.	Off-Street Parking		E**	E	E	E	E
11.	Offices, Studios & Support Services					E***	
16.	Mini-Storage					E*****	

- *X = Use by Right
- E = Special Exception
- ** = Duplexes Permitted only in RS-3 and RS-4 Districts.
- *** = ~~In RM-2 and RM-3 Districts only.~~
- *** = In RM-1, RM-2, and RM-3 Districts only.
- **** = Assisted living facility, community group home, convent, life/care retirement center, monastery, and novitiate are the only uses within Use Unit 8 permitted by special exception in the RE, RS and RD Districts
- ***** = Mini-storage is permitted only in the RM-1, RM-2, and RM-3 Districts
- # = Detention/Correctional Facilities, Emergency and Protective Shelters, Homeless Centers, Transitional Living and Residential Treatment Centers are not allowed in RE and RS Districts.

* * * * *

SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS

B. Accessory Use Conditions

1. General Conditions:

- a. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, and shall comply with the requirements applicable to the principal building.
- b. A detached accessory building or accessory building not erected as an integral part of the principal building shall not be located in the front yard.
- c. Within the rear yard, a detached accessory building shall comply with the requirements of Section 210.B.5. ~~be located at least three feet from any lot line; provided, however, where said lot line abuts a public street, the detached accessory building shall be setback from the centerline of the street 20 feet plus one half of the right of way designated on the Major Street and Highway Plan, or 45 feet from the centerline of the street if said street is not designated on the Major Street and Highway Plan.~~

- d. Detached accessory buildings and accessory buildings not erected as an integral part of the principal building, in the aggregate shall not exceed 750 square feet of floor area in the RS-1 or RE district nor 500 square feet in the RS-4, RS-3 and RS-2 districts, or 40% of the floor area of the principal residential structure, whichever is greater.
- e. Antennas and their supporting structures which are accessory to a residential use are permitted to be mounted on a residential dwelling or customary accessory building; provided that:
 - (1) the antenna supporting structure is considered part of the residential building and shall comply with the building height restrictions of the district; and
 - (2) the surface area of all such mounted antennas shall not exceed ten (10) square feet. Only one (1) side having the largest surface area is to be calculated. This provision does not apply to principal use antennas or to antennas which are accessory to uses requiring Board of Adjustment approval.
- f. Structures other than a dwelling or customary accessory building which are used to support accessory antennas (including guy lines) shall:
 - (1) be located in the rear yard only, and shall be limited to one such structure;
 - (2) not exceed 65 feet in height, measured from the average ground elevation of the rear building wall of the residential dwelling to the highest horizontal point of the antenna supporting structure;
 - (3) not encroach upon the land or airspace of any abutting property, and
 - (4) not exceed 24 inches in width above 25 feet in height, exclusive of guy lines.

SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS

A. Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts.

Table 3

	Districts										
	<u>RE</u>	<u>RS-1</u>	<u>RS-2</u>	<u>RS-3</u>	<u>RS-4</u>	<u>RD</u>	<u>RT</u>	<u>RM-O</u>	<u>RM-1</u>	<u>RM-2</u>	<u>RM-3</u>
LOT WIDTH (Min. Ft.)											
Single-Family Dwelling	150	100	75	60	50	60 50	60 50	60 50	60 50	60 50	60 50
Duplex Dwelling						60	60	60	60	60	60
Multifamily Development								100	100	50	100
LOT AREA (Min. SF)											
Single-Family Dwelling	22,500	13,500	9,000	6,900	5,500	6,900 5,500	6,900 5,500	6,900 5,500	6,000 5,500	6,000 5,500	6,000 5,500
Duplex Dwelling						6,900	6,900	6,900	6,900	6,900	6,000
Multifamily Development								10,000	10,000	6,000	24,000

LAND AREA PER D.U. (Min. SF)

Single-Family Dwelling	26,250	16,000	10,875	8,400	6,750	8,400	8,400	7,500	7,500	7,500	7,500
						6,750	6,750	6,750	6,750	6,750	6,750
Duplex Dwelling						4,200	4,200	4,200	4,200	4,200	4,200
Multifamily Development											
Within a PUD								2,800	1,700	1,200	500
Not within a PUD											
One bedroom or less								3,600	2,200	1,400	500
For each additional bedroom add								400	400	400	400
Townhouse Development											
Development Width (Min. Ft.)							70	70	70	70	70
Lot Width (Min. Ft.)							20	20	20	20	20
Lot Area (Min. SF)							1,600	1,600	1,600	1,600	1,600
Land Area of Development per D.U. (Min. SF)							4,200	4,000	3,000	2,200	2,200

STRUCTURE HEIGHT (Max. Ft.)

35	35	35	35	35	35	35	35	35	35	35	NA
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LIVABILITY SPACE PER D.U. (Min. SF)

12,000	7,000	5,000	4,000	2,500	2,000	1,200	1,200	600	200	NA
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FRONT YARD AND ANY YARD ABUTTING A PUBLIC STREET:

Measured from the CENTERLINE OF ABUTTING STREET; add to the distance designated in the column to the right, 1/2 of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated on the Major Street Plan: (Min. Ft.)

Arterial or Freeway Service Rd	35	35	35	35	35	35	35	35	35	35	35
Not an Arterial	35	35	30	25	20	25	10	25	25	10	25
REAR YARDS (Min. Ft.)	25	25	25	20	20	20	20	20	20	10	25

SIDE YARDS (Min. Ft.)

One side yard	15	10	10	5	5	5	5	10	10	10	25
Other side yard	15	5	5	5	5	5	5	10	10	10	25

3. Required livability space within a townhouse development shall be provided on each townhouse lot, or may be provided in common areas within the townhouse development as designated on the recorded subdivision plat.
4. When a lot or portion of a lot abuts a cul-de-sac having a radius greater than 25 feet, or when a lot or portion of a lot abuts a nonarterial street right-of-way which exceeds 50 feet in width, the setback distance designated in the column to the right shall be measured from the property line.
5. When a single-family or duplex lot abuts a non-arterial street right-of-way on two sides, the owner may select the front yard and the other yard abutting the non-arterial public street shall not be less than 15 feet; provided that garages which access this street shall be setback a minimum of 20 feet.
6. Side yards shall not apply to interior lot lines of townhouse developments.
7. Front yard requirements in the RE, RS-1, RS-2, and RS-3 districts may be reduced 5 feet with Board of Adjustment approval as a special exception.

greater than 25 feet, or when a lot or portion of a lot abuts a nonarterial street right-of-way which exceeds 50 feet in width, the setback distance designated in the column to the right shall be measured from the property line.

5. When a single-family or duplex lot abuts a non-arterial street right-of-way on two sides, the owner may select the front yard and the other yard abutting the non-arterial public street shall not be less than 15 feet; provided that garages which access this street shall be setback a minimum of 20 feet.
6. Side yards shall not apply to interior lot lines of townhouse developments.
7. Front yard requirements in the RE, RS-1, RS-2, and RS-3 districts may be reduced 5 feet with Board of Adjustment approval as a special exception.
8. The minimum required side yard for a single-family or duplex dwelling in a RM district shall be five feet on each side.

* * * * *

ADD A NEW SUBSECTION 404.J.

SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS

The Special Exception Uses, permitted in the Residential Districts, as designated in Table 1, are subject to the minimum requirements set out below and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

- J. In the RS-3 and RS-4 districts Use Unit 10 uses may be permitted only on lot(s) that are contiguous to an O, C, I or SR district, but in no case shall a Use Unit 10 use be more than 120' from an O, C, I or SR district at its furthestmost point.

* * * * *

SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS

The principal uses permitted in the Office Districts are designated by use units. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading, and screening requirements and other use conditions in Chapter 12. The use units permitted in Office Districts are set forth below in Table 1.

LAND AREA PER D.U. (Min. SF)

Single-Family Dwelling	26,250	16,000	10,875	8,400	6,750	8,400	8,400	7,500	7,500	7,500	7,500
						6,750	6,750	6,750	6,750	6,750	6,750
Duplex Dwelling						4,200	4,200	4,200	4,200	4,200	4,200
Multifamily Development											
Within a PUD								2,800	1,700	1,200	500
Not within a PUD											
One bedroom or less								3,600	2,200	1,400	500
For each additional bedroom add								400	400	400	400
Townhouse Development											
Development Width (Min. Ft.)							70	70	70	70	70
Lot Width (Min. Ft.)							20	20	20	20	20
Lot Area (Min. SF)							1,600	1,600	1,600	1,600	1,600
Land Area of Development per D.U. (Min. SF)							4,200	4,000	3,000	2,200	2,200

STRUCTURE HEIGHT (Max. Ft.)

35	35	35	35	35	35	35	35	35	35	35	NA
----	----	----	----	----	----	----	----	----	----	----	----

LIVABILITY SPACE PER D.U. (Min. SF)

12,000	7,000	5,000	4,000	2,500	2,000	1,200	1,200	600	200	NA
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FRONT YARD AND ANY YARD ABUTTING A PUBLIC STREET:

Measured from the CENTERLINE OF ABUTTING STREET; add to the distance designated in the column to the right, 1/2 of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated on the Major Street Plan: (Min. Ft.)

Arterial or Freeway Service Rd	35	35	35	35	35	35	35	35	35	35	35
Not an Arterial	35	35	30	25	20	25	10	25	25	10	25
REAR YARDS (Min. Ft.)	25	25	25	20	20	20	20	20	20	10	25
SIDE YARDS (Min. Ft.)											
One side yard	15	10	10	5	5	5	5	10	10	10	25
Other side yard	15	5	5	5	5	5	5	10	10	10	25

3. Required livability space within a townhouse development shall be provided on each townhouse lot, or may be provided in common areas within the townhouse development as designated on the recorded subdivision plat.
4. When a lot or portion of a lot abuts a cul-de-sac having a radius greater than 25 feet, or when a lot or portion of a lot abuts a nonarterial street right-of-way which exceeds 50 feet in width, the setback distance designated in the column to the right shall be measured from the property line.
5. When a single-family or duplex lot abuts a non-arterial street right-of-way on two sides, the owner may select the front yard and the other yard abutting the non-arterial public street shall not be less than 15 feet; provided that garages which access this street shall be setback a minimum of 20 feet.
6. Side yards shall not apply to interior lot lines of townhouse developments.
7. Front yard requirements in the RE, RS-1, RS-2, and RS-3 districts may be reduced 5 feet with Board of Adjustment approval as a special exception.

greater than 25 feet, or when a lot or portion of a lot abuts a nonarterial street right-of-way which exceeds 50 feet in width, the setback distance designated in the column to the right shall be measured from the property line.

5. When a single-family or duplex lot abuts a non-arterial street right-of-way on two sides, the owner may select the front yard and the other yard abutting the non-arterial public street shall not be less than 15 feet; provided that garages which access this street shall be setback a minimum of 20 feet.
6. Side yards shall not apply to interior lot lines of townhouse developments.
7. Front yard requirements in the RE, RS-1, RS-2, and RS-3 districts may be reduced 5 feet with Board of Adjustment approval as a special exception.
8. The minimum required side yard for a single-family or duplex dwelling in a RM district shall be five feet on each side.

* * * * *

ADD A NEW SUBSECTION 404.J.

SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS

The Special Exception Uses, permitted in the Residential Districts, as designated in Table 1, are subject to the minimum requirements set out below and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

- J. In the RS-3 and RS-4 districts Use Unit 10 uses may be permitted only on lot(s) that are contiguous to an O, C, I or SR district, but in no case shall a Use Unit 10 use be more than 120' from an O, C, I or SR district at its furthestmost point.

* * * * *

SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS

The principal uses permitted in the Office Districts are designated by use units. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading, and screening requirements and other use conditions in Chapter 12. The use units permitted in Office Districts are set forth below in Table 1.

Table 1
Use Units Permitted in Office Districts*

Use Unit		Districts			
No.	Name	OL	OM	OMH	OH
1.	Area-Wide Uses	X	X	X	X
2.	Area-Wide Special Exception Uses #	E	E	E	E
4.	Public Protection & Utility Facilities	E	E	E	E
5.	Community Services & Similar Uses	E	X	X	X
6.	Single-Family Dwelling	E	E	E	E
7.	Duplex Dwelling	E	E	E	E
7a.	Townhouse Dwelling	E	E	E	X
8.	Multifamily Dwelling and Similar Uses	E	E	E	X
10.	Off-Street Parking Areas	X	X	X	X
11.	Offices, Studios & Support Services	X**	X	X	X
12.	Eating Establishments Other than Drive-Ins				X
13.	<u>Convenience Goods and Services</u>	<u>E****</u>	<u>E****</u>	<u>E****</u>	<u>E****</u>
16.	Mini-Storage	E	E	E	E
19.	Hotel, Motel and Recreational Facilities			E***	E***

*X = Use by Right

E = Special Exception

** = Drive-in bank facilities whether a principal or accessory use, require Board of Adjustment approval of special exception in OL Districts.

*** = Limited to hotel and motel

= Residential Treatment and Transitional Living Centers are allowed by right in OM, OMH, and OH Districts.

****= Limited to barber and beauty shops.

* * * * *

SECTION 604. SPECIAL EXCEPTION USES IN OFFICE DISTRICTS, REQUIREMENTS

The Special Exception Uses permitted in the Office Districts, as designated in Table 1 and Table 2, are subject to the minimum requirements set out below and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

- C. Accessory convenience goods and services and accessory shopping goods and services in the OM and OMH Districts shall comply with the following requirements:
1. No convenience goods and services and shopping goods and services shall be permitted unless the principal building shall contain a minimum of 50,000 square feet.
 2. The permitted convenience goods and services and shopping goods and services listed below shall be located entirely within the principal building and shall have no exterior pedestrian access except through the general building entrances.
 3. Permitted convenience goods and services and shopping goods and services are limited to the following uses and use groupings:
 - a. Book, stationery and office supply store
 - b. Gift, novelty and florist shop
 - c. Medical, dental, optical and orthopedic supply (prescription service only)
 - d. Tobacco and candy store
 4. The permitted convenience goods and services and shopping goods and services listed above shall not occupy more than 10% of the gross floor area of the building in which located, and each goods and services use or use grouping shall be limited to a maximum of 2,000 square feet of floor area; provided that if a restaurant and/or private club is requested or existing that the total amount for all accessory uses, including restaurants and private clubs, shall not exceed 12.5% of the gross floor area of the principal building.
- D. Private clubs in the OM and OMH Districts, shall comply with the following requirements:
1. The private club shall be located entirely within the principal building.
 2. The private club shall not occupy more than 5% of the gross floor area of the building in which located.
 3. Exterior business signs identifying the private club are prohibited.
- E. Except as provided in Section 209 for public protection and utility facilities, a minimum frontage of 100 feet is a requirement of the Special Exception uses unless the use unit requirements are more restrictive, in which case the more restrictive shall control.

~~F.~~ Barber and beauty shops may be permitted as either accessory or principal uses in an OL, OM, or OMH District by Special Exception.

~~F. G.~~ Special housing facilities in Use Unit 2 (Area Wide Special Exception Uses), Use Unit 6 (Single-Family), and Use Unit 8 (Multifamily) shall meet applicable Use Conditions and Off-Street Parking and Loading Requirements as provided in Chapter 12.

~~G. H.~~ Mini-storage facilities located in the Office Districts shall comply with the following requirements:

* * * * *

SECTION 805. SITE PLAN REVIEW

D. City Commission Council Action on Site Plan Review

Upon receipt of the application, site plan, and Planning Commission recommendation, the ~~Board of City Commission~~ Council shall hold a hearing, review the site plan, approve, disapprove, modify, or return the site plan to the Planning Commission for further consideration. Approval by the City Commission Council shall be authorization for the processing of a subdivision plat incorporating the provisions of the site plan.

E. Subdivision Plat

A corridor subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the Subdivision Regulations, and in addition, to the requirements of the Subdivision Regulations, shall include:

1. Details as to the location of uses and street arrangements.
2. Provisions for the ownership and maintenance of the common open space as will reasonably insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the ~~Board of City Commissioners~~ Council.
3. Such covenants as will reasonably insure the continued compliance with the approved site plan. In order that the public interest may be protected, the City of Tulsa shall be made beneficiary of the covenants pertaining to such matters as location of uses, height of structure, setbacks, screening, and access. Such covenants shall provide that the City of Tulsa may enforce compliance therewith, and shall further provide that amendment of the covenants shall require the approval of the Planning Commission and the filing of record of a written

amendment to covenants, endorsed by the Planning Commission.

H. Abandonment

Abandonment shall require the City Commission's Council's approval, after recommendation by the Planning Commission. Upon final action authorizing abandonment, no building permit shall be issued until a subsequent site plan has been approved, and platting completed as hereinbefore provided or until the property has been rezoned to another district and permits sought in accordance with the restrictions of the applicable district.

SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS

The principal uses permitted in the Industrial Districts are designated by use units. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading and screening requirements and other use conditions in Chapter 12. The use units permitted in the Industrial Districts are set forth below in Table 1.

Table 1
Use Units Permitted in Industrial Districts*

Use Units		Districts		
No.	Name	IL	IM	IH
1.	Area-Wide Uses	X	X	X
2.	Area-Wide Special Exception Uses #	E	E	E
3.	Agriculture	X	X	X
4.	Public Protection and Utility Facilities	X	X	X
5.	Community Services & Similar Uses	E	E	E
9.	Manufactured Home Dwelling	E	E	E
10.	Off-Street Parking Areas	X	X	X
11.	Offices, Studios, and Support Services	X	X	X
12.	Eating Establishments, Other than Drive-Ins	E X	E X	E X
12a.	Adult Entertainment Establishments	E	E	E
13.	Convenience Goods and Services	E X	E X	E X
14.	Shopping Goods and Services	E X	E X	E X
15.	Other Trades and Services	X	X	X
16.	Mini-Storage	X	X	X
17.	Automotive and Allied Activities	X	X	X

18. Drive-In Restaurants	E <u>X</u>	E <u>X</u> E <u>X</u>
19. Hotel, Motel, and Recreational Facilities	E	E E
20. Commercial Recreation: Intensive	E	X X
21. Business Signs, Outdoor Advertising	X	X X
22. Scientific Research and Development	X	X X
23. Warehousing and Wholesaling	X	X X
24. Mining and Mineral Processing		E E
25. Light Manufacturing and Industry	X	X X
26. Moderate Manufacturing and Industry	E	X X
27. Heavy Manufacturing and Industry		E X
28. Junk and Salvage Yards		E X

*X = Use by Right

E = Special Exception

= Residential Treatment and Transitional Living Centers are allowed by right in IL Districts.

* * * * *

(Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

SECTION 1104 BULK AND AREA REQUIREMENTS

E. ~~OPEN SPACE~~ LANDSCAPED AREA

Within a PUD, minimum landscaped ~~open space~~ area is required for each type of non-residential development area as follows:

- | | | |
|----|----------------|-----------------|
| 1. | Office Use | 15% of lot area |
| 2. | Commercial use | 10% of lot area |
| 3. | Industrial Use | 5% of lot area |

SECTION 1216. USE UNIT 16. MINI-STORAGE

A. Description

A structure(s) which contains separate, small size, self-service storage facilities leased or rented to individuals or small businesses. These facilities are designated to accommodate access only from regular-size passenger vehicles and two-axle trucks.

B. Included Uses:

Mini-Storage

C. Use Conditions

1. The uses included in Use Unit 16, when located on a lot which is abutting an R district, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.
2. Within the CS District, there shall be no open air storage of any kind that is visible at ground level from an R District, O district or from a public street.
3. The development site shall have frontage on and access to an arterial street.
4. Within the RM-1, RM-2 and RM-3 Districts the development conditions contained in Section 404.I shall apply as well as the conditions contained herein.

* * * * *

DELETE THE FOLLOWING SECTIONS:

SECTION 1207. USE UNIT 7. DUPLEX DWELLING

C. Use Conditions

1. A duplex dwelling Unit:
 - ~~e. Have a core area of living space in each dwelling unit at least 20 feet by 20 feet in size; exclusive of an attached garage.~~

* * * * *

SECTION 1207a. USE UNIT 7a. TOWNHOUSE DWELLING

C. Use Conditions

1. A single-family attached townhouse dwelling shall.
 - ~~e. Have a core area of living space in each dwelling unit at least 20 feet by 20 feet in size; exclusive of an attached garage.~~

* * * * *

SECTION 1217. USE UNIT 17 AUTOMOTIVE AND ALLIED ACTIVITIES

C. Use Conditions

1. The uses included in Use Unit 17, when located on a lot which is abutting an R district, shall be screened from the abutting R district by the erection and maintenance of a screening wall or fence along the lot line or liens in common with the R district.
2. ~~Within CS District, there shall be no open air storage or display of merchandise offered for sale within 300 feet of an adjoining R district.~~

* * * * *

CHAPTER 13 OFF-STREET PARKING AND OFF-STREET LOADING

SECTION 1301. GENERAL REQUIREMENTS

- ~~A. Off-street parking and off-street loading facilities shall not occupy required livability space. Space allocated to any required off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities. Space allocated to any required off-street parking shall not be used to satisfy the space requirements for any off-street loading facilities. Required off-street parking areas shall not be within the existing or planned street rights-of-way. A public alley may be used as an access drive to an off-street parking space.~~
- ~~B. Within the front and exterior side yards in the RM Districts not more than one vehicle shall be parked for each 600 square feet of area contained in the front or exterior side yards.~~
- ~~B. C.~~ Required off-street parking spaces and required off-street loading berths shall not be used for the storage, sale, dismantling, or servicing of any vehicle, equipment, materials, or supplies.
- ~~C. D.~~ In all RS and RE zoning districts, two or more separate, unconnected parking areas are not permitted in the front yard.
- ~~D. E.~~ Required off-street parking spaces and required off-street loading berths shall be located on the lot containing the use for which the required spaces or berths are to be provided. Required off-street parking spaces may be allowed on a lot other than the lot containing the use with Board of Adjustment approval as a Special Exception.

E. F. Required enclosed off-street parking and loading areas shall meet the bulk and area requirements of the use district in which located, except that enclosed off-street parking and loading areas which are required, shall not be included in the computation of permitted floor area.

F. G. The capacity of an off-street parking area shall be the number of parking spaces having minimum required dimensions for the spaces and maneuvering areas that are located thereon in such a manner that each space can be entered without passing through another space, except in RE or RS District, where access may be obtained parking spaces accessory to Use Unit 6 or 7 uses which may be accessed through another parking space.

G. H. Required off-street parking area surfacing shall be completed prior to the initiation of the use.

SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS

A. The design standards for off-street parking areas are as follows.

~~1. Prior to January 1, 1994, the following standards shall apply:~~

- ~~a. All required off street parking spaces shall have a vertical clearance of at least 6 feet 6 inches;~~
- ~~b. Handicapped off street parking spaces shall be provided in size and number as specified in the City of Tulsa Building Code;~~
- ~~c. A total of 25% of required off street parking spaces may be 7.5 feet in width by 15 feet in length, exclusive of access drives and aisles; and~~
- ~~d. The remaining required off street parking spaces shall be at least 9 feet in width and 20 feet in length, exclusive of access drives and aisles, except that such remaining parking spaces may be 8.5 feet in width and 18 feet in length, exclusive of access drives and aisles, if located within a parking garage.~~

~~2. From and after January 1, 1994, the following standards shall apply:~~

- ~~1. a.~~ All required off-street parking spaces shall have a vertical clearance of at least 6 feet 6 inches;
- ~~2. b.~~ Handicapped off-street parking spaces shall be provided in size and number as specified in the City of Tulsa Building Code;
- ~~3. c.~~ Required off-street parking spaces shall be at least 8.5 feet in width

and 18 feet in length exclusive of access drives and aisles, and 2.5 feet of the stall length may be behind the wheel stop if that area is unobstructed and not part of another parking space or access drive.

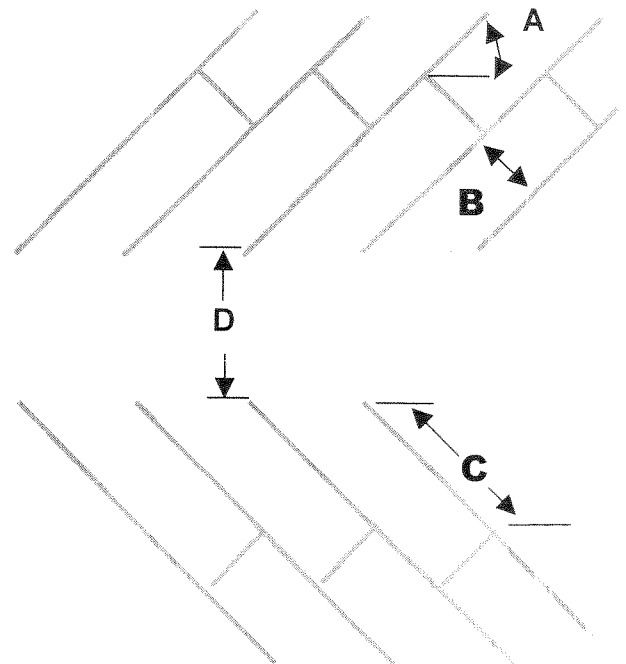
4. d. Parking layout dimensions for required off-street parking spaces and aisles shall be in accordance with or in proportion to the standards set forth in Figures 1-4 below.

(Figure 1)

PARKING LAYOUT DIMENSIONS
FOR 8.5' AND 9.0' STALL WIDTHS
AT VARIOUS ANGLE WITH ONE WAY AISLES
(MINIMUM STANDARDS)

A	B	C	D
45°	8.5	18.0	12.0
	9.0	18.0	12.0
			<u>11.0</u>
60°	8.5	18.0	16.0
	9.0	18.0	16.0
			<u>15.0</u>
75°	8.5	18.0	21.0
	9.0	18.0	21.0
			<u>20.0</u>

A = Stall Angle
B = Stall Width
C = Stall Length
D = Aisle Width

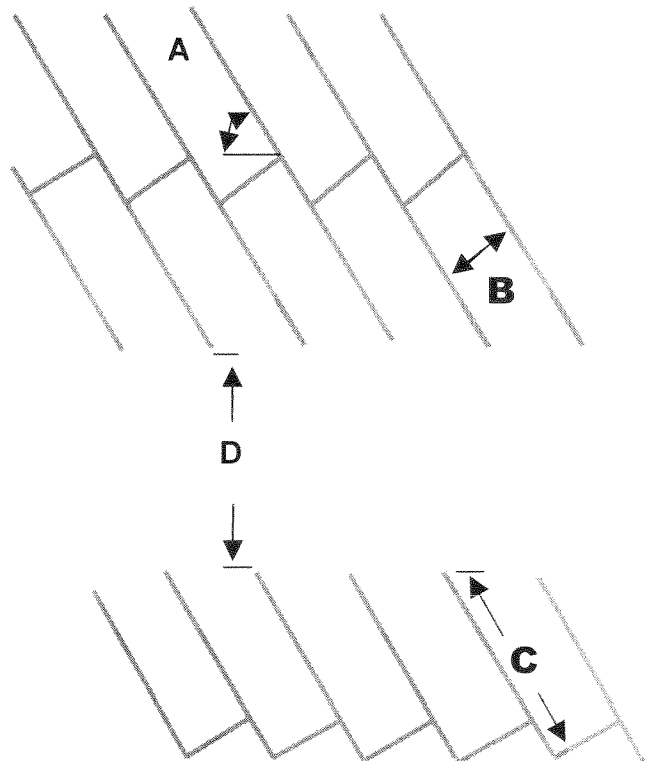


(Figure 2)

PARKING LAYOUT DIMENSIONS
FOR 8.5' AND 9.0' STALL WIDTHS
AT VARIOUS ANGLES WITH TWO - WAY AISLES
(MINIMUM STANDARDS)

A	B	C	D
45°	8.5	18.0	20.0
	9.0	18.0	20.0
			<u>19.0</u>
60°	8.5	18.0	21.0
	9.0	18.0	21.0
			<u>20.0</u>
75°	8.5	18.0	22.0
	9.0	18.0	22.0
			<u>21.0</u>

A = Stall Angle
B = Stall Width
C = Stall Length
D = Aisle Width

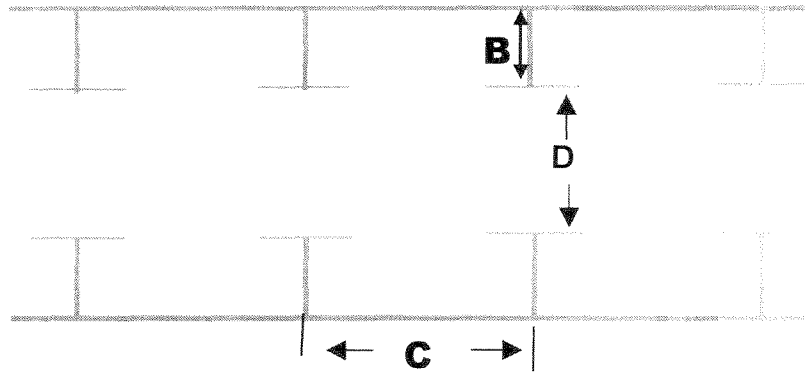


(Figure 3)

PARKING LAYOUT DIMENSIONS
AT 0 AND 90 DEGREE ANGLES
(MINIMUM STANDARDS)

A	B	C	D
0°	8.5	24.0	12.0
			(24.0)
			(20.0)*
	9.0	24.0	12.0
			(24.0)
			(20.0)*

A = Stall Angle
B = Stall Width
C = Stall Length
D = Aisle Width

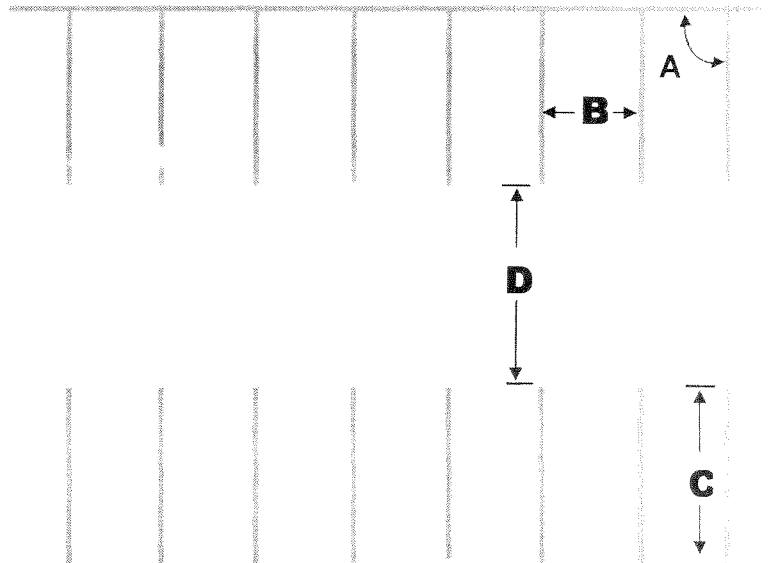


*For aisles with two-way traffic.

(Figure 4)

A	B	C	D
90°	8.5	18.0	24.0
	9.0	18.0	24.0*
			22.0
	10.0	18.0	20.0

A = Stall Angle
B = Stall Width
C = Stall Length
D = Aisle Width



- B. Each required parking space shall be accessible from a public street without passing through another required space, except in the RE or RS Districts.
- C. Lighting used to illuminate an off-street parking area shall be so arranged as to shield and direct the light away from properties within an R District which do not contain uses for which the parking is being provided. Shielding of such light shall be designed so as to prevent the light-producing element of the light fixture from being visible to a person standing in an R district.
- D. Unenclosed off-street parking areas shall be surfaced with an all-weather material except non-required special event parking areas meeting the requirements of Subsection F., below. In all RE and RS zoning districts such parking areas surfaced with an all-weather material shall not cover more than the following portion of the required front yard:

<u>District</u>	<u>Maximum Coverage</u>
RE	<u>17%</u>
<u>RS-1</u>	<u>25%</u>
<u>RS-2</u>	<u>32%</u>
<u>RS-3</u>	<u>34%</u>
<u>RS-4</u>	<u>36%</u>

- E. Unenclosed off-street parking areas which are principal uses shall be screened by the erection of a screening wall or fence on the lot line or lines in common with an R District. Unenclosed off-street parking areas, containing six or more spaces, which are accessory to uses not required to provide screening shall be screened by the erection of a screening wall or fence on the lot line or lines in common with an RE or RS District, provided that if the parking area is located more than 50 feet from the RE or RS lot line or lines, the screening requirement shall not apply.
- F. Special event parking areas are permitted accessory only to Use Unit 5 uses and shall comply with the following conditions:
1. Special event parking shall not be used for more than twenty (20) days in any calendar year;
 2. Special event parking cannot occur for more than ten (10) days in any 30-day period;
 3. Special event parking shall be set back at least fifty feet (50') from any off-site residentially zoned lot or residential development area in a PUD; and
 4. All special event parking areas shall be on the same lot or lots approved for principal Use Unit 5 use to which they are accessory

The number of days per year and the number of days within a 30-day period that special event parking is permitted may be increased with Board of Adjustment approval as a special exception

SECTION 1305. SHARED PARKING

Commercial mixed use developments with more than 400,000 square feet of total gross square feet floor area which share a common parking area not reserved or assigned to particular individual businesses shall be entitled to a 10% reduction in the required number of off-street parking spaces. The required number of off-street parking spaces for commercial mixed use developments with 100,000 square feet of total gross floor area or more which share a common parking area not reserved or assigned to particular individual businesses may be reduced by 10% with Board of Adjustment approval as a Special Exception or City Council approval in a Planned Unit Development.

* * * * *

SECTION 1404. NONCONFORMING LOTS

- A. In residential districts, on any lot filed of record on or before July 1, 1970, or on any lot within a subdivision approved by the Planning Commission or on any lot of record for which a recorded instrument of conveyance bears the endorsement of the Planning Commission and such lot is nonconforming by reason of failure to meet zoning code requirements for ~~size or average width, a single family detached dwelling may be erected without complying with the required lot area, land area per dwelling unit, lot width, livability space per dwelling unit or the required side yard which abuts a public street; provided however, no side yard shall be less than five the required interior side yard for the district in which it is located and livability space shall not be less than 50% of the lot area and all other requirements of the district are complied with.~~ lot area, a single-family detached dwelling may be erected without complying with the required lot area, land area per dwelling unit, or livability space per dwelling unit provided; however, livability space per dwelling unit shall not be less than 50% of the lot area. If an existing lot as described above is nonconforming due to inadequate lot width and is a corner lot, a single family detached dwelling may be erected without complying with the required side yard which abuts a public street, provided however, such side yard abutting a public street is at least five feet wide and provided that garages which are accessed through this side yard abutting a street are setback a minimum of 20 feet.
- B. In nonresidential districts, on any lot filed of record on or before July 1, 1970, or on any lot within a subdivision having received approval of the Planning Commission, or any lot of record for which a recorded instrument of conveyance bears the endorsement of the Planning Commission the

permitted use may be located on such lot irrespective of its ~~area or width~~
street frontage provided that other requirements of the district and
applicable Use Unit conditions are complied with.

* * * * *

Add the Following Section to Chapter 15:

SECTION 1504. MODIFICATION OF ZONING STANDARDS

The Public Works Director or his designee is authorized to make the following modifications in the Zoning Code and Planned Unit Development (PUD) standards if the Public Works Director or his designee finds that granting of such modifications will not be injurious to the surrounding neighborhood, will not cause substantial detriment to the public good and will not impair the purposes, spirit and intent of the Code, the PUD or the Comprehensive Plan. The Public Works Director or his designee may send written notice to parties of the requested modification of standards as he determines appropriate. An official record of all such modifications shall be maintained for public inspection by the Public Works Department.

1. Permit a 20% or less reduction of a required minimum side or rear yard in an R District.
2. Modification of the bulk and area requirements from interior lot lines to permit the construction of a single-family dwelling when development consists of two or more lots.
3. Permit accessory uses and structures on abutting lots which are under common ownership and zoned to permit the use.
4. Permit a five-foot or less reduction in the required front yard or building setback from a street.
5. Permit amendments to plot plans which were made a condition of the granting of a special exception which involve an increase in building floor area of no greater than 15% and do not require the granting of any variances.
6. Permit a 5% or less reduction in the minimum lot width, lot frontage, lot area livability space per dwelling unit or land area per dwelling unit.

7. Permit a required screening fence or wall to be placed in a more effective location within a lot, other than the property line, due to topography floodplain, vegetation or other similar special characteristics of the lot.
8. Permit a 10% or less increase in permitted floor area ratio or structure height.
9. Permit a 5% or less reduction of the setback required between residential or agricultural districts property lines and nonresidential buildings, or structures.
10. Permit a 10% or less increase in permitted land coverage of buildings.

* * * * *

CHAPTER 16 BOARD OF ADJUSTMENT

SECTION 1603. NOTICE OF PUBLIC HEARINGS

- B.** Ten days' notice of public hearing shall be given as follows:
1. For special exception, variance or appeal from a determination an administrative official enforcing this Code:
 - a. By publication in a newspaper of general circulation.
 - b. By mailing written notice to all owners of property within a 300-foot radius of the exterior boundary of the subject property.
 2. For minor variance or exception by mailing written notice to all owners of abutting property of the subject property. Nothing herein shall preclude the Board of Adjustment from requiring the giving of public notice of hearings to all owners of property within a 300-foot radius of the exterior boundary of the subject property for consideration of a minor variance or exception.
 3. For uses allowed by special exception, ten (10) days' notice of public hearing by posting a sign or signs on the property.

SECTION 1608. SPECIAL EXCEPTION

A. General

18. Permit required off-street parking spaces and required off-street loading berths to be located on a lot other than the lot containing the use.

* * * * *

SECTION 1800. DEFINITIONS

Livability Space: The open space of a lot which is not allocated to or used for off-street parking or loading areas or for paved access to the off-street parking or loading areas. However, unenclosed parking areas or paved access to parking areas within the rear yard accessory to a single-family or duplex dwelling shall be considered livability space.

Parking Area: The area which includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and includes buildings, parking areas, walks, fences and signs.

TMAPC Comments:

Mr. Harmon stated that the Planning Commission will listen to the interested parties in order to receive their input on the proposed Zoning Code amendments, then refer this proposal to the Rules and Regulations Committee on February 28th in order to compile all of today's information. Mr. Harmon further stated that he will then ask for a motion to continue the public hearing to March 21, 2001.

Interested Parties:

Eck Ruddick, 14673 East 11th Street, Tulsa, Oklahoma 74108; **Michael Bates**, 4727 East 23rd Street, Tulsa, Oklahoma 74114; **Maria Barnes**, 2252 East 7th Street, Tulsa, Oklahoma 74104; **Hank Brandt**, 8937 East 15th Street, Tulsa, Oklahoma 74112; **Scott Swearingen**, Renaissance HOA, 1131 South College, Tulsa, Oklahoma 74104; **Patrick Johnstone**, submitted lighting designs (Exhibit A-1), Renaissance HOA, 1119 South Gary Place, Tulsa, Oklahoma 74104; **Janice Nicklas**, 122 East 25th, Tulsa, Oklahoma 74114; **Al Nichols**, 8525 East 16th Street, Tulsa, Oklahoma 74112.

Interested Parties Comments:

Mr. Bates thanked Mr. Stump for meeting with the Midtown-Coalition regarding these amendments; all of the amendments will help the older neighborhoods make improvements to their homes and marketable; efforts toward off-street parking are in general positive.

Interested Parties' Concerns:

Section 401, Principal Uses Permitted In Residential Districts: permitting off-street parking by special exception in RS-3, R-4, RD, RT and RM districts. It appears that the intention is to allow a lot, one deep into the neighborhood, to service these areas that were built with inadequate parking. This would also be applicable to areas that already have adequate parking to expand into the

neighborhood to add additional parking. An impact study or impact map should be done to see whether some other guidelines or rules are needed to be in place to restrict the change to the areas where it is intended (areas burdened with a lack of off-street parking).

Section 224, Screening and Setbacks from R Districts which are Freeways or Non-Residential Uses: this broadens what is already in place. The language in this section seems somewhat confusing and it is hard to determine what would and would not be affected by this change. An impact study should be done to indicate all of the boundaries that would be affected by this proposed change. There may be unintended consequences with this type of language and would have an adverse effect on the residential areas.

Section 901, Principal Uses Permitted In Industrial Districts: would allow Use Units 12, 13, 14 and 18 by right in industrial districts. The concern is there are industrial districts that border residential areas and an impact study or map would be a very useful tool.

Section 1217, Use Unit 17 Automotive and Allied Activities: by deleting the restriction on open-air storage or display of merchandise within 300 feet of an adjoining R district. To have a Use Unit 17 in a CS district the applicant must seek a special exception from the Board of Adjustment and the intent of the change is simply to combine the two requests. The neighborhoods' perspective is that however logical this may seem, nevertheless, it gives the neighborhoods some leverage that they have currently in dealing with what they consider an adverse change to their neighborhood. This could negatively affect the residents from enjoying their neighborhoods. The best way to address this issue is to have the Zoning Code address some of the things that really are the key concern. Outdoor car lots in neighborhoods are a blight and the neighborhoods are reluctant to give up this lever.

Section 1301 A and D, Off-Street Parking and Off-Street Loading, General Requirements: should be closely reviewed.

Section 1504, Modification of Zoning Standards: giving the Director of Public Works the discretion to waive certain restrictions dealing with setbacks and so forth. The concerns are whether these issues should be discretionary, and perhaps the correct approach is to say that the current standards are too strict and perhaps change globally. It should be someone other than the Director of Public Works designated to handle this issue. All of these issues are things that deserve separate consideration, apart from the housekeeping amendments.

Section 210 B 5, Permitted Obstructions in the Required Rear Yards in the RE, RS and RD Districts: over-sized buildings are a problem in residential neighborhoods and should not be allowed by right.

Section 1800 Definitions: livability space definition is really stretching the imagination. Allowing a driveway as livability space to apply for an outside building is wrong. This should go before the Board of Adjustment for an individual assessment.

Section 1303.C Design Standards for Off-Street Parking Areas: need a clear standard rather than stating that the light should not be seen from the residential area. Extend these rules into the residential areas because of security lights (barn lights). Light fixtures should not emit any light above the horizon and no more than 10% of the light should be above 80% in order to cut out the glare. Prefer a numerical limit on how much light trespass could be from a commercial business into a residential area.

Mr. Nichols stated that the genesis of this proposal is to leave the Homeowners' Associations out of the planning. He further stated that the HOA would like to have injected some changes as well. He commented that there are too many changes to consider at one time and should be cut down to bite size proposals. He stated that Section 1504 proposals essentially throws the Zoning Code out the window.

Mr. Ruddick stated that 42 items are too many to be considered at one time. He informed the Planning Commission that there is a new group being formed called Total Tulsa Alliance of Neighborhoods. He explained that this takes in all of the neighborhood associations and forms a body that can better deal with situations within the City, as well as the individual neighborhood associations.

Mr. Ruddick stated that he does appreciate the kindness that neighborhood speakers have been shown by this group today.

TMAPC Comments:

Mr. Midget stated that the intent of the amendments was to expedite the process. Section 1504 deals with issues that are routinely passed by the Boards. In response, Mr. Bates stated that these issues should be adjusted in the Code. Mr. Bates commented that he is not sure that the Director of Public Works is the right person to make these determinations and seems to be a job mismatch. Mr. Bates stated that it may be that the Director of Public Works wouldn't want to have this responsibility and would be better assigned to someone in Urban Development Department.

Mr. Dunlap stated that staff is concerned with Section 1217 and Use Unit 17. He suggested that Section 1217 is entirely too broad and some items may need to be included, but not all of 17.

Mr. Harmon directed staff to prepare revised work papers and submit to Rules and Regulations Committee on February 28, 2001.

Mr. Midget stated that the neighborhood associations received these proposals at the same time the Planning Commission received it. He indicated that there were over 350 copies mailed. He explained that today's process is in order to get feedback from the homeowners' associations. He stated that some of the recommendations came from Infill Development Task Force, as well as some of the concerns heard from both residents and the development community. He commented that the Planning Commission was listening and is trying to respond to some of the issues. The Planning Commission appreciates the public's participation in the process.

Mr. Midget explained that the Planning Commission didn't abolish Planning Districts, but did choose to no longer be involved in the election of Planning District Officers. He stated that this was turned over to the Neighborhood Associations and many have been very active. The kinds of things going on now, such as the Total Tulsa Alliance, is the type of things the Planning Commission would like to see happen.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, 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 March 21, 2001 at 1:30 p.m.

* * * * *

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6805

RS-3 TO OM

Applicant: Jeff Dunn

(PD-4) (CD-4)

Location: South and east of southeast corner East 8th Street and South Madison Avenue

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

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6798 December 2000: TMAPC and staff recommended approval of a request to rezone three lots abutting the subject property on the north and the east from RS-3 to OM for office use. This application was forwarded to the City Council, but no action has been taken at this time.

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 includes approximately 160' of the vacated 50' street from the south side of East 8th Street to the north boundary of Oaklawn Cemetery and a 20' vacated alley along the south side of three lots. The property is located south and east of the southeast corner of East 8th Street and South Madison Avenue. The property is flat, non-wooded, vacant, 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 Madison Avenue	50'	2 lanes	Paved	Yes

The Major Street Plan designates East 8th Street South and South Madison 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, a new development presently under construction for a mixed-use development of residential uses and retail, zoned RM-2-PUD-629. The subject property is abutted by three vacant lots that are being considered for rezoning to OM; beyond the lots is the American Legion Post facility, zoned RS-3; to the west the former Fire Alarm Building that has been approved for offices, educational facility and historical preservation for the American Lung Association of Oklahoma, and zoned OM. To the south, the subject tract abuts the Oaklawn Cemetery, zoned RS-3.

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-6805. 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** (Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Selph "aye"; no "nays"; Ledford "abstaining"; Boyle, Westervelt "absent") to recommend **APPROVAL** of OM zoning for Z-6805 as recommended by staff.

Legal Description for Z-6805:

The 20' vacated alley adjacent to the south side of Lots 3, 4, and 5, Oaklawn Addition to the City of Tulsa; and the vacated right-of-way of South Madison Avenue from Oaklawn Cemetery to the south right-of-way line of East 8th Street, Tulsa, County, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To OM (Office Medium Intensity District).**

APPLICATION NO.: Z-5537-SP-3

CORRIDOR SITE PLAN

Applicant: Bruce Rothell

(PD-18) (CD-8)

Location: Northeast corner East 81st Street and South Highway 169

Staff Recommendation:

Academy Sports and Outdoors proposes to construct a recreation and sporting goods store at the northeast corner of the U.S. Highway 169 and 81st Street intersection. The building will have 67,522 square feet of floor area.

The site is an irregularly-shaped tract of approximately 26 acres. A portion of its south boundary is the north right-of-way line of East 81st Street and its north boundary is the south boundary of the Union Intermediate High School property. Its west boundary is the interchange right-of-way for U.S. Highway 169. The east boundary of the tract is the west boundary of a 20-acre parcel at the northwest corner of 81st and Garnett Road. The subject tract "wraps around" a square, five-acre parcel owned by the Public Service Company of Oklahoma. Proposed access to the site is from 81st Street by way of two strips of land situated on either side of the PSO parcel.

As shown on the proposed site plan, the Academy store will set back from 81st Street approximately 880 feet and approximately 150 feet from the U.S. Highway 169 north bound on-ramp. Parking for the store will be primarily in the front of the building approximately 610 feet from 81st Street. There will also be parking on the east and west side of the building as shown on the Site Plan.

The applicant's initial submittal was not consistent with the Corridor Chapter of the Zoning Code. The applicant submitted additional information on January 24, 2001. The submittal was still incompatible and the revised site plan is not consistent with the text that was submitted.

Staff supports the proposed use of the site, but as of this date, the submitted material is incompatible and staff would recommend **DENIAL** of the request in its present form. Assuming complete data is received by the date of this meeting, staff would recommend that this item be continued until February 21, 2001, which would be the next TMAPC meeting.

Mr. Dunlap stated that he believes the applicant is in agreement with continuing this item to February 21, 2001.

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**, the TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **CONTINUE** the corridor site plan for Z-5537-SP-3 to February 21, 2001 at 1:30 p.m.

APPLICATION NO.: Z-6806

Applicant: Roy D. Johnsen

Location: East of northeast corner East 31st Street and South Memorial Drive

RS-3 TO PK

(PD-17) (CD-5)

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6557 August 1997: A request to rezone the 5.4-acre tract located north of the subject property on the north side of the abutting drainage channel was filed requesting CS zoning. Staff recommended approval of CS zoning on all except the east 80' strip separating the commercial property from the residential development on the east. TMAPC and City Council concurred in approval subject to the 80' strip, which remained RS-2.

BOA-12820 October 1983: The Board of Adjustment approved a special exception to allow a children's nursery on the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.5 acres in size and is located east of the northeast corner of East 31st Street South and South Memorial Drive. The property is flat, non-wooded, contains a church and is zoned RS-3.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 31 st Street South	100'	4 lanes	Paved	Yes
South Memorial Drive	120'	4 lanes	Paved	Yes

The Major Street Plan designates East 31st Street as a secondary arterial street and South Memorial Drive as a primary arterial street. The City of Tulsa Traffic counts – 1998 - 1999, indicated 33,900 trips per day on South Memorial Drive at East 31st Street South.

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

SURROUNDING AREA: The subject tract is abutted on the north by a drainage channel zoned RS-2, north of the channel is an automotive sales and service business, zoned CS; to the east are a church and accessory church uses, zoned RS-2; on the east side of the church are single-family dwellings, zoned RS-2; to the south are single-family homes, zoned RS-3; and to the west is an automotive sales and service business, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

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

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing land uses and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of PK zoning for Z-6806. (Note: Since this is currently required parking for the church, the Board of Adjustment must grant a variance to allow it to be used for parking for other uses.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to recommend **APPROVAL** of PK zoning for Z-6806 as recommended by staff.

Legal Description for Z-6806:

The West 220' of a tract of land in Lot 8, Groveland Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows, commencing at the Southwest corner of said Lot 8; thence N 0°35'30" W along the West line of said Lot 8 a distance of 84.00' to the Point of Beginning; thence continuing N 0°35'30" W along the West line of said Lot 8 a distance of 251.48'; thence N 89°22'00" E a distance of 135.90'; thence N 65°53'28" E a distance of 93.90'; thence N

89°22'00" E a distance of 178.00' to the East line of said Lot 8; thence S 0°35'30" E along the East line of said Lot 8 a distance of 65.00'; thence S 89°22'00" W a distance of 176.89'; thence S 46°31'43" W a distance of 12.42'; thence S 89°22'00" W a distance of 41.90'; thence S 0°35'30" E a distance of 191.30'; thence S 47°33'38" E a distance of 65.01'; thence S 0°35'30" E a distance of 63.74' to the South line of said Lot 8; thence S 89°22'00" W along the South line of said Lot 8 a distance of 37.76'; thence N 0°35'30" W a distance of 10.14'; thence N 47°33'38" W a distance of 108.15'; thence S 89°22'00" W a distance of 102.82' to the Point of Beginning **From RS-2 (Residential Single-family Medium Density District) To PK (Parking District).**

APPLICATION NO.: PUD-643

OL TO OL/PUD

Applicant: Wayne Alberty

(PD-18) (CD-7)

Location: South and east of southeast corner of East 74th Street and South Memorial Drive

Staff Recommendation:

The PUD proposes a maximum of 80 townhouse dwellings on 11.8 net acres located south and east of East 74th Place South and Memorial Drive. The subject tract has 165 feet of frontage on Memorial Drive. The northern 330 feet of the subject tract has been platted as Woodland Town Homes and as a part of this plat, East 74th Place South was dedicated as a public street from the west boundary (Randall Plaza) to the east boundary (Woodland Hills South).

The subject tract is abutted on the north by office uses, zoned OL/CS/PUD-179; on the east and south by single-family dwellings, zoned RS-3/PUD-179; and on the north 495 feet of the west boundary by a church, restaurant and a vacant tract, zoned CS/RT/PUD-179 and OL. To the west of the south 165 feet of the west boundary across Memorial Drive are multifamily uses zoned RM-1.

As stated above, the PUD proposes townhouse uses on 11.8 acres. The proposal is for gated private streets. The proposed access would be from Memorial Drive and from 74th Place, which abuts the tract on the west. East 74th Place also abuts the tract on the east. East 74th Place has already been dedicated as public street right-of-way from the east boundary to the west boundary and staff cannot support the request to make it a private gated street with access only to the west. The request would not be consistent with the existing street pattern and would not provide the need for dispersal of traffic from the east to multiple access points on Memorial Drive. Currently all traffic from the subdivision to the east uses 75th Street South for access to Memorial Drive.

Staff finds the uses and intensities of development proposed and as modified by staff, (which includes 74th Place being constructed by the applicant as a public street) to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-643 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-643 subject to the following conditions:

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

2. **Development Standards:**

Land Area (Net):	11.8 acres
Permitted Uses:	Townhouse Dwellings as permitted in Use Unit 7-a.
Maximum Number of Dwelling Units:	80
Maximum Building Height:	One-story not to exceed 35 feet.

Off-Street Parking:

As required by the applicable Use Unit of the Tulsa Zoning Code.
All access to parking must be from driveways at the rear of the lots.
There shall be no parking access directly from of a private or public street.

Minimum Building Setbacks:

From the North Boundary of the PUD	43 FT
From the East Boundary of the PUD	43 FT
From the South Boundary of the PUD	43 FT
From the North 495.22 FT of the West Boundary of the PUD	20 FT
From the South Memorial Drive right-of-way	30 FT
From 74 th Place South right-of-way	10 FT
From Private Street right-of-way	10 FT

Minimum Width of Private Street right-of-way:

30 FT

Other Minimum Bulk and Area Requirements:

As provided
within an RT
district.

Access:

~~East 74th Place South shall be extended from the stub street on the east boundary of the PUD to South Memorial Drive as a public Street. There shall also be a second access point from South Memorial Drive. East 74th Place South shall remain a private street with a cul-de-sac located on the subject tract for the portion of 74th Place extending from Memorial Avenue (west side of the Development Area).~~

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

9. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.

Interested Parties Comments:

Mark Brown, Traffic Operations Manager, City of Tulsa, stated that he has discussed this PUD with staff and 75th Street was one of the first collector streets that Mr. Eshelman looked at regarding his Residential Stock Control Policy. This is one of the streets that was getting some of the complaints and the reason this policy was implemented.

Mr. Brown stated that his first recommendation was to make 74th Street a public street; however, he has revised his position (Exhibit B-1). He explained that he looked at the benefits versus the cons to this. Basically 75th Street is a collector street and it will remain a collector street.

Mr. Brown recommended that 74th remain as a private street with a cul-de-sac on 74th Place, on the west side of the proposed development. A cul-de-sac is not necessary on the east side of the development. The benefits of a private street will reduce the cut-through traffic and preserves the livability of the neighborhood east of the proposed development. The private street will buffer the commercial from the residential area.

Mr. Brown concluded that Traffic Operations recommends a revised position to allow the development as submitted with the qualification that a cul-de-sac is in place on 74th Place, west side of development.

TMAPC Comments:

Mr. Ledford asked Mr. Brown how many streets from 71st to 81st go out to Memorial Avenue at this time. In response, Mr. Brown stated that there are two. In response, Mr. Ledford stated that currently there isn't a street going from the center of the section that goes west to Memorial besides 75th Street. Mr. Brown agreed with Mr. Ledford's statement.

Mr. Ledford stated that 74th Street is the only opportunity to get another street out to Memorial. In response, Mr. Brown stated that this would be the only opportunity to get another street out to Memorial.

Mr. Harmon asked staff if they are prepared to change the staff recommendation to include Mr. Brown's recommendation. In response, Mr. Dunlap answered affirmatively.

Applicant's Comments:

John Moody, 7146 South Canton Avenue, Tulsa, Oklahoma 74136-6303, representing Tully Dunlap of French Creek Development Company, stated that he is in agreement with staff's recommendation and the revised recommendation of the Traffic Operations Manager. There are a couple of areas for simple clarification on the staff's recommendation that need to be made for the record.

Mr. Moody stated that on development standard number four he wanted to point out that the 18' private drives are drives only and will not be constructed to City street specifications. The private roadway will be constructed to city street specifications. Item number five, the requirement regarding streets being in place before building permits are issued, is a problem. He explained that his client builds for sale and the slabs are poured prior to the completion of the public streets. He requested the ability to pour slabs prior to the completion of public streets. He indicated that he would like to change the wording to read "...prior to any conveyance of any lot or prior to any issuance of any occupancy permit, whichever comes first." Mr. Moody concluded that he is in agreement to accommodate the cul-de-sac mentioned by Mr. Brown and the plans will need to be revised to do so.

TMAPC Comments:

Mr. Harmon asked staff if the quality of the streets is a concern. In response, Mr. Dunlap stated that in item number four, if it is not a one-way road, it is not a private road, then staff is not talking about private drives, but rather private streets and roads. Item number five is a standard condition and staff would be glad to continue this application to further research item number five. If the standard for streets is too restrictive or not consistent with the issuing of building permits then it would need to be changed. Mr. Dunlap concluded that he would recommend that the applicant file a minor amendment at a later date, the item be continued, or be approved as recommended. In response, Mr. Moody stated that he would prefer to file a minor amendment because there will be changes to the site plan.

Interested Parties Comments:

C.A. Zaferes and Irene Zaferes, 8313 East 75th Street, Tulsa, Oklahoma 74133, stated that the proposal is too much for the size of the subject area. He commented that the 71st Street area is already a nightmare and this project will add to it. He expressed concerns regarding traffic congestion and EPA issues resulting from more traffic.

Mr. Zaferes stated that having 74th Street coming out to Memorial would not help the situation because 75th Street and 74th are too close together.

Mrs. Zaferes commented that she feels very threatened by this application and fears the townhouses would become rental properties. People living in townhouses would not have any commitment to the neighborhood. This proposal will break down the neighborhood.

In response to Mrs. Zaferes, Mr. Harmon explained that there are areas in Tulsa designated as intense development and the subject area is designated as such. Mr. Harmon explained to Mrs. Zaferes that the Planning Commission is only a recommending board and the City Council will have the final decision on this application.

Mrs. Zaferes explained that she recently moved to Tulsa in November and fears that the proposal will become rental property and will break down the neighborhood.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-2-0** (Harmon, Hill, Horner, Jackson, Midget, Pace, Selph "aye"; Carnes, Ledford "nays"; none "abstaining"; Boyle, Westervelt "absent") to recommend **APPROVAL** of PUD-643 subject to conditions as recommended by staff and subject to East 74th Place South remaining as a private street with a cul-de-sac for the portion of East 74th Place South extending east from Memorial Avenue (west side of the proposed development) as amended by TMAPC on the recommendation of Traffic Operations. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

Legal Description for PUD-643:

S/2, NE/4, SW/4, NW/4 and the S/2, S/2, NW/4, SW/4, NW/4 of Section 12, T-18-N R-13-E, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and All of Woodland Hills Townhomes Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **From OL (Office Low Intensity District) To OL/PUD (Office Low Intensity District/Planned Unit Development).**

APPLICATION NO.: PUD-644

RS-3 TO RS-3/PUD

Applicant: Donald O. Tyler

(PD-25) (CD-1)

Location: Southeast corner East 56th Street North and North Madison Avenue

Staff Recommendation:

The PUD proposes church uses on 13± acres located at the southeast corner of East 56th Street North and North Madison Avenue. The subject tract has 278 feet of frontage on 56th Street North, 1142.37 feet on Madison Avenue, 813 feet on 54th Street North and 64.07 feet on North Peoria Avenue. The tract is abutted

on the east by residential and commercial uses, zoned CS and RS-3. To the south of the tract, across 54th Street North are single-family dwellings zoned RS-3. To the west of the subject tract, across North Madison Avenue are single-family dwellings, YWCA and vacant property zoned RS-3.

There is an existing church on the south portion of the tract and the PUD proposes to continue the church use in the existing structure and to construct a new building containing approximately 32,670 square feet on the north portion of the tract. The access to the existing church is from 54th Street North. The PUD proposes that the existing church would continue using the existing access to 54th Street North, but any new development would have access principally from 56th Street North with one secondary access point onto North Madison Avenue.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-644, 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-644 subject to the following conditions:

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

2. Development Standards:

Land Area (Gross)	11.511 Acres
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Permitted Uses:	Church as permitted in Use Unit 5.
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Maximum Building Floor Area:	100,000 SF
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Maximum Building Height:	50 FT
Architectural elements and steeples may exceed maximum building height with detail site plan approval.	

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

Minimum Building Setbacks
From All Boundaries of the PUD:

25 FT

Access:

The existing church shall have one access point to East 54th Street North. All new development shall have access principally from one access point onto East 56th Street North and also shall have one secondary access onto North Madison Avenue.

Landscaped Area:

A minimum of 20% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

Screening:

No screening is required in the PUD.

Signs:

One ground sign shall be permitted which shall not exceed 20 feet in height or 55 square feet of display surface area. One bulletin board not exceeding 32 square feet of display surface area may also be attached to the sign pole below the ground sign. The permitted ground sign shall be located on the 56th Street North frontage.

3. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

6. All bulk trash containers shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas.
8. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
9. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review.
12. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **JACKSON**, the TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to recommend **APPROVAL** of PUD-644 subject to conditions as recommended by staff.

Legal Description for PUD-644:

Beginning at a point on the North line of the NE/4, Section 12, T-20-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, said point being 610' West of the Northeast corner thereof; thence South parallel to the East line of said Section 12, a distance of 226' to a point; thence Easterly parallel to the North line of said Section 12, a distance of 160' to a point; thence South parallel to the East line of

said Section 12, a distance of 656' to a point; thence Westerly parallel to the North line of said Section 12, a distance of 438' to a point; thence North parallel to the East line of said Section 12, a distance of 881.67' to a point on the North line of said Section 12; thence Easterly a distance of 278' to the Point of Beginning, **and** that part of the NE/4, NE/4, Section 12, T-20-N, R-12-E of the IBM, According to the U. S. Government survey thereof described as follows: beginning at a point 882' South and 600' West of the Northeast corner of the NE/4 of Section 12, thence South 260.7' to a point on the North boundary of Sharon Heights Addition to the City of Tulsa, Oklahoma, thence Westerly along the North boundary of said Sharon Heights Addition a distance of 288', thence North a distance of 260.7'; thence East a distance of 288' to the Point of Beginning, **and** All of Block 9 of the Resubdivision of Block 1 and Lots 1 through 7 inclusive of Block 2, Sharon Heights Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, less and except right-of-way or easements in use or of record upon said property, and Reserve "B" of Sharon Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, **From RS-3 (Residential Single-family High Density District) To RS-3/PUD (Residential Single-family High Density District/Planned Unit Development).**

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APPLICATION NO.: PUD-498-B/Z-6714-SP-1a

**MAJOR AMENDMENT
CORRIDOR SITE PLAN**

Applicant: John W. Moody

(PD-18) (CD-8)

Location: Southwest corner of East 56th Street North and North Madison Avenue

Staff Recommendation:

PUD-498-A and Corridor Site Plan Z-6714-SP-1 were approved by the City Council in October 1999. The PUD consists of 1.24 net acres located at the southwest corner of East 73rd Street South and 101st East Avenue. The approved PUD allows 27,500 SF of hotel uses (excluding bars, restaurants or retail uses). The approved maximum building height was two stories not to exceed 30 feet. The maximum number of hotel rooms was 63 plus one resident manager's apartment unit. One ground sign was approved, which was not to exceed 25 feet in height nor 150 square feet of display surface area. Wall signs were permitted on the north- and east-facing walls of the building not to exceed two square feet of display surface area for each lineal foot of building wall to which attached. This major amendment to the PUD and Corridor Site Plan minor amendment proposes to increase the maximum building floor area from 27,500 SF to 34,000 SF; increase the height of the proposed hotel from two stories to three stories; decrease the number of hotel rooms from 63 plus one resident manager's apartment to 60 plus one resident manager's apartment; and increase the height and display surface area of the one ground sign from 25 feet in height

and 150 square feet of display surface area to a maximum height of 50 feet and a maximum display surface area of 500 square feet, also wall signs have been approved for only the north and east facing walls. This amendment proposes that wall signs be allowed on all building walls.

The subject tract is located south of Home Depot and Babies-R-U's stores, zoned CS/OM/PUD-498. Lowe's store, zoned CS/RM-2/PUD-521, is to the east of the tract. Windsail Apartments zoned CO abut the tract on the west and south.

Because of the residential uses abutting on the south and west staff cannot support wall signs on those building walls as requested. In addition, the PUD Chapter prohibits ground signs on this site greater than 300 SF or 40 FT in height. The existing approved ground sign is consistent with other approved signs in PUDs and the existing development in the area. The requested sign is not. Therefore, staff cannot support the requested ground sign.

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-498-B/Z-6714-SP-1a, 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-498-B/Z-6714-SP-1a 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:**

Maximum Building Floor Area:	35,000 SF
Maximum Building Height:	three stories; however, no greater than 40'.
Maximum Number of Hotel Rooms:	60 plus one resident manager's apartment unit.

Except as above modified, the development standards of PUD-498-A and Corridor Site Plan Z-6714-SP-1 shall remain applicable.

Applicant's Comments:

John Moody, 7146 South Canton Avenue, Tulsa, Oklahoma 74136-6303, stated that he is in agreement with the staff recommendation. However, he would like to request an increase in the one ground sign on the east side of the structure. He explained that the increase is needed for visibility.

TMAPC Comments:

Mr. Harmon asked Mr. Moody to clarify what his client is requesting regarding the ground sign. In response, Mr. Moody stated that his client would like to have a 50' height and 150 SF display surface area.

Mr. Dunlap stated that the requested ground sign would be inconsistent with the approval of the PUD and similar PUDs that this board has approved in the past and what currently exists in the subject area. Staff does not support the 50' height and 150 SF display surface area for the ground sign.

Mr. Carnes stated that he agrees with staff regarding the ground sign. He explained that if the Planning Commission allowed a sign this large to go up then these would be requested all over town and it should not start.

Mr. Horner concurred with Mr. Carnes.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to recommend **APPROVAL** the Major Amendment for PUD 498-B and Corridor Site Plan for Z-6714-SP-1a subject to conditions as recommended by staff.

Legal Description for PUD-498-B/Z-6714-SP-1a:

A tract of land being part of Government Lot 1, Section 7, T-18-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows: Commencing at the Southeast corner of Baby Superstore Addition, thence S 0°09'58" W for a distance of 60.00' to the Point of Beginning; thence continuing S 0°09'58" W for a distance of 170.01'; thence N 90°00'00" W and parallel with the South line of said Baby Superstore for a distance of 234.22'; thence N 45°00'00" W for a distance of 232.86' to a point of curvature; thence along a curve to the right having a radius of 225.00' and a central angle of 23°14'18" for an arch length of 42.13' to a point of tangency; thence S 90°00'00" E and parallel with said South line for a distance of 357.86' to the Point of Beginning **From CO/PUD-498-A (Corridor District/Planned Unit Development) To CO/PUD-498-B (Corridor District/Planned Unit Development).**

APPLICATION NO.: CZ-280

AG TO RS

Applicant: Jack Ojala

(PD-15) (County)

Location: Southeast corner of East 96th Street North and North 136th East Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

CZ-122 December 1984: All concurred in approval of a request to rezone a five-acre tract located on the southeast corner of East 96th Street North and North 129th East Avenue from AG to CS.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately five acres in size and is located on the southeast corner of East 96th Street North and North 136th East Avenue. The property is gently sloping, non-wooded, vacant, contains a single-family dwelling, and is zoned AG.

STREETS:

Existing Access	MSHP Design.	Exist. No. Lanes	Surface	Curbs
East 96 th Street North	100'	2 lanes	Paved	No
North 136 th East Avenue	50'	2 lanes	Paved	No

The Major Street Plan designates East 96th Street North as a secondary arterial street and North 136th East Avenue as a residential street. The City of Owasso Traffic Counts 1998, indicate 6,120 trips per day on East 96th Street North between North 129th East Avenue and North 145th East Avenue.

UTILITIES: Owasso public water and sewer service are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north by a farm, single-family residential use and a sales office for a residential development, zoned RE; on the east by a large-lot single-family residential development within the Owasso city limits, zoned RS-2; on the west by a farm and single-family residential use, zoned AG; on the south by pastureland, zoned AG; and farther south and farther west by single-family residential developments, zoned RE and RS-2, also inside the Owasso city limits.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 15 Plan, a part of the Owasso Comprehensive Plan, designates the subject property as Low Intensity – Residential.

According to the Owasso Comprehensive Plan the requested RS is in accordance with the Plan Map.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and trends in the area, staff recommends **APPROVAL** of RS zoning for CZ-280.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to recommend **APPROVAL** RS zoning for CZ-280 as recommended by staff.

Legal Description for CZ-280:

All that part of Section 21, T-21-N, R-14-E of the IBM, Tulsa County, Oklahoma, described as follows: the South 332.50' of the North 698.00' of the East 354.40' of the N/2, NW/4, of said Section 21; and the South 332.50' of the North 365.50' of the East 354.40' of said N/2, NW/4 except the West 25' for roadway easement, **From AG (Agriculture District) To RS (Residential Single-family District).**

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APPLICATION NO.: PUD-587-2

MINOR AMENDMENT

Applicant: Charles Norman

(PD-18) (CD-8)

Location: Southwest corner East 81st Street and South Yale Avenue

Staff Recommendation:

The applicant is requesting an additional 32-square-foot ground identification sign for the "Town Village" elderly housing project located in Lot 2, Block 1, Village Park of Tulsa. PUD 587-2 currently allows one monument style ground sign near 81st Street for Development Area B, and one ground sign on internal street frontage. The requested amendment would allow an identification ground sign with a maximum display area surface of 32 square feet and height of six feet to be located along South Yale Avenue at the northeast corner of Area B.

The lots in the Village Park of Tulsa addition are large and are located on wide major arterial streets near an area of hilly terrain. An additional identification sign of the size proposed would be beneficial for the development. Staff recommends **APPROVAL** of the minor amendment as proposed.

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** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Westervelt "absent") to **APPROVE** the minor amendment for PUD-587-2 as recommended by staff.

* * * * *

Mr. Midget out at 3:20 p.m.

APPLICATION NO.: PUD-628-1

MINOR AMENDMENT

Applicant: Gary Larsen

(PD-18) (CD-8)

Location: Northeast corner of Highway 169 and South Mingo Road

Staff Recommendation:

The applicant is requesting an amendment from development standards in PUD - 628 from 32 square feet to allow a 64 square foot ground sign for Lot 5, Block 1, Cedar Ridge Park. On December 6, 2000, a Minor Amendment for this site for a new 15' x 11.75' ground sign with a height of 25 feet was denied.

The PUD currently allows one ground sign not exceeding 12 feet in height and 32 square feet in display surface area for each lot.

The Planned Unit Development to the southwest, PUD-597, allows no ground sign greater than 50 square feet and no taller than 6 feet in height for lots facing the Mingo Valley Expressway. Another PUD, PUD-298, to the west of the subject site allows one ground sign no greater than 150 square feet with a 20 foot maximum height per Development Area.

Staff views the approved signage for the Planned Unit Development as appropriate for the office types of uses on this site. Each lot along Mingo Road is permitted a ground sign and also allowed wall signs. Staff recommends **DENIAL** of the requested amendment.

Applicant's Comments:

Gary Larsen, 533 South Rockford, Tulsa, Oklahoma 74120, representing Dr. Carl Fisher, Ophthalmologist, stated that his client has two businesses on the subject property. The purpose of the sign is to help customers to find Dr. Fisher's offices. He explained that the building is below grade and is separated from the street by a parking lot. When cars are parked in the parking lot the view of the building is blocked.

Mr. Larsen stated that due to the nature of Dr. Fisher's business, his patients do not see well and need the sign to locate the office. He explained that when someone with an eyesight disability is driving and looking for a building and not

being able to find them is a traffic hazard. Mr. Larsen concluded Dr. Fisher needs adequate signage so that his patients and retail customers are able to find his offices.

Mr. Larsen stated that across the street from Dr. Fisher there is a sign for four tenants on the lot that is approximately 25 SF per tenant. He commented that 32 SF per business on the subject lot would be unacceptable.

TMAPC Comments:

Ms. Hill announced that she would be abstaining from this application.

TMAPC Action; 8 members present:

On **MOTION** of **LEDFORD** TMAPC voted **7-0-1** (Carnes, Harmon, Horner, Jackson, Ledford, Pace, Selph "aye"; no "nays"; Hill "abstaining"; Boyle, Midget, Westervelt "absent") to **DENY** the minor amendment for PUD-628-1 as recommended by staff.

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APPLICATION NO.: PUD-502-A-1

MINOR AMENDMENT

Applicant: Jerry Ledford, Jr.

(PD-18) (CD-9)

Location: Northeast corner of East 53rd Street and South Lewis

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

Staff Recommendation:

The applicant is requesting a minor amendment to modify specific standards that were approved for Planned Unit Development 502-A. The standards include modifications to the number of lots permitted, parking setbacks, fencing and landscaping.

The minor amendment requests that setbacks for buildings remain as they have been approved in the PUD, but that the parking area minimum setbacks be five feet from all boundaries of the site. A maximum of two lots are proposed to be permitted instead of the current one-lot maximum. Landscaping will remain at a requirement of 15% of the net land area, but a change to reduce the landscape area along the south boundary would be requested to be required as, "A landscaped area of not less than 23 feet in width shall be located along the east 23 feet of the south boundary." This area currently requires a landscaped area of not less than 25 feet in width located along the east 86 feet of the south boundary of the PUD.

Fencing is proposed to include a custom wood fence with a masonry cap rather than the masonry wall approved for the PUD. The design of the six-foot-tall fencing is to be determined by TMAPC. Fencing proposed would be four feet tall

along 53rd Street and six-feet tall along the east boundary line. Original approval required a six-foot high or higher masonry wall along the east boundary of the PUD, and a four-foot high screening wall or fence along the north edge of the 25 foot landscape strip, which is located along the east 86 feet of the south boundary of the PUD. Currently, a six-foot high screening wall or fence is required for the north boundary of the PUD.

Staff is of the opinion that the proposed modifications will not substantially harm the original PUD concept, but is concerned about the proposal to delete the required screening along the north PUD boundary. Staff, therefore, recommends **APPROVAL** of the minor amendments as submitted with the condition that there be additional landscape buffer required along the north property line.

Mr. Dunlap stated that as a point of clarification that if this application is approved as requested, there will be landscaping required along the south boundary. There would be a parking setback of 23 feet from the east 23 feet of the south boundary of the PUD.

Mr. Dunlap indicated that if the subject application creates two lots, standards would have to be created for each lot, which will require another minor amendment or through the platting process.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER** TMAPC voted **7-0-1** (Carnes, Harmon, Hill, Horner, Jackson, Pace, Selph "aye"; no "nays"; Ledford "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the minor amendment for PUD-502-A-1 subject to conditions as recommended by staff.

OTHER BUSINESS:

APPLICATION NO.: AC-052

ALTERNATIVE COMPLIANCE

Applicant: Grady Whitaker

(PD-2) (CD-1)

Location: Northwest corner of Archer and North Boston

Staff Recommendation:

The applicant is requesting Alternative Compliance to the Landscaping Ordinance for property located at the northwest corner of Archer Street and Boston Avenue. A temporary parking lot is proposed for this site, which is owned by the Tulsa Development Authority. The applicant requests the use of an independent contractor or the operator of the parking facility to provide alternative watering of landscaping in lieu of irrigation requirements of Section 1002, Paragraph D of the Zoning Code.

Staff can recommend **APPROVAL** of the alternative compliance request, finding it to represent a temporary equivalent watering method with the following conditions:

1. A landscape watering plan be approved by a landscape architect licensed in the State of Oklahoma as to the amount and frequency of watering for the site;
2. The alternative compliance be approved for a two year time period.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the alternative compliance to Landscaping Requirements for AC-052 subject to conditions as recommended by staff.

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APPLICATION NO.: AC-053

ALTERNATIVE COMPLIANCE

Applicant: Grady Whitaker

(PD-2) (CD-1)

Location: Northwest corner of Archer and North Main

Staff Recommendation:

The applicant is requesting Alternative Compliance to the Landscaping Ordinance for property located at the northwest corner of Archer Street and Main Street. A temporary parking lot is proposed for this site, which is owned by the Tulsa Development Authority. The applicant requests the use of an independent contractor or the operator of the parking facility to provide alternative watering of landscaping in lieu of irrigation requirements of Section 1002, Paragraph D of the Zoning Code.

Staff can recommend **APPROVAL** of the alternative compliance request, finding it to represent a temporary equivalent watering method with the following conditions:

1. A landscape watering plan be approved by a landscape architect licensed in the State of Oklahoma as to the amount and frequency of watering for the site;
2. The alternative compliance be approved for a two year time period.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER** TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the alternative compliance to Landscaping Requirements for AC-053 subject to conditions as recommended by staff.

APPLICATION NO.: PUD-617

Applicant: Michael Dwyer

Location: 2112 South Atlanta Place

DETAIL SITE PLAN

(PD-4) (CD-9)

Staff Recommendation:

The applicant is requesting detail site plan approval for a new 724-square-foot dentist office. The use proposed is in accordance with Planned Unit Development 617.

The site plan proposed meets the development standards for PUD-617. Staff recommends **APPROVAL** of the site plan as submitted.

Note: Approval of the Detail Site Plan does not indicate approval of plans for signs or landscaping.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER** TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the detail site plan for PUD-617 as recommended by staff.

APPLICATION NO.: PUD-405

Applicant: V.M. Piland/TFECU

Location: South of southwest corner of East 91st Street and South 78th East Avenue

DETAIL SITE PLAN

(PD-18) (CD-8)

Staff Recommendation:

The applicant is requesting detail site plan approval for a new 4,200-square-foot credit union facility. The use proposed is in conformance with the approved PUD-405 development guidelines.

Staff has reviewed the proposed detail site plan and finds it to adhere to the adopted development standards of PUD-405. Staff recommends **APPROVAL** of the site plan as submitted.

Note: Detail Site Plan approval does not constitute approval of sign or landscape plan.

There were no interested parties wishing to speak.

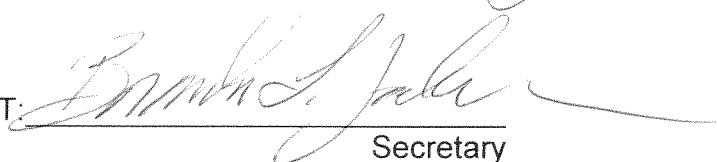
TMAPC Action; 8 members present:

On **MOTION** of **HORNER** TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Selph "aye"; no "nays"; none "abstaining"; Boyle, Midget, Westervelt "absent") to **APPROVE** the detail site plan for PUD-405 as recommended by staff.

There being no further business, the Vice Chairman declared the meeting adjourned at 3:30 p.m.

Date approved: 02/21/01


Chairman

ATTEST: 
Secretary