

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2265

Wednesday, February 21, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, February 20, 2001 at 9:00 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

Minutes:

Approval of the minutes of February 7, 2001, Meeting No. 2264

On **MOTION** of **HARMON** the TMAPC voted 6-0-1 (Boyle, Harmon, Hill, Horner, Ledford, Pace "aye"; no "nays"; Westervelt "abstaining"; Carnes, Jackson, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of February 7, 2001, Meeting No. 2264.

REPORTS:

Chairman's Reports:

Mr. Westervelt reported that TMAPC received a request from Senator Easley to produce some documents for a homeowner's association. He commented that it is the TMAPC's business to provide public information. He directed staff to draft

a letter responding to Senator Easley's letter indicating that the information will be provided, with a note that if TMAPC is besieged with requests and exceed capabilities, then it will have to be reconsidered.

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Mr. Jackson in at 1:31 p.m.

Director's Reports:

Mr. Stump reported that there are several items on the City Council agenda for Thursday, February 22, 2001.

Mr. Boyle asked Mr. Stump what the status is regarding political signs in the right-of-way. In response, Mr. Stump stated that it is still being considered by the City Council. Mr. Boyle indicated that he would like to be notified when this issue is before the City Council.

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SUBDIVISIONS

FINAL PLAT:

University of Tulsa Blocks 1, 2 and 3 (593) (PD-4) (CD-4)
Between 4th Place South and 10th Street South on the west side of Delaware Avenue and between 4th Place South and 5th Street South on the east side of Delaware Avenue

Staff Recommendation:

This plat consists of one three lots in one block on 34.2 acres. The property will be used for University-related purposes, primarily student housing. The preliminary plat was approved on June 21, 2000.

All releases have been received and the plat is in order. Staff recommends **APPROVAL** of the final plat.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget, Selph "absent") to **APPROVE** the final plat for University of Tulsa Blocks 1, 2 and 3 as recommended by staff.

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PRELIMINARY PLAT:

LOWE'S ADDITION

(PD-5) (CD-4)

Southeast corner of East 15th Street and South Yale Avenue

Staff Recommendation:

The following information was presented at the TAC meeting of February 1, 2001.

GENERAL

Note: This site received preliminary plat approval in December of 1999. This is a new submittal, by a different consultant, and does not include a site plan.

The site bounded on the north by 15th Street South, on the east by industrial zoning (IM) and uses, on the southeast by RD zoning with RS-2 beyond and along the remainder of the southern boundary by commercial zoning (CH) and uses (Target). The site is bounded on the west by Yale Avenue.

The site is currently unplatted, divided into a number of separate parcels and developed in a variety of industrial uses. The site plan submitted with the BOA case in 1999 indicated that the Lowe's facility would be located on the western $\frac{3}{4}$ of the site with a separate facility on the eastern $\frac{1}{4}$. The plat will create five lots in two blocks, which may or may not complement the site plan. Approximately 135,000 square feet of structures were to have been located on the site.

It appears that railroad right-of-way ran through this area at one time.

STREETS

The site is bounded on the north by 15th Street and the west by Yale Avenue. The plat does not indicate access locations at this time. The previous plat indicated one point off of Yale, with three indicated off of 15th Street. There are currently seven lots with multiple points of access onto 15th Street. With five lots with multiple point of access front Yale Avenue.

The existing ROW along this side of 15th Street is 40'; the plat indicates expanded ROW along Yale Avenue and 15th Street, to 58' and 50' respectively.

The Commission approved the previous preliminary plat with the following conditions:

- Study regarding the possibilities of creating mutual access to the Target site to the south.
- Access points as shown on the site plan shown on the plat.
- Standard dedication language.
- 58' of ROW along Yale Avenue and 50' on 15th Street (both are secondary arterials).

SEWER

A sanitary sewer easement runs north and south in the western third of the parcel. Another runs diagonally across the southeast corner.

A third runs to the west from the north/south line in the western third of the site.

WATER

Water is present on the east side of Yale Avenue and the south side of 15th Street.

The Commission approved the previous preliminary plat with the following conditions:

- An on-site water line will be placed to the west of the proposed structure to provide hydrants for fire protection.

STORM DRAIN

A 15' storm sewer easement runs diagonally across the southeast corner.

The Commission approved the previous Preliminary Plat with the following conditions:

Easements will be provided for the floodplain area and storm drain. Compensatory storage will be required for any fill placed in the floodplain.

UTILITIES

Existing 20' utility easements are shown. It does not appear that new easements are shown that relate to the new lot configuration.

Staff provides the following information from TAC.

STREETS:

Somdecerrf, Traffic: the right-of-way dedicated by this plat should be so indicated, with dimensions.

French: Streets: A limits-of-no-access should be shown.

SEWER:

Bolding, PW: no comment.

WATER:

Holdman, PW: no comment.

STORM DRAIN:

McCormick, PW: All underground and at-grade drainage facilities should be in easement. Lot 4 should be indicated as a drainage easement.

Discussion occurred regarding access to the detention area in the southeast corner (lot 4). Easement for access should be provided through the mini-storage area on the east side of the site.

FIRE:

Calkins, Fire: no new comments.

UTILITIES:

Bryant, PSO: indicated that overhead lines were existing on the south side of the property. Discussion ensued. Any easement to cover the existing lines would overlap the drainage easement along the south boundary. PSO indicated that no new construction was planned; Stormwater indicated that a multi-use easement was acceptable if PSO did not anticipate additional improvements.

Burns, SWBT: indicated that easement would be required along the north boundary line to accommodate existing infrastructure. The engineer indicated that a BOA case (18304) had reduced the minimum setback. Discussion ensued regarding the setback, the request for easement and the potential impact if the ROW was widened. Staff review indicates that the setback is 62' from the existing centerline for a maximum distance of 265'. The ROW will be widened to 50' on this side, leaving 12.5' between it and the building face. This may be sufficient. The issue will have to be resolved between the applicant and utility provider prior to final plat release.

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

WAIVER OF SUBDIVISION REGULATIONS:

None.

SPECIAL CONDITIONS:

Right-of-way dedicated by this plat should be labeled and dimensioned (total of 58' on Yale and 50' on 15th, both are secondary arterials).

Limits-of-no-access should be shown.

Mutual access to the Target site to the south should be studied.

All underground and at-grade drainage facilities should be in an easement. Lot 4 should be indicated as a drainage easement, as should the area in floodplain.

Easement for access should be provided through the mini-storage area on the east side of the site.

Compensatory storage is required for any fill place in the floodplain.

An on-site water line will be placed on the west side of the proposed structure to provide hydrants for fire protection.

Easement will be located along the southern boundary, to address existing overhead power line.

Easement will be placed along the northern boundary to address the existing phone line.

STANDARD CONDITIONS:

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

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

Applicant's Comments:

Scott Sturtz, representing Spears & McCaleb, Inc., 815 West Main, Oklahoma City, OK 73106, stated that he has reviewed and agreed with staff's comments. He requested approval of the preliminary plat.

TMAPC Comments:

Mr. Boyle asked Mr. Sturtz if he would have an objection to the Planning Commission requiring mutual access to the Target site. In response, Mr. Sturtz stated that this issue is being discussed with Target at this time and the attorneys are handling this issue. Mr. Sturtz further stated that the drainage area in the southeast corner would be labeled as a reserve area.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER** TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget, Selph "absent") to **APPROVE** the preliminary plat for Lowe's Addition subject to the mutual access to Target site be opened and subject to special conditions and standard conditions are recommended by staff.

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PLAT WAIVER:

BOA-18629

(PD-17) (CD-6)

Southwest corner of South 129th East Avenue and East 28th Street South

Staff Recommendation:

Trigger: Special Exception to allow church in RM-1, 1/11/00.

The following information was provided at the TAC meeting of 02/01/01.

GENERAL

The site is located at the southwest corner of South 129th East Avenue and East 28th Street South. It is Lot 1, Block 1 of the Coventry Addition. It is in an area of single-family uses to the east and west with commercial use to the south. South 129th street abuts the site on the east with East 28th Street South on the north.

Phase one, as shown on the site plan, will be the construction of a 10,000 square foot structure. Future phases will include a 90' x 175' multi-purpose structure and a 150' x 150' sanctuary, and will require site plan review.

The site has been previously platted, being Lot 1 of Block 1 of the Coventry Addition.

PURPOSE

The purpose of the request is to allow construction of a 10,000 square foot structure.

ZONING

The site is zoned RM-1 with AG to the north, RS-3 to the east across 129th East Avenue, CS to the south, CG to the southwest, AG directly west and RS-3 to the northwest.

STREETS

The site plan shows one access onto 129th East Avenue.

SEWER

An eight-inch sewer is available along the east side of the addition to the west. A 15' sanitary sewer easement runs in the western portion of the site.

WATER

A 36" water line runs into 129th East Avenue with an eight-inch stub into 28th Street to the west. A 20' restricted water line easement runs east to west and along the west side of 129th East Avenue.

STORM DRAIN

Drainage information has not been provided.

Staff provides the following information from TAC.

STREETS:

Somdecerff, Traffic: dedication of 30' radius return required at the intersection of 129th East Avenue and 28th Street.

Discussion ensued regarding the history of and the potential for improvement to 28th Street. Subsequent to the meeting staff was informed that improvement would not be required.

SEWER:

Bolding, PW: no comment.

WATER:

Holdman, PW: an extension of something in the range of 150' would be required. Easement was existing.

STORM DRAIN:

McCormick, PW: an easement would be required for the area in floodplain to the south.

FIRE:

Calkins, Fire: no comment.

UTILITIES:

No comment.

Based on discussion with the individuals who will review and approve the changes and the following checklist which reflects the policies of TMAPC, staff supports the **APPROVAL** of the request for plat waiver with the following conditions:

- Dedication of 30' radius return at the intersection of 28th Street and 129th East Avenue.
- Easement laid over the existing floodplain in southern portion of the site.

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

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

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street R/W?	X	

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

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

physical development of the P.U.D.?

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

TMAPC Comments:

Mr. Ledford asked Mr. Bruce if 28th Street is a requirement of the covenants of Coventry. Mr. Ledford stated that the original plat should be reviewed to see if this was a requirement. Mr. Bruce stated that Mr. Johnsen may have some information regarding this issue.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, stated that during the original platting process there was only a half-street right-of-way and the church, which is located on the north, dedicated the other half. He explained that it was not a requirement on Coventry that it construct a street. The right-of-way has been in place for 20 years and before the church purchased the property, this issue was discussed with Traffic Engineering. Traffic Engineering was of the opinion that the street did not need to be opened and would likely not be opened. The adjoining additions to the west and north have through access to both 31st Street and 129th East Avenue.

He explained that the Board Adjustment action triggered the platting process and the Traffic Engineer requested the standard 30' radius return. He requested that the Planning Commission consider deleting this condition because it is unlikely that 28th Street will be opened and the right-of-way will be vacated by appropriate proceedings.

TMAPC Comments:

Mr. Boyle asked staff's opinion regarding the 30' radius return issue. In response, Mr. Bruce stated that the current discussions with Traffic Engineering is that they are not going to request opening of 28th Street at this point and time; however, they did not indicate that it would never be opened in the future.

Mr. Boyle stated that he would approve of this plat waiver as recommended by staff, including the 30' radius return at the intersection of 28th Street and 129th East Avenue. He commented that it would be irresponsible to not require the radius return.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE** TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget, Selph "absent") to **APPROVE** the plat waiver for BOA-18629 subject to conditions as recommended by staff.

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CONTINUED ZONING PUBLIC HEARING

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.

The applicant is requesting as permitted uses a sporting goods store as included within Use Unit 14 and boat sales as included within Use Unit 17. As shown on the site plan, the Academy store would be set back approximately 835 feet from 81st Street, 138 feet from the U.S. Highway 169 right-of-way, 84 feet from the north boundary of the tract and 725 feet from the east boundary. The applicant is proposing two ground signs. One would be located at the northwest corner of East 81st Street and South 107th East Avenue (proposed corridor collector). This sign is proposed to be 40 feet high and contain 300 square feet of display surface area. This proposed sign is not consistent with the Zoning Code and is also not consistent with past approvals. Staff could support a 25-foot high sign with 300 square feet of display surface area. A second ground sign is proposed at the northeast corner of East 81st Street and South 112th East Avenue (proposed corridor collector). This second sign would be in the right-of-way of the proposed corridor collector street and staff cannot support that location. Staff would note that if the corridor site plan is amended and the property is subdivided, the ground sign that staff is recommending be approved could not be used for the Academy store unless the site the sign is located on would also be part of the platted lot that the store is located on, unless a PUD accompanies the major amendment to the corridor site plan.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds Z-5537-SP-3 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 Corridor Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-5537-SP-3 subject to the following condition:

There shall be one ground sign allowed at the location proposed at the northwest corner of East 81st Street and South 107th East Avenue (proposed corridor collector street). The sign shall not exceed 25 feet in height or 300 square feet of display surface area.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget, Selph "absent") to recommend **APPROVAL** of the corridor site plan for Z-5537-SP-3 subject to conditions as recommended by staff.

Legal Description for Z-5537-SP-3:

A tract of land in the S/2, SE/4, Section 7, T-18-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. government survey thereof, being more particularly described as follows, to-wit: Commencing at the Southeast corner of the W/2, SE/4, SE/4 of said Section 7; thence N 00°55'31" a distance of 50' to the Point of Beginning; thence N 89°05'57" W 77.73'; thence N 01°30'24" W a distance of 469.73'; thence S 89°04'29" W a distance of 472.15'; thence S 01°30'24" E a distance of 442.85'; thence N 79°36'55" W a distance of 28.74'; thence S 89°04'29" W a distance of 101.49'; thence S 86°11'47" W a distance of 398.30'; thence N 74°13'34" W a distance of 104.40'; thence S 89°04'29" W a distance of 99.86'; thence N 73°11'41" W a distance of 217.61'; thence N 06°45'18" W a distance of 560.39'; thence N 09°24'18" W a distance of 604.67'; thence N 02°16'48" W a distance of 5.19'; thence N 89°01'46" E a distance of 1,631.13'; thence S 00°55'31" E a distance of 1,273.31' to the Point of Beginning, less and except a strip, piece, or parcel of land lying in part of the S/2, SE/4, Section 7, T-18-N, R-14-E of the IBM, Tulsa County, Oklahoma, taken in Fee Simple and being more particularly described as follows: Commencing at the Southeast corner of the SE/4, Section 7; thence S 89°04'27" W on the South line of Section 7 a distance of 1,563.39'; thence N 00°55'33" W a distance of

73.70' to the Point of Beginning; thence S 86°11'47" W a distance of 173.23'; thence N 74°13'34" W a distance of 104.40'; thence S 89°04'29" W a distance of 99.86'; thence N 73°11'41" W a distance of 217.61'; thence N 06°45'18" W a distance of 560.39' ; thence N 09°24'18" W a distance of 604.67'; thence N 02°16'48" W a distance of 5.19' to the North line of said S/2, SE/4; thence Easterly along the said North line a distance of 37.68'; thence S 18°16'45" E a distance of 25.96'; thence S 49°19'57" E a distance of 910.46'; thence S 00°55'33" E a distance of 619.09' to the Point of Beginning.

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ZONING PUBLIC HEARING

APPLICATION NO.: Z-6807

AG TO CS/OL

Applicant: Charles Norman

(PD-26) (CD-8)

Location: Northwest corner of East 111th Street South and South Sheridan

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6753/PUD-450-A March 2000: Staff and TMAPC recommended approval of a request for a major amendment and the rezoning of the 4.5-acre tract located on the southwest corner of East 111th Street and South Sheridan Road and directly south of the subject tract from CS/PUD-450 to RS-4/PUD-450-A. City Council concurred in approval of the request.

Z-6702 September 1999: All concurred in approval of a request to rezone a ten-acre tract located on the northwest corner of East 121st Street South and South Sheridan Road from AG to CS and RS-3. Staff and TMAPC recommended CS zoning on the 467' x 467' corner node with the surrounding 195' fronting both on East 121st Street South and South Sheridan Road as a wraparound of RS-3 zoning. City Council concurred with TMAPC and staff recommendation.

Z-6700/PUD-611 June 1999: All concurred in approval of a request to rezone a 20-acre tract located west of the northwest corner of East 111th Street South and South Sheridan Road from AG to RS-2/PUD for a residential development.

BOA-17569 November 1996: A request to allow a 110' cellular tower on property located north of the northwest corner of East 111th Street South and South Sheridan Road, and zoned AG, was denied.

Z-6249/PUD-450 July 1989: A request to rezone a 4.5-acre tract located on the southwest corner of East 111th Street South and South Sheridan Road and south of the subject tract, from AG to CS/PUD for commercial shopping center. The request was approved subject to the PUD standards and conditions.

Z-6249 May 1989: An application was filed to rezone a 44.6-acre tract located on the southwest corner of East 111th Street South and South Sheridan Road, from AG to RS-2 and CS. TMAPC recommended approval of RS-1 on the west

140' of the tract, RS-2 on the balance of the tract less the proposed commercial node (675' x 290'). All concurred in approval of the residential zoning and recommended the applicant submit a PUD along with the rezoning application for CS on the 4.5-acre node of the property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.75 acres in size and is located in the northwest corner of East 111th Street South and South Sheridan Road. The property is sloping, wooded, vacant, and zoned AG.

STREETS:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>Exist. Lanes</u>	<u>No.</u>	<u>Surface</u>	<u>Curbs</u>
East 111 th Street South	100'	2 lanes		Paved	No
South Sheridan Road	100'	2 lanes		Paved	No

The Major Street Plan designates East 111th Street South and South Sheridan Road as secondary arterial streets. The City of Tulsa Traffic counts indicate 6,000 trips per day on South Sheridan Road at East 111th Street South.

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

SURROUNDING AREA: The subject tract is abutted on the north and west by vacant property, zoned AG; and to the south by vacant property, zoned RS-4/PUD-450-A. Single-family homes are farther south beyond the vacant tract, zoned RS-2. To the east is a single-family dwelling, zoned AG, and to the southeast are single-family dwellings that are in the city limits of Bixby.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low/Medium Intensity – No Specific Land Use.

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

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, the surrounding land uses, and existing zoning, staff recommends **APPROVAL** of the requested CS zoning and OL zoning provided the accompanying PUD-645 or some version of it is approved as well.

Midget in at 2:00 p.m.

APPLICATION NO.: PUD-645

AG TO AG/CS/OL/PUD

Applicant: Charles Norman

(PD-26) (CD-8)

Location: Northwest corner of East 111th Street South and South Sheridan

Staff Recommendation:

The PUD proposes office and commercial uses on a ten-acre tract located at the northwest corner of East 111th Street and South Sheridan Road. The tract has approximately 660' of frontage on Sheridan and 663' of 111th Street. There are two development areas proposed. Development Area A would have approximately 310' of frontage on Sheridan and would extend along the entire 111th Street frontage. Office and commercial uses are proposed for this 4.73-acre tract. Development Area B contains 5.32 acres and would be located north of Development Area A. Development Area B would have approximately 350' of frontage on Sheridan. Parking and office uses are proposed for this Development Area.

The subject tract is zoned AG. Concurrently a rezoning application (Z-6807) has been filed requesting 2.25 acres of CS and 2.5 acres of OL. The remainder (5.25 acres) would continue to be zoned AG. The subject tract is abutted on the north and west by AG zoned property and there is AG zoning to the east, across South Sheridan Road. To the south across East 111th Street is a tract that for a number of years was zoned CS/PUD, but recently has been rezoned RS-4/PUD-405-A and has been approved for a small-lot residential subdivision with lots facing away from and backing to East 111th Street. To the southeast of the tract (southeast corner of the intersection), within the city limits of Bixby, is a single-family subdivision zoned RS-1/PUD-14. These homes are oriented to the south and east away from the intersection.

If zoned Z-6807 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-645 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-645 subject to the following conditions:

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

DEVELOPMENT AREA A

Land Area		
Gross	4.73 Acres	206,030 SF*
Net	3.61 Acres	157,403 SF*

Permitted Uses:

Those uses included within Use Unit 10, Off-Street Parking Areas; Use Unit 11, Offices, Studios and Support Services; Use Unit 12, Eating Establishments other than Drive-Ins; Use Unit 13, Convenience Goods and Services; and Use Unit 14, Shopping Goods and Services.

Maximum Building Floor Area: 48,000 SF

Maximum Building Height: 25 FT

Architectural elements and business logos may exceed maximum building height with Detailed Site Plan approval.

Off-Street Parking:

As required by the applicable Use Unit of the Tulsa Zoning Code. Part of the required parking may be provided in Area B with approved mutual access and parking covenants.

Minimum Building Setbacks:

From the centerline of East 111 th Street	100 FT
From the centerline of South Sheridan Road	100 FT
From the west boundary of the development area	50 FT
From the north internal boundary of the development area	0 FT

Access:

There shall be a maximum of three access points onto East 111th Street South and one access point onto South Sheridan Road. All access shall be approved by Traffic Engineering.

*The internal boundaries of Development Area A may be adjusted by a minor amendment to the Planned Unit Development approved by the Tulsa Metropolitan Area Planning Commission.

Landscaped Area:

A minimum of 10% 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 and shall include at least five feet of street frontage landscaped area, and at least 25 feet of landscaped area along the west boundary.

Signs:

1. Ground signs shall be limited to one for each lot with a maximum of 120 square feet of display surface area and 12 feet in height.
2. Wall signs shall be permitted not to exceed 1.0 square feet of display surface area per lineal foot of building wall to which attached. The length of a tenant wall sign shall not exceed seventy-five percent of the frontage of the tenant space.

Lighting:

All parking lot lighting and building-mounted lights shall be directed downward and away from adjacent residential areas and the exterior boundaries of the development area. Light standards shall not exceed 16 feet in height.

Trash, Mechanical and Equipment Areas:

All trash, mechanical and equipment areas, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

DEVELOPMENT AREA B

Land Area

Gross	5.32 Acres	231,834 SF*
Net	4.91 Acres	213,693 SF*

Permitted Uses:

Those uses included within Use Unit 10, Off-Street Parking Areas; Use Unit 11, Offices, Studios and Support Services.

Maximum Building Floor Area: 32,000 SF

Maximum Building Height: two stories, not exceeding 35 FT.

*The internal boundaries of Development Area B may be adjusted by a minor amendment to the Planned Unit Development approved by the Tulsa Metropolitan Area Planning Commission.

Minimum Building Setbacks:

From the centerline of South Sheridan Road	100 FT
From the north boundary of the development area	75 FT
From the west boundary of the development area	50 FT
From the south internal boundary of the development area	0 FT

Access:

There shall be a maximum of one access point onto South Sheridan Road. All access shall be approved by Traffic Engineering.

Off-Street Parking:

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

Landscaped Area:

A minimum of 15% of the net land area shall be improved as internal landscaped open space in accord with the Landscape Chapter of the Zoning Code and shall include at least five feet of street frontage landscaped area. The north 75 feet shall remain in its natural and existing condition, except for small-diameter trees and underbrush may be removed for maintenance purposes and utilities in required utility easements.

Signage:

1. One business sign shall be permitted along the South Sheridan Road frontage, which shall not exceed 32 square feet in display surface area and ten feet in height. Such business sign shall be located at least 150 feet from the north boundary of Area B.
2. One wall sign shall be permitted for each building, which shall not exceed 18 square feet in display surface area, provided the wall sign shall not be permitted on the north- or west-facing walls.

Lighting:

All parking lot lighting and building mounted lights shall be directed downward and away from adjacent residential areas and the exterior boundaries of the development area. Light standards shall not exceed ten feet in height.

Trash, Mechanical and Equipment Areas:

All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

3. Landscaping and screening shall be in substantial compliance with the applicant's text and shall include a six-foot high or higher screening wall or fence along the north and west boundaries of the PUD.
4. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. The Department Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
8. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
11. 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.

TMAPC Comments:

Mr. Jackson asked staff if 111th and Sheridan are two-lane roads. In response, Mr. Dunlap answered affirmatively. Mr. Stump informed the Planning Commission that their long-standing policy is to consider the planned right-of-way and carrying capacity of the streets rather than the current capacity.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Fred Mitchell, stated that his client has owned the subject property since 1975. Mr. Norman cited the history of zoning in the subject area and the Comprehensive Plan for the subject node. He further cited similar nodes in the immediate area.

Mr. Norman explained the topographical changes on the subject property and surrounding properties. He stated that because of the inadequacy of the Frye ditch and the drainage channels, on-site detention would be required on the subject tract. He indicated that he has calculated the requirement to be approximately 1.6- to 1.8-acre feet. Mr. Norman submitted a revised site plan (Exhibit B-2) which indicates how the on site detention will be accomplished.

Mr. Norman stated that the proposed maximum building floor area is less than half of what the Planning Commission has approved at other intersection corners in the past. The proposed 2 ½ acres of OL zoning wrapping around the 2 ¼ acres was designed to allow the north half of the property to have one building in the flatter portion of the subject property and a smaller dental office on the Sheridan Road side. There will be 75 feet of property along the north boundary that will be left undisturbed except for required utility installations and the clearance of undergrowth.

Mr. Norman reminded the Planning Commission of the other types of corners that have developed in the subject area in the past. He pointed out that he has proposed low density, and provisions for signs and lighting that will be helpful. He reminded the Planning Commission that road construction follows development and consequently, the development guidelines of the community recognize this and based development proposals on planned capacity of the existing streets.

Mr. Norman stated that it is time for some type of neighborhood convenience or retail activity. This proposal represents a modest approach, less than half of what would customarily be seen.

TMAPC Comments:

Ms. Hill asked Mr. Norman if the on-site detention is adequate and would not cause problems farther down south. In response, Mr. Norman stated that he believes that the on-site detention is adequate, and more importantly, the City's regulations require that the detention facility be constructed in a way that it will

not permit the rate of discharge to exceed that which occurs under current conditions. Mr. Norman indicated that the lower density of this use also reduces the total runoff and the runoff rate. Mr. Norman stated that he has confidence in the City Engineering and it is absolutely required that the on-site detention meet regulations.

In response to Ms. Pace, Mr. Norman stated that the detention pond would be developed at the same time that Development Area A is developed. Mr. Norman explained that none of the buildings can be occupied until the on-site detention facility is in place and certified as to meeting the requirements of the City. Mr. Norman stated that this is the practice for any development, rather it be single-family or multifamily residential, etc.

Opposing Interested Parties:

Scott and Beth Goodrich, ages 8 and 12, 6011 East 111th Place, Tulsa, Oklahoma 74137, submitted a letter opposing (Exhibit B-1) (Planning Commission thanked the Goodrich Children for coming to the Planning Commission and presenting their letter of opposition); **Bill Wilkinson**, 10910 South Sheridan, Tulsa, Oklahoma 74137; **Mike Tolson**, 11104 South 69th East Avenue, Bixby, Oklahoma 74008; **Ken Smith**, representing Jan and Tommy Thompson, submitted a petition of protest (Exhibit B-3), 4554 South Harvard, Tulsa, Oklahoma 74135; **Tom Thompson**, 11010 South Sheridan, Tulsa, Oklahoma 74133; **John Thetford**, President of Southern Woods Association, 5430 East 109th Place, Tulsa, Oklahoma 74137; **Don Wright**, 6240 East 116th Street, Tulsa, Oklahoma 74137; **Nat Sharpe**, President of Wood Field Homeowners Association, 11403 South Oxford, Tulsa, Oklahoma 74137; **Ray M.**, 5417 East 110th Street, Tulsa, Oklahoma 74137; **Paige Box**, 11311 South Oxford, Tulsa, Oklahoma 74137; **Denise Lopez**, 6106 East 115th Place, Tulsa, Oklahoma 74137; **John Norris**, 6630 East 112th Street, Bixby, Oklahoma 74008; **Joe Joseph**, 11139 South 70th, Tulsa, Oklahoma 74137; **Mike Stewart**, President of Stanford Elm Homeowners Association, no address given; **Ron and Laura Crenshaw**, 11202 South 66th East Avenue, Bixby, Oklahoma 74008; **Doug Waldman**, 6611 East 112th Street, Tulsa, Oklahoma 74137.

Opposing Interested Parties Comments:

Concerns regarding the property being developed and changing the scenery; natural habitat that will be disturbed; prefer the subject property to stay as it is; save the trees; concerns regarding the topography and flooding; homes may be looking directly into the office buildings; opponents indicated that the applicant did not meet with the neighborhood prior to the meeting; concerns about noticing of the public hearing; request a continuance or denial; prefer that the subject property remain residential; the infrastructure is not in place to handle the increase in traffic; requested a special condition be made that the subject property could not be developed for a convenient store or anything similar to convenient store that would be allowed under Use Unit 12 or 13 because it would

be detrimental to the subject area; the Memorial Corridor adequately services the subject area; if this is approved, then the northeast corner will more than likely have an application for commercial; other commercial nodes are not abutting residential neighborhoods; moved to the area because of the graciousness of the property; too much noise and commercial zoning would create more noise; who decides when the neighborhood needs the commercial activities; four access points onto 111th is excessive; the other intersections mentioned as a comparison have all four corners developed as commercial; however, this particular intersection has residential development up to the intersection; the neighborhood pays high taxes and supplies money to the County;

TMAPC Comments:

Mr. Westervelt asked Mr. Wilkinson if he made attempts to speak with Mr. Norman before the meeting. In response, Mr. Wilkinson stated that he didn't because he didn't know about the application until today. (It was determined that Mr. Wilkinson lives outside of the 300' radius for noticing and he does not live where there is a homeowner's association.)

Mr. Boyle stated that he understands the argument that this would not be consistent with low-intensity development, but it is consistent with medium-intensity development. In response, Mr. Smith agreed that the subject development is consistent with medium-intensity development. Mr. Boyle asked Mr. Smith if he believed that if the Planning Commission were to deny this application that the developers would be successful contesting this in the Courts. In response, Mr. Smith stated that it may be possible. Mr. Smith further stated that the Comprehensive Plan states low- to medium-intensity and questioned if it throws out the low-intensity. Mr. Smith commented that the character of the neighborhood is moving toward and is establishing a precedent toward low-intensity development. Mr. Smith stated that there are some very nice homes in the subject area and there could be more on the subject property. Mr. Smith commented that if the Planning Commission is going to treat the subject property as medium and that is the way all corners throughout South Tulsa has been zoned, then there is probably no argument that could win in District Court. Mr. Smith stated that if some weight was given to the low-intensity and the neighborhood sentiment, then it could withstand a challenge. Mr. Boyle stated that the way he reads the Comprehensive Plan when it states "low to medium intensity" it is inclusive and not exclusive, meaning that low-intensity uses are appropriate as well as medium-intensity. Mr. Boyle commented that this landowner has chosen medium-intensity uses and it seems to fit within that. Mr. Boyle asked Mr. Smith if he read the Comprehensive Plan differently. In response, Mr. Smith stated that he thinks the Comprehensive Plan is ambiguous. Mr. Smith asked why the Comprehensive Plan would have low intensity, but then excludes it and look at medium intensity only. Mr. Boyle stated that the Planning Commission has not excluded anything. Mr. Smith stated that under the development standards for low intensity, OL is a possibility but not necessarily inconsistent but CS is. Mr. Smith further stated that his argument is that the

character of this neighborhood seems to be moving toward low intensity. Mr. Smith commented that the subject neighborhood could be served by commercial zoning on other corners in the subject area and they do not need this application. Mr. Smith indicated that his clients do not have any compromise position with Mr. Norman because they are opposing this application completely.

Ms. Pace asked Mr. Smith if he or his client has spoken with the applicant or Mr. Norman. In response, Mr. Smith stated that Ms. Thompson did speak with Mr. Norman at INCOG's offices. Mr. Smith indicated that Ms. Thompson didn't take a very aggressive position with Mr. Norman, but did listen to him. Mr. Smith stated that he has not sought Mr. Norman out to discuss this application or reach a compromise because he didn't feel like it would be productive in view of the fact that his clients are opposing the application. Mr. Smith explained that his clients are not wanting to negotiate something softer on this application because they are in opposition to this application.

Mr. Westervelt commented that it would be hard for the Planning Commission to find criticism of Mr. Norman if Mr. Smith and his clients do not have a position to discuss or negotiate.

Mr. Westervelt asked Mr. Thompson if he was living in his residence when PUD-450 was non-residential. In response, Mr. Thompson answered affirmatively. Mr. Westervelt asked Mr. Thompson if the existing commercial was on the corner when he purchased his home. In response, Mr. Thompson stated that he thought the property was zoned AG at the time he purchased his home.

Mr. Stump informed the interested parties that the staff recommendation reduces the access points to three on 111th Street and the applicant has agreed to the recommendation.

Mr. Stump informed Mr. Crenshaw that his name and address is on the list of property owners who were notified regarding this application.

Interested Parties Comments:

Councilor Todd Huston, District 8, stated that he is not against development on this node; however, there are some major issues that need to be addressed regarding infrastructure. He commented that he is not present to recommend what type of zoning should be approved; however, he does recommend that Mr. Norman and the interested parties meet with the neighborhood associations to work out some of the minor but important issues. Perhaps some adjustments could be made to the PUD regarding architecture or lot sizes.

TMAPC Comments:

Mr. Westervelt reminded Councilor Huston that the Planning Commission is a recommending board only and the City Council will make the final decision. The Planning Commission does not deal with stormwater, streets or sewer, but those

issues will be handled through the platting process. Public Works will handle these issues successfully as they have in the past. In response, Councilor Huston stated that he realizes that Public Works will be involved with the infrastructure, but wanted to point out that the subject property does have economic challenges, regardless of the zoning. Councilor Huston stated that certain types of zoning may not work or have any benefit, which would cause the subject property to remain undeveloped.

Mr. Westervelt informed the interested parties that if this application were approved by the City Council, the Planning Commission would have to see a detail site plan. During the detail site plan review the Planning Commission will consider access points, building orientation, landscaping, etc.

Applicant's Rebuttal:

Mr. Norman stated that he has always been willing to meet with neighbors. In this particular instance, he had a call from Steve Schuller stating that he was representing neighbors in the subject area and would like to have a meeting. He indicated that Mr. Schuller never called to set up that meeting nor requested a continuance. He stated that he did have the opportunity to speak with Mrs. Thompson at the INCOG offices, where he showed her the proposal. He suggested that Mrs. Thompson meet with Ted Sack regarding the drainage issues. Mr. Norman stated that he understands that Mrs. Thompson did go to Mr. Sack's office and was provided information regarding the drainage.

Mr. Norman stated that Mr. Ken Smith was provided a booklet about the PUD and left a message with Mr. Smith that he would be happy to visit about the proposal. Mr. Smith did state that he did not see any need for a meeting because he and his clients were opposed to any change at all.

Mr. Norman stated that he believes that the residents in the subject area are opposed to any change at all on his corner or any particular change that is proposed today. He explained that he understands the opinions of the interested parties. He indicated that he participated in the dialogue that took place more than 30 years ago when the City of Tulsa went through the exercise of trying to decide what is a fair and appropriate way to determine where commercial developments should occur. The decision was made to recognize these corners, which are one mile apart, as appropriate locations for different levels of service and higher intensity uses. The neighborhood corners were intended for neighborhood convenience goods and the larger corners, like Memorial, are zoned in larger numbers of acres to accommodate major types of commercial and heavier activity. Mr. Norman explained that the subject node was identified to serve the people who live in the subject area. The traffic issue was one of the arguments for leaving the subject property undeveloped; however, the traffic occurs because the people are already there. Traffic doesn't occur from commercial because commercial doesn't occur until the people are there to be served. The traffic is now occurring as a result of people who live in the

neighborhood are driving to and from their homes or to and from other neighborhoods for commercial services. The concept was to distribute the commercial activity and the traffic loads at a more even basis throughout the metropolitan area according to the Major Street and Highway Plan. Mr. Norman stated that the nature of development is that the development is present before the streets are widened. The funding does not become available to build four lanes with signalized intersections for many years after the people are there. In the past it was suggested to freeze development, but there wouldn't be any water or sewer available if development were frozen, and therefore the people wouldn't be there.

Mr. Norman stated that he thought it was charming that Scott Goodrich and his sister appeared today. He commented that thirty-eight years ago he represented Mr. and Mrs. Ellerd when they purchased the 40 acres across the street and there were no houses within three miles except farmhouses that had been there for many years. All of the neighborhoods where Scott and his sister live were once like the subject property with woods and animals present. The nature is changed but there will still be birds and other animals, just like it changed when their homes were built.

Mr. Norman stated that he is always willing to meet with people to discuss details, but he doesn't sense willingness or a need to do so, unless the Planning Commission has some specific suggestions that should be considered. He reminded the Planning Commission that the interested parties have candidly stated that they opposed to change of any type.

Mr. Norman explained that what he tried to do is recognize three things, the low-to medium-intensity and development sensitive nature of the subject tract. The north half of the subject property remains zoned in the AG zoning district with a proposal for light office use on a tract that is 300 feet deep. He indicated that light office is used throughout the city as a transition between commercial developments and residential. The low intensity is addressed in the subject area in the sense that it would only permit 3200 SF of floor area on four net acres, which is a density of less than 20%. The shopping area is of the same nature and the project from the beginning has recognized those two elements, as well as the topography. Where the steep slopes occur there will be virtually no development, and on the north side is 75 feet natural area, which is more than required to separate apartments or office from residential property.

Mr. Norman cited the history of the development in the subject area. He explained that the past development of residential has been developed with the commercially zoned area being present and well known. He indicated that there will be smaller houses backing up to 111th Street and one of the reasons for timing of this application is to put anyone who purchases one of the lots or builds a house on notice of what might be across the street. These houses will represent a barrier, sight and otherwise, for the houses that currently exist. The

house on the southwest's corner windows are not visible due to his screening fence. There has been no suggestion that the second or third house on the southwest corner can see up the hill and into the subject property. Mr. and Mrs. Ellerd have not objected to this proposal.

Mr. Norman stated that from a transitional standpoint, this application is the best factual situation dealing with the relationship with the proposed usage and the future uses of the land next door. He reminded the Planning Commission that there has been no suggestions today that the proposed signs or lights are too high. He requested the Planning Commission to make their decision today; however, if the Planning Commission feels that there is something to be gained or helpful then he would be willing to meet with the neighbors.

TMAPC Comments:

Mr. Boyle asked Mr. Norman if the three access points along 111th are agreeable to him. In response, Mr. Norman answered affirmatively. Mr. Boyle asked Mr. Norman about restrictions for Use Unit 12 and 13, Restaurants and Convenience Stores. In response, Mr. Norman stated that by their nature those uses are neighborhood convenience and they serve the local residents. Mr. Norman commented that everyone in this room goes to convenient stores and they are located in convenient locations.

Mr. Boyle asked Mr. Norman about the restaurant Use Unit. In response, Mr. Norman stated that restaurant use is necessary and appropriate. Mr. Norman explained that he would have to return with a detail site plan and landscape plan before a building permit can be issued. Mr. Norman informed the Planning Commission that the developer across the street has not objected to this proposal. Mr. Norman stated that the developer across the street has elected to do something that is also permitted within the development guidelines, which is to develop at a low intensity.

Ms. Pace pointed out that there were several interested parties requesting a continuance in order to meet and discuss the proposal. Ms. Pace asked Mr. Norman if he would be willing to meet with the interested parties that requested a continuance. In response, Mr. Norman stated that Ms. Thompson was very cordial during their discussion at INCOG. Mr. Norman commented that he did not ask Ms. Thompson if she approved or disapproved of the project, but simply tried to give her information. Mr. Norman further commented that Ms. Thompson has every right to oppose and request the application be denied. Mr. Norman stated that the homeowners association is listed on the application and he finds it difficult to cope with all of the different interests. Mr. Norman further stated that there is a responsibility on both sides to be available for discussion and communication and he feels that he has satisfied his obligation in this application; however, if the Planning Commission feels that something would be productive in helping to make a decision, he is willing to meet with the neighbors. Mr. Norman

commented that he doesn't feel that he can do much with 114 people who are opposed to any change at all.

Mr. Midget stated that Mr. Norman has always set a standard for meeting with neighborhood groups to work out issues. He reiterated that an owner's right to request a change in the property use should be respected. The way the application is presented, he did not think he could support it because it does not meet the level of standards that the Planning Commission has tried to accomplish or encourage as far as compatibility is concerned. After seeing the map it is obvious that there is a pattern of residential development occurring in the subject area. Mr. Midget stated that he is not a firm believer that commercial is necessary at every node. There are many neighborhoods that have existed for many years without convenient services. He encouraged the interested parties and the applicant to meet and discuss the issues that were brought forth. Mr. Midget suggested a continuance for two weeks in order for the applicant and interested parties to meet.

Mr. Norman stated that he would be agreeable to a continuance to March 7, 2001.

Ms. Pace informed the interested parties that they might look at the meeting as an opportunity to discuss the issues and find the least obnoxious possibility. She encouraged the interested parties to meet with the applicant and work out the issues.

Mr. Boyle stated that he will support the continuance and the neighborhood needs to understand that while Mr. Midget believes that there are aspects of this application that are troubling, there are several Commissioners who believe that this application is a fairly well constructed and responsible application. It will be difficult, in his estimation, for anyone to oppose the application outright, based on the surrounding facts heard today. He commented that he would be glad to hear people come back with specific comments, especially if everyone is in agreement, because it helps the Planning Commission to get to the result. He agreed with Ms. Pace's earlier comments regarding having a meeting with Mr. Norman and work out details that makes this application less objectionable than it may be today.

Mr. Westervelt stated that change is inevitable and he encouraged the interested parties to meet with Mr. Norman and look at the constructive things that might occur to make the application more acceptable.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-1-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; Horner "nays"; none "abstaining"; Carnes, Selph "absent") to **CONTINUE** Z-6807 and PUD-645 to March 7, 2001 at 1:30 p.m.

APPLICATION NO.: PUD-405-I/Z-5772-SP-13 **MAJOR AMENDMENT**
DETAIL SITE PLAN
Applicant: John W. Moody (PD-18) (CD-8)
Location: South and west of southwest corner of East 92nd Street and
South 78th East Avenue

Staff Recommendation:

The subject tract is one acre in size and is located south and west of the southwest corner of East 92nd Street and South 78th East Avenue. PUD-405 was approved in 1985. This particular tract for uses included in Use Unit 11, offices, studios, and support services. The PUD allowed a maximum height of ten stories and a maximum building floor area of 26,136 square feet for the subject tract.

The subject tract has approximately 146 feet of frontage on East 93rd Street. The underlying zoning is CO. The tract is abutted on the southeast by a tract that is zoned CO/PUD-405-G and has been approved for automotive uses; on the southwest by a tract zoned CO/PUD-405, that is being used for drainage purposes; and on the northeast by a tract that is zoned CO/PUD-405 and a credit union is now being proposed for this tract. To the northeast of the tract, across South 78th East Avenue, is a tract zoned CO/PUD-405-C that has been approved for automotive uses. There are also automotive uses existing at the northeast and northwest corners of East 92nd Street and South 78th East Avenue.

This major amendment and corridor site plan proposes an automotive paint and body shop as included in Use Unit 17. The applicant proposes a maximum building floor area of 15,090 SF and a maximum building height of 30 feet.

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-405-I/Z-5722-SP-13 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-405-I/Z-5722-SP-13 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:

Lot Area:	43,560 SF
Maximum Building Area:	15,090 SF
Off-Street Parking:	As required by the applicable Use Unit of the Tulsa Zoning Code.
Minimum Landscaped Area:	10% of lot area.
Maximum Building Height:	30 FT
Permitted Uses:	Automobile Paint and Body Shop as included in Use Unit 17.
Minimum Building Setbacks:	
From Public Street Right-of-way	60 FT
From Westerly Boundary of Development Area	25 FT
From Northerly and Southerly Boundaries of Development Area	12 FT

Screening:

A six-foot high or higher screening wall or fence shall be provided as shown on the site plan.

Signs:

One ground sign shall be allowed not to exceed 20 feet in height or a maximum display surface area of 32 square feet. Wall signs shall comply with Section 1103.B.2 of the Zoning Codes.

3. All work on automobiles shall be performed indoors. No automobiles stored for repair shall be kept outside the screening fence.
4. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall

be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.

6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
9. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process
12. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.
13. All other specifications and conditions of PUD-405 and Z-5722 not amended hereby shall remain and be conditions of the approved PUD amendment and corridor site plan.

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 **HARMON**, the TMAPC voted **9-0-0** (Boyle, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining";

Carnes, Selph "absent") to recommend **APPROVAL** of the major amendment PUD-405-I and detail corridor site plan for Z-5772-SP-13 as recommended by staff.

Legal Description for PUD-405-I/Z-5772-SP-13:

A tract of land that is part of Lot 2, Block 4, 9100 Memorial, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows: Beginning at a point that is the most Northerly Northwest corner of said Lot 2; thence S 28°40'18" E for 0.00' to a point of curve; thence Southeasterly along an Easterly line of Lot 2 and along a curve to the left with a central angle of 13°30'10" and a radius of 620.00' for 146.11'; thence S 41°26'46" W for 251.85' to a point on a Westerly line of said Lot 2; thence N 30°22'30" West along said Westerly line for 230.52' to the most Westerly Northwest corner of Lot 2; thence N 61°19'42" E along a Northerly line of Lot 2 for 226.56' to the Point of Beginning of said tract of land, **from PUD-405 to PUD-405-I (Planned Unit Development).**

APPLICATION NO.: Z-6808

RS-3 TO IL

Applicant: Kevin Hannah

(PD-16) (CD-6)

Location: Northeast corner of East Independence and North Garnett Road

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6424/PUD-504 November 1993: A request to rezone a lot located on the northeast corner of East Newton Place and North Garnett Road from RS-3 to IL/PUD to allow light manufacturing uses on the property. All concurred in denial of the request based on the fact the property is surrounded by single-family dwellings and the proposed development standards of the PUD could not meet zoning code requirements.

Z-6392 March 1993: Staff and TMAPC recommended approval of a request to rezone a lot located south of the southeast corner East Newton Place North and North Garnett Road from RS-3 and IL to OL on the west 184' to only the depth of the adjoining OL lot on the north. The balance of the tract remained IL.

Z-6237 August 1989: All concurred in approval of a request to rezone a ten-acre tract located south of the southeast corner of East Newton Place and North Garnett Road from RS-3 to IL.

Z-6325 October 4, 1991: All concurred in approval of OL zoning on a 70' x 167' tract located south of the southeast corner of East Newton Place and North Garnett Road.

Z-5983 September 1984: A request to rezone the south 4.13-acre of the subject tract from RS-3 to IL was denied due to the fact the property was isolated from any IL zoning at that time. Staff and TMAPC felt it would be spot zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 7.33 acres in size and is located in the northeast corner of East Independence Street and North Garnett Road. The property is flat, non-wooded, contains a single-family dwelling, and is zoned RS-3.

STREETS:

Existing Access	MSHP Design	Exist. Lanes	No.	Surface	Curbs
East Independence Street	50'	2 lanes		Paved	No
North Garnett Road	100'	2 lanes		Paved	No

The Major Street Plan designates East Independence Street North as a residential street and North Garnett Road as a secondary arterial street. The City of Tulsa Traffic counts indicate 2,200 trips per day on North Garnett Road north of East Pine Street North.

UTILITIES: Water and sewer would be available to the subject property by an extension to lines that are located on the west side of North Garnett Road.

SURROUNDING AREA: The subject tract is abutted on the north and east by single-family dwellings, zoned RS-3; to the south by a church and to the southeast by single-family dwellings, zoned RS-3; and to the west across North Garnett Road by an industrial facility, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District 2.

According to the Zoning Matrix the requested IL zoning **may be found** in accordance with the Plan Map. Any zoning classification **may be found** in accordance with the special district designations, provided the uses permitted by the zoning classification are consistent with the land use and other existing physical facts in the area, and supported by the policies of the District Comprehensive Plan. In this case, plan policies call for uses in this Special District to be industrial and airport-related uses.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, the existing uses and development in the area, staff recommends **APPROVAL** of IL zoning for Z-6808.

Mr. Horner, Mr. Boyle, and Mr. Midget out at 3:32 p.m.

Interested Parties Comments:

Carol Borthick, 1145 North Garnett Road, Tulsa, Oklahoma 74116, stated that he has no problem with growth, but he does have concerns with stormwater problems.

Applicant's Comments:

Kevin Hannah, Electronic Incorporated, 1847 North 105th Avenue, Tulsa, Oklahoma 74116, stated that he would like to rezone the subject property in

order to build a warehouse facility for his company. It would comprise a warehouse, research and development area, dry dock area, offices and light assembly areas.

Mr. Hannah explained that his company manufactures light fixtures and signage for retail companies.

TMAPC Comments:

Mr. Stump reminded the applicant that since the subject property is surrounded on every side, except to the west, by RS-3 zoning, there is a 75-foot building setback from all of those property lines that are in common with residential. In response, Mr. Hannah stated that an engineer would be laying out the property for his company.

Mr. Ledford reminded the applicant that he would have to go through the platting process for his development. In response, Mr. Hannah stated that it was his understanding that he may be able to abate the platting process by request because it is two separate lots. In response, Mr. Stump stated that the applicant is eligible to apply for a plat waiver, but the Planning Commissions is the one who will decide whether it is appropriate to plat the subject property.

Interested Parties Comments:

Earl Pregler, 11354 East Independence, Tulsa Oklahoma 74116, stated that he owns the property on the south side of Independence (approximately seven acres). He expressed concerns regarding water runoff.

TMAPC Comments:

Mr. Westervelt explained that today's application is for a land use change and stormwater issues will be dealt with through the development process at Public Works.

Mr. Pregler explained that he wants to bring the fact before the Planning Commission that an improvement is needed regarding water drainage in the subject area and he does not have a problem with the rezoning.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, the TMAPC voted **6-0-0** (Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Horner, Midget, Selph "absent") to recommend **APPROVAL** of IL zoning for Z-6808 as recommended by staff.

Legal Description for Z-6808:

The West 372.5' of Lots 5 and 6, less 10' for street, Cooley's Subdivision, and all of Lot 4, Cooley's Subdivision, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, **From RS-3 (Residential Single-family High Density District) To IL (Industrial Light District).**

APPLICATION NO.: PUD-542-3
Applicant: TMAPC

MINOR AMENDMENT
(PD-18) (CD-8)

Location: North of northwest corner of East 91st Street and South Sheridan

Staff Recommendation:

The Tulsa Metropolitan Area Planning Commission at the January 24, 2001 meeting initiated this request to process a minor amendment to open East 86th Street to through traffic. The existing PUD requires 86th Street to remain closed in this area until 30 residential units are constructed to avoid construction traffic to the subdivision to the west.

The Tulsa Traffic Manager and an area resident have requested that the street be opened at this time, although there have not been 30 units constructed. Access for emergency vehicles has been difficult in the area, and the existing traffic patterns are causing problems for area residents.

Staff recommends **APPROVAL** of the minor amendment to open the street at this time due to concerns of safety for those in the subdivision, and to ease the traffic flow.

Interested Parties In Support of PUD-542-3:

Susan Smith, 5505 East 86th, Tulsa, Oklahoma 74137; **Dr. Marty Scott**, 8603 South Hudson, Tulsa, Oklahoma 74137; **Ron Bergman**, 9017 South Lakewood Avenue, Tulsa, Oklahoma 74136; **Kathy Moore**, 5523 East 86th Street, Tulsa, Oklahoma 74137.

Interested Parties In Support of PUD-542-3 Comments:

It is a daily inconvenience to have to go to 91st and up Lakewood to get to work (61st and Sheridan); barrier prevents EMSA and the Fire Department from accessing the subject area; concerns about construction traffic using the street, but would like it opened; if 86th Street was opened the residents would be able to turn right on Sheridan to catch the light to head east; 86th Street is a public street and should be opened; people will not cut through the neighborhood because it is easy to get lost; the City would like the street opened as well; Ms. Moore thanked Jim Dunlap, staff, for helping to direct her to the right departments to get this application before the TMAPC.

TMAPC Comments:

Mr. Westervelt suggested that the interested parties contact Mark Brown at Traffic Engineering regarding construction traffic on the street and possible signage to prevent this.

Interested Parties Opposing PUD-542-3:

Scott Randolph, 8927 South Lakewood Avenue, Tulsa, Oklahoma 74136, stated that he has lived in the subject area for 14 years and do not see any compelling reason to open this street. He indicated that there are only five homes in the subject area. He expressed concerns with traffic coming into the

neighborhood to utilize it as a through street to avoid 91st and Sheridan intersection. He requested that the minor amendment be denied.

TMAPC Comments:

Mr. Westervelt informed Mr. Randolph that the Planning Commission received letters of support and one in particular addressed the safety issue (Exhibit D-1).

Mr. Harmon stated that after reading the correspondence and hearing the interested parties he would like to move that the minor amendment for PUD-542-3 be approved per staff recommendation.

Mr. Ledford seconded Mr. Harmon’s motion and stated that the reason for his second is because the compelling reason for opening 86th Street is the only subdivision tied to this street system is the one that is blocked. He explained that most of the development in the subject area is completed and the blockade is not necessary.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Horner, Midget, Selph "absent") to **APPROVE** the minor amendment for PUD-542-3 as recommended by staff.

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APPLICATION NO.: PUD-567-A-1

MINOR AMENDMENT

Applicant: Mike Hughes

(PD-18) (CD-8)

Location: Southwest corner of East 71st Street and South 109th East Avenue

Staff Recommendation:

The applicant is requesting a Minor Amendment to allow a lease parking agreement to be used as a means to meet the required parking for the new use of a “Fuddruckers” restaurant on Lot 2, Block 1, Woodland Park addition in PUD-567. The parking requirements for the new restaurant are different from the previous “Easyriders” motorcycle sales and service use on the site.

The area leased from the Cinemark theatre will provide the new restaurant with the appropriate number of parking spaces to meet Zoning Code requirements. As proposed, the minor amendment requested allows all the uses in the PUD to meet parking requirements.

Staff views the lease agreement for parking as a viable vehicle to meet the Zoning Code requirements. Staff recommends **APPROVAL** of the minor amendment proposed with the following conditions:

1. Retain the current layout of the landscaped areas, parking and mutual access drives.
2. Maintenance of the leased area for parking and landscaping in the subject tract be defined by agreement.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Horner, Midget, Selph "absent") to **APPROVE** the minor amendment for PUD-567-A-1, subject to conditions as recommended by staff.

* * * * *

OTHER BUSINESS:

APPLICATION NO.: AC-054 ALTERNATIVE LANDSCAPE COMPLIANCE

Applicant: Stephen A. Schuller (PD-5) (CD-5)

Location: Northwest corner of East 31st Street and South Sheridan

Mr. Westervelt announced that he will be abstaining from AC-054 and AC-055 item and turned the meeting over to Mr. Harmon, 2nd Vice Chair.

Staff Recommendation:

The applicant is requesting alternative compliance to Zoning Code landscaping requirements for a Quik Trip store located at the northwest corner of East 31st Street and South Sheridan Road. The request is for relief from the requirement to have a landscaped area of 30 square feet within 50 feet of every parking space. Relief is also requested from the requirement to have one tree for every 1500 square feet of street yard along 31st Street.

Alternative Compliance allows the Planning Commission to review a proposed plan and determine that, although not meeting the technical requirements of the landscape chapter in the Zoning Code, the plan is equivalent to or better than the requirements.

The use of crape myrtle instead of trees approved per the landscape chapter of the Zoning Code, will be approved only under power lines, and only using the variety of Crape myrtle that will grow to a mature height of 15 to 20 feet.

Staff can agree that placement of the required number of trees along 31st Street would be difficult, especially with the existing overhead electric lines in this area, and therefore can recommend **APPROVAL** of the alternative compliance in the form of two additional trees and additional landscaped area per the submitted plan. Staff would suggest, however, that meeting the requirement for a landscaped area of 30 square feet be attempted to be put in near the front of the store to the south of the QuikTrip, either in the form of a landscaped island or a planter area.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **LEDFOORD**, TMAPC voted **5-1-0** (Harmon, Hill, Jackson, Ledford, Pace "aye"; no "nays"; Westervelt "abstaining"; Boyle, Carnes, Horner, Midget, Selph "absent") to **APPROVE** the alternative compliance for landscaping requirements for AC-054, subject to conditions as recommended by staff.

* * * * *

APPLICATION NO.: AC-055 ALTERNATIVE LANDCAPE COMPLIANCE

Applicant: Stephen A. Schuller

(PD-18) (CD-7)

Location: 4747 South Yale Avenue

Staff Recommendation:

The applicant is requesting alternative compliance to Zoning Code landscaping requirements for a Quik Trip store located at 4747 South Yale Avenue. The request is for relief from the requirement to have a landscaped area of 30 square feet within 50 feet from every parking space, as it affects four parking spaces.

Alternative Compliance allows the Planning Commission to review a proposed plan and determine that, although not meeting the technical requirements of the landscape chapter in the Zoning Code, that the plan is equivalent to or better than the requirements.

The use of Crape myrtle instead of trees approved per the landscape chapter of the Zoning Code, will be approved only under power lines, and only using the variety of Crape myrtle that will grow to a mature height of 15 to 20 feet.

Staff can agree that this particular site provides a good landscape plan for the size of the lot and the type of land use, and recommends **APPROVAL** of the Alternative Compliance per the site plan proposed. Staff would suggest the addition of another tree for the site, as only one extra tree is proposed at this time.

The applicant indicated his agreement with staff's recommendation.

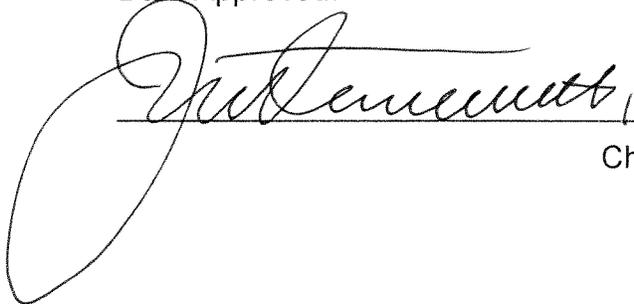
There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **LEDFORD** TMAPC voted **5-1-0** (Harmon, Hill, Jackson, Ledford, Pace "aye"; no "nays"; Westervelt "abstaining"; Boyle, Carnes, Horner, Midget, Selph "absent") to **APPROVE** the alternative compliance for Landscaping Requirements for AC-055, subject to conditions as recommended by staff.

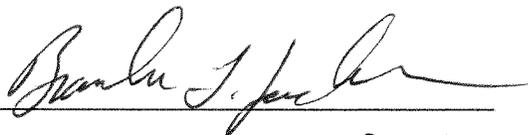
There being no further business, the Chairman declared the meeting adjourned at 3:55 p.m.

Date Approved:



Chairman

ATTEST:



Secretary