

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2271

Wednesday, April 18, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, April 16, 2001 at 11:37 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 March 21, 2001, Meeting No. 2268

On **MOTION** of **BOYLE** the TMAPC voted 9-0-1 (Boyle, Carnes Harmon, Hill, Horner, Jackson, Pace Westervelt "aye"; no "nays"; Ledford "abstaining"; Midget, Selph "absent") to **APPROVE** the minutes of the meeting of March 21, 2001, Meeting No. 2268.

Minutes:

Approval of the minutes of March 28, 2001 Meeting No. 2269

On **MOTION** of **BOYLE** the TMAPC voted 9-0-0 (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to **APPROVE** the minutes of the meeting of March 28, 2001, Meeting No. 2269.

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REPORTS:

Chairman's Reports:

Mr. Westervelt stated that the TMAPC received a letter from the City Council requesting the Planning Commission to evaluate spacing requirements from "mega" adult entertainment establishments. Mr. Westervelt sent the request to Rules and Regulations Committee for review.

Mr. Westervelt stated that items 19 and 22 are related items and will be considered after the continued zoning items.

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Director's Report:

Mr. Stump reported that there are several items on the City Council agenda for April 19, 2001 at 6:00 p.m. He indicated that Mr. Dunlap would be attending the meeting.

Mr. Stump stated that INCOG met with the Tulsa County Budget Board regarding FY 2002 proposed budget. He indicated that the Tulsa County Budget Board didn't seem to have any problems with the proposal.

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SUBDIVISIONS

FINAL PLAT:

66th Street North Truck Stop (3313) (PD-15) (County)
Northeast corner of the intersection of 66th Street North and Highway 75

This plat consists of four lots in two blocks on 8.26 acres. The property is zoned IM and will be used for highway-oriented commercial and industrial uses. The preliminary plat was approved on September 9, 2000.

Releases have been received and the plat is in order. Staff recommends **APPROVAL** of the final plat for 66th Street North Truck Stop.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to **APPROVE** the final plat for 66th Street North Truck Stop as recommended by staff.

Mr. Westervelt indicated that he would be abstaining from the following item.

QuikTrip Commercial Center #96 (2083) (PD-18) (CD-2)
North of the intersection of Riverside Parkway and Delaware Avenue

This plat consists of two lots in one block on 4.82 acres. The lot to the south will be the site of a new QuikTrip store; the lot to the north will be used for future commercial purposes. The preliminary plat was approved on March 21, 2001.

Releases have been received and the plat is substantially in order. Staff recommends **APPROVAL** of the final plat with the following conditions:

- Minor revisions to the Deeds of Dedication to the satisfaction of the Legal Department
- Submission of owner's papers

Should the Commission approve the plat per the recommendation, signatures will be withheld until the conditions are complied with.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted **8-0-1** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace "aye"; no "nays"; Westervelt "abstaining"; Midget, Selph "absent") to **APPROVE** the final plat for QuikTrip Commercial Center #96, subject to conditions as recommended by staff.

PRELIMINARY PLAT:

Gateway Plaza – (3003)

(PD-2) (CD-3)

Northeast corner of North Peoria Avenue and East Pine Street

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

Staff Recommendation:

GENERAL

The site is located north of Pine and east of Peoria between it and the Cherokee Expressway. Reading Street bounds the property on the north. The site was previously platted and developed, being parts of the Hunter, Broadview and Dickson Additions. It was previously used for residential and commercial purposes.

The areas to the west side of Peoria and north of Reading are of mixed density residential use. CS zoning is present at the northeast corner of Reading and Peoria and to the east at Queen Street.

This will be the site of an Albertson's.

STREETS

No internal streets are required; the plat indicates one access point off of Pine, two access points off of Peoria and three access points off of Reading.

Proposed dedications are indicated on Peoria and Pine.

SEWER

Atlas sheet 78 indicates that sanitary sewer is present onsite, as would be expected given the previous development. Sanitary sewer easements are shown in the western portion of the site.

Previous easements should be shown with information regarding improvements to be vacated.

WATER

Atlas sheet 78 indicates that water is present onsite, as would be expected given the previous development. Restricted water line easements are shown.

Previous easements should be shown with information regarding improvements to be vacated.

STORM DRAIN

A note on Lot 5 indicates that detention will be required and Lot 1 shows a D/E running along the west property line.

To what does the Lot 1 easement connect?

UTILITIES

Utility easements of 17.5' are shown.

Staff provides the following information from TAC.

STREETS:

Somdecerrff, Traffic: A PFPI will be required for improvements along Reading Street from Peoria Avenue to the area of the easternmost drive as shown on the plat. A 50' right of way will be allowed along Reading with an expanded paved section. Subdivision regulations waivers for reduction in the return radius at Peoria /Reading and the reduced right-of-way along Reading and Peoria should be allowed.

French: Streets: No access will be allowed from Lot 5 onto Reading Avenue without additional improvement on Reading. The southernmost access point onto Peoria should be right-turn only. Access onto Pine should be clearly located and will be subject to Traffic Engineering. The length of the right-turn bay should be verified.

SEWER:

Payne, PW: Existing sewer lines will need to be abandoned; therefore, new lines should be installed and operational prior to abandonment. Manholes in areas of drainage easements should have a rim elevation of one-foot above the expected flow.

WATER:

Holdman, PW: An existing six-inch waterline is present in the northwest corner of the site – it should be abandoned.

STORM DRAIN:

McCormick, PW: Detention will be required. Public storm sewer will be required to serve Lot 5.

FIRE:

Calkins. Fire: No comment.

UTILITIES:

PSO: The existing overhead lines will need to be relocated.

ONG: An existing gas line runs north and south through Lots 2 and 3. Currently the Peoria right-of-way covers it. ONG will require easement as the right-of-way is narrowed.

SWB: Line relocates will be required.

Cox: Fiber optic line is located between Queen and St. Louis Streets and will have to be relocated.

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

WAIVER OF SUBDIVISION REGULATIONS:

1. Waiver of the minimum radius returns on Peoria and Reading.
2. Waiver of the minimum right of way for Reading and Peoria.

SPECIAL CONDITIONS:

1. PFPI for required improvements along Reading Street from Peoria to the easternmost access onto the site.
2. No access from Lot 5 directly onto Reading Street until improvements have been made in that area.
3. Right-turn only for the southernmost access onto Peoria.
4. Access onto Pine subject to Traffic Engineering approval.
5. Clear notation on the final plat regarding water and sewer line abandonment.
6. Detention required.
7. Construction of storm sewer to serve Lot 5.
8. Relocation of existing improvements and new easements to the satisfaction of the utility providers.

STANDARD CONDITIONS:

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

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

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

20. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

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

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Montereau In Warren Woods (PUD-641) (CD-18) (CD-7)

¼ mile west of the northwest corner of 71st Street and Sheridan

Staff Recommendation:

GENERAL

The site sits on the north side of 71st Street, across from the Irving Avenue intersection. It is in an area that includes a mix of office uses, multifamily development and zoning and single-family residences. The area to the east and north is vacant and significantly vegetated. The areas to the east and west are zoned RS-3 and OL. RS-3 zoning is to the north with PUDs, and multifamily/seniors housing development to the south across 71st Street.

The proposed use is seniors housing.

The site has significant topography, which will be a factor in the development of the site, particularly regarding access and the relationship between the parking areas and the individual units. Grading plans will be important, particularly as they relate to the amount of material being moved. Soils tests will be important if structures are to be placed in areas of fill.

STREETS

The plat shows two lots, one along the 71st Street frontage, the other over the remainder of the property. The southern lot will have access off of 71st Street. The remainder will have access off of South Granite Avenue.

Significant discussion regarding access occurred during the PUD hearing. The discussion revolved around the use of Granite Avenue as the primary access point. Granite is shown as a residential collector on the MSHP; however, the topography in the area may make it infeasible to tie to the north (at the Laureate Clinic) as indicated on the MSHP.

At the Commission, issues regarding dedication, paving, grade and alignment were touched upon. The plat shows access to Granite. The details of access are not clear from the plat.

Some determination of the ultimate grade at the Granite/project intersection should be accomplished so that the Montereau access road does not have to be rebuilt in the future. The feasibility of the connection of Granite Avenue to the Laureate Clinic should be explored so that an ultimate grade can be estimated. The plat should provide information for Granite Avenue from the project area south to 71st Street so that the access route can be reviewed.

Emergency access to Lot 1 is currently shown through Lot 2.

SEWER

The utility plan indicates that sanitary sewer will tie in to an 8" VCP on the west.

WATER

Water will be served by tying in to an 8' line running to the east and into a 12" DIP running to the south.

STORM DRAIN

Detention is not clear. A reserve area is indicated to the west of the western boundary.

UTILITIES

The site appears to be bounded by a proposed utility easement.

Staff provides the following information from TAC.

STREETS:

Somdecerrf, Traffic: Book and page reference for right-of-way along 71st Street should be shown (4915/2033).

French: Streets: Existing median breaks should be shown. Access will be allowed at existing breaks. The utility easement along Granite Avenue should be outside the proposed right-of-way. The ultimate alignment of Granite Avenue should be studied – the proposed location of Reserve A will, in effect, cut off all potential for connecting the street to the north. At a minimum, Reserve A should be located to allow for the potential of a future connection. Should a connection not be feasible, the need for the existing traffic light at Granite Avenue/71st Street should be reviewed.

SEWER:

Payne, PW: It is not clear from the plat how Lot 2 will be sewered. Appropriate easement should be shown.

WATER:

Holdman, PW: A restricted 20' water line easement will be shown. A main line extension will be required (20" line cannot be tapped).

STORM DRAIN:

McCormick, PW: Existing flow paths shall be maintained (zero transfer of water into new drainage areas).

FIRE:

Calkins. Fire: No comment.

UTILITIES:

ONG: Standard language should be used.

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

WAIVER OF SUBDIVISION REGULATIONS:

None.

SPECIAL CONDITIONS:

1. Reserve area should be located so as to not impede a future Granite Avenue connection to the north. In the alternative, engineering studies should be accomplished which show the feasibility of the connection. If it is determined by the City that connection is not feasible, Reserve A may be located as shown.
2. Utility easements to be dedicated by this plat should be outside the Granite Avenue right-of-way.
3. Median openings on 71st Street should be shown – access into lot 2 should line up with those openings.
4. Book and page references for dedications should be shown.
5. Sewer and water easements to serve Lot 2 should be shown to the satisfaction of the Public Works Department.
6. Mainline water line extension will be required.

7. Flow characteristics should be maintained – no transfer of flows into other drainage areas will be permitted.
8. Standard covenant language should be included to satisfaction of utilities.

STANDARD CONDITIONS:

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

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

TMAPC Comments:

Mr. Ledford expressed concerns how this would affect the access to the most northerly lot of Corporate Oaks. He requested that any studies that are done in the future with this plat need to be very careful regarding how the grade will affect the access to the lot in Corporate Oaks. In response, Mr. Bruce stated that it appears that there is a feasible connection between Granite to the north by using the existing grade as a starting point.

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 **BOYLE**, TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to **APPROVE** the preliminary plat for Montereau In Warren Woods subject to special conditions and standard conditions as recommended by staff.

Oak Park Office Park (PUD-642)

(PD-6) (CD-7)

South of the southeast corner of 41ST Street South and South Harvard
4137 South Harvard Avenue

Staff Recommendation:

GENERAL

The site is located south of 41st Street and is accessed off of Harvard Avenue, which bounds it on the west. The Village Grove Heights Addition #1 bounds it on the north and the southeast. The Peach Tree Square Addition abuts it on the southwest.

An existing structure is located in the western portion of the site.

The purpose of the request is to subdivide lots for office use. Two new lots with attendant structures to the east of the existing structure are proposed by this plat.

STREETS

The plat indicates one access point off of Harvard; a mutual access easement will provide access to the lots to the east. The PUD does not specifically change the frontage requirement although it is inferred. Staff interpretation has been that the requirement is 0' if not specifically addressed by the PUD.

SEWER

Atlas sheet 187 indicates that sanitary sewer is present along the east side of Harvard and at the southern boundary line in the central portion of the site.

WATER

Atlas sheet 187 indicates that water is present along the east side of Harvard. A restricted water line easement is shown from west to east. The Mutual Access Easement is on northern portion of the water line easement.

STORM DRAIN

The plat does not address detention or drainage easements.

UTILITIES

A utility easement is shown along the southern boundary of the plat.

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

Staff provides the following information from TAC.

STREETS:

Somdecerrf, Traffic: None.

French: Streets: None.

SEWER:

Payne, PW: Sanitary sewer routed under the detention pond will be ductile iron.

WATER:

Holdman, PW: Waterline under the detention pond will be in conduit.

Discussion occurred regarding the easements along the southerly property line. Public works staff indicated that the restricted water line easement could be reduced to 10'. The area between it and the southerly property line will be used for easement.

STORM DRAIN:

McCormick, PW: A separate instrument for the offsite detention area will be required. A 15' storm sewer easement will be required.

FIRE:

Calkins. Fire: The buildings to the east (Lots 2 and 3) will be required to be fire suppressed (sprinkled).

UTILITIES:

Joint location in the 24.8' along the southern boundary will be acceptable.

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

WAIVER OF SUBDIVISION REGULATIONS:

None.

SPECIAL CONDITIONS:

1. Structures on Lots 2 and 3 will be sprinkled.
2. A separate instrument will be required for offsite detention, including a 15' easement for storm sewer.

3. Water line under the detention pond will be in conduit.
4. Sewer line under the detention pond will be ductile iron.

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

PLAT WAIVER:

Z 6794

(PD-3) (CD-6)

Northwest corner of North Admiral Place and North Trenton

Trigger: Zone change from RM-2 to CS: 1/04/01

Staff Recommendation:

GENERAL

The site is located at the northwest corner of North Trenton Avenue and East Admiral Place North. The area from Admiral Place to Admiral Boulevard primarily consists of RM-2 zoning and uses.

The site is previously platted, being a 50' x 116' lot.

The zone change request brought the existing use into alignment with the zoning.

PURPOSE

The purpose of the request is to allow the continued use of a 1337 SF restaurant with associated parking. The purpose of the request will allow the existing restaurant to continue operation without platting.

ZONING

The site is zoned CS, with IM to the north and with an IL lot across Admiral Place to the south. The area to the south between Admiral Place and Admiral Boulevard is zoned RM-2.

STREETS

The site plan shows access onto Admiral Place.

SEWER

Sheet 9 shows sewer on the east side of Trenton.

WATER

Sheet 9 shows 24" waterlines on the east side of Trenton and the south side of Admiral Place.

STORM DRAIN

Detention/drainage information has not been provided.

Staff provides the following information from TAC.

STREETS:

Somdecerff, Traffic: A right-of-way dedication will be required at the southeast corner of the site (Admiral and Trenton) for a 25' radius return.

French: Streets: no comment.

SEWER:

Bolding, PW: no comment.

WATER:

Holdman, PW: no comment.

STORM DRAIN:

McCormick, PW: no comment.

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 recommends **APPROVAL** of the request for plat waiver with the following conditions:

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 propertie X
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 physical development of the P.U.D.? X

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.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to **APPROVE** the plat waiver for Z-6794 as recommended by staff.

ZONING PUBLIC HEARING

APPLICATION NO.: PUD-570-1

MINOR AMENDMENT

Applicant: Brad Bouse

(PD-26) (CD-8)

Location: North of northwest corner of East 111th Street and South Memorial

Staff Recommendation:

The applicant is requesting several amendments to approved Planned Unit Development standards to facilitate the construction of a new Charlie's Chicken restaurant on Lot 2, Block 1, Southern Crossing Second Addition.

The amendments requested include the following:

- Amendment of building height from 20' to 23';
- Setback of bulk waste containers on west from 125' to 2';
- Setback from west boundary for parking from 20' to 2';
- Setback from RS for light standards from 50' to 2' and from 12' in height to 21';
- Wall signs permitted on east-facing walls to east- and west-facing walls;
- Request to add vehicular access on west side of lot to and from shopping areas in PUD 578-A, which will relieve traffic congestion to and from Wal-Mart.
- Six-foot screening wall or fence along west boundary to no screening wall or fence along west boundary.
- Request to allow public building access on the west side of the building.

Staff has reviewed the development standards for the PUD and the requested amendments. There has been rezoning activity near the subject site, which changes residential zones to commercial zoning. The commercial zoning lessens the need for some of the PUD standards as originally approved. The Charlie's Chicken franchise has certain standard building features for their restaurants, which also cause the request for amendments.

Staff can recommend **APPROVAL** of the following amendments to the PUD development standards:

Building Height:	23 feet, but not more than one story
Bulk Waste Containers:	
From West Boundary of PUD	Two feet
Parking Area Setback:	Two feet from West Boundary.

Lighting Standards:

All parking lot lighting shall be hooded and directed downward and away from any residential areas. No light standard nor building-mounted light shall exceed 21 feet in height and all such lights shall be set back at least two feet from the property lines.

Signs:

Wall signs are permitted at 1.5 square feet per display surface area per lineal foot of building wall to which it is attached.

Landscaping:

Parking areas within the PUD shall be screened from Memorial Drive by screening fences, berms and/or landscaping.

All other PUD standards remain as previously approved.

RELATED ITEM:

APPLICATION NO.: PUD-570

Applicant: Brad Bouse

Location: North of northwest corner of East 111th Street and South Memorial

DETAIL SITE PLAN

(PD-26) (CD-8)

Staff Recommendation:

The applicant is requesting site plan approval for a new Charlie's Chicken restaurant. There is a minor amendment on the same agenda to facilitate the approval for this site plan, due to recent commercial rezoning abutting the subject site.

The staff has reviewed the site plan for conformance to the proposed standards which are included in the minor amendment to the Planned Unit Development. Staff can recommend **APPROVAL** of the detail site plan with the condition that the minor amendment is approved for the site.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to **APPROVE** the minor amendment for PUD-570-1, subject to conditions as recommended by staff and to **APPROVE** the detail site plan for PUD-570 as recommended by staff.

* * * * *

CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: Z-6810/PUD-646

AG TO RS-2/PUD

Applicant: Charles Norman

(PD-26) (CD-8)

Location: East of Sheridan and North of 111th Street South, South of Block 7 and 8, Forest Trails

Staff Recommendation for Z-6810:

RELEVANT ZONING HISTORY:

Z-6730/PUD-627 March 2000: A request to rezone a ten-acre tract located on the southwest corner of East 108th Street South and South Sheridan Road from AG to RS-2/PUD. Staff and TMAPC recommended denial of RS-2 zoning and recommended approval of RS-1 and the Planned Unit Development for residential development.

Z-6753/PUD-450-A March 2000: A request to rezone a 4.5-acre tract located on the southwest corner of East 111th Street and South Sheridan Road from an underlying zoning of CS with a PUD for commercial development to RS-4/PUD for a single-family residential development. All concurred in approval of the rezoning and amended development standards.

Z-6722/PUD-619 November 1999: A request to rezone a 34-acre tract located on the west side of South Memorial Drive and south of East 101st Street from AG to CS, OL, RS-3/PUD for a mixed use development. All concurred in approval subject to City Council modifications.

Z-6700/PUD-611 June 1999: All concurred in approval of a request to rezone a twenty-acre tract located east of the northeast corner of South Granite Avenue and East 111th Street South from AG to RS-2 to PUD.

PUD-578 February 1998: A request for a Planned Unit Development on a 35.7-acre tract located at the northwest corner of East 111th Street South and South Memorial Drive for commercial and mixed dwelling type residential development. All concurred in approval subject to modifications.

Z-6249/PUD-450 July 1989: A request to zone a 3.5-acre tract located on the southwest corner of East 111th Street South and South Sheridan Road from AG to CS/PUD for commercial shopping center. All concurred in approval subject to conditions.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 35 acres in size and is located east of South Sheridan Road and south of East 108th Street South. The property is sloping, wooded, vacant, and zoned AG.

STREETS:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>
South 68 th E. Ave.	50'	2 lanes	Paved

South 68th East Avenue is a residential street that would be extended into the new development.

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

SURROUNDING AREA: The subject tract is abutted on the north by single-family homes, zoned RS-2; to the south and east by vacant property, zoned AG; and to the west across South Sheridan Road by scattered single-family dwellings, zoned AG.

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 Special District 1 due to steep slopes and highly erodible soils. The Comprehensive Plan states that the uses allowed in Special District 1 shall be limited to low intensity residential unless accompanied by an acceptable PUD and must be consistent with the ability of the sanitary sewer systems to accommodate the development. Special care is to be taken in the design and scheduling of development to minimize the disturbance of the natural vegetation and soil profiles.

According to the Zoning Matrix the requested RS-2 **may be found** in accordance with the Plan Map.

STAFF RECOMMENDATION:

Any zoning classification **may be found** in accordance with the special district designations, provided the uses and intensity of use permitted by the zoning classification are compatible with the existing and planned land use and other physical facts in the area, and supported by the policies of the District Comprehensive Plan

Based on the Comprehensive Plan, existing development, soil types, steep slopes, and lack of a PUD that provides for the special design and scheduling of development called for in Special District 1, staff recommends **DENIAL** of RS-2 zoning and **APPROVAL** of RE zoning for Z-6810.

Staff Recommendation For PUD-646:

The PUD proposes a maximum of 35 residential lots on 35.26 acres located east of South Sheridan Road, north of East 111th Street and south of East 108th Street. The PUD proposes private streets with only one access point which would be South 68th East Place that abuts to the north boundary of the subject tract. The proposed access would cause significant traffic volumes resulting in a burden on the residential streets to the north (Forest Trails), as well as inadequate emergency vehicle access. The proposed streets do not meet the requirements of the subdivision regulations nor the draft guidelines for private streets (enclosed). Staff cannot support the request for private streets or the proposed one access point at the density proposed.

The subject tract is zoned AG. Concurrently, an application has been filed to rezone the tract to RS-2 (Z-6810). The tract is abutted on the north by a single-family subdivision (Forest Trails), zoned RS-2 but built at an RE density; and on the east, south and west by vacant AG-zoned property.

If Z-6810 is approved as recommended by staff and a primary access point is provided on Sheridan or 111th Street or the density is reduced as recommended, 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-646, 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-646 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: 35.26 AC 1,535,926 SF

Permitted Uses: Those uses included within Use Unit 6, Single-Family Dwellings and customary accessory uses. Detached accessory buildings, such as a garage, including one living or servants' quarters per lot, may be permitted. Any accessory living or garage quarters may include a bath and kitchen, provided that such quarters may only be occupied by members of the family related by blood or adoption or servants. Such living quarters must be a part of the accessory garage structure. The living area of any such quarters, exclusive of the accessory building of which it is a part, may not exceed 1,100 square feet.

Minimum Lot Width: 125 Feet

Maximum Number of Lots: 30 if primary access is directly onto Sheridan Road or 111th Street South 29 or 20 if primary access is from 68th East Place.

~~Maximum Number of Dwelling Units If the Primary Access is Directly onto Sheridan Road or 111th Street South: 58, of which no more than 29 may be the primary single family residence. The balance of the dwelling units shall be limited to the detached accessory quarters with a kitchen, which may not exceed one such accessory quarter per lot.~~

~~Maximum Number of Dwelling Units if 68th East Place is the Primary Point of Access: 20~~

Minimum Lot Size: 22,500 square feet

Maximum Building Height:
(Primary Residence) 45 FT
(Accessory Quarters) 35 FT

Off-Street Parking: Two enclosed off-street parking spaces per dwelling unit and at least two additional off-street parking spaces per dwelling unit.

Minimum Depth of Required Yards: *
From the External Boundaries of the PUD 25 feet, plus two feet of

depth for every foot of building height above 35 feet.

From Street Right-of-Way:

Front or any yard abutting a street:

Residences: 30 feet

Garages:

Front entrance 30 feet

Side street entry 20 feet

From internal rear-lot lines 25 feet

From internal side-lot lines 7.5 feet

Signs: There shall be no signs permitted.

Access and Circulation: ~~All streets shall be public and there shall be a minimum of two access points into the PUD.~~

Other Bulk and Area Requirements: With a maximum of 20 lots and one point of access as established within an RE district.

With a maximum of 30 lots and two points of access and two points of access and the primary access being directly onto Sheridan Road or 111th Street South as established within an RS-1 district,

*Detached accessory buildings shall comply with the minimum yard requirements of principal structures.

3. 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.
4. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.

5. 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 ~~40~~ 12 percent. Turnarounds at the end of cul-de-sacs must receive approval from Public Works and the Tulsa Fire Department.
6. 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.
7. 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. ~~A sediment control plan shall be submitted and approved as part of the preliminary plat. This plan shall provide practices and standards for the control of sediment with which all builders of any structure shall comply and such practices and standards shall become part of the covenants of the plat.~~
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. 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.
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.

TMAPC Comments:

Mr. Carnes stated that he doesn't understand why we are allowing 20 units on the subject property. In response, Mr. Dunlap stated that, based on the street layout and the number of vehicles that are currently using the existing streets, staff believes that 20 units would not impact the subject area.

Mr. Westervelt asked if there is a policy that notes that there should be no more than 20 homes on a single access. In response, Mr. Dunlap stated that this policy is in draft form, but it has been utilized before.

Mr. Boyle stated that if one wants to really look at the single-family homes on one access point it should not be limited to the one proposed subdivision, but all of the homes that would be using the single point of access (existing and proposed). In response, Mr. Stump stated that the existing homes were taken into consideration. Mr. Stump explained that 106th Street is the collector street and there are two points of access out of the larger subdivision that go to 106th, plus another point of access being a standard minor residential street at 106th Place. Distributing the proposed and existing vehicles between the collector street and the minor street, staff calculates that this application would not overload with additional traffic. Mr. Stump stated that staff considered the traffic volumes and carrying capacity of minor residential streets and made some assumptions regarding how traffic would flow. Mr. Stump commented that there is sufficient access to not overload the streets on the way out of the subdivision. Mr. Stump stated that the new units have a choice of going either to 106th Street or 106th Place to access Sheridan. Mr. Stump further stated that by following the Planning Commission's policy, a private-street subdivision with a single-point of access is limited to no more than 20 units. Mr. Boyle asked Mr. Stump if there is a policy regarding the length of the street or strictly the number of units. In response, Mr. Stump stated that the Subdivision Regulations have policies on lengths of cul-de-sacs and dead-end streets. Mr. Boyle stated that this appears to be a cul-de-sac and asked Mr. Stump if it is in compliance with the Subdivision Regulations. In response, Mr. Stump answered negatively. Mr. Boyle asked how far out of compliance the street is. In response, Mr. Stump speculated that the revised plans indicate that the street might be 600' to 700' out of compliance. Mr. Stump reminded the Planning Commission that he plans submitted are only conceptual and it is not a plat.

Ms. Pace asked staff if there is a long range plan for anyone gaining access to this square mile from 111th Street. In response, Mr. Stump stated that the subject tract is an unusual tract because it is at the end of a peninsula that is surrounded by floodplain on all sides except the northern boundary. If there is to be a connection to 111th or Sheridan it would have to be across part of Frye Creek floodplain and it is not easily done, but it could be done. There is no internal collector street system that shows a connection at 111th because the whole area that surrounds it on the west, south and east is a special district in District 26 due to its severe slopes and floodplain.

Ms. Pace asked staff if Traffic Engineering staff have any concerns with the subject application. In response, Mr. Stump stated that Traffic Engineering's recommendation was to have a second point of access, the easiest point being to the west to Sheridan. Ms. Pace asked if Traffic Engineering envisions requiring someone at some point to put an access to 111th. In response, Mr. Stump answered negatively.

Mr. Ledford asked staff to compare this application to Rockhurst Addition to the north. In response, Mr. Stump stated that on the west side of Sheridan, the third subdivision up from the subject site is Rockhurst and it has an over-length cul-de-sac going west from Sheridan straight back to the western boundary with an emergency access to the north, which connects to a stub street that was in a public street system. In response, Mr. Ledford stated that he remembers that when Rockhurst first applied, the access was through public streets and the neighborhood to get to the access of Rockhurst, which is on the west side. Mr. Ledford further stated that through the public hearings, the developer was encouraged to look at a revised layout and it was suggested that the developer bring the traffic off of Sheridan and have an emergency exit on the west side. Mr. Ledford indicated that Rockhurst has their access off of Sheridan Road. Mr. Dunlap stated that originally Rockhurst had a private street coming off of Sheridan to serve some of the lots, but then there were lots to the west that were to be served by a public street that stubbed onto the southwest boundary.

Mr. Westervelt noted that there have been several letters received opposing this application and they will be submitted as part of the record (Exhibit A-4).

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Tom Wenrick, stated that he would like to submit proposed amendments to the PUD (Exhibit A-1) and submit proposed requested changes to the staff recommendation on behalf of the applicant. Mr. Norman stated that the subject application involves two parcels of land that were acquired by Mr. Wenrick for development into a very low-density single-family subdivision, with private streets. Forest Trails, immediately to the north; was platted in 1978 and this property is unusual because 2,000 linear feet (approximately ½ mile) was platted with only one stub street to the south. Typically, there would not be more than ¼ mile at the most across that dimension without a stub street to the south to provide for the typical circulation that is seen in subdivisions. The stub street serves a 40-acre tract of land owned by the Coates's, but there is no stub street provided to the separately-owned 40-acre tract owned by the Ellerds in the southwest corner of the property. There is a ravine that becomes part of the floodplain that extends about 800 feet to the north, and which was recognized in 1978 as being undevelopable because of the slopes and was platted as a reserve area. The isolation of the two parcels was the result of a mistake or misapplication of the Subdivision Regulations applied to the platting of the property. The entire boundary is separated by floodplain and only one point of access stubbed in.

Mr. Norman stated that 106th Street was platted as a 60-foot right-of-way with at least a 36- or 40-foot section that stubs into the west boundary of the Frye drainage area. In Bridle Trail Estates there is a platted street on the opposite side and no one was ever required to attempt to bridge the Frye drainage area at this location. At some point the requirement, if there ever was one, was waived

that anyone be required to bridge the major floodplain area. There has never been a requirement to build a bridge while developing a single-family development.

Mr. Norman indicated that his client is requesting 29 single-family lots on 35 acres of land and to utilize South 68th East Place as the access to the proposed subdivision. There was an agreement with property owners to the south and east that they would split the floodplain area and recognize that each would be developed separately and apart from each other. He commented that attempted to show a future stub and this generated the comments from staff that were dated in March and to his knowledge have not been revised. He indicated that staff expressed concerns regarding that there are over lengthy distances and this would not be possible to connect in the future. He further indicated that staff stated that that there is no way to require a public street to be constructed connecting to a private street within a PUD. Taking these concerns of the staff into consideration, the developer and Ted Sack began making revisions. The first revision was to connect all of the proposed lots in order to provide an access with more than one direction from each lot within the subdivision. Any lot can be reached from more than one direction.

Mr. Norman stated that the concerns of the staff regarding trips generated are not supported by any reference to the trip generation characteristics of a single-family residential development. The Institute of Traffic Engineers provides a ready reference for determination of traffic generated by different types of development. The Institute of Traffic Engineers manual states that each single-family detached dwelling generates 9.57 vehicular trips per weekday, 10.09 trips on Saturdays and 8.78 trips on Sundays. Thus, a typical detached single-family residence contributes fewer than ten trips per day to the overall traffic volume. He commented that 29 units or 300 trips per day could hardly be called a significant increase in traffic. As a comparison, in the Forest Trails subdivision on 108th and around to 106th Place, there are 25 lots being served, which would 250 trips per day. The proposal has designed streets that will carry a minimum of 1500 vehicular trips per day. In an RS-3 subdivision there is the same 26-foot-wide paving section and there will be 2 ½ to three times the number of lots per linear foot of street as proposed for the subject property or as exists in this area. If the proposed 300 trips per day for the 29 lots were added to the 25 lots (another 205 trips per day), this is fewer than 600 trips per day over 68th East Avenue, 108th and 66th. Coming out of the proposed subdivision, there are two other streets that go north that interconnect into the area. A residential street at this density does not generate significant traffic volumes and the streets are designed to accommodate the traffic.

Mr. Norman indicated that staff expressed concerns regarding emergency vehicle services. He explained that Ted Sack and Tom Wenrick discussed this issue with Fire Marshalls Calkins and LeCroix and as a result of these meetings he is amending the application as follows: 1) The Wenmoor proposed street

pattern is amended to reflect the interconnection of all of the private drives within in order that each lot may be reached from more than one direction; 2) wood shingles and wood roofs of any kind within Wenmoor shall be prohibited; 3) the entry to Wenmoor from South 68th East Place shall be a two-gate entry with a minimum of two 12-foot wide driving lanes on each side of the entry feature, thereby providing emergency access acceptable to the Fire Marshall; and 4) a special Fire Department Access Control Box shall be installed at the entry to provide immediate access to Wenmoor for Fire Department emergency service vehicles.

Mr. Norman stated that it has been suggested by a number of people, including people living in the subdivision, that the developer should build a bridge or provide an access across the floodplain to either Sheridan or 111th Street. This has been studied and it would not be cost effective to do so. Mr. Norman explained the difficulties of building a bridge at two different locations over the floodplain. Mr. Norman summarized that he is certain that no one has ever been required to build bridges of these lengths in order to separate subdivisions or to cross floodplains in the City of Tulsa. The proposal is the only way to develop the subject property and to provide access.

Mr. Norman indicated that there have been references to the Subdivision Regulations and even a comment by the staff that the subject application is in violation of those. Subdivision Regulations states that a cul-de-sac shall not exceed 500 feet in length measured from the entrance to the center of the turnaround. To meet the needs of specific situations, this requirement may be changed by the Planning Commission upon recommendation of the Technical Advisory Committee due to topography or other limiting factors making such changes necessary for securing the best overall design, so a modification of these regulations is not required. He stated that staff has submitted a proposal, but now it has become policy which contemplates that there shouldn't be more than 20 acres in a private street and no more than 20 dwelling units. He commented that he has been serving as a volunteer on the Subdivision Regulations Review Committee for almost a year and this section has never been discussed. The draft proposal has never been presented to the committee and it is nothing more than a staff concept (proposal) for discussion that would limit the number of homes in a private street development to 20. This is not the policy of the staff and it has not been administered that way in the past.

Mr. Norman stated that the subject property is included in the Development Sensitive area of District 26. On the west side of Sheridan, up to the half-mile line, is also indicated as Development Sensitive and it was recommended for RS-1 zoning. There were no requirements made for unusual sedimentary control plans or other things of that kind. The Gate at Forest Park has 21 lots on ten acres with private streets, which connect to another street.

Mr. Norman summarized that what he is asking the Planning Commission to approve is to change the staff recommendation to recommend rezoning the subject property from AG to RS-1; approve a maximum of 29 dwelling units; approve the minimum lot width and size 100 feet of width and 20,000 SF, or the staff recommendation for 125 feet of width and 22,500 SF is acceptable; allow private streets; delete the requirement for a minimum of two points of access because of the physical conditions that exist and the lack of prior planning to provide for more than one stub street into the property to the north; the other bulk and area requirements be RS-1 rather than RE; and allow the 12% vertical grade, and not require a sediment control plan without notice or prior discussion.

Mr. Norman concluded that Tom Wenrick has developed a number of subdivisions south of 71st Street and he is familiar with the soil conditions. The reason for the low-density proposal is to preserve trees and minimize any changes in the grades and soil disturbance. This proposal will be a highly desirable area in which to live.

Mr. Norman stated that he has been corrected by Mr. Sack and that there are actually 30 lots.

TMAPC Comments:

Mr. Westervelt asked Mr. Norman if he is willing to compromise to RS-1. In response, Mr. Norman answered affirmatively. Mr. Norman stated that the yards are not a problem, as recommended by staff, but the other bulk and area requirements are problems. Mr. Norman indicated that he could agree to 125 feet of lot frontage and 22,500 SF of lot area, but wanted to change 29 units to 30 units.

Mr. Westervelt asked Mr. Stump to explain the desire for all public streets versus private streets as suggested by the subject application. In response, Mr. Stump stated that part of the recommendation for public streets is to provide two points of access and staff assumed the second point of access would be to Sheridan or 111th. Mr. Stump explained that if these were public streets, then the subdivision to the north would have an additional point of access to an arterial street, but if it were a private street it would still remain a dead-end for that subdivision.

Mr. Westervelt asked staff if they would still require public streets if the applicant were to hold this to 20 units. In response, Mr. Stump stated that staff would not object to private streets if the development were held to 20 dwelling units.

Mr. Westervelt asked staff about the recommendation for a sediment control plan. In response, Mr. Stump stated that the District 26 Plan calls for every effort to be made to retain the existing vegetation and to limit, as much as possible, any soil erosion or sedimentation offsite in these special districts with steep slopes and highly erodible soils. Mr. Stump further stated that since this is defined as an area that is very likely to have sedimentation problems because of

the sands and slope, staff felt that special efforts are needed to reflect its special status. Mr. Stump acknowledged that this requirement was not on one of the applications in the past, but hopefully staff gets better at this from year to year.

Mr. Westervelt asked if the Planning Commission were not to consider this and waive this within the PUD, it would it interfere with the other general erosion control requirements that might be required with any standard subdivision work. In response, Mr. Stump stated that he has researched this, and when the District 26 Plan was adopted and Charles Hardt was the City of Tulsa Hydrologist, it was recognized that the City's sediment control procedures were not sufficient in these areas and he wanted special controls and reviews for these areas.

Mr. Ledford stated that he is not sure the Planning Commission wants to get into the development of sediment control plans and it should be controlled through the Public Works Department. Mr. Westervelt asked Mr. Ledford if the Planning Commission found this to not be an issue, then it would fall under the standard guidelines of Public Works Department. In response, Mr. Ledford answered affirmatively. Mr. Ledford stated that there are Federal controls and requirements and the developer has to take extra precaution in these plans.

Mr. Westervelt asked staff if 12% slopes versus 10% is critical to staff. In response, Mr. Stump stated that it wouldn't be if it is not very pervasive in the subdivision.

Mr. Norman stated that his client is not object to sedimentation control. The whole concept of the subdivision is to maintain as much of the trees and disturb the soil as little as possible. The sedimentation control will be monitored through the Earth Change Permit process and any other process that becomes applicable to development generally. It appears that this subdivision has been singled out for new approaches.

Interested Parties Opposing Z-6810/PUD-646:

Jim McCaleb, Vice President of Forest Trails Homeowners Association Board, 10625 South 69th East Avenue, Tulsa, OK 74133; **Brad Mitchell**, submitted a petition (approximately 80 signatures) (Exhibit A-5) 6506 East 106th Place, Tulsa, OK 74133; **Bob Lee**, Retired bridge builder, 10653 S. 68th East Avenue, Tulsa, OK 74133; **Ron Siegenthaler**, 10716 South 66th East Avenue, Tulsa, OK 74133; **Clayton Hughes**, 6610 East 108th Street, Tulsa, OK 74133; **Chuck & Yvonne Elias**, submitted site plans and maps (Exhibit A-3) 10734 South 66th East Avenue; **Bob Nelson**, 6832 East 108th, Tulsa, OK 74133; **Larry Creekmore**, 6818 East 108th Street, Tulsa OK 74133; **Judy Ferrante**, 10718 S. 70th East Avenue, Tulsa, OK 74133; **Elizabeth McDoulett**, 6656 East 107th Street, Tulsa, OK 74133; **Terry Adler**, 6715 East 106th Place, Tulsa, OK 74133.

Interested Parties' Opposing Z-6810/PUD-646 Comments:

Forest Trails agree with staff's recommendation; the proposed access would cause significant traffic volumes and result in a burden to the residential streets of Forest Trails during construction and after construction is completed; proposed access would cause inadequate emergency vehicle access; Forest Trails requests that two points of access be provided with primary access off of Sheridan Road or 111th Street; a bridge can be constructed in challenging terrain; Forest Trails supports RE zoning versus RS-1; safety issues; the proposed development should build their own entrance and not infringe on Forest Trails; Forest Trails should not be the proposed development's primary entrance; if not building their own primary entrance it is simply the matter of the developer trying to save money, then what price is put on the children's safety in Forest Trails; do not oppose another subdivision, but do object to their main entrance being into Forest Trails; there are no sidewalks for people walking or riding bicycles; topography creates problems with normal traffic and is worse during bad weather; neighbors do not feel that the one stub street that was provided would be the only access to the next development and it is not the neighbors' fault that there were not two stub streets into this development; bridges cost and expenses should not be anything but an economic problem to the developer; the bridge costs Mr. Norman mentioned are excessive; met with the developer and had a lengthy meeting, but nothing was resolved; Mr. Lee offered his services free in assisting to design a bridge to accommodate the proposed development; streets are already in bad shape and are in need of repair; heavy construction traffic will cause more damage to the streets; the proposal will create a negative impact on the existing neighbors; will create a safety hazard by having the Bixby school buses passing Jenks school buses on the winding streets; blind curves create traffic hazards; vehicles will take the shortest route and it makes an unfair burden on the residents along the street; the developer should build a bridge if he insists on 30 dwelling units to allow him access into the adjoining neighborhood, but keep the maximum of dwelling units to 20; this size of the proposed street should not be considered as the primary entrance to a subdivision; do not oppose the subdivision being built, but am adamantly against the primary access into the adjacent subdivision; 106th Street is not used for access, but do use 106th Place; it is difficult for emergency vehicles to get through the streets currently and will be worse when the proposal is developed; cars will stack up into the adjacent subdivision waiting to enter the proposed gated subdivision; the developer is applying to a wealthy clientele and the cost of the bridge could be divided between the 20 or 30 dwellings proposed; several streets in Forest Trails have steep slopes and cannot handle the traffic the proposal will generate.

TMAPC Comments:

Mr. Westervelt asked Mr. McCaleb how this application compares with or differs from Forest Trails that has very similar characteristics. In response, Mr. McCaleb stated that he feels that the number count and the traffic flow as proposed are not accurate and the one access off of 106th Place is the primary access. Mr. Westervelt asked Mr. McCaleb how he would comment on the difference

between the access off 106th Place and the 25 lots that enter off 106th Place as compared to entering 20 to 25 lots off the proposed development to the south. In response, Mr. McCaleb stated that he doesn't understand the concern. Mr. Westervelt stated that he would like Mr. McCaleb to invalidate or give a reason why Mr. Norman's comparison is not good. Mr. McCaleb stated that he doesn't agree with Mr. Norman's analogy regarding the number of dwellings using 106th Place.

Mr. Ledford asked Mr. Lee what his estimate would be based on a two-lane bridge (construction costs per lineal foot). In response, Mr. Lee stated that to give an exact estimate would be impossible today, but a normal 100-foot span bridge would accommodate the small creek, which would be approximately \$100,000.00.

Ms. Pace stated that she is concerned about the square mile because of the lack of accessibility and connections to the City of Tulsa. Ms. Pace asked if there was a good, firm reason why there has never been a connection made. Ms. Pace asked why there couldn't be a connection between Memorial and 106th. In response, Mr. Lee stated the area Ms. Pace is talking about is much farther down the creek from the subject site and it has more tributaries running into it. Mr. Lee commented that when the subject site is developed it would cause more water problems for the surrounding areas.

Mr. Westervelt asked Ms. Elias if she found Mr. Norman's comparison of the existing subdivision with the proposed subdivision valid in regard to trip generations. In response, Ms. Elias stated that she does not think that it is a valid comparison. Ms. Elias commented that the shortest distance is usually the one that is taken. Ms. Elias pointed out that because of the sharp curves on other streets 108th and 66th East Avenue is the preferred route.

Mr. Stump stated that the proposed subdivision is different from the existing subdivision and is one of the reasons why staff has more concerns about the traffic volume. Mr. Stump explained that the developer is proposing twice as many dwelling units as the number of lots. Mr. Stump stated that the proposal includes accessory dwelling units, but it could be for a servant, a family member with a separate family, etc. Mr. Stump commented that, in view of this possibility, the Planning Commission should increase the ten trips per day per dwelling unit to probably 15 trips per lot. Mr. Stump indicated that when the trip generation is increased it overloads 106th Place and staff uses 1,000 trips per day as the maximum on a residential.

Mr. Westervelt thanked the interested parties for their information and the organized manner in which the information was presented.

Applicant's Rebuttal:

Mr. Norman stated that one of the requirements for the proposal is that the developer will construct a sanitary sewer main from the main within the Frye drainage creek, 111th Street all the way up the drainage basin and to the north boundary of Forest Trails. Mr. Norman indicated where the lift station would be located and explained that there is an escrow fund for the relief of the lift station when sanitary sewer becomes available to that boundary. This is one of the normal benefits of development as it occurs.

Mr. Norman indicated that all of the subject property drains away from the properties to the north. He commented that he doesn't know how to respond to people who live in a low-density subdivision like Forest Trails who are objecting to a lower density subdivision being tied to their street system. If there is a problem with traffic levels in a subdivision like Forest Trails, then there is an enormous problem in the RS-2 and RS-3 subdivisions where the lot sizes are 60 feet minimum width and sometimes 75 feet, as compared to 100 feet or 125 feet as proposed. These residential streets are designed to the same standards and width and are carrying twice as many vehicles per day as streets in the Forest Trails neighborhood and the proposed subdivision. It is difficult to understand the interested parties' comments that a lower density subdivision than the one they are currently living in will create traffic hazards to their families and themselves. The subject streets that serve this area up to 106th Place has three streets running north and south. The traffic generated is not excessive by any matter or means that would justify some of the comments about general traffic safety.

Mr. Norman stated that his client does not own the property to the south side of the floodplain and it was agreed between the owners that they would split the floodplain because no anticipated the properties would ever be connected or required to be connected. If his client tried to build a 350-foot bridge he would have to cross someone else's property and to the same extent going to the other direction. It is not easy to require his client to build a bridge and go to the west. He commented that the numbers given by Mr. Lee are entirely out of line with the estimates that have been given to his client. He stated that he doesn't know if cost is the determining factor, but his client's estimate of the cost to build a bridge across the aforementioned areas for a 180- to 250-foot span would cost \$400,000.00. Nowhere has that kind of bridge been required by a residential developer in the City of Tulsa. This is two or three times wider than any of the bridges that cross Joe Creek at 51st Street and farther to the south.

Mr. Norman explained that Mr. Coates could have kept his property separate and built a subdivision with 15 lots. If this had happened, the staff would have required another stub street to serve the property on the other 40 acres that are north of the floodplain. His client's effort is to propose a very low-density subdivision that results in the same outcome as if the Planning Commission allowed 20 dwelling units on the Coates property and then allowed the same number on the other side for the next property. He reminded the Planning

Commission that there is more to consider than the feasibility to make connections. He said there are more issues than expenses to consider, such as terrain and topography.

Mr. Norman concluded that what he has submitted is a project that satisfies the requirements at a lower density than anything in this particular area, is responsive to the concerns that have been expressed by staff and been reviewed by the Fire Marshall's office with respect to these concerns about emergency access. He requested the Planning Commission to approve the application with the amendments to the staff recommendation that he submitted in writing, except for the lot width and lot area that can meet the staff recommendation.

TMAPC Comments:

Mr. Harmon stated that Mr. Norman keeps referring to 29 or 30 dwelling units, yet there will be a separate dwelling unit from the primary dwelling on each lot. Mr. Harmon asked Mr. Norman if he is being disingenuous when there are really 58 to 60 dwelling units. In response, Mr. Norman stated that Mr. Wenrick developed Rockhurst and the language was taken directly from Rockhurst, which was approved by the Planning Commission. Mr. Norman explained that years ago it was popular to have garage apartments or a place for a mother-in-law with a separate kitchen. Mr. Norman stated that this concept is coming back in higher-valued homes. Mr. Norman indicated that in the language he provided and as recommended by staff, the separate living quarters can only be occupied by a member of the family or persons employed as domestic help on the property. Mr. Norman commented that it is inappropriate for the staff to state that there are really going to be 58 to 60 dwelling units. In Rockhurst all of the units have been constructed and have the kitchen units roughed in, and to date, no one has occupied those units. Mr. Norman stated that the point is that if it is a member of the family or an employee, it will not increase the traffic. Mr. Norman further stated that it is not intended to build homes that will cost upwards of a million dollars to provide some sort of rental unit, which is prohibited by the language of the PUD. Mr. Norman indicated that this is not a concern and it is not appropriate to double the traffic generation capacity. If it is, then the Planning Commission should take the language out. Mr. Norman stated that the language in the PUD is the same language that was previously approved for the Rockhurst development.

Mr. Ledford asked Mr. Norman what the proposed length is of the bridge that would cross the tributary and have access to Sheridan Road. In response, Mr. Norman stated that the span was for 180 feet, and a little farther down the tributary, it was 250 feet. Mr. Norman explained that because of the elevation, the bridge would have a slope. Mr. Ledford stated that he did see the profile of the proposal, but he would like to clarify the proposed grades of the street as it comes from Sheridan and across the proposed structure. In response, Mr. Norman stated that to stay within 12%, it would have to be feathered some way downward and then make the crossing. Mr. Ledford asked Mr. Norman if he is

stating that the bridge could be achieved on a 12% grade. In response, Mr. Norman stated it could be done if his client owned the land and if he were required to something that hasn't been required before over a floodplain.

Ms. Pace stated that Mr. Norman keeps referring to the fact that the Planning Commission is requiring more of the proposed project than has been done in the past. Ms. Pace commented that the requirements have been addressed in the District 26 Plan. Ms. Pace stated that the proposal is located at the end of a peninsula with very unique development problems. Each and every application needs to be reviewed and that is why there are some requirements being asked than in the past. Ms. Pace asked Mr. Norman why he didn't assemble an easement or some way to get to Sheridan Road. In response, Mr. Norman stated that the reason it was done is because it was his client's assumption that he would not be required to bridge a floodplain of this extent and under these topographical conditions. Mr. Norman reiterated that in the past this has not been required of residential developers. Ms. Pace stated that it has not been required in the past because they have not dealt with these types of parcels. Mr. Norman stated that the same types of problems have occurred in other developments in the subject area. Ms. Pace asked staff the reason why the previous two developers were not required to span the floodplain on 106th at Memorial. In response, Mr. Stump stated that the development was done years before he worked at INCOG and he cannot answer that question. Ms. Pace stated that the staff is requiring more professionalism than in the past because they know more about the problems of development. Ms. Pace asked Mr. Norman why he doesn't build an access road to Sheridan because it makes more sense. Ms. Pace pointed out that there are only three access points into the half-section where the proposal is located and it is not good planning. Mr. Norman stated that there are no streets in the City of Tulsa that are more than 26 feet wide except the residential collectors on which mansions are constructed. Mr. Norman explained that what gives the difference of appearance between an RS-3 district is the setbacks of the buildings from the centerline of the street and the other treatment. Mr. Norman commented that when Ms. Pace asked why his client proposes a 26-foot wide street, she is turning her back on all of the development standards of the entire city. Mr. Norman stated that 26 foot wide streets are the standard, and if the Planning Commission expects the streets to be 30 feet wide for other zoning districts, then they should change the rules and the developers will abide by them.

Mr. Stump asked Mr. Norman what standard he would not be complying with if the proposal were rezoned RE, with the statement that other bulk and area requirements would be as established within the RE district. In response, Mr. Norman stated that he is told he can comply with the 125-foot lot width and 22,500 SF minimum lot size. Mr. Norman further stated that the other bulk and area requirement he is not sure about are the side yards. Mr. Norman indicated that the only requirement that comes to mind is the livability space difference on the smaller lots. Mr. Westervelt asked if the property was rezoned to RE and the

other bulk and area requirements allowed as prescribed as in RS-1, it would allow a 10,500 SF of footprint and driveway. Mr. Stump answered affirmatively. Mr. Norman stated that would be on a 22,500 SF lot, which is significantly more than what one would typically see. Mr. Norman compared this application to Forest Trails and suggested that staff should make the same type of recommendation for the same type of property. Mr. Norman stated that the subject development would be better in the sense of preserving trees than the smaller-lot subdivisions in the subject area.

Mr. Boyle stated that he has received a lot of excellent information and joins Mr. Westervelt in congratulating the interested parties for giving good, hard, factual information. He expressed sympathy for both sides and feels he has constructed a motion that appears to him to be a fair resolution of the dispute.

MOTION of BOYLE to recommend APPROVAL to the zoning in accordance with staff's recommendation and to recommend APPROVAL for PUD-646 as recommended by staff with the following amendments: 1) limit the number of lots to 30 with the stipulation that RS-1 zoning be approved if there are two points of access and the primary access is from Sheridan or 111th Street; or 2) 20 lots with RE zoning and one point of access; bulk and area requirements would translate to RS-1 for 30 lots and RE for 20 lots; private streets be permitted; remove general condition number five and permit maximum vertical grade of 12% and remove general condition number seven by deleting sediment control plan requirement.

Mr. Westervelt asked staff to clear up the private streets versus public streets. Mr. Stump stated that staff would prefer public streets if there are two points of access so that people are allowed to go through the subdivision to get out to Sheridan. Mr. Stump indicated that staff is not adamantly opposed to private streets with two points of access.

Mr. Carnes asked if he would consider that the one point of access with 20 units not be allowed auxiliary living quarters, but with two points of access and 30 units, it would be allowed. In response, Mr. Boyle stated that the intent of the motion was to allow the auxiliary living quarters because Mr. Norman presents a good argument that the market wants this. Mr. Carnes stated that he would vote against that motion because then it becomes 40 units instead of 20 units.

Ms. Pace stated that she agrees with Mr. Carnes regarding the auxiliary living quarters. She commented that, regardless if the occupant is a family member or hired help, they still drive cars, which will add to the traffic count. She stated that it should be taken into consideration that homes this size will also have lawn services coming and going.

Mr. Westervelt stated that he concurs with Mr. Norman's observation regarding the auxiliary units. It will not add any meaningful traffic to the situation. With the scale of the homes, whether the hired help or the family member lived in the primary dwelling or the auxiliary unit, it will not change the traffic count. He stated that a number of the members made calls regarding bridge costs, and by some very liberal calculations, many of them in excess of several thousand dollars per foot, come to any 11,000 dollar surcharge per lot, or 7,000 surcharge per lot. The cost of building a bridge does not look to be impossible or unachievable. Mr. Westervelt stated that he would be supporting Mr. Boyle's motion and gives the applicant the opportunity to look at the subdivision either way.

Mr. Jackson stated that he agrees with the motion and seconded it.

Mr. Harmon stated that he believed that the auxiliary units will add to the traffic count. Mr. Westervelt asked Mr. Harmon if it would be any different if he was hiring someone to make the trips or doing the trips himself. Mr. Westervelt stated that it would wind up with the same number of trips in and out, either way.

Mr. Boyle stated that the Planning Commission is focusing on the wrong question if the focus is strictly on whether there are cars associated with the accessory units. The point is that with 20 lots and one point of access, the current streets can handle accessory trips. However, with 30 lots and two points of access, it would be handled as well. Mr. Boyle indicated that he lives in a neighborhood in which everyone has an accessory building, but only 30% of them are occupied with someone who owns a car. All things considered, this is an appropriate resolution. Mr. Harmon stated that he was under the impression that the auxiliary units were heavily utilized, but now it seems that they are not. Mr. Norman stated that in Rockhurst, the larger homes have the auxiliary units roughed in, but as of today none are being utilized. Mr. Norman further stated that how often this would happen in the future, he couldn't predict.

Ms. Pace stated that the Planning Commission is comparing apples with oranges when Maple Ridge is compared with the proposal. The Planning Commission worked themselves into this corner with the gated and cul-de-sac communities. Planning principles are going back on a nationwide basis to grid streets for continuity purposes. There are only three streets into the subject half-section in the City of Tulsa, and she cannot vote for the proposal without another access point to Sheridan. Mr. Westervelt asked Ms. Pace how she was going to vote on half of Mr. Boyle's motion. In response, Ms. Pace stated that she feels the Planning Commission is not sending a clear message to the City Council with this motion and she cannot vote either/or for this application. Ms. Pace stated that the City Council is the determining body and this motion is not sending a clear message. Mr. Boyle stated that the Planning Commission has to do what they feel is right and the final decision is for the City Council to decide. Ms. Pace agreed and explained that she has to do what she feels is right too.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-2-0** (Boyle, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; Carnes, Pace "nays"; none "abstaining"; Midget, Selph "absent") to recommend **APPROVAL** of the RE zoning for Z-6810 and a maximum of 20 lots if there is one point of access or **APPROVAL** of RS-1 and a maximum of 30 lots if there area two points of access and the primary access is onto Sheridan Road or 111th Street South and to recommend **APPROVAL** for PUD-646 as recommended by staff with the following amendments: 1) limit the number of lots 30 with the stipulation that there is RS-1 zoning, two points of access and the primary access be directly onto Sheridan Road or 111th Street South; or 2) 20 lots with RE zoning and one point of access; bulk and area requirements would translate to RS-1 for 30 lots and RE for 20 lots; private streets be permitted; permit a maximum vertical grade of 12% and delete sediment control plan requirement. (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 Z-6810/PUD-646:

A TRACT OF LAND IN THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-SIX (26), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE SOUTHEAST CORNER OF THE SW/4 OF THE SW/4 OF SAID SECTION 26; THENCE NORTH 00°00'33" EAST ALONG THE EASTERLY LINE OF THE SW/4 OF THE SW/4 FOR 487.04 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE SOUTH 46°28'16" WEST FOR 94.40 FEET; THENCE NORTH 65°32'23" WEST FOR 105.02 FEET; THENCE SOUTH 83°52'50" WEST FOR 256.63 FEET; THENCE NORTH 30°29'26" WEST FOR 58.97 FEET; THENCE NORTH 64°29'24" WEST FOR 157.23 FEET; THENCE NORTH 32°45'00" WEST FOR 248.27 FEET; THENCE NORTH 24°59'18" WEST FOR 95.91 FEET; THENCE NORTH 89°49'25" WEST FOR 215.75 FEET; THENCE NORTH 27°37'09" WEST FOR 67.47 FEET; THENCE NORTH 16°23'22" WEST FOR 175.47 FEET; THENCE NORTH 08°05'11" WEST FOR 238.24 FEET TO A POINT ON THE NORTHERLY LINE OF THE SW/4 OF THE SW/4, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF "FOREST TRAILS", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE NORTH 89°49'43" EAST ALONG THE NORTHERLY LINES OF THE SW/4 OF THE SW/4 AND THE SE/4 OF THE SW/4 AND THE SOUTHERLY LINE OF "FOREST TRAILS" FOR 2030.46 FEET; THENCE SOUTH 05°31'09" WEST FOR 68.49 FEET; THENCE SOUTH 19°52'51" WEST FOR 179.07 FEET; THENCE SOUTH 04°50'52" WEST FOR 84.51 FEET; THENCE SOUTH 15°06'29" WEST FOR 276.46 FEET; THENCE SOUTH 17°31'55" WEST FOR 132.80 FEET; THENCE SOUTH 33°49'49" WEST FOR 176.65 FEET; THENCE SOUTH 21°40'41" WEST

FOR 119.01 FEET; THENCE SOUTH 03°54'56" EAST FOR 70.65 FEET; THENCE SOUTH 38°40'28" WEST FOR 57.25 FEET; THENCE SOUTH 88°29'27" WEST FOR 157.59 FEET; THENCE NORTH 42°23'43" WEST FOR 34.05 FEET; THENCE NORTH 81°13'13" WEST FOR 57.58 FEET; THENCE NORTH 40°42'48" WEST FOR 84.47 FEET; THENCE NORTH 72°25'56" WEST FOR 71.99 FEET; THENCE NORTH 52°27'33" WEST FOR 64.82 FEET; THENCE NORTH 86°39'46" WEST FOR 29.36 FEET; THENCE NORTH 38°08'40" WEST FOR 132.86 FEET; THENCE NORTH 56°19'13" WEST FOR 29.94 FEET; THENCE SOUTH 43°34'30" WEST FOR 37.43 FEET TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, From: AG (Agriculture District) To RE/PUD if there is a maximum of 20 lots and one point of access or RS-1/PUD if there is a maximum of 30 lots if there are two points of access and the primary access being directly onto Sheridan Road or 111th Street South (Residential Single-family Medium Density District/Planned Unit Development).

Chairman Westervelt called for a two-minute recess.
Chairman Westervelt called the meeting to order at 4:00 p.m.
Commissioner Horner out at 4:00 p.m.
Commissioner Boyle out at 4:00 p.m.

APPLICATION NO.: PUD-193-A
Applicant: Kevin Coutant
Location: 550 South Frisco

MAJOR AMENDMENT
(PD-10) (CD-4)

Staff Recommendation:

PUD-193 was approved by the City Council in 1976. The PUD is slightly over one acre in size and has been approved for a restaurant, office space and living quarters. The underlying zoning for the original PUD is OL and CS. The site is elevated higher than the abutting properties and is surrounded by land under public ownership. The tract is abutted on the north by a fire station, zoned RM-1; on the west by Owen Park, zoned RS-3; and on the southeast by Keystone Expressway right-of-way. This major amendment proposes to allow as a permitted use a cellular communication tower, as included within Use Unit 4, on the southern portion of the original PUD. The center of the tower would be approximately 40 feet from the west boundary of the PUD and approximately 16 feet from the Keystone Expressway right-of-way. The maximum height would be 120 feet and it would be of a monopole design.

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-193-A, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and

expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-193-A subject to the following conditions:

1. **Development Standards:**

Land Area (Net):	2400 SF
Permitted Uses:	Cellular communication tower as included within Use Unit 4, which is of a monopole design.
Maximum Tower Height:	420 <u>80</u> FT
Maximum Number of Towers	One
Minimum Setbacks:	As depicted on attached Exhibit A and B. *
Other Conditions:	As established within Use Unit 4.

*The center of the tower shall be 16 feet from the expressway right-of-way and approximately 40 feet from the west boundary of the PUD.

2. 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.
3. 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.
4. 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.

5. 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.
6. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
7. 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.
8. There shall be no outside storage of recyclable material, trash or similar material, 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.

Applicant's Comments:

Kevin Coutant, 320 South Boston, Tulsa, Oklahoma 74103, stated that several interested parties were present two weeks ago when he first presented this application. He indicated that at the Planning Commission's urging and insistence he continued the application in order to meet with the neighborhood. He stated that he has met with the neighborhood associations and there is a letter from the Brady Heights Neighborhood Association (Exhibit B-1), which references that Brady Heights and Owen Park Neighborhood Associations have considered this application and agree to the 80-foot tower at the location requested. The caveats expressed by the letter are ones that his client is comfortable with. The caveats are as follows: 1) appropriate fencing that is architecturally compatible with the existing residential structure (stucco); and 2) landscaping that would be appropriate. Mr. Coutant submitted a proposal packet (Exhibit B-3), which has a preliminary plan that shows the fencing and landscaping concepts that he believes are consistent with the discussions he has had with the neighborhood. He reminded the Planning Commission that he is not presenting a detail site plan or landscape plan for approval today. Mr. Coutant commented that U.S. Cellular is committed to pleasing the neighborhoods regarding the landscaping and fencing.

TMAPC Comments:

Mr. Harmon asked Mr. Coutant how tall the stucco fence would be. In response, Mr. Coutant stated that the neighborhood requested an eight-foot fence. Mr. Coutant indicated that the neighborhood did request that no barbed wire be used on top of the fence and he is willing to work with the neighborhood on this issue. Mr. Coutant stated that one neighbor at the meeting did desire that the tower be a traditional metal pole versus a wood pole. Mr. Coutant indicated that U.S.

Cellular is willing to have the Planning Commission to make the decision regarding the tower being of wood or metal.

Mr. Westervelt thanked Mr. Coutant for working the issues out with the interested parties and commended him for exceeding every expectation the Planning Commission had.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Horner, Midget, Selph "absent") to recommend **APPROVAL** of the major amendment for PUD-193-A, subject to amendment by the applicant and as recommended by staff. (Language in the staff recommendation that was deleted by applicant is shown as strikeout; language added or substituted by applicant is underlined.)

Legal Description for PUD-193-A:

A tract of land contained within Lot 5, Block 1, Observation Heights, 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 Northwest corner of Lot 7, of said Block 1; thence South 1°24'00" East, along the West line of said Block 1, a distance of 275.18'; thence due East a distance of 10.00' to the Point of Beginning; thence North 24°03'17" East a distance of 60.00'; thence South 65°56'43" East a distance of 40.00'; thence South 24°03'17" West a distance of 60.00'; thence North 65°56'43" West a distance of 40.00' to the Point of Beginning, and located in the southwest corner of West Edison Street and Keystone Expressway a/k/a 550 North Frisco Avenue, Tulsa, Oklahoma, **From PUD-193 To PUD-193-A.**

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6813

Applicant: Robert Elliott

Location: Northeast corner 55th Place and South Peoria

OL TO CS
(PD-18) (CD-9)

Staff Recommendation:

Z-6163 June 1987: All concurred in approval of a request to rezone a lot located south of the southwest corner of East 53rd Street and South Peoria Avenue from OL and CS to CS.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 190' x 200' in size and is located on the northeast corner of East 55th Place and South Peoria Avenue. The property is flat, vacant, and zoned OL.

STREETS:

Existing Access	MSHP Design	Exist. No. Lanes	Surface
East 55 th Place South	50'	2 lanes	Paved
South Peoria Avenue	100'	4 lanes	Paved

The Major Street Plan designates South Peoria Avenue as a secondary arterial street and East 55th Street as a residential street.

UTILITIES: Water and sewer is available to the site.

SURROUNDING AREA: The subject tract is abutted on the north and south by office uses, zoned RS-3 and OL; to the west, across South Peoria Avenue, by a photography studio, zoned OL; and on the east by a vacant lot, zoned RS-3. Farther to the north is a large church and childcare facility, zoned RS-3; and farther to the southwest is Marshall Elementary School, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as a Medium Intensity-Linear Development area. According to the Zoning Matrix and the District 18 Plan, the requested CS zoning is in accord with the Plan Map if accompanied by an acceptable PUD.

Plan policies call for the use of PUDs in developing medium intensity uses in order to reduce the impact of the underlying zoning and to address traffic issues. Proposed medium intensity developments in PUDs are to address compatibility with adjacent land uses, screening of parking areas, signage, assemblage of small parcels for more orderly development and spreading of intensities.

STAFF RECOMMENDATION:

This is a very mixed-use area along an arterial with numerous curb cuts. The Comprehensive Plan recognizes this in designating the area as a Medium Intensity-Linear Development area. Staff cannot support the request for straight CS zoning absent a PUD request. Therefore, staff recommends **DENIAL** of the requested CS zoning.

Applicant's Comments:

Max Heidenreich, 5704 East 65th Street, Tulsa, OK 74136-2721, stated that he is requesting rezoning in order to build a Family Dollar Store. He indicated that the building would be a single-story building with 8,000 SF. He stated that he has met with Jim Graham, President of Riverwood Association; Brad Thomas, board member of the church adjacent to the subject property; and several neighbors regarding the subject application. He commented that the people he met with are in favor of this application.

TMAPC Comments:

Mr. Westervelt asked the applicant why he didn't submit a PUD with the rezoning request. In response, the applicant stated that he didn't submit a PUD because he was assured he could get it rezoned. In response, Mr. Westervelt stated that would not hold any weight during the Public Hearing.

Interested Parties Comments:

Carolyn Downing, Lot 8, Block 6, stated that she is not aware that anyone tried to contact the neighbors regarding their thoughts about the application. The subject area is a residential area with quiet streets, and if a commercial business moves in it will increase the traffic on the residential streets. The requested zoning is not appropriate for the subject property and subject area.

Ms. Downing stated that most of the retail business is two blocks to the north. Ms. Downing cited the different uses in the subject area and their locations.

Applicant's Rebuttal:

Mr. Heidenreich stated that he would like to continue this application in order to submit a PUD application.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Horner, Midget, Selph "absent") to **CONTINUE** Z-6813 to June 6, 2001 at 1:30 p.m.

Mr. Stump informed the applicant that he would need to submit the application for a PUD quickly in order to meet the deadline for June 6, 2001. In response, the applicant indicated it would be done on time.

APPLICATION NO.: PUD-648/Z-6001-SP-1

CO TO CO/PUD

Applicant: John Moody

(PD-8) (CD-2)

Location: South of southwest corner of East 31st Street and South Birmingham

Staff Recommendation:

The PUD and Corridor Site Plan propose Hospital and Office uses on 55.63 acres located at the northeast corner of West 71st Street South and U.S. Highway 75. The subject tract has 817 feet of frontage on West 71st Street and approximately 2,560 feet of frontage on U.S. Highway 75. The underlying zoning is CO. The tract is abutted on the north by vacant AG-zoned property and on the east by dwellings on large lots zoned RS-3 and AG. To the south of the tract across West 71st Street is vacant AG-zoned property and to the west of the tract across U.S. Highway 75 is vacant property zoned CO, AG and CS.

The PUD and Corridor Site Plan proposes six development areas. Development Area A would permit hospital and office uses and the other development areas would permit office uses. The proposed floor area ratio for the PUD is 17% of the gross land area. The total open space areas (which includes stormwater detention and landscaped areas) would be approximately 62% of the PUD. Access to the development would be from a public internal collector service street.

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-648/Z-6001-SP-1, 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-648/Z-6001-SP-1 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	865,054 SF
Net	764,220 SF

Permitted Uses: Hospital uses as included within Use Unit 5 and Office Uses as included within the Use Unit 11.

Maximum Building Floor Area: 76,889 SF

Maximum Number of Lots: One.

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

Minimum Building Setbacks:

From the centerline of West 71 st Street	200 FT
From the centerline of the Internal Collector Street	65 FT
From the east boundary of the Development Area	77.5 FT
From other boundaries of Development Area	10 FT

Building Location: Buildings shall be located on the east side of the internal collector street.

Maximum Building Height: 26 FT

Minimum Net Landscaped Area: 15% of each lot.

Signs: One ground sign shall be permitted north of Development Area F along the internal collector street frontage, which shall not exceed 125 SF of display surface area and 25 FT in height. One ground sign shall be permitted along the West 71st Street frontage in Reserve A, which shall not exceed 225 SF of display surface area and 25 FT in height.

Wall signs shall not exceed an aggregate display surface area of 1 SF per each lineal foot of building wall to which attached. There shall be no wall signs permitted on the east-facing walls.

DEVELOPMENT AREA B

Land Area:

Gross	444,499 SF
Net	373,339 SF

Permitted Uses: Uses included within Use Unit 11, Office, Studios, and Support Services.

Maximum Building Floor Area:	57,228 SF
Maximum Number of Lots:	One.
Parking:	As required by the applicable use unit of the Tulsa Zoning Code.
Minimum Building Setbacks:	
From the centerline of the internal collector street	65 FT
From the west boundary of the Development Area	50 FT
From the south boundary of the Development Area	10 FT
From the north boundary of the Development Area	20 FT
Maximum Building Height:	26 FT
Minimum Net Landscaped Area:	15% of each lot.
Signs:	Two ground signs shall be permitted, which shall not exceed 125 SF of display surface area nor 25 FT in height. No ground signs are permitted within 150 FT of the northern boundary of the PUD.
	Wall signs shall not exceed an aggregate display surface area of 1 SF per each lineal foot of building wall to which attached. No wall signs are permitted on the north-facing walls within 150 FT of the northern boundary of the PUD.

DEVELOPMENT AREA C

Land Area:	
Gross	323,482 SF
Net	323,482 SF
Permitted Uses:	Uses included within Use Unit 11, Offices, Studios and Support Services.
Maximum Building Floor Area:	28,750 SF
Maximum Number of Lots:	One.
Parking:	As required by the applicable use unit of the Tulsa Zoning Code.
Minimum Building Setbacks:	
From the centerline of the Internal Collector Street	65 FT
From the east boundary of the development area	77.5 FT

From the south boundary of the development area	10 FT
From the north boundary of the development area	20 FT
Maximum Building Height:	26 FT
Minimum Net Landscaped Area:	15%
Signs:	Two ground signs shall be permitted, which shall not exceed 125 SF of display surface area nor 25 FT in height. No ground signs are permitted within 150 FT of the northern boundary of the PUD. Wall signs shall not exceed an aggregate display surface area of 1 SF per each lineal foot of building wall to which attached. No wall signs are permitted on the north-facing walls within 150 FT of the northern boundary of the PUD.

DEVELOPMENT AREA D

Land Area:	
Gross	588,923 SF
Net	588,923 SF
Permitted Uses:	Uses included within Use Unit 11, Offices, Studios and Support Services.
Maximum Building Floor Area:	85,748 SF
Maximum Number of Lots:	One.
Parking:	As required by the applicable use unit of the Tulsa Zoning Code.
Minimum Building Setbacks:	
From the centerline of East 71 st Street	200 FT
From the centerline of the internal collector street	65 FT
From the west boundary of the development area	50 FT
From the north boundary of the development area	10 FT
Maximum building height:	26 FT
Minimum Net Landscaped Area:	15% of each lot.
Signs:	Two ground signs shall be permitted, which shall not exceed 125 SF of display surface area nor 25 FT in height.

Wall signs shall not exceed an aggregate display surface area of 1 SF per each lineal foot of building wall to which attached.

DEVELOPMENT AREA E

Land Area:

Gross 90,657 SF

Net 90,657 SF

Permitted Uses: Uses included within Use Unit 11, Offices, Studios and Support Services.

Maximum Building Floor Area: 12,421 SF

Maximum Number of Lots One.

Parking: As required by the applicable use unit of the Tulsa Zoning Code.

Minimum Building Setbacks:

From the centerline of East 71st Street 200 FT

From the centerline of the internal collector street 65 FT

From the east boundary of the development area 77.5 FT

From the north boundary of the development area 10 FT

Maximum Building Height: 26 FT

Minimum Net Landscaped Area: 15% of each lot.

Signs: One ground sign shall be permitted, which shall not exceed 125 SF of display surface area nor 25 FT in height. The ground sign shall be located a minimum of 150 FT from the east boundary of the development area.

Wall signs shall not exceed an aggregate display surface area of 1 SF for each lineal foot of building wall to which attached. There shall be no wall signs permitted on the east-facing walls.

DEVELOPMENT AREA F

Land Area:

Gross 110,530 SF

Net 110,530 SF

Permitted Uses: Uses included within Use Unit 11, Offices, Studios and Support Services.

Maximum Building Floor Area: 19,420 SF

Maximum Number of Lots: One.

Parking: As required by the applicable use unit of the Tulsa Zoning Code.

Minimum Building Setbacks:

From the centerline of the internal collector street 65 FT

From the east boundary of the development area 77.5 FT

From the north boundary of the development area 10 FT

From the south boundary of the development area 10 FT

Maximum Building Height: 26 FT

Minimum Landscaped Area: 15% of each lot.

Signs: One ground sign shall be permitted, which shall not exceed 125 SF of display surface area nor 25 FT in height. The ground sign shall be located along the internal collector street frontage.

Wall signs shall not exceed an aggregate display surface area of 1 SF for each lineal foot of building wall to which attached. There shall be no wall signs permitted on the east-facing walls.

3. The minimum parking setbacks from the east boundary of the PUD shall be 75 FT.
4. Screening along the north and east boundaries of the PUD shall be determined by TMAPC at the time of Detail Site Plan Review.
5. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

6. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
9. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 12 feet in height if within 150 FT of the east boundary of the PUD or an RS district. No light standards are permitted within the east 70 FT of the PUD.
10. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
11. 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.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
13. 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.

14. 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.
15. The internal collector street shown in the conceptual plan shall be a public street meeting the standards of a commercial/industrial collector street.

**The applicant indicated his agreement with staff's recommendation.
There were no interested parties wishing to speak.**

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Horner, Midget, Selph "absent") to recommend **APPROVAL** of the PUD and corridor site plan for PUD-648/Z-6001-SP-1, subject to conditions as recommended by staff.

Legal Description for PUD-648/Z-6001-SP-1:

A TRACT OF LAND THAT IS PART OF THE E/2 SW/4 OF SECTION 2, TOWNSHIP 18 NORTH, RANGE 12 EAST OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U. S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE E/2, SW/4 OF SAID SECTION 2; THENCE NORTH 00° 05'16" WEST ALONG THE EASTERLY LINE THEREOF FOR 80.00' TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE NORTH 89° 42'48" WEST PARALLEL WITH AND 80.00' NORTH OF AS MEASURED PERPENDICULAR TO THE SOUTHERLY LINE OF SAID E/2, SW/4 FOR 430.00'; THENCE SOUTH 00°05'16" EAST FOR 5.00', THENCE NORTH 89°42'48" WEST PARALLEL WITH AND 75.00' NORTH OF AS MEASURED PERPENDICULAR TO THE SOUTHERLY LINE OF THE E/2 OF THE SW/4 FOR 387.71' TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 75; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE AS FOLLOWS; THENCE NORTH 11°56'23" WEST FOR 730.84'; THENCE NORTH 00°03'50" WEST FOR 550.00'; THENCE NORTH 11°14'46" EAST FOR 254.95'; THENCE NORTH 00°03'50" WEST FOR 200.00'; THENCE NORTH 23°15'45" WEST FOR 190.39'; THENCE NORTH 00°03'50" WEST FOR 674.81' TO A POINT ON THE NORTHERLY LINE OF THE E/2 OF THE SW/4; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 89°42'43" EAST ALONG SAID NORTHERLY LINE FOR 992.05' TO NORTHEAST CORNER OF THE E/2 OF THE SW/4; THENCE SOUTH 00°05'16" EAST ALONG THE EASTERLY LINE OF THE E/2 OF THE SW/4 FOR 2,558.92' TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. **From CO (Corridor District) To CO/PUD (Corridor District/Planned Unit Development).**

APPLICATION NO.: PUD-649

RS-1 TO RS-2/PUD

Applicant: John Arnold, Jr.

(PD-6) (CD-9)

Location: South of southwest corner of East 31st Street and South Birmingham

TMAPC Comments:

Mr. Westervelt indicated that he has had some ex parte communication; however, it was not of any significance and will not affect his vote today.

Staff Recommendation:

The PUD proposes four single-family dwellings on 2.46 gross acres located on the east side of Atlanta Place at East 33rd Street South. The subject tract is zoned RS-1. The tract is abutted on the north and the east 101 feet of the south boundary by single-family dwellings zoned RS-1. To the east of the tract, across Birmingham Avenue are single-family dwellings zoned RS-1. The tract is abutted on the remainder of the south boundary and on the west by single-family dwellings zoned RE. The proposed access to the PUD would be from a private gated street that accesses South Birmingham 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-649, 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-649 subject to the following conditions:

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

2. **Development Standards:**

Land Area (Gross)	2.46 Acres	107,383 SF
Permitted Uses:	Those uses included within Use Unit 6, Single-Family Dwellings and customary accessory uses.	
Maximum Number of Dwelling Units:	Four	
Minimum Lot Area:	20,500 SF	
Minimum Livability Space per Dwelling Unit Per Lot:	12,000 SF	
Maximum Building Height:	35 FT	
Minimum Depth of Required Yards:*		

From the North, South and West Boundaries of the PUD**:	25 FT
<u>From the North Boundary of the PUD</u>	<u>15</u>
From the South Birmingham Avenue Right-of-Way	30 <u>15</u> FT
From the Private Street Right-of-Way	25 FT
From Internal Side Lot Lines	10 FT

Minimum Off-Street Parking: Two enclosed off-street parking spaces per dwelling unit and at least four additional off-street parking spaces per dwelling unit.

Private Streets:

Minimum Width of Private Street Right-of-Way	30 FT
Minimum Width of Paved Travel Surface	26 FT

Minimum Size of Cul-De-Sac Turnaround Paving and Right-of-Way:

To be determined during platting process by TMAPC.

Other Bulk and Area Requirements: As established within the RS-1 District.

*Detached Accessory buildings are permitted in rear yards only. A detached accessory building may be located in a required rear yard if at least five feet from any lot line, provided, however, there shall be no detached accessory buildings permitted in the east 30 feet of the north half of the PUD or in the east 70 feet of the south half of the PUD.

**The PUD is assumed to not include any of the Birmingham Avenue right-of-way or roadway easement.

3. A six-foot in height predominant wall on the north, west and south side of the PUD with an eight-foot high section on the south to screen the Siegfried property; four-foot high wall on the east boundary with a review of the entire wall and gate at detail site plan review
4. 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.

5. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
6. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.
7. 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.
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. 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.
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.

Mr. Dunlap described the properties that would be facing and abutting the proposed development and the impact this development may have on those properties.

Applicant's Comments:

Jack Arnold, 7310 South Yale, Tulsa, OK 74136, stated that he would like to make some changes to the staff recommendation. He indicated that he submitted a proposal for an eight-foot wall on the east side and the staff is recommending a four-foot fence. He explained that four feet would not help block the view from the garage across the street. He stated that he is trying to create four single-family houses that enter on their own private cul-de-sac. He commented that the proposed development would have restrictive covenants and

he currently owns the subject property, which means he has a vested interest in this proposal.

Mr. Arnold indicated that he discussed this proposal with the neighbors adjacent to the subject tract to the north. He explained that the owner to the north is in agreement with the proposal; however, he cannot be present today. The owner of the west tract on the north side of the subject property also supports the proposal. The southwest tract owner on the west side of the proposal (33rd Street) supports the plan as well. He indicated that he has been in conference with the property owners to the south, who own the house whose front door would look directly into the subject property. He stated that he has come to a mutual agreement with the property owner to the south to have a landscaped wall. He explained that he is still striving for his eight-foot walls around the northwest and south side; on the east side, in lieu of an eight-foot wall, he agreed to a six-foot wall, which might vary in height. Mr. Arnold submitted photographs of the proposed wall (Exhibit C-1).

Mr. Arnold stated that on the north side of the subject tract there is a vacated right-of-way of 35 feet, which he would like to request to move the rear property line (Lots 1 and 2) to allow 15 feet in lieu of 25 feet. On Lot 1 the structure would face the house to the south and he would like to have the advantage of a 15-foot setback off the east side of Lots 1 and 4.

TMAPC Comments:

Mr. Stump asked Mr. Arnold if he discussed putting a solid eight-foot wall up against the existing fence with the property owner who faces into the southeast corner of the proposal. In response, Mr. Arnold stated that he came to an agreement on a solution for that side, which would be an eight-foot wall to ensure privacy. Mr. Stump stated that Mr. Arnold's proposal would have an eight-foot wall touching the existing fence. Mr. Arnold stated that he is discussing conceptual things, and he may have a wall with a fountain in it or replace the existing fence. Mr. Arnold stated that he has reached an agreement with the property owner, but just has had time to develop drawings to satisfy this agreement. Mr. Stump offered as a compromise that the standards for the walls along the portion that staff recommended as four feet be allowed to be higher if approved at a detail site plan review by the Planning Commission.

Mr. Arnold stated that he agrees with the staff recommendation except for the setbacks on the lots and the fence heights.

Mr. Westervelt asked Mr. Arnold if he has given any thought to doing something with columns and wrought iron fencing versus solid wall fences. Mr. Westervelt stated that this would still give the same sense of security and privacy, but a different effect that staff would be more comfortable with. In response, Mr. Arnold stated that he has thought about it, but it wouldn't be appropriate for the proposal. Mr. Arnold explained that there is no sense of a neighborhood

because the proposal would be looking into two garages across the street. Mr. Arnold commented that his clients would need their privacy and he has compromised from an eight-foot fence to a six-foot fence.

Mr. Stump informed the Planning Commission that there is a house facing into the proposal; it is not just a garage facing the proposal.

Interested Parties Comments:

Benny and Rita Wood, 2457 East 34th, Tulsa, Oklahoma 74105, stated that he has lived in the subject area for over 30 years. He indicated that he has 300 feet of space on the south side of the proposal and he has not spoken with Mr. Arnold. He stated that he was never given the opportunity to see Mr. Arnold's plans.

Mr. Wood stated that he is familiar with the proposed site and his home on the south side has been in existence for 50 years. He explained that when the home on the subject property was torn down, the erosion and drainage became a real problem and would like to know how the applicant is going to take care of it.

TMAPC Comments:

Mr. Ledford explained to Mr. and Mrs. Wood that today's hearing is for the PUD application and zoning. The process after the PUD and zoning will be platting, and through the platting process, the applicant will have to prepare engineering drawings regarding the drainage, streets, and sewer, etc. This would all have to be approved by Public Works Department and the Planning Commission does not have the ability to review these types of drawings. Mr. Ledford stated that the Public Works Department would do a very good job at the review process, which is later in the development process.

Interested Parties Comments:

Anne Bevilacqua, 3233 South Birmingham Avenue, Tulsa, Oklahoma 74105, stated that she is representing the families of 33rd Street, which faces east. Ms. Bevilacqua submitted photographs (Exhibit C-1). Ms. Bevilacqua commented that after speaking with Mr. Arnold she would have a six-foot stone fence on Birmingham and the neighborhood is not in favor of this plan. Erecting such a wall would greatly diminish the character of the neighborhood. It would take away the harmony of the community and detract from the friendly, open neighborhood atmosphere, which the neighbors bought into first. A wall is totally inappropriate and unnecessary because this is not Peoria Avenue or Lewis Avenue where a wall would be for security and noise reasons.

Ms. Bevilacqua stated that her neighborhood is quiet, open and friendly. She commented that she had hoped that the subject property would be developed as a continuation of the existing neighborhood. The existing neighborhood has July 4th parades, neighborhood block parties, and get-togethers. She commented that the proposal would be a compound in the middle of an open neighborhood

and it would not be in keeping with the nature of the subject area. Ms. Bevilacqua concluded by stating that the neighbors oppose the proposed walls.

TMAPC Comments:

Mr. Harmon asked Ms. Bevilacqua if a wall of any kind would be acceptable. In response, Ms. Bevilacqua stated that it would depend on what the fence is made of and how high it would be. She commented that pillars and wrought iron would be acceptable.

Mr. Jackson asked Ms. Bevilacqua if the applicant had a wall that is softened by heavy landscaping would that be acceptable. Ms. Bevilacqua stated that the neighbors are looking for a continuation of the neighborhood, which is people in front yards, kids playing in the street and the opportunity to talk with your neighbors when you see them. Ms. Bevilacqua explained that having a softened landscaped solid wall does not achieve these characteristics.

Mr. Westervelt asked Ms. Bevilacqua if she is against the staff recommendation for four feet and certainly against Mr. Arnold's suggestion of six or eight feet. Ms. Bevilacqua stated that neighborhood doesn't want a wall, but a four-foot wall would be acceptable if it were columns with wrought iron fencing or something that would lend itself to the openness of what exists today. Ms. Bevilacqua commented that the applicant mentioned that there really is no neighborhood existing, but there is and it is a wonderful neighborhood.

Ms. Hill asked Ms. Bevilacqua if she is against the four houses or opposed to the proposed fence. In response, Ms. Bevilacqua stated that she is opposed to a compound being built in the neighborhood. Ms. Bevilacqua explained that she is not against the four houses, just against the compound effect by having walls all around the proposal. Ms. Bevilacqua pointed out her property on the case map and indicated that it is the home that Mr. Arnold referred to as being a garage. Actually it is her front yard with her family room, kitchen and garage facing into the proposal.

Ms. Pace asked staff if in a neighborhood a property owner could have, by right, a four-foot high front yard fence. In response, Mr. Stump answered affirmatively. Mr. Stump explained that this right could be taken away in a PUD. Ms. Pace asked staff if the applicant constructed this proposal under standard zoning he would be able to get four houses on the subject lot. In response, Mr. Stump stated he could if he built a public street and he could have the four-foot fence.

Interested Parties Comments:

Paul Bevilacqua, 3233 South Birmingham Avenue, Tulsa, Oklahoma 74105, stated that the column and wrought iron fences are consistent with the subject area. He commented that it is not just his garage that would be facing into the development, it also his basketball court and patio area. He stated that if a 15-foot setback is allowed, then it is necessary to have a large wall because the

house right upon the street, which he opposes. Mr. Bevilacqua concluded that he is only opposed to the eastern wall.

TMAPC Comments:

Mr. Westervelt asked Mr. Bevilacqua if he has a problem with the setback that has been requested. In response, Mr. Bevilacqua stated that the neighbors have not discussed the setback and he doesn't personally have a problem with it, but he pointed it out that this is one of the reasons there is a need for a large wall.

Interested Parties Comments:

Barbara Jenkins, 2620 East 33rd Street, Tulsa, Oklahoma 74105, stated that she is in the middle of the dead-end street. She indicated that she opposes the fencing on the east side of the proposal. She commented that a high, solid wall would not be consistent with the existing neighborhood.

Jo Buford-Siegfried, 3310 South Birmingham Avenue, Tulsa, Oklahoma 74105, stated that her house is located south of the subject property. Ms. Siegfried explained that she is only speaking with regard to the fence on the subject property's south property line. She stated that she has been working with Mr. Arnold on a solution regarding the privacy and fencing. The development will have a direct impact on the pleasure she enjoys in her house and as well as the economic value of her home. There is a four-foot fence currently existing, which would not be acceptable because there would be a house built directly in front of her home. She indicated that she concurs with Mr. Arnold's proposal to build something attractive and reasonable to ensure their privacy. She commented that she never imagined that a home would be built with its back yard looking into her front yard.

TMAPC Comments:

Mr. Westervelt asked Ms. Siegfried which fence she is concurring with. In response, Ms. Siegfried stated that she is only speaking to the south property line, which is her north property line and she agrees with Mr. Arnold's proposal regarding a fence.

Mr. Stump stated that Ms. Siegfried's front yard would be facing the back yard of one of the proposed homes, which is not desirable.

Ms. Pace suggested allowing the fence along Ms. Siegfried's property line to be eight feet high and the rest four feet, which would be in keeping with the subject neighborhood.

Applicant's Rebuttal:

Mr. Arnold stated that he agrees that East 33rd is a great neighborhood street. North of the lot is a rental house and that is why the shrubs are up so high. Cars traveling north on Birmingham will shine their headlights directly into the proposed lots or the one house on the southeast corner. This is the reasoning

for putting up an opaque wall rather than a wrought iron wall. He indicated that he doesn't want to be unfriendly, but part of the concept is to make the proposal a gated community for security reasons. He commented that the wall would be landscaped and done in the best of design. Mr. Arnold concluded by stating that he would do the nicest subdivision possible and it would enhance the neighborhood.

TMAPC Comments:

Mr. Carnes stated that the neighbors have expressed their desires and Mr. Arnold has expressed his desires. Under landscape review the Planning Commission could look at the proposed fencing or send Mr. Arnold back to meet with the neighbors to work these issues out. In response, Mr. Westervelt stated that he has already offered the continuance to Mr. Arnold.

Mr. Jackson stated that a combination fence would be appropriate. He explained that an eight-foot screening wall on the north side, west side and south side and then four-foot, six-foot and eight-foot tall combination wall on the east side could be done. This would make a transition and it would be open towards the middle, and when it gets toward the eight-foot wall, it would have a smooth transition up. In response, Mr. Carnes stated that he would vote against the eight-foot wall because the neighborhood doesn't need a prison look. Mr. Carnes commented that six feet is the highest he would ever vote for. Mr. Jackson stated that the proper landscaping would soften the wall and an eight-foot wall wouldn't be that intrusive.

Mr. Ledford stated that Mr. Carnes's comments are appropriate. Mr. Ledford further stated that this application needs to be continued to give Mr. Arnold and the neighbors an opportunity to meet and work out an agreement that the Planning Commission can understand. He commented that he doesn't feel comfortable, personally, trying to design a PUD in a public hearing. If the neighbors and the applicant are not able to come to an agreement, then the Planning Commission could settle it.

Mr. Arnold asked if the Planning Commission could approve the concept and he could come back for the screening and fencing after it is discussed. In response, Mr. Westervelt answered negatively. Mr. Westervelt stated that the Planning Commission is not uncomfortable with the four homes and it doesn't appear to have any problems on the south side with an eight-foot fence, nor the north except that some of the Planning Commissioners feel that eight feet is too high. Mr. Westervelt suggested Mr. Arnold spend some time with the neighborhood and come back with a solution or come back and state that you cannot work out a solution and the Planning Commission would design the PUD.

Mr. Carnes recognized Mr. Bevilacqua. Mr. Bevilacqua stated that he did not want the Planning Commission to have the impression that the neighborhood is against the other three walls. Mr. Bevilacqua explained that the only concern is the east wall.

On **MOTION** of **JACKSON**, to recommend **APPROVAL** of PUD-649, subject to the conditions recommended by staff and modified as follows: an eight-foot fence be allowed on the north, south and west sides, which shall transition to a four-foot fence on the east.

Mr. Harmon stated that he wants to be more creative if the Planning Commission is going to design this PUD. Mr. Harmon suggested that there be an eight-foot wall on the south boundary and transition it down to six feet by the time it reaches the west boundary and leave it six feet until it transitions to four feet on the east side and let the eight-foot wall transition down to the four-foot be on the south boundary, not the east boundary.

Mr. Westervelt recognized Ms. Siegfried. Mr. Westervelt stated that there is a concern with the eight-foot wall among the Planning Commissioners. Mr. Westervelt asked Ms. Siegfried if she has a strong feeling on the eight-foot versus six-foot height of a solid masonry-type fence. In response, Ms. Siegfried stated that she appreciates the Planning Commission's concern and there has been a great deal of discussion with Mr. Arnold. Ms. Siegfried stated that her front yard will be facing the back yard of the proposed home and her house is elevated higher than the proposal. Ms. Siegfried stated that a six-foot fence would not be sufficient to block the view from her house, nor from the proposed home.

TMAPC Action; 7 members present:

On modified **MOTION** of **JACKSON**, the TMAPC voted **5-2-0** (Carnes, Harmon, Jackson, Pace, Westervelt "aye"; Hill, Ledford "nays"; none "abstaining"; Boyle, Horner, Midget, Selph "absent") to recommend **APPROVAL** of PUD-649 to allow a six-foot in height predominant wall on the north, west and south side of the PUD with an eight-foot high section on the south to screen the Siegfried property; four-foot high wall on the east boundary with a review of the entire wall and gate at detail site plan review, 15-foot required yard for dwellings on the north and east boundaries of the PUD. (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-649:

E/2, E/2, S/2, S/2, NW/4, NW/4 Section 20, T-19-N, R-13-E, Tulsa County, State of Oklahoma, subject to an easement for public street and located at 3302 South Birmingham Avenue, Tulsa, Oklahoma, **From RS-1 (Residential Single-family Low Density District) To RS-1/PUD (Residential Single-family Low Density District/Planned Unit Development).**

APPLICATION NO.: PUD-431-B

MAJOR AMENDMENT

Applicant: William LaFortune

(PD-26) (CD-8)

Location: West of the southwest corner of East 101st Street and South Sheridan Road

Staff Recommendation:

PUD-431-A was approved by the Tulsa City Council in October of 1993. The PUD is located at the southwest corner of East 101st Street and South Sheridan Road. The PUD is divided into four development areas. Development Area A is located at the southwest corner of the intersection and has been developed as a May's Drug Store. Development Area B is located south of Development Area A and has been developed as an Arby's restaurant. Development Area C is located on the west side of Development Area A and remains undeveloped, although uses included within Use Units 10, 11, 12 and 14 have been approved for Development Area C. Development Area D wraps around the western and southern boundaries of Development Areas A, B and C. Development Area D is undeveloped but has been approved for uses permitted by right within a CS district, excluding uses included within Use Unit 12-A, dance hall and liquor store, within the South 190 feet. One of the conditions of approval for PUD-431-A was that direct access to 101st Street from Development Areas A and C shall only be from one common drive located between Development Areas A and C.

This Major Amendment applies only to Development Area C and proposes the following:

1. Add as an additional permitted use for Development Area C, a convenience store as included within Use Unit 13.
2. Allow direct access to East 101st Street South from Development Area C.

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-431-B, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-431-B subject to the following conditions:

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

2. Requirements of PUD-431-A apply unless modified below.

3. **Development Standards:**

Land Area (Net): .8936 Acres

Permitted Uses: Those uses included within Use Units 10, 11, 12, 14 and a convenience store as included within Use Unit 13.

Maximum Building Floor Area: 7,200 SF

Minimum Building Floor Area: 1,500 SF

Maximum Building Height: 35 FT

Maximum Number of Stories: 1 ½

Minimum Building Setbacks:

From the Centerline of 101st Street 108 FT

From other Development Area Boundaries 10 FT

Off-Street Parking: As required by the applicable use unit of the Tulsa Zoning Code.

Signs: One ground sign shall be permitted which shall not exceed 180 SF of display surface area and 16 FT in height.

Wall Signs shall not exceed an aggregate display surface area of one square foot for each lineal foot of building wall to which attached. Wall signs shall not exceed the height of the building. No flashing or intermittently lighted signs are permitted and there shall be no wall signs on the west-facing walls.

Minimum Landscaped Area: 10% of net lot area.

Access: There shall be a maximum of two access points to 101st Street. One of these two access points shall be a common access located between Development Areas A and C.

Other Bulk and Area Requirements: As established within a CS district.

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. A landscaped area of not less than 20 feet in width (exclusive of right-of-way) shall be provided along the 101st Street frontage excepting points of access and shall include a landscaped berm with a minimum height of four feet above the grade of abutting parking areas.
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. 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. 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. No light standard nor building-mounted light shall exceed 15 feet in height.
9. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.

10. 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.
11. 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.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
13. 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.
14. 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.

Applicant's Comments:

Bill LaFortune, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he is prepared to go forward with today's application; however, there is one concern that there has not been sufficient dialogue with the neighborhood. He explained that there have been attempts to meet, but it has not been possible.

Mr. LaFortune requested a continuance in order to meet with the neighborhood. He indicated that there are interested parties present who may not be in favor of a continuance. He commented that by meeting with the neighbors to analyze the staff recommendation and the protections that are in place, he feels there can be some progress made. He requested a one-week continuance in order to meet with neighbors who would like to meet.

Mr. LaFortune stated that he wanted it known for the record that he has tried to meet with the neighborhood on numerous occasions and it never seemed to work out.

Mr. Westervelt asked the interested parties if there were any objections to a continuance. He informed the interested parties that the Planning Commission encourages applicants and interested parties meeting and working out issues if possible.

Interested Parties Objecting to a Continuance:

Brad Sims, 10028 South Norwood, Tulsa, Oklahoma 74137, stated that he is most affected by the proposal and he objects to a continuance because he is firm that he will not agree to any change in the subject area. There is no need for the proposed building in the subject area.

Cheryl Smith, 10016 South Maplewood Place, Tulsa, Oklahoma 74137, stated that her only objection to a continuance is the fact that she missed work today in order to be present for this hearing.

TMAPC Comments:

Mr. Westervelt informed the interested parties that if this application should be continued one week, they would not need to miss another day of work if they sent their comments in letter form to the Planning Commission or sent a representative.

Interested Parties Comments:

Rex Smith, 10016 South Norwood, Tulsa, Oklahoma 74137, stated that all of the interested parties have sat through a meeting for four hours waiting their turn and now the Planning Commission is saying that they would have the same impact if the application was set aside one meeting. In response, Mr. Westervelt answered affirmatively. Mr. Smith questioned about testimonies against the application. In response, Mr. Westervelt stated that if the group would like to send a speaker to state the concerns and objections, it would have the same merit with the Planning Commission as having everyone present. Mr. Smith stated that many interested parties did not receive a notice because they were out of the 300-foot radius of the subject property and they were unable to get a meeting together to discuss this proposal. He commented that he cannot speak for all of the neighbors, but some do not want a convenience store at all. In response, Mr. Westervelt stated that he understands their reasoning for not meeting with Mr. LaFortune on short notice and now the Planning Commission is giving everyone that opportunity to meet before hearing this case.

TMAPC Comments:

Mr. Ledford stated that in accordance with the PUD, one of the things that Mr. LaFortune is requesting is a change of permitted use in this particular Development Area. He stated that this is a very old PUD and in the CS zoning there could be clubs and bars, which have no restrictions. Mr. Ledford suggested that if the Planning Commission were going to hear a permitted use in one of the Development Areas, then he would like to make sure that the Planning Commission looks at what is happening in Development Area D. Based on planning, there are some serious concerns regarding what happens in Development Area D.

Mr. LaFortune stated that Development Area D does allow the use requested and it is closer to the neighborhood and west of the subject parcel. The interested parties are objecting to something that is already allowed on the parcel that is adjacent to the neighborhood. Mr. LaFortune informed the Planning Commission that he faxed a letter to the neighborhood representative, Mark Hays, a week ago, but has never heard from him.

Mr. Westervelt apologized to the interested parties and the applicant for having to wait a long time; however, this has been a long meeting for everyone. He stated that the public process would be much better served if there were an attempt to have a neighborhood meeting with the applicant.

Patty Hays, 1009 South Norwood Avenue, Tulsa, Oklahoma 74137, stated that her husband did submit a petition and he does work for the City of Tulsa. She indicated that her husband has been out of town for the City of Tulsa and was unable to meet with Mr. LaFortune. She stated that one-week continuance would give her husband the opportunity to meet with Mr. LaFortune.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Horner, Midget, Selph "absent") to **CONTINUE** the major amendment for PUD-431-B to April 25, 2001 at 1:30 p.m.

APPLICATION NO.: PUD-198-C-4

MINOR AMENDMENT

Applicant: Wallace Wozencraft

(PD-18) (CD-7)

Location: Southeast corner of East 61st Street and South Lakewood

Staff Recommendation:

The applicant is requesting an amendment to a Planned Unit Development to allow a 40-foot maximum height requirement. The existing height requirement for the light office use permitted is 35 feet.

Staff has reviewed the requested amendment and can recommend **APPROVAL** of the 40-foot, two story height maximum per the elevations submitted.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **PACE**, TMAPC voted **7-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Horner, Midget, Selph "absent") to **APPROVE** the minor amendment for PUD-198-C-4 as recommended by staff.

OTHER BUSINESS:

APPLICATION NO.: PUD-617
Applicant: Mike Dwyer
Location: 2117 South Atlanta Place

DETAIL SITE PLAN
(PD-4) (CD-9)

Staff Recommendation:

The applicant is requesting detail site plan approval for a new 3,650 square foot, 34-foot high dentist office. The use proposed is in conformance with the approved Planned Unit Development.

The site plan meets the development standards for PUD 617. Staff recommends **APPROVAL** of the detail site plan per the building elevations submitted.

Note: Detail site plan approval does not constitute sign or landscape plan approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Horner, Midget, Selph "absent") to **APPROVE** the detail site plan for PUD-617 as recommended by staff.

APPLICATION NO.: PUD-617
Applicant: Mike Dwyer
Location: 2128 South Atlanta Place

DETAIL SITE PLAN
(PD-4) (CD-9)

Staff Recommendation:

The applicant is requesting detail site plan approval for a new 6,200 square foot, 34-foot high doctor's office. The use proposed is in conformance with the approved Planned Unit Development.

The site plan meets the development standards for PUD 617. Staff recommends **APPROVAL** of the detail site plan per the building elevations submitted.

Note: Detail site plan approval does not constitute sign or landscape plan approval.

The applicant indicated his agreement with staff's recommendation.

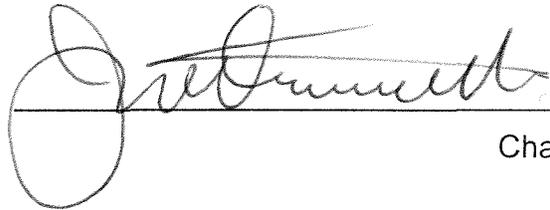
There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Horner, Midget, Selph "absent") to **APPROVE** the detail site plan for PUD-617 as recommended by staff.

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

Date Approved:



Chairman

ATTEST:



Secretary