

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2283

Wednesday, August 15, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August 13, 2001 at 11:00 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

Minutes:

Approval of the minutes of July 25, 2001, Meeting No. 2281

On **MOTION** of **HORNER** the TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the minutes of the meeting of July 25, 2001, Meeting No. 2281.

Minutes:

Approval of the minutes of August 1, 2001, Meeting No. 2282

On **MOTION** of **HORNER** the TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the minutes of the meeting of August 1, 2001, Meeting No. 2282.

REPORTS:

Director's Report:

Mr. Stump reported that there are several items on the City Council agenda for Thursday, August 16, 2001. He indicated that Mr. Dunlap would be attending the City Council meeting.

CONTINUED ITEMS:

APPLICATION NO.: Z-6827/PUD-654

RS-1 TO OL/PUD

Applicant: Roy D. Johnsen

(PD-18) (CD-9)

Location: Southwest corner of East 71st Street and South Harvard

TMAPC Comments:

Mr. Harmon reported that the applicant has requested a continuance to September 5, 2001 and the request was a timely request. He explained to the interested parties that the Planning Commission is only considering the continuance request.

Interested Parties Opposing the Continuance Request:

Gene Kaefer, 4214 East 74th Street, Tulsa, Oklahoma 74136; **Don Davis**, 3523 East 74th Street, Tulsa, Oklahoma 74136; **E. B. and Mona Miller**, 7211 S. Gary Place, Tulsa, Oklahoma 74136; **Dr. Glenn Visser**, 7149 South Indianapolis, Tulsa, Oklahoma 74136; **Peggy Enlow**, 7308 South Gary Place, Tulsa, Oklahoma 74136; **Frank Munn**, 7125 Sleepy Hollow Drive, Tulsa, Oklahoma 74136; **Will Sanditen**, 7217 South Gary, Tulsa, Oklahoma 74136.

Opposing Interested Parties' Comments:

Continuing the application would not help because the neighborhood is against rezoning except for residential; continuing the application several times makes it difficult to attend every meeting due to work and finding babysitters; regardless how the plan is changed, it would not change the minds of the homeowners who are against this application, and therefore it would be foolish to grant the continuance.

TMAPC Comments:

Mr. Harmon stated that it is his understanding that there is ongoing communication between the applicant and some of the interested parties.

Mona Miller stated that she informed as many of the interested parties that she could that there had been a continuance to September 5, 2001; however, it was not possible to let everyone know that a continuance was requested. She indicated that if she had told everyone she talked with that the case would be heard today, the meeting room would be standing-room-only. She commented

that even though there are a lot of people absent, the application should be heard today.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, representing F & M Bank, stated that he did file a request for a continuance to September 5, 2001. He indicated that there is ongoing communication between his client and the neighborhood associations. He stated that there have been several meetings prior to today's hearing and the Planning Commission has always encouraged dialogue between the applicant and interested parties.

Mr. Johnsen stated that there have been several issues and concerns raised by the interested parties and it would require additional study to address those issues. He explained that one of the concerns was the traffic and he is undertaking additional traffic study and additional drainage studies. He expects some significant revisions to the site plan and he expects to go back to the Guierwood Association to review the revised site plan. He reminded that this type of dialogue has been encouraged by the Planning Commission for many years, particularly on difficult applications.

Mr. Johnsen stated that this application has been continued once before today's request, but it was at the request of the Guierwood Association and he did not object to that continuance. The Planning Commission's practice in the past has been that when a continuance has been requested in a timely manner, a continuance would be granted once to each side. He indicated that when he made the request for a continuance, he contacted the leadership, the Board of Director's of the Guierwood Association, and were advised that they did not object to the request for a continuance. He stated that he mailed the letter requesting the continuance to people who attended the last neighborhood meeting (who spoke at the meeting or were attorneys, which are indicated on the letter). It would seem strange that most people did not know that a continuance was being requested.

Mr. Johnsen concluded that in his opinion his request is inconsistent with the Planning Commission's objectives, which is to have good dialogue, discussion and modifications, where appropriate, on complicated issues. He requested the Planning Commission to follow their past practice and grant the continuance.

TMAPC Comments:

Mr. Harmon asked Mr. Johnsen if there is still meaningful dialogue to be had. In response, Mr. Johnsen answered affirmatively.

Ms. Hill stated that she understands the inconvenience that this creates for the citizens; however, it has always been the policy of the Planning Commission that if one side is granted a continuance, then it should be fair to grant a continuance for the other side. There are always two sides to an application and it would

not be fair to not grant a continuance for the applicant after granting a continuance for the interested parties.

Ms. Pace stated that she read the TMAPC Policies and Procedures and understands that the timely request would be from other than the applicant for continuance of proposed zoning map amendments. The applicant can't request the continuance unless he changes the original application.

Mr. Stump stated that he believes that the Planning Commission has a policy on timely requests from other than the applicant, but it doesn't mean that the Planning Commission can't grant an applicant's request for a continuance and many have been granted in the past.

Ms. Pace stated that she has a lot of problems with other things that the Planning Commission has been doing and the Planning Commission should tighten up a little and adhere to the policies. It is important that people know what to expect from this body. Unless the applicant has changed his original application, then a continuance should not be granted.

Mr. Horner recognized Mr. Johnsen.

Mr. Johnsen stated that if the Planning Commission desires to tighten up the policies on continuances that is fine; however, the people rely on the past practices of the Planning Commission and the understanding has been that on a timely request for a continuance the Planning Commission would grant each side a continuance. That is what the Planning Commission has been doing in the past and the Policies and Procedures document is actually silent regarding the applicant's request. There are many people who think that this application will be continued and the interested parties' attorney is not present because of this. If the Planning Commission is going to change their past practices, then it should be done with some public recognition and some posted date (as of a certain date this would be the new policy). He indicated that his application would be changed significantly. In response, Ms. Pace asked if it should be up to the staff whether this should be continued if the application significantly changes. Ms. Pace commented that she feels for Mr. Johnsen's position, but the Planning Commission needs to know what they are supposed to do.

Mr. Stump informed Ms. Pace that the staff does not have the power to continue an application.

Mr. Harmon stated that the Planning Commission does have the power and it is within the Planning Commission's scope of authority to grant a continuance if it is elected to do so.

Mr. Carnes stated that the attorney for the interested parties is not present and many of the interested parties are not present because they assumed this case

would be continued, as has been the practice of the Planning Commission in the past. The Planning Commission has read the letters of opposition. If the Planning Commission offers to grant a continuance, it doesn't mean that they are leaning toward the applicant. He stated that because granting continuances has been done in the past, he feels that this continuance should be granted and it would not make any difference about how the members feel.

Ms. Pace recognized an interested party (no name given).

The interested party wanted to know how Mr. Johnsen could come before the Planning Commission for an approval of a change in plans when the interested parties have not seen a plan. Why would Mr. Johnsen come before this board for a continuance if he were going to change his plans. In response, Ms. Pace stated that the applicant would have to readvertise. In response, Mr. Stump stated that if the Planning Commission feels that if the modifications are significant enough to warrant a new advertisement, then they should direct the applicant to do so, but if it is a natural outcome of working with surrounding areas to achieve a more compatible development, then traditionally a new notice has not been published. Mr. Stump explained that the reason for not making a new notice is because the applicant is working with the people who received notice on the first proposal and would be cognizant of the changes.

Mr. Jackson asked if the request for the continuance was a timely request. In response, Mr. Stump stated that, for the applicants, the Planning Commission doesn't have a definition for a time limit, but it would be considered timely if it were not an applicant. In response, Mr. Jackson stated that the Planning Commission has always encouraged rapport between the applicants and the homeowners. He indicated that he would support and make a motion to continue this application.

Ms. Pace stated that it is not without precedent that the Planning Commission has denied a continuance if the Planning Commission believes that it is such a small change that it could be considered. This appears to be procrastination and there have been times that the Planning Commission has voted to not grant a continuance, but not often. In response, Mr. Harmon stated that the applicant has indicated that there is a chance for meaningful dialogue.

Ms. Hill stated that she wants the residents to know that all of their correspondence would still be a part of the record and she has read all of the correspondence. She assured the interested parties that their letters would not go unnoticed.

Mr. Carnes stated that a continuance does not mean that the Planning Commission is voting, in any way, in favor of this application. He indicated that he would support a continuance and it is important that the public know that the

Planning Commission stays on the same playing field throughout the City and County.

Ms. Bayles stated that she received a packet of information and clearly the Policies and Procedures and Code of Ethics that are determined by this Board should be adhered to. If there is no written policy regarding an applicant's request, there should be. As a member of this Board and as a resident of this community, she would be going to the Policies and Procedures to establish what criteria would be used.

TMAPC Action; 7 members present:

On **MOTION** of **JACKSON**, the TMAPC voted **5-1-1** (Carnes, Harmon, Hill, Horner, Jackson "aye"; Pace "nay"; Bayles "abstaining"; Ledford, Midget, Selph, Westervelt "absent") to **CONTINUE** Z-6827/PUD-654 to September 5, 2001 at 1:30 p.m.

Five-Minute Recess.

TMAPC Comments:

Mr. Harmon announced that there are two more items requesting a continuance, which were timely requests.

APPLICATION NO.: Z-6830

Applicant: Roy D. Johnsen

Location: South and southeast corner of East 81st Street and South Memorial

RM-1 TO CS

(PD-18) (CD-8)

Related Item:

APPLICATION NO.: PUD-523-B

Applicant: Roy D. Johnsen

Location: South and southeast corner of East 81st Street and South Memorial

MAJOR AMENDMENT

(PD-18) (CD-8)

Interested Parties' Comments:

D. R. Dunning, 8315 East 84th Street, Tulsa, Oklahoma 74133, stated that he would not be able to attend the meeting next week. He opposes the access points because it would be entering and existing private streets (Honey Creek). He stated that the proposal shows entrances and exits onto his neighborhood's private streets and that couldn't happen. He indicated that he does not want any access off of the Honey Creek private streets.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-1** (Bayles, Carnes, Harmon, Hill, Horner, Jackson "aye"; no "nays"; Pace "abstaining"; Ledford, Midget, Selph, Westervelt "absent") to **CONTINUE** Z-6830/PUD-523-B to August 22, 2001 at 1:30 p.m.

SUBDIVISIONS

FINAL PLAT:

Ledco Addition (PUD 634) (294) (PD-17) (CD-6)
North of the northeast corner of East 11th Street South and Lynn Lane

Staff Recommendation:

The plat includes is 2.5 acres in size and includes one lot in one block. The proposed use is a racecar building and storage.

The preliminary plat for this addition was approved in October of 2000.

Releases are in order, Staff recommends **APPROVAL** of the final plat.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted **7-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the final plat for Ledco Addition as recommended by staff.

Commerce Center (599-A) (684) (PD 18) (CD 8)
Location: Southwest Corner of 61st Street South and 104th East Avenue

Staff Recommendation:

This plat consists of three lots in one block on 5.8 acres. The lots will be accessed via 61st Street to the north and 104th East Avenue to the east. The PUD allows office and hotel use as well as the existing used car sales.

The Commission previously approved this plat on June 27. Subsequent to that approval there were changes that affected the configuration of lots 1 and 2 and that impacted the PUD. Those changes were addressed in Major Amendment PUD 599-C. Rather than filing a plat and immediately amending it, the applicant elected to hold the plat, revise it and again present it to the Commission for final approval.

Release has been received and the plat is substantially in order. Staff recommends **APPROVAL** of the final plat subject to the following:

Revision to Deeds of Dedication per City of Tulsa Legal Department and to reflect changes in the PUD standards per PUD 599-C.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the final plat for Commerce Center, subject to conditions as recommended by staff.

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PLAT WAIVER:

BOA 19158

Location: 6621 East Latimer Place North, east of the northeast corner of North 66th East Avenue and North Latimer

Trigger: Special Exception to allow church-related daycare use in the RM/1 district; 8/14/01.

The following information was provided at the TAC meeting of 08/02/01.

GENERAL

The site is located east of the northeast corner of North 66th East Avenue and Latimer Place. It is bounded on the south by Latimer and surrounded by residential uses of varying densities.

The site is previously platted and is described as Lot 9 and the west ½ of lot 8 of block 3 of the Aviation View Addition.

PURPOSE

The purpose of the request is to make changes appropriate to a change of use within an existing structure. The change would place a church-related daycare facility in the building that was previously used for worship services.

ZONING

The site and area to the west and south are zoned RM-1. The areas to the north and east are zoned RS-3.

STREETS

The site plan shows access onto Latimer, no changes are planned.

SEWER

Sewer is present.

WATER

Water is present.

STORMWATER DRAINAGE

No new construction is proposed.

UTILITIES

No new construction is proposed.

Staff provides the following information from TAC.

STREETS:

Somdecerff, Traffic: no comment.

French: Streets: requested five feet of additional right-of-way.

SEWER:

Bolding, Public Works: no comment.

WATER:

Holdman, Public Works: no comment.

STORMWATER DRAINAGE:

McCormick, Public Works: no comment.

FIRE:

Calkins, Fire: none.

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 properties or street R/W?	X	

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

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

10. Is this a Major Amendment to a P.U.D.? X
 a) If yes, does the amendment make changes to the proposed X
 physical development of the P.U.D.?

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph, Westervelt "absent") to recommend **APPROVAL** of the plat waiver for BOA-19158 subject to conditions as recommended by staff.

Z-4582 (583)

(PD-18) (CD-9)

Location: 6605 South Lewis, south of the southeast corner of 61st Street South and South Lewis Avenue.

Trigger: Zone change from RS-1 to OM ; 3/1/74

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

GENERAL

The site is located north of the northeast corner of 67th Street and South Lewis just south of the Southern Hills Country Club. The Arizona restaurant is located in the eastern portion of the property. The proposed limousine parking and file storage facility will be between it and the eastern property boundary.

The site is previously platted, being the north 135' of the west 350' of Tract A of the Muzingo Hill Addition

PURPOSE

The purpose of the request is to allow construction of a structure that will include office area and covered parking. The area of the proposed structure is a part of the existing parking lot.

ZONING

The site is zoned OM. RM-2 is present to the south and east. OM is farther to the south with RS-1 to the north.

STREETS

The site plan shows access onto South Lewis. No changes are planned.

SEWER

Sewer is present.

WATER

Water is present.

STORMWATER DRAINAGE

No new impervious area is proposed. The new structure will be placed in the southeast corner of the site in an area that is part of the existing parking lot.

UTILITIES

NO UTILITY INFORMATION HAS BEEN PROVIDED.

Staff provides the following information from TAC.

STREETS:

Somdecerff, Traffic: no comment.

French: Streets: no comment.

SEWER:

Bolding, Public Works: no comment.

WATER:

Holdman, Public Works: no comment.

STORM DRAIN:

McCormick, Public Works: no comment.

FIRE:

Calkins. Fire: no comment.

UTILITIES:

Easement might be required to accommodate new construction.

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 properties or street RW?	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.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph, Westervelt "absent") to recommend **APPROVAL** of the plat waiver for Z-4582 subject to conditions as recommended by staff.

CHANGE OF ACCESS ON FINAL PLAT:

Lot 2, Block 1, Dickens Commons

3837 East 51st Street South

Staff Recommendation:

This application is made to accommodate the actual location of the existing drive. It proposes to move the 40' platted access 13 feet east.

The Traffic Engineer has reviewed and approved the request.

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted **7-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the change of access on recorded plat for Lot 2, Block 1, Dickens Commons as recommended by staff.

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CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: CZ-286

AG TO RS

Applicant: Brian Kellogg

(PD-15) (County)

Location: Northeast corner and east of southeast corner of East 106th Street North and North Memorial

Staff Recommendation:

RELEVANT ZONING HISTORY:

CZ-262 March 2000: A request to rezone a 36-acre tract located east of the southeast corner of East 106th Street North and North Memorial Drive and abutting the southern tract of the subject request, from AG to RS. The County Commission concurred in approval of RE and denial of RS zoning as recommended by staff and TMAPC.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is a combination of two separate parcels that total approximately 175 acres. The largest tract is located on the northeast corner of East 106th Street North and North Memorial Drive and contains 160 acres; it contains a single-family residence. The smaller tract is located east of the southeast corner of the intersection and contains approximately 15 acres. The property is sloping in some places and flat in others, partially wooded to non-wooded, largely vacant land (except for the single-family residence), and zoned AG.

STREETS:

Exist Access	MSHP PLANNED R/W	Exist. No. Lanes
East 106 th Street North	100'	2
North Memorial Drive	100'	2

The Major Street Plan designates East 106th Street North and North Memorial Drive as secondary arterial streets in this area. The Oklahoma Department of Transportation counts 1997 – 1998 indicate 231 trips per day on East 106th Street North between North Memorial Drive and North Mingo Road.

UTILITIES: Rural Water District 3 serves water to the sites and sewer will be available by the Ranch Creek Extension from the City of Owasso for both sites. (See letter regarding this from Owasso City Planner.)

SURROUNDING AREA: The subject tract is abutted on the north, south, west and east by vacant agricultural land and large-lot single-family residential land uses.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 15 Plan, a part of the Owasso Comprehensive Plan, designates the subject property as Low Intensity – Residential. According to the attached letter from the Owasso City Planner, it is her opinion that the proposal is in accord with the Owasso 2010 Land Use Master Plan and the City of Owasso has no objection to the rezoning.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, surrounding zoning and land uses and previous action by the County Commission on abutting property, staff cannot support RS zoning on this property and therefore recommends **DENIAL** of RS zoning and **APPROVAL** of RE zoning for CZ-286.

Applicant's Comments:

Noble Sokolosky, P.O. Box 1013, Cornerstone Center, 12340 East 86th Street North, Owasso, Oklahoma 74055, stated that he realizes that several people are opposed to this application. He requested that the interested parties speak first and then he would address their concerns and present his application afterwards.

TMAPC Comments:

Mr. Harmon explained that there are several interested parties wishing to speak and there will be a two-minute time limit for each speaker. Mr. Harmon reminded everyone that the Planning Commission is strictly looking at the zoning request.

Opposing Interested Parties:

Jan Thomas, 7623 East 116th Street North, Collinsville, Oklahoma 74021, (submitted minutes Exhibit A-2); **Carol Seim**, 8941 East 106th Street North, Owasso, Oklahoma 74055; **Norman Houcher**, 8822 East 112th Street North, Owasso, Oklahoma 74055; **Howard Ledbetter**, 8929 East 106th Street North; **Debbie Howeth**, 11211 North 92nd East Avenue, Owasso, Oklahoma 74055; **Wendy Slavin**, 11028 North 92nd East Avenue, Owasso, Oklahoma 74055; **Joe Falleur**, 11019 North 92nd East Avenue, Owasso, Oklahoma 74055 (submitted maps Exhibit A-1); **Lonnie Lamb**, 8910 East 96th Street North, Owasso, Oklahoma 74055; **Jana Falleur**, 11019 North 92nd East Avenue, Owasso, Oklahoma 74055, (submitted various exhibits regarding aerobic sewer systems and guidelines Exhibit A-5); **Dennis Beyer**, (possible land investor for property located 9030 North Memorial), 6972 East 61st Place, Tulsa, Oklahoma 74133; **Ed Campbell**, 11231 North Memorial Drive, Owasso, Oklahoma 74055; **Craig**

Kentor, 8402 East 120th Street, Owasso, Oklahoma 74055; **Sue Pickett**, 8500 East 116th Street North, Owasso, Oklahoma 74055; **David Cummins**, 10936 North Memorial, Owasso, Oklahoma 74055; **Carol Ledger**, 11807 North Memorial, Owasso, Oklahoma 74055.

Opposing Interested Parties' Comments:

Prefer that the subject property remain AG and have five acres or more; expressed concerns with drainage and flooding problems; against small acreage development and it should remain five-acre lots; expressed concerns regarding detention ponds; maintain AG zoning and larger acreages; Williams gas pipeline that would cause problems; terrain of subject property would cause more flooding if developed; concerns regarding aerobic sewer system that could be used; cited history of the elevations and the flooding problems in the subject area; questions how Mr. Sokolosky was able to obtain permission to connect to the City of Owasso sewer system when the adjoining property was unable to; a portion of the subject property is in the floodplain and it shouldn't be zoned RE when the creek runs through the middle of the property; the Owasso sewer system is inadequate to accommodate the proposal; water pressure problems in the subject area; if the property was left AG it would be developed as all of the RE properties in the subject area; the RE zoning is more like an urban zoning and would not be within keeping of the other RE development in the subject area; recently lost a water tower and there is no backup supply; therefore, the water pressure is poor in the subject area; addressed aerobic sewer systems in case the applicant is not able to supply City of Owasso sewer system; cited the Texas Natural Resource Conservation Commission's guidelines regarding aerobic sewer systems, which are not currently used by DEQ in Oklahoma; the subject area is a country setting without a lot of homes in it; any development would add to the water drainage problems that already exist; there would be no curbs and gutters, and with the elevation changes there would not be a way to control the water flow; the more people put in the subject area, the more kids, traffic, and drainage problems; keep the subject area AG so that the horses can remain; moved to the subject area to get away from all of the houses; the proposed two hundred homes would add 400 cars to the subject area and it would cause more traffic problems; if rezoned to RE there should be a restriction to be at least a minimum of a two-acre lot.

TMAPC Comments:

Mr. Harmon reminded the interested parties that the Planning Commission would be addressing zoning issues and the County Inspector addresses water issues. He requested that the interested parties state their views regarding zoning only. He stated that the applicant has requested RS zoning, which would allow five units per acre and the staff is recommending RE zoning, which would allow two units per acre.

Mr. Harmon asked Mr. Houcher what his property is presently zoned. In response, Mr. Houcher indicated that his property is zoned RE. Mr. Houcher stated that he understands that the staff has recommended RE zoning, but he is still against it because the applicant wants to put several homes on each piece of property. Mr. Harmon asked Mr. Houcher if it is more appropriate for him to be allowed RE zoning, but not the applicant. Mr. Houcher stated that he doesn't understand the question.

Ms. Pace asked how many homes could be built on AG-zoned property. In response, Mr. Stump stated that AG would require a minimum of two acres and it would be one home for every two acres.

Mr. Harmon explained that there is no zoning that requires five-acre tracts and it does not exist. He further explained that if someone would like to purchase the property and have deed restrictions, then it may be possible to require five-acre tracts, but there is no zoning that requires five-acre tracts.

Mr. Harmon asked Mr. Falleur if the topography on the subject property is different from the property where he lives. In response, Mr. Falleur stated it is different. Mr. Falleur stated that the elevation change outside of the subject tract is two to four percent grade and Mr. Sokolosky's property elevation is 720 feet in the southeast corner and then drops off to the northeast to 640 feet. Mr. Falleur explained that the major change in elevation is why he opposes RE zoning and the aerobic sewer systems that could be installed.

Ms. Pace asked what the minimum acreage required by DEQ and the proposed standards for Tulsa County regarding aerobic sewer systems. In response, Mr. Stump stated that he is not sure, but he thought it may be 1500 SF and the minimum lot size is 22,500 SF in an RE zoning and 6900 SF in an RS zoning.

Mr. Stump stated that DEQ allows aerobic sewer systems on ½ acre lots if there is public water supply or slightly less than 22,000 SF.

Ms. Pace stated that since the subject property is not supplied by a public sewer system, then the property could support an RE development. In response, Mr. Stump stated that if there were no ability to sewer, then the aerobic system and the land's ability to support it would be something to look at. Mr. Stump explained that the applicant has indicated that he expects to have sewer service from the City of Owasso.

Applicant's Rebuttal:

Mr. Sokolosky stated that this project came about because the Ranch Creek Interceptor was extended into the City of Owasso. He indicated that he started acquiring properties in the subject area. He stated that he asked the City of Owasso if the sewer line would be large enough to accommodate the proposal. He explained that the sewer line is in the ground fifteen feet deep and is near his

properties. He stated that the Owasso City Manager would like for him to bring all of the 300 acres into the city limits and it is shown on the Comprehensive Plan as RS-3 in Owasso, which is two to five lots per acre.

Mr. Sokolosky cited the history of the drainage basins in the subject area. He stated that many of the interested parties were quite active about the sewer lines being improved in the subject area. He explained that the City received a DEQ order and the sewer lines have been improved and it runs from 116th Street North down to Mingo and cutting through his property then south to 96th Street. There has been some discussion regarding the size of the sewer line, and the Deputy Public Works Director informed him that the line is a 21-inch line and the City is confident that the new sewer line can handle an RS type of development.

Mr. Sokolosky agreed that the Comprehensive Plan should be followed and it calls for low intensity type of development, which would be two to five lots per acre. He commented that the City of Owasso wants the proposal for RS to be approved in order to pay for the sewer line improvements. Mr. Sokolosky cited the topography of the subject properties and the reasons for requesting RS zoning. He explained that he needs the RS zoning for bulk and area requirements. He explained that there would be some areas where he may need the ability to go less than 22,500 SF, which is what RE requires.

Mr. Sokolosky cited the surrounding zonings from the Owasso Comprehensive Plan. He predicted the future development in the subject area due to the new sewer lines and his family's plans to develop the land they have acquired. He commented that he typically does not state his development plans, because if they change then it's a matter of his integrity. He reminded the Planning Commission that today's application is a zoning issue only and not a use case. The RE and RS districts are the same use and they are both single-family residential. The question before the Planning Commission today is which intensity is appropriate for the subject properties.

Mr. Sokolosky stated that his plans are to develop the 160 acres with large lots for sewer. He is not sure of the exact size, but in the range of 20,000 SF and he needs RS zoning for this type of development. He explained that the reason he is bringing this application to the County instead of the City limits is because he wants to do an open-field development with no curbs.

Mr. Sokolosky explained that the reason he is able to get sewer to his property is because he negotiated with the City of Owasso. He indicated that the subject property is the only tract that can be developed in Owasso on a large lot, sanitary sewer and open profile. He commented that he is the only person who can do this type of development.

Mr. Sokolosky stated that this is an intensity case and the three things that staff has mentioned in their staff recommendation on why RE is more appropriate than RS were: 1) the Comprehensive Plan, 2) surrounding use, and 3) the precedent of the zoning hearing from two years ago for the James Baker property (zoned RE). Both the land use and the intensity support RS in this case because if RS is granted, it would be the same use as the two adjoining developed tracts (which are zoned RE). RS zoning is the same intensity as the existing AG zoning, which are low intensity. RS, if granted, would be the same intensity as the surrounding undeveloped property (mainly the AG). Mr. Sokolosky cited the various RE-zoned properties surrounding the subject property.

Mr. Sokolosky stated that the interested parties seem to be concerned with stormwater management and drainage issues. He commented that if the Planning Commission wants to ensure that there is detention, then RS should be granted because it is the first intensity that requires stormwater detention. He indicated that the James Baker property does not have any detention, which abuts one of the subject properties. He commented that it is a valid concern of the neighbors to make sure that there is no more flooding in the subject area. He explained that if the Planning Commission grants the RS zoning, then Ray Jordan, County Engineer, would have to approve the development. He indicated that there is already some existing freeboard and he plans to develop it with an open field, taking advantage of the trees and the ponds. He stated that there are no detention requirements for AG or RE zoning.

Mr. Sokolosky indicated that the Zoning Code presumes that that property that is zoned AG would be rezoned RS and not RE. He stated that there is a presumption in the Code that he will point out in detail. The Tulsa County 2000 Comprehensive Plan states that North 106th Street and Memorial Drive, which is the land that is currently zoned AG, is the optimum place for RS development. RS zoning is in accordance with the 2010 Comprehensive Plan, which is the Owasso Comprehensive Plan that governs this decision. Mr. Sokolosky cited other rezoning applications in Rogers County and the City of Owasso, which he believes set a precedent for RS zoning being next to AG or RE zoning. Mr. Sokolosky read and interpreted the Tulsa County Zoning Code and its uses.

Mr. Sokolosky requested that the Planning Commission grant the RS zoning as requested.

TMAPC Comments:

Mr. Jackson asked Mr. Sokolosky why he didn't file a PUD versus straight zoning. In response, Mr. Sokolosky stated that he has never done a PUD development. Mr. Jackson asked Mr. Sokolosky if he had a reason for not doing a PUD besides the reason that he has never done one. In response, Mr. Sokolosky stated that the zoning he is requesting allows a 9700 SF lot and the fact that he does not choose to develop that intensely should not be used against him. Mr. Sokolosky stated that the Comprehensive Plan states that the lots

should be 9700 SF and the Zoning Code states the same. Mr. Sokolosky further stated that he doesn't have an answer for why he didn't file a PUD with the zoning request. In response, Mr. Jackson asked Mr. Sokolosky if he thought filing a PUD would be a happy medium that would give the homeowners adjacent to the subject property some comfort. Mr. Jackson commented that filing a PUD would allow some comfort to the neighbors versus relying on the applicant's integrity because they may not know him well enough to know he will do what he says he would do. Mr. Jackson stated that the applicant may go in at the RS-3 level and maximize to almost five hundred units. Mr. Sokolosky stated that Mr. Jackson's comments point out why he has a policy to not state publicly what he plans to do. Mr. Sokolosky further stated that he is not asking anyone to rely on his integrity, but he is saying to grant him the zoning he is entitled to. Mr. Sokolosky commented that if he chooses to develop less densely than the Zoning Code and Comprehensive Plan say that the Planning Commission should grant him, then it should not be used against him. Mr. Sokolosky reiterated that Mr. Jackson's question is the reason he does not discuss his potential plans. Mr. Sokolosky concluded that the issue today is not about his integrity but about the Planning Commission's rules.

Mr. Stump stated that Mr. Sokolosky commented that he is asking for zoning with 9700 SF minimum lot sizes, but it is actually 6900 SF.

Ms. Pace asked Mr. Sokolosky if he stated that detention requirements are only with the RS zoning and not with an RE or AG development. Ms. Pace further asked Mr. Sokolosky if this requirement is with Tulsa County or the City of Owasso requirements. Mr. Sokolosky stated that he is referring to the Tulsa County specs and his information comes from two sources. Mr. Sokolosky indicated that the Comprehensive Plan mentions detention with RE zoning and above and the other information source is the recent rezoning to RE for Mr. Baker and it does not have detention. Ms. Pace commented that she believes the Comprehensive Plan uses the RS zoning as a generic term because it is 20 years old and the RE zoning came in later. Mr. Sokolosky stated that Ms. Pace's fact is excellent, but in the 1980 – 2000 Tulsa County Comprehensive Plan, it does have an intensity for rural residential. Ms. Pace stated that rural residential is not RE zoning. In response, Mr. Sokolosky stated that in terms of intensity, the Comprehensive Plan speaks in terms of rural residential. Ms. Pace stated that the Planning Commission is considering RE zoning today versus RS zoning. Mr. Sokolosky stated that RS is the zoning district that comports with low intensity and RE is the zoning district that comports with rural residential, and the answer to Ms. Pace's question is that rural residential is contemplated in the 1980 to 2000 Comprehensive Plan, as is, low intensity (RS), and it states that the subject property should be zoned RS.

Ms. Pace stated that she is uncomfortable with Mr. Sokolosky's proposal because he is proposing no storm sewers and he is at the highest point. Ms. Pace suggested that Mr. Sokolosky submit a PUD and address the issues that

were expressed by the interested parties. Mr. Sokolosky stated that he does not believe that he has any floodplain except a small amount in the ten-acre tract and definitely some in the smaller tract adjacent to Mr. Baker. Ms. Pace stated that she is very comfortable with the City of Tulsa's stormwater management, but she is not sure about the County requirements. Mr. Sokolosky stated that Ray Jordan would approve the stormwater management.

Mr. Carnes stated that he has read all of the literature submitted by the interested parties and Mr. Sokolosky, as well as listened to the issues today. Mr. Carnes indicated that he is in favor of the staff recommendation.

Ms. Pace stated that she couldn't vote in favor of this application without a PUD because it is too dense for the safeguards that the County offers. Ms. Pace further stated that the subject property should be within the City of Owasso before it zoned RS.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **5-2-0** (Carnes, Harmon, Hill, Horner, Jackson "aye"; Bayles, Pace "nays"; none "abstaining"; Ledford, Midget, Selph, Westervelt "absent") to recommend **DENIAL** of RS zoning and recommend **APPROVAL** of RE zoning for CZ-286 as recommended by staff.

Mr. Stump asked the two Planning Commissioners who voted nay if they were indicating their approval for RS zoning. In response, Ms. Pace and Ms. Bayles stated that they did not approve of RS or RE zoning for CZ-286.

Legal Description for CZ-286:

A tract of land in the E/2 of Section 13, T-21-N, R-13-E, of the IBM, Tulsa County, Oklahoma, being more particularly described as follows: beginning at the Northwest corner of the NE/4, NW/4, NE/4, of said Section, thence N 88°34'57" E a distance of 292.05'; thence S 0° 15' 19" E a distance of 658.63'; thence N 88°33'45" E a distance of 381.01'; thence S 01°06'11" E for a distance of 658.37'; thence S 88°32'34" W for a distance of 661.57'; thence N 01°10'44" W for a distance of 1,317.19' to the Point of Beginning, And the SW/4 of Section 12, T-21-N, R-13-E of the IBM, Tulsa County, State of Oklahoma; From: AG (Agriculture District) To: RE (Residential Estate District).

* * * * *

Mr. Carnes out at 3:30 p.m.

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6829

AG TO RS-1/RS-3

Applicant: R. L. Reynolds

(PD-26) (CD-8)

Location: South and west of southwest corner of East 111th Street and South Louisville

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6595 July 1997: All concurred in approval of a request to rezone a five-acre tract located west of the southwest corner of East 111th Street South and South Yale, from AG to RS-2.

Z-6534 May 1996: A request to rezone a twenty-acre tract located north of the northwest corner of East 121st Street South and South Yale from AG to RS-2. All concurred in denial of RS-2 zoning and approved RS-1 zoning on the tract.

Z-6369 October 1992: A request to rezone a thirty-acre tract located south of the southwest corner of East 111th Street South and South Yale Avenue from AG to RS-2 was recommended for denial by staff and TMAPC for RS-2; all concurred in approval of RS-1 for the property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 86.5 acres and is located south and west of the southwest corner of East 111th Street South and South Louisville Avenue. The northeast 46-plus-acre portion is steeply sloping, heavily wooded, and contains a single-family dwelling and several accessory buildings. The southwest approximately 40-acre portion is relatively flat and partially wooded, vacant and the entire tract is zoned AG.

STREETS:

Exist Access	MSHP DESIGN	Exist. No. Lanes
South Riverside Parkway	Varies	2 lanes
East 111 th Street South	100'	2 lanes

The Major Street Plan designates South Riverside Drive as a parkway and East 111th as a secondary arterial street. The nearest traffic counts available from the City of Tulsa Traffic Counts 1998 – 1999 indicate 17,900 trips per day on South Riverside Drive at the intersection of 101st Street South.

UTILITIES: Water is available along East 111th Street South and sewer line is located along the south side of South Delaware Avenue.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates that portion of the subject property, a strip approximately 300' on the north to 600' on the south, following along the curve of South Delaware Avenue, as Low Intensity – No Specific Land Use. The central portion of the subject tract, not including the plateau, is designated by the Comprehensive Plan as being within Low Intensity - Special District 1; and the plateau, or northeast corner, is designated as Low Intensity – Residential.

According to the Zoning Matrix the requested RS-1 and RS-3 zoning **are** in accordance with the Plan Map and **may be found** in accordance with the Plan for the portion that is within the Special District 1.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, the proposed residential development should be limited to low intensity (RS-1) zoning unless accompanied by a PUD, and the intensity of development should be consistent with the availability of the sewer system. The existing development and trends in this area are generally the RS-1 zoning intensity, although some RT zoning does exist nearby. Staff recommends **APPROVAL** of RS-1 and RS-3 zoning for Z-6829, provided the accompanying PUD-655 or some version of it is approved as well.

Related Item:

Staff Recommendation PUD-655:

The PUD proposes 220 single-family residential lots on approximately 87 acres located south and west of the southwest corner of East 111th Street and South Louisville Avenue. There are two development areas proposed. Development Area A contains approximately 47 acres and is located in the northeasterly portion of the tract. Forty lots are proposed for Development Area A with private gated streets and one access point to East 111th Street South. Development Area B contains approximately 40 acres and is located to the southwest of Development Area A. One hundred and eighty lots are proposed for Development Area B with public streets and three access points to South Delaware Avenue. The PUD does not propose stub streets to the east or the south.

The subject tract is zoned AG. Concurrently, an application (Z-6829) has been filed to rezone the tract to RS-1 (Development Area A) and RS-3 (Development Area B). A large lot single-family subdivision abuts the subject tract on the north and AG zoned large acreages with single-family homes on them abut the tract on the east and south. To the west of the tract across Delaware Avenue is AG-zoned property.

As stated above, the PUD proposes private streets for Development Area A with only one access point to East 111th Street South. The proposed streets for Development Area A do not meet the requirements of the Subdivision Regulations or the draft guidelines for private streets. There are no stub streets proposed to the east or the south. Staff cannot support the request for private streets or the proposed one access point for Development Area A.

If Z-6829 is approved as recommended by staff and a minimum of two access points are provided to Development Area A with public streets for the entire PUD and a stub street to the east in Development Area A and a stub street to the south in Development Area B are provided, 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-655, 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-655 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): 46.533 Acres

Permitted Uses:

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

Maximum Number of Dwelling Units: 40-27

Minimum Lot Width: 100 FT

Minimum Lot Area: 13,500 SF

Minimum Land Area Per Dwelling Unit: 16,000 SF

Minimum Livability Space Per Dwelling Unit Per Lot: 7,000 SF

Maximum Building Height: 35 FT

Minimum 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 Development Area	25 FT
From street right-of-way	35 FT
From internal rear lot lines	25 FT
From internal side lot lines	15 FT

Signs

One entry identification sign shall be permitted at the principal entrance from 111th Street. The sign shall not exceed a maximum display surface area of 32 SF and a maximum height of four feet.

Access and Circulation:

~~All streets shall be public and there shall be a minimum of two access points into the Development Area. There shall be a stub street provided to the east.~~

Other Bulk and Area Requirements:

As established within an RS-1 district.

DEVELOPMENT AREA B

Land Area (Gross): 40.154 Acres

Permitted Uses:

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

Maximum Number of Dwelling Units:	180
Minimum Lot Width:	55 FT
Minimum Lot Area:	6,900 SF
Minimum Land Area Per Dwelling Unit:	7,375 SF
Minimum Livability Space Per Dwelling Unit Per Lot:	4,000 SF
Maximum Building Height:	35 FT

Minimum Off-Street Parking:

Two enclosed off-street parking spaces per dwelling unit.

Minimum Depth of Required Yard:

From the north, east and south boundaries of the Development Area	20 FT
From the centerline of South Delaware Avenue (Riverside Parkway)	110 FT
From other street rights-of-way	20 FT
From interior rear lot lines	20 FT
From internal side lot lines	5 FT

Signs:

One entry identification sign shall be permitted at the principal entrance from South Delaware Avenue. The sign shall not exceed a maximum display surface area of 32 SF and a maximum height of four feet.

Access and Circulation:

All streets shall be public and there shall be a minimum of two access points into the Development Area. ~~There shall be a stub street provided to the south.~~

Other Bulk and Area Requirements:

As established within an RS-3 district.

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 common areas, including any stormwater detention areas, security gates, guardhouses, or other commonly owned structures within the PUD.
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. 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 12 percent.

9. 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.
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.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma, 74114, stated that he agrees with the staff recommendation except for one issue in Development Area A. Mr. Reynolds submitted a topographic map (Exhibit B-1). In this PUD he has requested the ability to have up to 40 lots on the subject tract, but today the current plan requests 27 lots. He indicated that he is proposing two accesses at 111th and back into Tract B where it ties into the public street. He explained that the two access points would be private and gated. He indicated that the private streets would be built to the City's standards, but they could not be built to the grade because of the topography.

Mr. Reynolds stated that he has requested the RS zoning and the current proposal is for 27 lots. On Development Area B he is requesting RS-3 with 180 lots. He explained that the intention is to preserve the trees as much as possible and the less dense development would incorporate it in the topographic situation. Mr. Reynolds displayed a rendering of the proposed development.

TMAPC Comments:

Mr. Harmon questioned the gated access points and cut-through traffic to Riverside Drive. In response, Mr. Reynolds stated that he understood the objection to be that the majority of the neighbors did not want the private street to tie into Riverside Drive. Mr. Reynolds further stated that the neighbors do want this to be a private street with the limited access so that only residents in Tract A and B can enter and exit to Riverside Drive. Mr. Reynolds explained that this would prevent cut-through traffic. Mr. Reynolds commented that there is no reason to have vehicles cutting through this much neighborhood in order to cut through to Yale or 101st.

Mr. Stump stated that modifying the proposal to 27 lots on Tract A would bring this proposal closer to the Planning Commission's guidelines on private streets. Mr. Stump asked Mr. Reynolds if he is amending his request from 40 to 27 lots. In response, Mr. Reynolds answered affirmatively.

Mr. Stump asked Mr. Reynolds if he knew what percent of grade he could accomplish. In response, Mr. Reynolds stated that he doesn't know at this time. Mr. Reynolds explained that the applicant has not found the best place to locate the grade but it would be done.

Mr. Stump stated that staff could support 27 lots with private streets, which would meet all of the requirements of a public street as far as construction except grade (12% maximum with the applicant returning with a minor amendment if there are a few places that there are problem). The standard requirement of both access points being gated would need to be approved by Traffic Engineering to ensure adequate turnarounds.

Mr. Jackson asked Mr. Reynolds if he could make the 12% grade with the type of topography that currently exists. In response, Mr. Reynolds requested Mr. Jones to comment. In response, Ricky Jones, Tanner Consulting, stated that he hasn't laid out the exact streets. Mr. Jones stated that the 12% maximum would be difficult in some areas, but he would make every effort to meet the grade because from the cost savings standpoint, he would want to minimize grades. Mr. Jones explained that he can't state that in every instance he would be able to meet 12% grade, but he would work with staff and Traffic Engineering regarding these issues when they arise.

Interested Parties In Support of Applicant's Proposal:

Chuck Browning, 3506 East 110th Place, Tulsa, Oklahoma 74137; **Ruthie & Steve Duenner**, 3817 East 111th Street, Tulsa, Oklahoma 74137; **Jeanie Aldridge**, 3520 East 110th Place, Tulsa, Oklahoma 74137; **Joe Parsons**, 11224 South Quebec Avenue, Tulsa, Oklahoma 74137; **Richard Knapp**, 3442 East 110th Place, Tulsa, Oklahoma 74137; **Willis Thompson**, 10006 South Braden, Tulsa, Oklahoma 74137; **Susan Mack**, 11009 South Knoxville, Tulsa, Oklahoma 74137.

Interested Parties Comments:

The 200 year old trees in the subject area and the largest cliffs that overlook the river for about a five mile stretch, support the developer's proposal, the streets should not be connected and allow drive through traffic, expressed traffic concerns and agreed that the private street should be gated; concerns with construction traffic coming off of 111th and Louisville, which has a blind corner; there would have to be some improvements to the streets to accommodate the construction operation; can the applicant change his proposals; the proposed plan is a good plan.

TMAPC Comments:

Mr. Stump explained that PUDs are design oriented and have design standards for the different areas (in this case Areas A and B). He further explained that the design standards would limit Area A to 27 lots and Area B to 180 lots. It doesn't limit him to the exact layout that has been shown today, because they have not

done their detailed engineering and it could change. The lot sizes and the maximum number of dwelling units, etc. would be in the PUD and it would be law. Mr. Stump concluded that if the applicant wanted to add more dwellings and change the private streets to public streets, he would have to go through the application process again.

Applicant's Rebuttal:

Mr. Reynolds stated that he has met onsite with City Traffic Engineering and discussed the proposed streets. He explained that his street goes to the west 150 feet and then turns down the hill. He indicated that the City is happy with the proposal for the street and thinks it would work out fine. The widening of the intersection that would be done for the proposal would help with visibility and there would be some minimum widening necessary to fit this proposal in the subject area. He stated that he met with the Traffic Engineer regarding construction traffic and explained what temporary improvements would have to be done to accommodate the construction traffic.

Ms. Pace asked if the City has any proposals to bring 111th Street up to standards. In response, Mr. Reynolds answered negatively. Ms. Pace asked Mr. Reynolds about the construction traffic coming off of Riverside and going up the hill. Mr. Reynolds stated that the construction traffic would have to come in off of Riverside and go up the hill, but he intends to make temporary improvements during construction to accommodate the construction traffic. Mr. Reynolds commented that the developer would try to keep the disruption in the subject area to a minimum. Mr. Jones stated that he met with Traffic Engineering onsite and one of the problems with 111th is that all of the right-of-way is not available. Mr. Jones further stated that it is a one-lane road and the current residents own right up to 111th and do not want it improved. Mr. Jones explained that he will work with the City to make this better, but it will not solve the problem completely. Mr. Jones stated that the City does not have any plans to acquire the needed right-of-way to widen 111th. Mr. Jones commented that the City can't make the developer improve 111th because the developer doesn't own the property.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; none "abstaining"; Carnes, Ledford, Midget, Selph, Westervelt "absent") to recommend **APPROVAL** of RS-1 and RS-3 zoning for Z-6829 and recommend **APPROVAL** of PUD-655, subject to 27 lots in Development Area A and 180 lots in Development Area B; maximum grade of 12%. If not it is not possible, a minor amendment must be filed; and subject to staffs recommendation as modified. (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-6829 with RS-1 portion and RS-3 Portion:

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID NW/4; THENCE SOUTH 89°56'58" EAST ALONG THE NORTHERLY LINE OF THE NW/4, FOR A DISTANCE OF 1710.54 FEET TO A POINT, SAID POINT BEING 66.00 FEET EASTERLY OF THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER (W/2 NW/4) OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE/4 NW/4); THENCE SOUTH 0°07'45" WEST AND PARALLEL WITH THE EASTERLY LINE OF SAID W/2 NW/4 NE/4 NW/4, FOR A DISTANCE OF 988.55 FEET TO A POINT ON THE NORTHERLY LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER (S/2 SW/4) OF THE NE/4 NW/4; THENCE SOUTH 89°58'39" EAST ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 263.48 FEET TO A POINT ON THE EASTERLY LINE OF THE WEST HALF OF THE EAST HALF OF SAID NORTHWEST QUARTER (W/2 E/2 NW/4); THENCE SOUTH 0°05'45" WEST ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 988.42 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 S/2 NW/4); THENCE SOUTH 89°59'39" WEST ALONG SAID SOUTHERLY LINE, FOR A DISTANCE OF 33.61 FEET TO A POINT; THENCE NORTH 52°57'18" WEST, FOR A DISTANCE OF 618.90 FEET TO A POINT; THENCE NORTH 88°44'51" WEST FOR A DISTANCE OF 138.02 FEET TO A POINT; THENCE NORTH 41°20'06" WEST FOR A DISTANCE OF 1558.88 FEET TO A POINT; THENCE NORTH 35°11'54" WEST FOR A DISTANCE OF 517.02 FEET TO A POINT; THENCE NORTH 67°05'28" EAST FOR A DISTANCE OF 25.01 FEET TO THE POINT OF BEGINNING; 46.553 ACRES, and located in the southwest corner of East 111th Street South and South Louisville Avenue, Tulsa, Oklahoma, **From AG (Agriculture District) To RS-1 (Residential Single-family Low Density District)**

And the proposed change of zoning classification of the following described tract: A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION TWENTY-NINE (29), AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4) OF SECTION THIRTY-TWO (32), AND PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY-THREE (33), ALL IN TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NW/4 OF SECTION 33; THENCE SOUTH 67°05'28" EAST FOR A DISTANCE OF 25.01 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 35°11'54" EAST FOR A DISTANCE OF 517.02 FEET TO A POINT; THENCE SOUTH 41°20'06" EAST FOR A DISTANCE OF

1558.88 FEET TO A POINT; THENCE SOUTH 88°44'51" EAST FOR A DISTANCE OF 138.02 FEET TO A POINT; THENCE SOUTH 52°57'18" EAST FOR A DISTANCE OF 618.90 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 S/2 NW/4); THENCE SOUTH 89°59'39" WEST ALONG SAID SOUTHERLY LINE, FOR A DISTANCE OF 1329.35 FEET TO A POINT ON THE PRESENT CENTERLINE OF SOUTH DELAWARE AVENUE; THENCE ALONG SAID CENTERLINE FOR THE FOLLOWING FOUR (4) COURSES: NORTHWESTERLY ALONG A 5000.00 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF NORTH 39°59'35" WEST, A CENTRAL ANGLE OF 0°38'45", FOR AN ARC DISTANCE OF 56.37 FEET TO A POINT OF TANGENCY; THENCE NORTH 40°38'20" WEST, FOR A DISTANCE OF 291.03 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A 6857.11 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 3°02'12", FOR AN ARC DISTANCE OF 363.43 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHWESTERLY ALONG A 3200.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 2°31'45", FOR AN ARC DISTANCE OF 141.26 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4) OF SAID SECTION 33; THENCE NORTH 89°59'13" WEST ALONG SAID SOUTHERLY LINE, FOR A DISTANCE OF 30.49 FEET TO A POINT, SAID POINT BEING 25.00 FEET SOUTHWESTERLY OF, AS MEASURED RADIALLY TO, SAID CENTERLINE; THENCE PARALLEL WITH THE CENTERLINE FOR THE FOLLOWING SIX (6) COURSES: NORTHWESTERLY ALONG A 3225.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH 34°45'42" WEST, A CENTRAL ANGLE OF 10°39'26", FOR AN ARC DISTANCE OF 599.86 FEET TO A POINT OF TANGENCY; THENCE NORTH 24°06'16" WEST FOR A DISTANCE OF 294.15 FEET TO A POINT; THENCE NORTH 23°26'01" WEST FOR A DISTANCE OF 575.75 FEET TO A POINT ON THE NORTHERLY LINE OF SAID NE/4 NE/4 OF SECTION 32; THENCE CONTINUING NORTH 23°26'01" WEST FOR A DISTANCE OF 14.65 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A 675.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 5°11'30", FOR AN ARC DISTANCE OF 61.16 FEET TO A POINT OF TANGENCY; THENCE NORTH 18°14'31" WEST FOR A DISTANCE OF 197.21 FEET TO A POINT; THENCE NORTH 89°46'31" EAST FOR A DISTANCE OF 26.29 FEET TO A POINT, SAID POINT BEING A POINT ON SAID CENTERLINE; THENCE ALONG THE CENTERLINE FOR THE FOLLOWING FOUR (4) COURSES: SOUTH 18°14'31" EAST FOR A DISTANCE OF 189.07 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A 650.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 5°11'30", FOR AN ARC DISTANCE OF 58.90 FEET TO A POINT OF TANGENCY; THENCE SOUTH 23°26'01" EAST FOR A DISTANCE OF 25.44 FEET TO A POINT ON SAID NORTHERLY LINE;

THENCE CONTINUING SOUTH 23°26'01" EAST FOR A DISTANCE OF 224.56 FEET TO A POINT; THENCE NORTH 67°05'28" EAST FOR A DISTANCE OF 506.11 FEET TO THE POINT OF BEGINNING; 40.153 ACRES, and located south and west of the southwest corner of East 111th Street South and South Louisville Avenue, Tulsa, Oklahoma, **From AG (Agriculture District) To RS-3 (Residential Single-family High Density District)**

Legal Description for PUD-655:

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4) OF SECTION TWENTY-NINE (29), AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4) OF SECTION THIRTY-TWO (32), AND PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY-THREE (33), ALL IN TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID NW/4; THENCE SOUTH 89°56'58" EAST ALONG THE NORTHERLY LINE OF THE NW/4, FOR A DISTANCE OF 1710.54 FEET TO A POINT, SAID POINT BEING 66.00 FEET EASTERLY OF THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER (W/2 NW/4) OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE/4 NW/4); THENCE SOUTH 0°07'45" WEST AND PARALLEL WITH THE EASTERLY LINE OF SAID W/2 NW/4 NE/4 NW/4, FOR A DISTANCE OF 988.55 FEET TO A POINT ON THE NORTHERLY LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER (S/2 SW/4) OF THE NE/4 NW/4; THENCE SOUTH 89°58'39" EAST ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 263.48 FEET TO A POINT ON THE EASTERLY LINE OF THE WEST HALF OF THE EAST HALF OF SAID NORTHWEST QUARTER (W/2 E/2 NW/4); THENCE SOUTH 0°05'45" WEST ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 988.42 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 S/2 NW/4); THENCE SOUTH 89°59'39" WEST ALONG SAID SOUTHERLY LINE, FOR A DISTANCE OF 1362.96 FEET TO A POINT ON THE PRESENT CENTERLINE OF SOUTH DELAWARE AVENUE; THENCE ALONG SAID CENTERLINE FOR THE FOLLOWING FOUR (4) COURSES: NORTHWESTERLY ALONG A 5000.00 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF NORTH 39°59'35" WEST, A CENTRAL ANGLE OF 0°38'45", FOR AN ARC DISTANCE OF 56.37 FEET TO A POINT OF TANGENCY; THENCE NORTH 40°38'20" WEST, FOR A DISTANCE OF 291.03 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A 6857.11 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 3°02'12", FOR AN ARC DISTANCE OF 363.43 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHWESTERLY ALONG A 3200.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 2°31'45", FOR AN ARC DISTANCE OF 141.26 FEET TO A POINT ON THE SOUTHERLY LINE OF THE

NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4) OF SAID SECTION 33; THENCE NORTH 89°59'13" WEST ALONG SAID SOUTHERLY LINE, FOR A DISTANCE OF 30.49 FEET TO A POINT, SAID POINT BEING 25.00 FEET SOUTHWESTERLY OF, AS MEASURED RADially TO, SAID CENTERLINE; THENCE PARALLEL WITH THE CENTERLINE FOR THE FOLLOWING SIX (6) COURSES: NORTHWESTERLY ALONG A 3225.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH 34°45'42" WEST, A CENTRAL ANGLE OF 10°39'26", FOR AN ARC DISTANCE OF 599.86 FEET TO A POINT OF TANGENCY; THENCE NORTH 24°06'16" WEST FOR A DISTANCE OF 294.15 FEET TO A POINT; THENCE NORTH 23°26'01" WEST FOR A DISTANCE OF 575.75 FEET TO A POINT ON THE NORTHERLY LINE OF SAID NE/4 NE/4 OF SECTION 32; THENCE CONTINUING NORTH 23°26'01" WEST FOR A DISTANCE OF 14.65 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A 675.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 5°11'30", FOR AN ARC DISTANCE OF 61.16 FEET TO A POINT OF TANGENCY; THENCE NORTH 18°14'31" WEST FOR A DISTANCE OF 197.21 FEET TO A POINT; THENCE NORTH 89°46'31" EAST FOR A DISTANCE OF 26.29 FEET TO A POINT, SAID POINT BEING A POINT ON THE CENTERLINE; THENCE ALONG SAID CENTERLINE FOR THE FOLLOWING FOUR (4) COURSES: SOUTH 18°14'31" EAST FOR A DISTANCE OF 189.07 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A 650.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 5°11'30", FOR AN ARC DISTANCE OF 58.90 FEET TO A POINT OF TANGENCY; THENCE SOUTH 23°26'01" EAST FOR A DISTANCE OF 25.44 FEET TO A POINT ON SAID NORTHERLY LINE; THENCE CONTINUING SOUTH 23°26'01" EAST FOR A DISTANCE OF 224.56 FEET TO A POINT; THENCE NORTH 67°05'28" EAST FOR A DISTANCE OF 531.12 FEET TO THE POINT OF BEGINNING; 86.706 ACRES, and located south and west of the southwest corner of East 111th Street South and South Louisville Avenue, Tulsa, Oklahoma. **From AG (Agriculture District) To RS-1/RS-3/PUD (Residential Single-family Low Density District/Residential Single-family High Density District/Planned Unit Development).**

APPLICATION NO.: Z-6831

Applicant: Roy D. Johnsen

Location: South of southeast corner of East 71st Street and South 85th East Avenue

RS-3/PUD TO OL/PUD

(PD-18) (CD-7)

Staff Recommendation:

RELEVANT ZONING HISTORY:

PUD-179-X July 1999: All concurred in approval of a major amendment on property located south and west of the subject tract on the south side of East 73rd Street South to permit motorcycle sales, service and retailing on the property.

Z-6483/PUD-179-U March 1995: All concurred in approval of a request for a major amendment to change the zoning from office to CS zoning in order to increase the allowable commercial development, permitted floor area and to increase the allowable signage for an existing car wash. The property is located east of the southeast corner of East 71st Street and South 85th East Avenue and abutting the subject tract on the north.

Z-6420/PUD-507 January 1994: All concurred in approval of a request to rezone a 39-acre tract located east of the southeast corner of East 71st Street and South 85th East Avenue and abutting the subject tract on the east from AG to CS/RM-1/PUD for retail shopping, restaurants and multifamily uses.

PUD-179-Q January 1989: All concurred in approval of a request for a major amendment to allow dry cleaning use on property abutting the subject tract on the north, fronting East 71st Street South.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.5 acres in size and is located south of the southeast corner of East 71st Street South and South 85th East Avenue. The property is gently sloping; non-wooded; vacant; and zoned CS/OL/PUD-179.

STREETS:

Exist. Access	MSHP DESIGN	Exist. No. Lanes
East 71 st Street South	120'	4 lanes
South 85 th East Avenue	60'	2 lanes

The Major Street Plan designates East 71st Street South as a primary arterial street and South 85th East Avenue is a commercial collector. The City of Tulsa Traffic Counts 1998 – 1999 indicates 52,300 trips per day on East 71st Street South between South Memorial Drive and U.S. Highway 169 South.

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

SURROUNDING AREA: The subject tract is abutted by a commercial strip center and a car wash on the north, zoned PUD-179-B/Q and U. The tract to the south is vacant and is zoned CS/OL/PUD; to the south of the vacant land is a multi-tenant office building, zoned PUD-179-B; to the west is a Target retail store and associated parking lot; zoned PUD-179-A; and to the east a strip shopping center, zoned RM-1/PUD-507.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

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

STAFF RECOMMENDATION:

Based on existing and proposed development on the tract and the Comprehensive Plan, staff recommends **APPROVAL** of the requested OL zoning.

RELATED ITEM:

APPLICATION NO.: PUD-179-Y

MAJOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-18) (CD-7)

Location: South of southeast corner of East 71st Street and South 85th East Avenue

Staff Recommendation:

The major amendment pertains to Lot 7, Block 2, El Paseo Addition. Lot 7 contains 4.12 acres and is located approximately 340 feet south of the southeast corner of East 71st Street and South 85th East Avenue. The tract has 325 feet of frontage on 85th East Avenue and is 552 feet deep.

PUD-179 was approved in 1975 and Lot 7 was initially allocated 90,000 SF of commercial uses. A major amendment (PUD-179-A) was approved in 1976 and as part of this approval, Lot 7 was allocated 65,000 SF of commercial uses. On January 28, 1998 a minor amendment (PUD-179-A-8) was approved that modified the height and landscape requirements. The first phase of a hotel, which contains 47,797 SF of floor area has been constructed on the northern portion of the tract.

The subject tract is zoned OL/RS-3/PUD-179-A. Concurrently, an application (Z-6831) has been filed to rezone a portion of the RS-3 zoning to OL. The tract is abutted on the north by commercial uses zoned OL/RS-3/PUD-179-B, Q, U and on the east by commercial uses zoned RM-1/PUD-507. The tract is abutted on the south by office uses zoned OL/RS-3/PUD-179-B and there are commercial uses to the west of the tract, across 85th East Avenue zoned OL/CS/PUD-179-A.

This major amendment proposes to increase the maximum floor area from 65,000 SF to 85,000 SF, permit two development areas and establish standards for each area. Development Area A would consist of the north 214 feet of the tract, which is the location of the existing hotel. Uses permitted by right in the CS district would be permitted in Development Area A with a maximum building floor area of 65,000 SF. Development Area B would consist of the south 111 feet of

the tract. Uses permitted by right in an OL district would be permitted in Development Area B with a maximum building floor area of 20,000 SF.

If Z-6831 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-179-Y, 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-179-Y subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. Except as modified below, the development standards previously existing remain applicable.
3. **Development Standards:**

DEVELOPMENT AREA A

Land Area: 118,235 SF 2.71 Acres

Permitted Uses:

As permitted by right within a CS district.

Maximum Building Floor Area: 65,000 SF

Maximum Building Height: Four Stories

DEVELOPMENT AREA B

Land Area: 61,316 SF 1.41 Acres

Permitted Uses:

As permitted by right within an OL district.

Maximum Building Floor Area: 20,000 SF

Maximum Building Height: Two Stories

4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

5. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. All trash, mechanical and equipment areas, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. The department public works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
9. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
12. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; none "abstaining"; Carnes, Ledford, Midget, Selph, Westervelt "absent") to recommend **APPROVAL** of the OL zoning for Z-6831 and recommend **APPROVAL** of the major amendment for PUD-179-Y as recommended by staff.

Legal Description for Z-6831:

The North 120' of Lot 7, Block 2, El Paseo Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, and located south of the southeast corner of East 71st Street South and South 85th East Avenue, Tulsa, Oklahoma, **From:** RS-3/PUD (Residential Single-family High Density District/Planned Unit Development) **To:** OL/PUD (Office Low Intensity District/Planned Unit Development).

Legal Description for PUD-179-Y:

Lot 7, Block 2, El Paseo Addition an addition to the City of Tulsa, Tulsa County, Oklahoma, and located south of the southeast corner of East 71st Street South and South 85th East Avenue, Tulsa, Oklahoma. From PUD-179-A to PUD-179-Y.

APPLICATION NO.: PUD-187-21

Applicant: Ken Adams

Location: 7227 East 65th Place

MINOR AMENDMENT

(PD-18) (CD-7)

Staff Recommendation:

The applicant is requesting a minor amendment to allow a one-story existing 12-foot by 16-foot accessory building in a side yard closer than the required five-foot setback. The request is to allow the structure to remain in the side yard with a 40-inch side yard setback.

Although the structure meets the setback requirement from the center of East 65th Place, it clearly is located in a side yard. According to Building Permits Department staff, the structure is approximately 14 feet tall and it is a one-story structure. The structure is not on a permanent foundation. There has been a permit application on file since May 11, 2001 but it cannot be released, as the accessory building does not meet Code. The structure is not designed or equipped to be habitable.

The accessory structure sits on the west half of Lot 4, Block 12, which was split from the east half of Lot 4, in 1981. There is an agreement to tie Lot 5 and the west half of Lot 4 together.

Staff is not favorable to the request for a minor amendment. There are two lots involved in this case, which gives extra lot area for accessory structures to be located in a rear yard. The structure is on skids at the present time. The height of the structure and its sloping roofline affect the open space and visibility of nearby neighbors. Staff recommends **DENIAL** of the minor amendment requested.

TMAPC Comments:

Mr. Harmon stated that the Planning Commission considered this case previously and asked if anything has changed regarding the application. In response, Mr. Dunlap stated that nothing has changed.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that this item was on the agenda previously, but due to miscommunication, Mr. Adams mistakenly withdrew his application instead of withdrawing his continuance request. He cited the history of Mr. Adams' experience with homeowner's association groups and enforcing covenants.

Mr. Norman submitted photographs (Exhibit C-1) of the subject accessory building and explained the different views from which they were taken. He cited the history of the development of the subject property and the reason for the accessory building being in his side yard. He explained that the issue is the storage building and workshop location. If it were moved 20 inches to the right it would be in compliance with the side yard requirements under the Code, and if it were about 20 feet farther back it could be three feet away or closer than it is currently.

Mr. Norman cited the drainage of stormwater patterns on Mr. Adams' property. He explained that the slab the accessory building is currently on used to be for a recreational vehicle that was there for several years. The structure in question is approximately 45 feet from the front property line and the building setback is approximately 25 feet. The accessory building is on skids that have been anchored to the slab by drilling bolts into the slab and tying the bottom structure into it. He further explained that the poles for the awning are also anchored into the slab. There are no windows on the building facing the fence and the fence is eight feet high. The house next to Mr. Adams (east) is built on a lot and a half and is approximately 20 feet from the fence and approximately 40 feet from the fence that divides the lot and the house.

Mr. Norman requested that the building be permitted to remain in its present location. He explained that the trees and vegetation are dense enough to make it difficult to see the subject property from the street. He indicated that Mr. Adams has contacted fifteen neighbors who live on 67th Place and the street behind his property. Mr. Norman submitted a petition in support (Exhibit C-3) with 11 signatures in favor.

Mr. Norman explained that Mr. Adams built the subject building himself and determined that he did not need a building permit to construct a building of this size. Mr. Adams was contacted later and was told that he did need a building permit and he had to meet the setback requirements. Mr. Norman stated that to locate the subject building in the rear yard, it would locate it in the area where floodwater drains. In order to move the building twenty inches toward his home would require removing the anchors and ties off.

TMAPC Comments:

Mr. Harmon stated that he is surprised that Mr. Adams would go to all of this trouble over 20 inches. It wouldn't take long to remove the anchors and move the building. Mr. Harmon commented it would be so easy for Mr. Adams to comply with the Code and asked what the real reason is for not wanting to comply. In response, Mr. Norman stated that if his client moves the subject building 20 inches he would have to pour more concrete to make the slab wider. Mr. Norman commented that there are eight anchor bolts that would have to be removed and replaced. Mr. Harmon stated that he understands the need to pour more concrete and remove the anchors but it wouldn't take that much of an effort to comply. Mr. Harmon commented that Mr. Adams would only need concrete for the awning poles. Mr. Norman stated that this is a technicality and he believes that it would be appropriate to allow the subject building to remain in its current location.

Interested Parties Comments:

Mike Hackett, 406 South Boulder, Tulsa, Oklahoma 74106, representing the Shadow Mountains Homeowners Association, stated that the building is visible to traffic and the neighbors. Mr. Hackett submitted photographs (Exhibit C-1) and a protest petition (Exhibit C-3). Mr. Hackett cited the view of the subject building from various points in the neighborhood.

Mr. Hackett stated that the subject building is the largest accessory building in the neighborhood. If the Planning Commission approves this application, then it would set a precedent and cause a proliferation of these kinds of accessory buildings in the subdivision. There are other accessory buildings in the addition, which are used for tools, lawnmowers, etc. He further stated that Mr. Adams installed the subject building in spite of letters requesting that he not install it and he was requested to go before the Building Committee of the Homeowners Association. He indicated that Mr. Adams did not desist construction and now he has a self-created hardship situation.

Mr. Hackett stated that if this was viewed from a variance standpoint, which is really the standard that the Planning Commission should be applying in this situation, there is a self-created hardship and he should have done what is required of him.

TMAPC Comments:

Mr. Harmon asked Mr. Hackett if the building were to be moved the 20 inches wouldn't it still be visible to the neighbors. In response, Mr. Hackett stated it would, but he disagrees with the placement of the building being in the side yard. Mr. Hackett further stated that under 210.B.5. an accessory building needs to be located in the rear yard when there is space available. Mr. Hackett indicated that there is space available in the northeast corner of the subject lot.

Mr. Jackson asked Mr. Hackett what the covenants state regarding accessory buildings. In response, Mr. Hackett stated that it states that the owner has to get permission from the building committee for the erection of a structure. Mr. Hackett commented that Mr. Adams is under the impression that the restrictive covenants are no longer in effect because of an expiration period. Mr. Hackett explained that the Association did obtain 70% of a vote to extend the covenants, but there is a question if it required 75% or 60%. Mr. Hackett stated that he understands that the Planning Commission does not like to be involved with enforcing covenants, but in fact if Mr. Adams' assumption is true, then it forces the association back on to the Zoning Code for protection. Mr. Hackett requested the Planning Commission to accept the staff recommendation.

Interested Parties Opposing PUD-187-21:

Jeff Krumme, 7311 East 65th Place South, Tulsa, Oklahoma 74133, **Al Orlor**, 7221 East 65th Place, Tulsa, Oklahoma 74133; **Alyce Amend**, 6322 S. 72nd East Avenue, Tulsa, Oklahoma 74133; **Patrick McPhee**, 6966 East 61st Place, Tulsa, Oklahoma 74133.

Interested Parties Comments:

Applicant knew he needed a permit; ignored the cease and desist letter; the building should be removed; location and height of the accessory building is offensive; accessory building does not meet requirements; applicant is well aware of the covenants and he use to be the enforcer of the covenants.

Applicant's Rebuttal:

Mr. Norman stated that his client informed him that his property was never red-tagged. The applicant was advised by an inspector to obtain a building permit and he applied that same day.

Mr. Norman stated that the application is not about esthetics or height of the building. It is simply about the location of the building. The only thing that would occur is that the building would be moved 20 inches one way or 20 feet the other. He indicated that all of the people across the street from the subject property signed a letter stating that they had no objection to the accessory building (Exhibit C-2). This situation is different from most because there are two houses on three lots. There is a separation of 55 feet between the two houses and the subject building is located in that area.

Mr. Norman stated that the covenants are not an issue and Mr. Adams believes that the covenants are no longer in effect. The approval of the original Building Committee is no longer required. The accessory building is very important to his client and he would like to be spared the difficulties of moving the structure.

TMAPC Comments:

Ms. Pace stated that the Zoning Code requires that any accessory structure be located in the rear yard of a residential lot. There is no way around that requirement. In response, Mr. Norman stated that the subject property is in a PUD and that is why he is here. Mr. Norman explained that the PUD has a five-foot side yard requirement. Mr. Norman indicated that there are other structures in the side yards within this addition.

Mr. Stump stated that to his knowledge there is no prohibition to accessory buildings being in the side yards as long as it is not in the required side yard. In response, Mr. Norman stated that the required side yard is five feet and his client is 20 inches into the required side yard, which is the issue.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; none "abstaining"; Carnes, Ledford, Midget, Selph, Westervelt "absent") to **DENY** the minor amendment for PUD-187-21 as recommended by staff.

* * * * *

OTHER BUSINESS:

APPLICATION NO.: PUD-592-B

DETAIL SITE PLAN

Applicant: Ted Sack

(PD-6) (CD-7)

Location: Northeast corner of East 41st Street and South Harvard

Staff Recommendation:

The applicant is requesting a detail site plan approval for a funeral home use in Development Area B. The use proposed is in conformance with the approved Planned Unit Development for the site.

Three new construction additions are proposed as the existing church is converted to the funeral home. The detailed site plan as proposed meets the development standards for the PUD in which it is located. The City of Tulsa Board of Adjustment has approved (July 10, 2001) a variance to allow linear parking for the funeral home use so the parking for the detail site plan meets required Zoning Code standards.

Staff recommends **APPROVAL** of the detail site plan as submitted.

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **5-1-0** (Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; Bayles "abstaining"; Carnes, Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the detail site plan for PUD-592-B as recommended by staff.

APPLICATION NO.: PUD-405-J

DETAIL SITE PLAN

Applicant: William B. Jones

(PD-18) (CD-8)

Location: South of southwest corner of East 93rd Street and South Memorial

Staff Recommendation:

The applicant is requesting a detail site plan approval for a new 5,226 square foot car wash facility. The site plan, as submitted, meets the required standards for the use and setbacks per the approved PUD.

Staff has received information about the height of the proposed structure, elevations for the car wash, and the lighting for the facility.

Staff is favorable to the approval of the site plan, and recommends **APPROVAL** of the detail site plan as submitted.

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **5-0-1** (Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; Bayles "abstaining"; Carnes, Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the detail site plan for PUD-405-J as recommended by staff.

APPLICATION NO.: PUD-306-C

AMENDED DETAIL SITE PLAN

Applicant: Ted Sack

(PD-18) (CD-2)

Location: Northwest corner of East 101st Street and South Harvard

Staff Recommendation:

The applicant is requesting a detail site plan approval for a new administration building addition and a new gymnastics building addition and associated parking located in the east and south parts of the Jenks Middle School campus.

Staff has examined the request and finds conformance to the standards for PUD-306-C. An alternative landscape plan, AC-007, was approved for the campus in November of 1996. The proposed detail site plan conforms with the approved alternative landscape plan.

Staff recommends **APPROVAL** of the Phase 6 detail site plan for Jenks Middle School as submitted.

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; none "abstaining"; Carnes, Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the amended detail site plan for PUD-306-C as recommended by staff.

RESOLUTION NO. 2283-839

**A RESOLUTION AMENDING
THE METROPOLITAN DEVELOPMENT GUIDELINES AND ZONING MATRIX,
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa

County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 25th day of September, 1974, this Commission, by Resolution No. 1035:388, did adopt the Metropolitan Development Guidelines and Zoning Matrix as a part of the Comprehensive Plan for the Tulsa Metropolitan Area; and

WHEREAS, a public hearing was held on the 25th day of July, 2001, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to amend the Metropolitan Development Guidelines and Zoning Matrix, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, by allowing OL and PK zoning categories as "may be found" in accord with the Plan in Low Intensity-Residential land use designated areas.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendments to the Metropolitan Development Guidelines, as set out above, be and are hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

DATED this ____ day of _____, 2001.

TULSA METROPOLITAN AREA PLANNING COMMISSION

Chair

ATTEST:

Secretary

APPROVED by the City Council of the City of Tulsa, Oklahoma this _____ day of _____, 2001.

Mayor

Council Chair

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **3-2-1** (Harmon, Horner, Jackson "aye"; Hill, Pace "nays"; Bayles "abstaining"; Carnes, Ledford, Midget, Selph, Westervelt "absent") to **ADOPT** Resolution No. 2283-839.

MOTION FAILED DUE TO A LACK OF A SIX OR MORE MAJORITY VOTE.

* * * * *

Request for Refund

L-19266 – Murrell Wilmoth (2974)

(PD-20) (County)

16416 South 129th East Avenue

Staff Recommendation:

The applicant applied to split 4.5-acres off of a 47.5-acre tract; however, the 4.5-acres would not have street frontage. The owner then decided to add acreage to that tract causing it to be larger than 5 acres, thus eliminating the need for a lot-split. The applicant has now requested a refund.

Staff would recommend **APPROVAL** of a \$15 refund for the \$25 lot-split application cost.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; none "abstaining"; Carnes, Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the refund of \$15.00 for L-19266 lot-split as recommended by staff.

* * * * *

Amendment to the Planning Commission's Policies and Procedures and Code of Ethics

Staff Recommendation:

Mr. Stump reminded the Planning Commission that staff was requested to prepare language that would eliminate the sub-committees for the TMAPC work sessions.

TMAPC Comments:

Mr. Harmon stated that he understood that the Planning Commission had already approved this change and it is simply a matter of approving the new language.

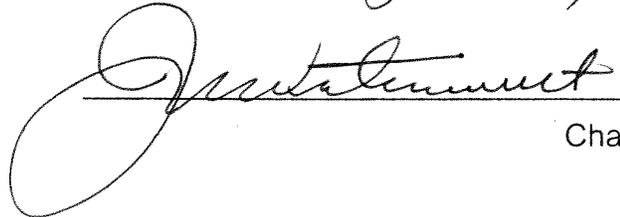
Ms. Pace requested that this item be continued to the next meeting.

TMAPC Action; 6 members present:

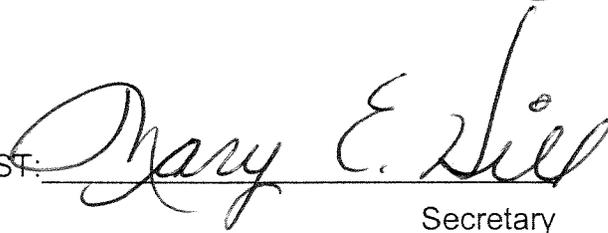
On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Pace "aye"; no "nays"; none "abstaining"; Carnes, Ledford, Midget, Selph, Westervelt "absent") to **CONTINUE** the amendments to the Planning Commission's Policies and Procedures and Code of Ethics to August 22, 2001.

There being no further business, the Chairman declared the meeting adjourned at 5:10 p.m.

Date Approved: Sept 5th, 2001



Chairman

ATTEST: 

Secretary