

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2291

Wednesday, November 7, 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	Dunlap	
Hill	Selph	Huntsinger	
Harmon		Matthews	
Horner		Stump	
Jackson			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, November 6, 2001 at 10:42 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

Minutes:

Approval of the corrected minutes of July 11, 2001, Meeting No. 2279

On **MOTION** of **HARMON**, the TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph "absent") to **APPROVE** the corrected minutes of the meeting of July 11, 2001, Meeting No. 2279.

Minutes:

Approval of the minutes of October 17, 2001, Meeting No. 2289

On **MOTION** of **HORNER**, the TMAPC voted 6-0-1 (Bayles, Carnes, Harmon, Horner, Pace, Westervelt "aye"; no "nays"; Hill "abstaining"; Jackson, Ledford, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of October 17, 2001, Meeting No. 2289.

Minutes:

Approval of the minutes of October 24, 2001, Meeting No. 2290

On **MOTION** of **HORNER**, the TMAPC voted 6-0-1 (Bayles, Carnes, Harmon, Horner, Pace Westervelt "aye"; no "nays"; Hill "abstaining"; Jackson, Ledford, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of October 24, 2001, Meeting No. 2290.

REPORTS:

Chairman's Report:

Mr. Westervelt reported that the applicant has requested that PUD-600-B be continued to December 5, 2001.

APPLICATION NO.: PUD-600-B

MAJOR AMENDMENT

Applicant: Kevin Coutant

(PD-18) (CD-8)

Location: South of southwest corner of East 91st Street and South Toledo

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted 7-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph "absent") to **CONTINUE** the major amendment for PUD-600-B to December 5, 2001 at 1:30 p.m.

LOT-SPLITS FOR WAIVER OF THE PLATTING REQUIREMENT AND SUBDIVISION REGULATIONS:

L-19243 - Donald Walker (RS-1/PUD 527B)

(PD-26) (CD-8)

Location: East of southeast corner of East 121st Street and Yale Avenue

Staff Recommendation:

Applicant requested to continue this item to November 14, 2001.

Related Item:

APPLICATION NO.: PUD-527-B-1

MINOR AMENDMENT

Applicant: J. Don Walker

(PD-26) (CD-8)

Location: North and east of the northeast corner of East 121st Street and South Yale Avenue

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph "absent") to **CONTINUE** the lot-split for waiver of the platting requirement and subdivision regulations for L-19243 and the related minor amendment for PUD-527-B-1 to November 14, 2001 at 1:30 p.m.

Worksession Reports:

Mr. Westervelt stated that since the meeting has already been held and the topic already debated, then taken to the full Planning Commission, it is redundant to have the acceptance of minutes on the Planning Commission agenda. Mr. Westervelt directed staff to distribute a copy of the worksession summary minutes to the Planning Commission members, but delete from further agendas.

Director's Report:

Mr. Stump reported that the Planning Commission does not have zoning items on the City Council agenda.

Mr. Stump stated that the annexation of the Fair Oaks community is on for a second reading at the City Council meeting this Thursday, November 08, 2001.

Mr. Romig stated that he had copies of the legal description and maps for distribution.

Mr. Stump announced that the staff has a new laptop computer to display graphics and pictures on the large screens. He indicated that the new process would continue if it were a success.

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF THE SUBDIVISION REGULATIONS:

L-19301 - Douglas Techanchuk (PD-8) (CD-2)

Location: 8140 South Yukon

Staff Recommendation:

An application has been filed to split the back 175' off a 110' X 305' tract, and tie it to an existing tract to the south (Proposed Tract 2). Both resulting tracts meet the RS-3 bulk and area requirements; however, Tract 2 will have more than three side-lot lines, requiring a waiver of the Subdivision Regulations. Therefore, the applicant is seeking a waiver of Subdivision Regulations that each tract have no more than three side-lot lines.

The Technical Advisory Committee had no questions or concerns regarding this lot-split. Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

Applicant was not present.

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, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph "absent") to **APPROVE** the lot-split for waiver of the Subdivision Regulations for L-19301 as recommended by staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19300 – Jim Gotwals (683) (PD-18) (CD-7)

East 66th Place and Zunis

L-19303 – Robert G. Buttram (3204) (PD-16) (CD-6)

11381 East Independence

L-19306 – White Surveying Co. (1683) (PD-18) (CD-8)

Southwest corner of East 81st Street and Yale

L-19310 – City of Tulsa (3204) (PD-16) (CD-6)

1004 North 129th East Avenue

L-19314 – Tulsa Development Authority (PD-2) (CD-1)

1504 North Boston Place

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

PRELIMINARY PLAT:

Elliott's Subdivision – (PUD 652) (3193) (PD-18) (CD-9)

Location: 5521 South Peoria

Staff Recommendation:

This plat consists of one lot in one block on 0.87 acres. This is a replat of part of lots 11 and 12, Block 6, J.E. Nichols Subdivision. It will be developed for retail uses under the PUD.

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

1. Zoning:

Staff: This property was rezoned from OL (Office Light) to CS (Commercial Shopping Center) and had a companion PUD approved this summer. The approved uses include retail trade establishments under Use Unit 14 except pawnshops. Development conditions include: 50% maximum floor area ratio; 27 feet maximum building height; setbacks of 100' from centerline of Peoria, 50' from centerline of 55th Place, 25' from east boundary, and 15' from north boundary; 10% of net lot area as minimum landscaped area; other bulk and area requirements per CS zoning. Maximum of one access point to each abutting street along 55th Place; no access within 130' of east boundary.

Recommend changing the PUD section of the covenants to read exactly as the minutes of the PUD hearing. Advised consulting with an attorney for assistance with all deed of dedication and restrictive covenant language.

2. Streets/access:

Staff: Standard access width is 40'. The proposal is for 30 feet and 24 feet.

Public Works Traffic & Transportation: No concerns with access locations or proposed sizes; wants 30' radius at southwest corner; existing right-of-way on 55th Place is 25 feet, not 24 feet as shown; numerous comments on content and format of submittal being substandard; suggests there may already be an "Elliotts" subdivision - applicant should investigate and change name if needed.

Applicant: No comments.

3. Sewer:

Staff: No additional information.

Public Works Wastewater: Extend sewer main.

Applicant: No comments.

4. Water:

Staff: No additional information.

Public Works Water: No comments.

Applicant: No comments.

5. Storm Drainage:

Staff: No additional information.

Public Works Stormwater: Drainage easement shown is for parking lot detention; add standard language detention of drainage easements and surface drainage.

Applicant: No comments.

6. Utilities:

Staff: No additional information.

Franchise Utilities: No comments.

Applicant: No comments.

7. Other:

Staff: The product of the property line dimensions shown is 35,150 square feet, not 35,158 square feet as shown.

Development Services: Format and content are substandard. It would be inappropriate to proceed with preliminary plat approval.

Applicant: Expressed understanding.

Based on the consensus of the TAC members present that the submittal is inadequate, staff recommends **DENIAL** of this preliminary plat and approval as a sketch plat. The applicant should revise the plat based on the TAC comments and resubmit a preliminary plat.

Waivers of Subdivision Regulations:

1. None requested.

Standard Conditions:

1. All conditions of PUD-652 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
5. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
6. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
8. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

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

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

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

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Westervelt asked staff if the applicant is aware of the downgrading of the plat. In response, Mr. Beach answered affirmatively.

No action taken due to plat being downgraded to a sketch plat.

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

The Plains - (194) (PD-17) (CD-6)

Location: North and East of 177th East Avenue, north side of Admiral Place

Staff Recommendation:

This plat consists of one lot in one block on 4.5 acres. It will be developed for light industrial uses permitted under IL zoning.

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

1. Zoning:

Staff: The west half of this property was zoned IL in 1983. The east half was rezoned in September 2001.

2. Streets/access:

Staff: Plat makes 50' dedication to Admiral Place.

Public Works, Traffic & Transportation: Change 50' access to 40'; use "right-of-way" instead of "Admiral Place" or other street name in dedication; confirm right-of-way is not already dedicated.

Applicant: No comments.

3. Sewer:

Staff: Application states septic system will be used. DEQ will review.

Public Works, Wastewater: No comments.

Applicant: No comments.

4. Water:

Staff: No additional information.

Public Works, Water: No comments.

Applicant: No comments.

5. Storm Drainage:

Staff: No additional information.

Public Works, Stormwater: Detention required; pick up drainage in overland drainage easement; add standard language for overland drainage easement and detention.

Applicant: No comments.

6. Franchise Utilities:

Staff: No additional information.

Utilities: No comments.

Applicant: No comments.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Reduce access width to 40 feet.
2. Provide stormwater detention and easements as required.

Standard Conditions:

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

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

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **7-0-1** (Bayles, Carnes, Harmon, Hill, Horner, Pace, Westervelt "aye"; no "nays"; Jackson "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the preliminary plat for The Plains, subject to the special conditions and standard conditions as recommended by staff.

PLAT WAIVER:

Z-6838 - (2193)

(PD-6) (CD-7)

Location: 3924 East 31st Street

Staff Recommendation:

This property was platted in 1947 as Lot 4, Block 1, Dartmoor Addition for residential uses. As East 31st Street has developed, the properties fronting it have converted to office and light commercial uses. There are a few remaining residences.

The following information was provided at the TAC meeting October 18, 2001.

ZONING:

TMAPC Staff: In September 2001 the TMAPC recommended approval to rezone this property to OL and it was subsequently approved by the City Council. This action invokes the platting requirement.

STREETS:

Public Works, Transportation: No comments.

Public Works, Traffic: Dedicate ten feet of right-of-way to make East 31st Street a total of 50 feet south of the centerline. Drive should be a minimum 24' commercial drive and an access control agreement should be required.

SEWER:

Public Works, Wastewater: No comments.

WATER:

Public Works, Water: No comments.

STORM DRAIN:

Public Works, Stormwater: No comments.

FIRE:

Public Works, Fire: No comments.

UTILITIES:

Franchise Utilities: No comments.

Based on the fact that this property is already platted, the development is limited to one small lot, there will be no new construction except a parking lot, and the checklist below reveals only two instruments required, staff finds that there would be no significant advantage to the City to require a replat of this property.

Staff recommends APPROVAL of the request for a plat waiver, subject to dedication of right-of-way sufficient to meet the Major Street and Highway Plan.

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. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?	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. | NA |
| 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.? | NA |

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the plat waiver for Z-6838, subject to conditions as recommended by staff.

* * * * *

Z-5020 - (2893)

(PD-6) (CD-7)

Location: 3424 East 41st Street

This property was platted in 1948 as Lot 1, Block 5, Villa Grove Heights No. 1 Addition for residential uses. The original lot was 295' in the east-west direction. It was split in half by deed many years ago. In 1977 the east half was split into the current two-lot configuration with Board of Adjustment approval of a variance of the minimum required lot width. Also in 1977, the property was rezoned from RS-1 to RS-2. This triggered the platting requirement. The applicant wants to satisfy the platting requirement before conveying the east 72 feet to his son. There are no immediate plans to build on the property and it may only be used for those purposes allowed in the single-family residential zoning districts. If the zoning were changed to allow other uses, the platting requirement would come into effect again. The property is already platted, the existing right-of-way meets the requirements of the Major Street and Highway Plan, and all lots have frontage on public water and sewer mains. In staff's opinion, there would be nothing gained by requiring a replat of this tract. Staff exercised its authority to waive formal TAC review and recommends **APPROVAL** of the plat waiver.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the plat waiver for Z-5020 as recommended by staff.

Z-6799 - (494)

(PD-17) (CD-6)

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

Staff Recommendation:

This property was rezoned recently to CG. This triggered the platting requirement. A subdivision plat is currently in process. The applicant wants to relocate an outdoor advertising sign in an easement, labeled "Tract A", located in the northwesterly part of the tract near I-44. There would also be an access easement to the sign and a utility easement to provide power to the sign. Both easements align with proposed right-of-way and utility easements indicated on the plat. The applicant desires to move the billboard immediately, but because of the platting requirement, a permit may not be issued to build the sign. The preliminary plat has been approved and a final plat submittal is imminent. In staff's opinion, there would be nothing gained by delaying the sign permit until the plat is filed of record. Staff exercised its authority to waive formal TAC review and recommends **APPROVAL** of the plat waiver only for the area labeled "Tract A".

Applicant's Comments:

William LaFortune, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HILL**, TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the plat waiver for Z-6799 for area labeled Tract A as recommended by staff.

ZONING PUBLIC HEARING

APPLICATION NO.: PUD-112-A

MAJOR AMENDMENT

Applicant: Charles Norman

(PD-18) (CD-7)

Location: East of southeast corner of East 61st Street and South Memorial Drive

Staff Recommendation:

RELEVANT ZONING HISTORY:

BOA-17792 September 1997: The Board of Adjustment approved a request to meet parking requirements on a lot other than the lot where the principal use is located on the AG-zoned tract abutting the subject property on the east. This application was necessitated by the expansion of the church located on the subject property.

Z-4048/PUD-112 January 1972: All concurred in approval of the original Planned Unit Development and rezoning of 202 acres, including the subject tract, from AG to RM-1, OM and RS-3 for multifamily, townhouse, and single-family development, with approval of church use within the RS-3-designated development area. No commercial uses were allowed except the customary laundry and vending machines that would serve the multifamily uses.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3.61 acres in size and is located east of the southeast corner of East 61st Street and South Memorial Drive. The property is flat, non-wooded, contains a church, and is zoned RM-1/PUD.

STREETS:

Exist Access	MSHP R/W	Exist. No. Lanes
East 61 st Street South	100'	4 lanes
South Memorial Drive	120'	4 lanes

The Major Street Plan designates East 61st Street as a secondary arterial street and South Memorial is as a primary arterial street. The City of Tulsa Traffic Counts 1998 – 1999, indicates 38,300 trips per day on South Memorial Drive at the intersection of East 61st Street South.

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the south by single-family dwellings, zoned RS-3/PUD-112; to the west by apartments, zoned RM-1/PUD-112; to the north across East 61st Street is a large drainage canal with duplex dwellings located on the north side of the canal, zoned RS-3; and apartments to the northwest, zoned CS. The adjoining lot on the east is zoned AG; the west 100' of this tract has been approved for use as a parking lot for the church and the east half contains a PSO sub-station.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject area as Low Intensity – Residential. According to the Zoning Matrix, the existing AG zoning **is** in accord with the Plan Map and the existing RM-1 **may be found** in accord with the Plan Map.

Tulsa Bible Church is located within PUD-112 and on an abutting 100-foot wide tract in an AG district approved for church use and off-street parking by the Board of Adjustment (BOA) in case number 17792.

With an amended detail site plan approved by the Tulsa Metropolitan Area Planning Commission on July 16, 1997, the church constructed a 16,380 square foot church classroom addition to the existing church building.

The applicant requests approval of an amendment to PUD-112 to add a private school offering a compulsory education curriculum under Use Unit 5 as an additional permitted use.

The private school will ultimately offer a compulsory education curriculum for grades kindergarten through twelfth grade within the existing church facilities.

The existing off-street parking is in excess of the parking required for the existing church use and the proposed private school. The existing sanctuary contains 580 seats and requires 194 parking spaces under Section 1205 of the Tulsa Zoning Code, Use Unit 5; one off-street parking space is required for each 1,200 square feet of elementary and junior high school floor area and one space is required for each 800 square feet of the floor area of senior high school floor area. Applying the more restrictive high school requirement to the 16,380 square feet of existing classroom space would require 21 additional off-street parking spaces (21 school spaces plus 194 church spaces for the combined church and private school uses).

The Tulsa Bible Church campus has more than 280 existing off-street parking spaces on property owned by the Church and approximately 60 additional spaces on adjacent property leased by the Church from Public Service Company of Oklahoma; thus no additional off-street parking spaces are required for the proposed private school use.

The subject tract is zoned RM-1/PUD-112. The tract is abutted on the south by single-family dwellings, zoned RS-3/PUD-112 and apartments zoned RM-1/PUD-112; to the west by apartments, zoned RM-1/PUD-112; to the north across East 61st Street is a large drainage canal with duplex dwellings located on the north side of the canal, zoned RS-3; and apartments to the northwest, zoned CS. The adjoining lot on the east is zoned AG, the west 100 feet of this tract has been approved for use as a parking lot for the church and the east half contains a PSO sub-station.

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-112-A as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-112-A subject to the following conditions:

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

2. Requirements of PUD-112 as amended apply unless modified below.

3. Development Standards:

Permitted Uses:

Church and a private school offering a compulsory education curriculum as included within Use Unit 5.

Maximum Building Floor Area: Limited to the existing 50,009.84 SF building.

Maximum Building Height: Two story.

Minimum Building Setbacks: Shall be limited to the existing setbacks.

New Construction: May be allowed only if TMAPC approves a minor amendment.

4. Exterior charges to buildings shall require detail site plan approval from TMAPC.

5. Existing landscaping and screening shall be maintained.

6. 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.

7. 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.
8. 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.
9. 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.
10. All new lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element of the light fixture from being visible to a person standing in the adjacent residential areas. No light standard nor building-mounted light shall exceed 12 feet in height, and all such lights shall be set back at least 50 feet from an adjacent residential area.
11. 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.
12. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
14. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

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

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to recommend **APPROVAL** of the major amendment for PUD-112-A, subject to conditions as recommended by staff.

Legal Description for PUD-112-A:

Lot 1, Block 1, Tulsa Bible Church, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and located east of the southeast corner of East 61st Street South and South Memorial Drive, Tulsa, Oklahoma, **From RM-1/PUD-112 (Residential Multifamily Low Density District/Planned Unit Development) To RM-1/PUD-112-A (Residential Multifamily Low Density District/Planned Unit Development).**

APPLICATION NO.: CZ-293

AG TO CH

Applicant: Coy Ward

(PD-23) (County)

Location: Southeast corner of State Highway 51 and Campbell Creek Road

Staff Recommendation:

RELEVANT ZONING HISTORY:

CZ-75/PUD-310 February 28, 1983: An application for a mobile home park (maximum of 40 units) on a tract located on the southeast corner of Campbell Creek Road and State Highway 51, which included the subject tract. The request was to rezone the property from AG to RMH, RS and PUD. The PUD was approved by the County Commission with RS zoning on the south 9.1 acres and excluding the subject tract to the north, which remained AG. The approval was per the applicant's amended conditions. The applicant in this case is the same applicant as in the current case.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.9 acres in size and is located on the southeast corner of State Highway 51 West and Campbell Creek Road. The property is steeply sloping, heavily wooded, vacant and zoned AG.

STREETS:

Exist Access	MSHP R/W	Exist. No. Lanes
State Highway 51 West	120'	4 lanes
Campbell Creek Road	100'	2 lanes

The Major Street and Highway Plan designates the State Highway 51 West as a primary arterial street and Campbell Creek Road as a secondary arterial street. The Tulsa County Traffic Counts 1993 – 1994 indicate 182 trips per day on Campbell Creek Road at the intersection of State Highway 51.

UTILITIES: Water is available from Sand Springs. Sewer is not available and waste disposal must be by septic lagoons or an alternative method.

SURROUNDING AREA: The subject tract is abutted on the north across Highway 51 by single-family dwellings, zoned AG; to the west by a single-family dwelling and nonconforming trucking facility, zoned AG; to the south by the previously-noted mobile home development (in which, staff notes, there are no paved roads and only about half the lots have paved parking), zoned RS/PUD 310; and to the east by vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject property is within the City of Sand Springs Comprehensive Plan but is not within the Sand Springs fence line. The Sand Springs Comprehensive Plan designates the subject tract as being Low Intensity – Residential.

According to the Land Use Plan Matrix the requested CH zoning **is not** in accordance with the Plan Map.

STAFF RECOMMENDATION:

Despite the recommendation for support from the Sand Springs Planner, TMAPC staff cannot support the requested CH zoning on this site. The steep slope in itself, were the site located within one of the District Plans encompassed by the Metropolitan Development Guidelines, would likely result in a Development Sensitive designation for most of the property. The request for CH zoning, surrounded as the site is by AG zoning and primarily low-intensity uses (except for the illegal nonconforming trucking company to the west) is obviously spot zoning and would result in a use incompatible with adjacent uses. Therefore, staff recommends **DENIAL** of CH zoning for CZ-293.

Applicant's Comments:

Coy Ward, 4206 South 137th West Avenue, Sand Springs, Oklahoma 74063, stated that the roads in the subject area are good roads. He indicated that he does not live in the subject area, but he does own the existing mobile home park mentioned in the staff recommendation.

Mr. Ward stated that the proposal is for a 25-unit R.V. park with 35' x 60' pads. He indicated that there would be an aerobic system for the sewer requirements. Mr. Ward gave a PowerPoint presentation demonstrating the development existing in the subject area and the subject land.

Mr. Ward read and submitted a letter of support from Mike and Lotsee Spradling (Exhibit A-3). Mr. Ward stated that the subject area has a mixture of uses and his proposal would be compatible with the subject area. He indicated that he met with the neighbors and has their support.

Interested Parties Comments:

Larry Oswald, 2200 Campbell Creek Road, Sand Springs, Oklahoma 74063, stated that he and the neighbors did meet with Mr. Ward regarding this application. He commented that the neighbors would respect the decision made today, but the neighbors have made an agreement with Mr. Ward for specific guidelines and requests that they be included in the rezoning. He stated that the agreement was signed by all of the interested parties Tuesday evening, November 6, 2001 (Exhibit A-1).

TMAPC Comments:

Mr. Westervelt informed Mr. Oswald that the Planning Commission would be unable to impose specific guidelines or standards with a straight zoning application. He stated that the applicant did not apply for a PUD, which would give the Planning Commission the ability to impose development standards and guidelines.

Mr. Oswald submitted the PUD for the existing mobile home park (Exhibit A-2). Mr. Westervelt asked Mr. Oswald if he would be supportive of the subject application if it were a PUD. In response, Mr. Oswald stated that if the neighbors do not have a way to enforce some type of control, then he is against it.

Applicant's Rebuttal:

Mr. Ward stated that the subject property is west of the Sand Springs fence line. He commented that he doesn't feel it is a valid statement to call his application "spot zoning". He stated that the storage buildings are more spot zoning than he would be.

TMAPC Comments:

Mr. Westervelt asked Mr. Ward if he agrees with the document his neighbors submitted. In response, Mr. Ward answered affirmatively.

Mr. Westervelt stated that the Planning Commission would have to have this proposal accompanied by a PUD to be able to enforce the guidelines reached by the neighbors and the applicant. Mr. Westervelt asked Mr. Ward if he would consider applying for a PUD. In response, Mr. Ward stated that he would not have a problem filing a PUD with the zoning application. Mr. Ward requested that he would like to have some of his money carried over to the PUD application.

Staff Comments:

Mr. Stump stated that this application might be appropriate sometime in the future for a type two node. Campbell Creek Road is designated as secondary arterial and Highway 51 is primary. Eventually there could be medium intensity in the subject area. If the Planning Commission feels that this application is timely and would like to allow the applicant the least expensive way to accomplish what he wants and still have some control, then the Planning Commission may want to recommend CS zoning and the applicant would have to go before the County Board of Adjustment for an exception. The County Board of Adjustment could impose conditions that are found appropriate and this would save the applicant the expense of a PUD.

Tape inaudible.

TMAPC Comments:

Mr. Westervelt asked the applicant if he understands staff's comment regarding zoning the subject property CS and then filing an application with the County Board of Adjustment to allow the RV park. Mr. Ward stated that he would be in agreement and would accept the County Board of Adjustment's decision.

Mr. Westervelt asked the interested parties if they understood the proposal. In response, Mr. Oswald stated that he is concerned that the neighbors are concerned about the ability to have the agreed guidelines enforced. Mr. Westervelt explained that with CS zoning the applicant would have to go to the County Board of Adjustment for an exception and interested parties would be able to attend the meeting and submit the agreement.

Mr. Stump stated that the County Board of Adjustment could review the agreement and decide what conditions would be appropriate and impose those conditions, which would have the force of the law. Mr. Stump further stated that the County Board of Adjustment could also find that the conditions are not appropriate, but he doubts that would happen.

Ms. Pace stated that she is not sure how the County makes sure that the interested parties are aware of the hearing. She asked staff how the interested parties would know about the County Board of Adjustment hearing. In response, Mr. Stump stated that a notice for hearing would be mailed to property owners within 300-foot radius the same as it is done for the Planning Commission. Ms. Pace asked if there would be a sign on the subject property for the County Board of Adjustment. In response, Mr. Stump answered negatively. Mr. Westervelt stated that the interested parties are already communicating with the applicant and have a signed agreement so they are aware.

Mr. Oswald asked if there is any way Mr. Ward could change his plans with the CS zoning. In response, Mr. Westervelt stated that the applicant could come back with a commercial type of use. Mr. Stump stated that CS zoning would allow a convenience store at this location without any other approvals and CH zoning would allow a great many other types of uses.

Tape inaudible.

Ms. Bayles asked staff if CS is in accordance with the Comprehensive Plan Map. In response, Mr. Stump answered negatively. Ms. Bayles asked if the steep slope in itself have a bearing on the staff recommendation for CS. In response, Mr. Stump stated that the subject property is not the best commercial site with the steep slopes and the applicant would have to mitigate those, which would necessitate clearing and grading of the land a great deal.

Ms. Pace asked if there are any zoning classes lower than CS that would allow the applicant to have the RV park. In response, Mr. Stump answered negatively.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **5-3-0** (Carnes, Harmon, Hill, Horner, Jackson "aye"; Bayles, Pace, Westervelt "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to recommend **APPROVAL** of CS zoning for CZ-293.

Legal Description for CZ-293:

A part of the NW/4, NW/4, Section 14, T-19-N, R-10-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: Commencing at the Southwest corner of said NW/4, NW/4, Section 14; thence N 89°52'58" E along the South line of said NW/4, NW/4 for a distance of 765.93' to the Southwest corner of a 11.176 acre tract; thence N 23°35'00" E for a distance of 141.23' to a point of curvature; thence along a curve to the left having a radius of 1,240' for an arc distance of 416.37' to a point of tangency; thence N 4°20'40" E for a distance of 318.38' to the Point of Beginning; thence continuing N 4°20'40" E for a distance of 335.00' to a point of intersection with the South Right-of-Way line of Oklahoma State Highway 51; thence N 89°24'09" E along said South Right-of-Way line for a

distance of 344.17' to a point on the East line of said NW/4, NW/4; thence S 0°24'41" E along the East line of said NW/4, NW/4 for a distance of 370.58' to a point; thence N 84°56'30" W for a distance of 373.64' to the Point of Beginning, containing 2.901 acre more or less and located on the southeast corner of Sate Highway 51 West and Campbell Creek Road, Sand Springs, Oklahoma, **From AG (Agriculture District) To CS (Commercial Shopping Center District).**

APPLICATION NO.: Z-6843

AG TO CS

Applicant: Roy Johnsen

(PD-18) (CD-8)

Location: West of northwest corner of East 81st Street and South Yale Avenue

Staff Recommendation:

RELEVANT ZONING HISTORY:

PUD-587-A September 1999: An application was filed for a major amendment to allow an alternative use of Development Area C of the PUD from the allowable 12 dwelling units within the area to a maximum of four single-family residences with a private drive connecting to East 83rd Street to the lots and eliminating a second point of access for the subdivision by connecting Urbana with Toledo Avenues. The applicant subsequently changed the application to reduce the number of dwelling units in Area C to one dwelling unit, one lot, with cul-de-sacs on Urbana and East 83rd Street. All concurred in approval of the request.

Z-5841/PUD-587 June 1998: All concurred in approval of a request to rezone a 23.5-acre tract located on the southwest corner of East 81st Street and South Yale Avenue and directly south of the subject tract, from CS, RM-1, RS-3 to CS, RM-1, RS-3 and PUD for a mixed use development that would allow retail commercial uses at the arterial street intersection, an elderly housing project, and single-family lots at the southwest corner of the property.

Z-6606/PUD-573 November 1997: Approval was granted unanimously to rezone a two-acre tract located on the west side of South Yale at approximately 7800 block south from RT to OL with a PUD for a two-story office building.

PUD-500 August 1993: A request for a Planned Unit Development on a 7.6-acre tract located on the northeast corner of East 81st Street and South Yale Avenue for the development of a commercial shopping center was unanimously approved.

Z-6026/PUD-389 February 1985: All concurred in approval of a request to rezone a 32-acre tract located on the southeast corner of East 81st Street South and South Yale Avenue from RS-3 to RM-0 and 18 acres from RS-3 to OL with a PUD to allow development of multifamily uses.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.0 acres in size and is located west of the northwest corner of East 81st Street and South Yale Avenue. The property is flat, non-wooded, contains a vacant building formerly used for an electric power company substation, and is zoned AG.

STREETS:

Exist Access	MSHP R/W	Exist. No. Lanes
East 81 st Street South	100'	4 lanes
South Yale Avenue	120'	4 lanes

The Major Street Plan designates East 81st Street as a secondary arterial street and South Yale Avenue as a primary arterial street. The City of Tulsa Traffic Counts 1998 – 1999, indicates 22,500 trips per day on East 81st Street South at the intersection of South Yale Avenue.

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north by an apartment complex zoned RS-3, RM-1/PUD-176; to the east by a shopping center zoned RM-1/CS/PUD-176; to the west by the public service electrical service facility which is zoned AG and beyond the electric company are single-family dwellings, zoned RS-3; to the south is a detention pond within the PUD-587 development.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject area as Low Intensity – Residential. The AG zoning already in place is in accord with the Plan Map, but the requested CS is not in accord with the Plan Map.

STAFF RECOMMENDATION:

Although the Comprehensive Plan designates the area Low Intensity – Residential and the CS is not in accord, staff feels that development of this site as single-family residential is unlikely and undesirable for two reasons. First, the electric sub-station adjacent to the site is a major facility that would be incompatible with immediately adjacent residential uses simply because of its magnitude. Second, the site is surrounded on three sides by medium intensity uses and on the fourth side by a secondary arterial. These are not particularly conducive to single-family residential development. Therefore, staff recommends **APPROVAL** of CS zoning if the accompanying PUD-657 or some version thereof is approved as well.

If the Planning Commission is inclined to rezone the site, CS zoning may be appropriate provided that the accompanying PUD or some version of it is approved as well, and staff should be directed to prepare appropriate amendments to the District 18 Plan.

Applicant's Comments:

Roy Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that he is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to recommend **APPROVAL** of CS zoning for Z-6843, subject to the accompanying PUD-657 as recommended by staff and to direct staff to prepare appropriate Plan Map amendments.

Legal Description for Z-6843:

A TRACT OF LAND THAT IS PART OF THE SE/4 OF THE SE/4 OF SECTION 9, T-18-N, R-13-E, OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THE SE/4 OF THE SE/4 OF SAID SECTION 9; THENCE DUE EAST ALONG THE SOUTH LINE OF SAID SECTION 9 FOR 271.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE N 00°06'09" W AND PARALLEL WITH THE WESTERLY LINE OF THE SE/4 OF THE SE/4 FOR 459.62'; THENCE DUE EAST AND PARALLEL WITH THE SOUTHERLY LINE OF SECTION 9 FOR 379.10'; THENCE S 00°06'09" E AND PARALLEL WITH THE WEST LINE OF THE SE/4 OF THE SE/4 OF SAID SECTION 9 FOR 459.62' TO A POINT ON THE SOUTH LINE OF SAID SECTION 9; THENCE DUE WEST ALONG SAID SOUTH LINE FOR 379.10' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; and located in the southwest corner of East 81st Street South and South Yale Avenue, Tulsa, Oklahoma, **From:** AG (Agriculture District) **To:** CS (Commercial Shopping Center District).

APPLICATION NO.: PUD-657

AG TO AGCS/PUD

Applicant: Roy Johnsen

(PD-18) (CD-8)

Location: West of northwest corner of East 81st Street and South Yale Avenue

Staff Recommendation:

The proposed commercial PUD consists of 4.70 acres (net) located approximately 660 feet west of the northwest corner of East 81st Street and South Yale Avenue. The tract has 503 feet of frontage on East 81st Street and has a north/south depth of 445 feet.

The subject tract is zoned AG. Concurrently, an application (Z-6843) has been filed to rezone a portion of the tract to CS. The 4.70-acre tract and 1.93 acres adjoining on the west were previously within the ownership of Public Service Company of Oklahoma and were used for a major electric substation, administrative building and service yard including construction staging and truck and equipment storage. The 1.93-acre tract abutting on the west will remain an electric substation (zoned AG). The subject tract is abutted on the north by a multifamily development (Country Hollow Apartments) zoned RS-3/PUD-176; and on the east by a shopping center (Country Hollow Shopping Center) zoned RM-1/CS/PUD-176. To the south of the subject tract, across East 81st Street is a regional stormwater detention facility zoned RS-3.

If Z-6843 is approved and the Comprehensive Plan is amended 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-657 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-657 subject to the following conditions:

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

DEVELOPMENT AREA – A

Net Land Area: 77,983 SF 1.79 Acres

Permitted Uses:

Those uses permitted by right within a CS district, excluding the uses included within Use Unit 12 A, Adult Entertainment Establishments and Dance Halls as included within the Use Unit 19. No outdoor display or storage of merchandise offered for sale is permitted.

Maximum Floor Area: 18,000 SF

Maximum Building Height: Two story

Minimum Building Setbacks:

From centerline of 81st Street 100 FT

From west boundary 10 FT

From north boundary 20 FT

From east boundary 5 FT

Minimum Off-Street Parking Required: As required for the applicable use unit by the Zoning Code.

Minimum Landscaped Area: 10% of net lot area.

Maximum Signage Permitted:

- (a) One monument-style ground sign not exceeding eight feet in height nor 64 square feet of display surface area, and
- (b) Wall signs not exceeding 1-½ square feet of display surface per lineal foot of building wall to which affixed. The length of a tenant wall sign shall not exceed 75% of the frontage on the tenant space. No wall sign shall be permitted on the north- or west-facing walls of a building.

DEVELOPMENT AREA – B

Net Land Area: 126,9300 SF 2.91 Acres

Permitted Uses:

Those uses permitted by right within a CS district, excluding the uses included within Use Unit 12 A, Adult Entertainment Establishments and Dance Halls as included within Use Unit 19.

Maximum Floor Area: 38,000 SF

Maximum Building Height:	Two story
Minimum Building Setbacks:	
From centerline of 81 st Street	100 FT
From west boundary	5 FT
From north boundary	20 FT
From east boundary	10 FT
Minimum Off-Street Parking Required:	As required for the applicable use unit by the Zoning Code.
Minimum Landscaped Area:	10% of net lot area.
Maximum Signage Permitted:	

- (a) One ground sign to be located along the 81st Street frontage, not exceeding 20 feet in height nor 124 square feet of display surface area,
- (b) Wall signs not exceeding 1 ½ square feet of display surface per lineal foot of building wall to which affixed. The length of a tenant wall sign shall not exceed 75% of the frontage on the tenant space. No wall sign shall be permitted on the north-facing wall of a building.

3. Building Design Limitation:

The exterior finish of building walls (excepting doors, windows and architectural features) shall be stucco, masonry or Drivet-type finish.

4. Landscaping and Screening:

Landscaping and screening within the PUD shall be in compliance with the requirements of the landscaping and PUD chapters of the Tulsa Zoning Code. A six-foot high or higher wall or fence shall be constructed and maintained along the north boundary of the PUD.

5. Access and Circulation:

Access shall be derived from 81st Street and mutual access shall be established to and from Development Area A and Development Area B.

6. 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.
7. 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.
8. 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.
9. 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.
10. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element of the light fixture from being visible to a person standing in adjacent residential areas or street right-of-way.
11. 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.
12. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.

14. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
15. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

Applicant's Comments:

Roy Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that he is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to recommend **APPROVAL** of the PUD for PUD-657 subject to conditions as recommended by staff.

Legal Description for PUD-657:

A TRACT OF LAND THAT IS PART OF THE SE/4, SE/4 OF SECTION 9, T-18-N, R-13-E, OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THE SE/4, SE/4 OF SAID SECTION 9; THENCE DUE EAST ALONG THE SOUTH LINE OF SAID SECTION 9 FOR 146.49' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE DUE NORTH FOR 91.43'; THENCE N 17°47'35" E FOR 15.60' TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 14°34'02" AND A RADIUS OF 175.00' FOR 44.49' TO A POINT OF TANGENCY; THENCE N 32°21'37" E ALONG SAID TANGENCY FOR 42.93' TO A POINT OF CURVE; THENCE NORTHEASTERLY AND NORTHERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 32°21'37" AND A RADIUS OF 52.00' FOR 29.37' TO A POINT OF TANGENCY; THENCE DUE NORTH ALONG SAID TANGENCY FOR 284.18'; THENCE DUE EAST FOR 448.00'; THENCE S 00°06'09" E AND PARALLEL WITH THE WEST LINE OF THE SE/4 OF THE SE/4 OF SAID SECTION 9 FOR 494.75' TO A POINT ON THE SOUTH LINE OF SAID SECTION 9; THENCE DUE WEST ALONG SAID SOUTH LINE FOR 503.51' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND. **From** AG (Agriculture District) **To** AG/CS/PUD (Agriculture District/Commercial Shopping Center District/Planned Unit Development).

APPLICATION NO.: PUD-567-5

MINOR AMENDMENT

Applicant: Douglas Rogers

(PD-18) (CD-8)

Location: East of southeast corner East 71st Street and Mingo Valley Expressway

Staff Recommendation:

The applicant is requesting a minor amendment to allow one additional sign on 71st Street for the new restaurant currently under construction on the Cheddars' restaurant site. Both restaurants are located on Lot 1, Block 1, Woodland Park Center. The proposed sign will be 160 square feet in display area and 25 feet in height.

The Cheddars' restaurant shares an existing platted lot with a new restaurant under construction. The Planned Unit Development in which the lot is located allows one ground sign limited to a maximum 160 square feet of display surface area for each sign and a maximum of 25 feet in height.

Staff can see the need for an additional ground sign for the restaurants that sit side by side but are located on the same lot. Staff recommends **APPROVAL** of an additional ground sign for Lot 1, Block 1, Woodland Park Center with a maximum display surface area of 160 square feet and a maximum height of 25 feet.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the minor amendment for PUD-567-5 as recommended by staff.

APPLICATION NO.: PUD-452-A-1

MINOR AMENDMENT

Applicant: Robert E. Parker

(PD-18) (CD-9)

Location: 5504 South Delaware Court

Staff Recommendation:

The applicant is requesting an infringement into the five-foot building setback line for an existing dwelling and garage. The dwelling and garage were built 4.7 feet away from the north property line instead of five feet as required.

Staff can recommend **APPROVAL** of the encroachment because of the small infringement into the required setback for the existing house and garage.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the minor amendment for PUD-452-A-1 as recommended by staff.

OTHER BUSINESS:

APPLICATION NO.: PUD-417-B

DETAIL SITE PLAN

Applicant: Charles Norman

(PD-6) (CD-4)

Location: North of northeast corner of East 21st Street and South Wheeling

Staff Recommendation:

The applicant is requesting detail site plan approval for a new elevated pedestrian bridge to be located over Wheeling Avenue. The pedestrian bridge will connect the 21st Street parkade, the St. John's Medical Building located north of 21st Street and the existing Wendy's Restaurant.

The structure proposed will help the flow of pedestrian traffic to and from the medical center and alleviate some of the pedestrian crossings (currently competing with vehicular traffic) of Wheeling Avenue and 21st Street at the street level.

Staff can recommend **APPROVAL** of the site plan as submitted, with the conditions that the City of Tulsa contract with the applicant for the use of air rights and right-of-way for the pedestrian bridge.

The applicant indicated his agreement with staff's recommendation.

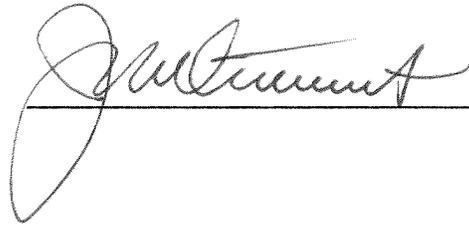
There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the detail site plan for PUD-417-B, subject to conditions as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:35 p.m.

Date Approved: 11-27-01



Chairman

ATTEST: 
Secretary