

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2311

Wednesday, June 5, 2002, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------|-----------------------|----------------------|-----------------------|
| Bayles | Dick | Armer | Romig, Legal |
| Carnes | | Fernandez | |
| Harmon | | Huntsinger | |
| Hill | | Matthews | |
| Horner | | Stump | |
| Jackson | | | |
| Ledford | | | |
| Midget | | | |
| Pace | | | |
| Westervelt | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, May 31, 2002 at 3:50 p.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 Harmon called the meeting to order at 1:30 p.m.

REPORTS:

Worksession Report:

Mr. Harmon reported that there was a worksession held today at 11:30 a.m. to review adjustments in fees regarding PUDs and other zoning. He indicated that this issue would be discussed later in the meeting today.

Mr. Harmon stated that the Brookside Infill Development Plan has been rescheduled for a full worksession on June 26, 2002.

Director's Report:

Mr. Stump reported that there are three items on the City Council for Thursday, June 6, 2002. He indicated that the fees for PUD Detail Plans would be considered during the City Council meeting. He commented that there have not

been any negative comments regarding the fees and he doesn't anticipate any controversy.

Mr. Stump reported on the receipts for April and noted that it is the first month that the new subdivision fees were in effect. The average receipts for the previous nine months were less than half of what was received this month. This month represented a 250% increase in fees, even though the actual subdivision activity was not high in volume. The new fees are definitely making a difference in the totals.

ITEMS TO BE CONTINUED:

L-19384 – Sam Childers (190) (PD-23) (County)

Location: 19215 West Wekiwa Road

Staff Recommendation:

The applicant has requested a continuance to June 26, 2002.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HILL**, TMAPC voted 9-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **CONTINUE** lot-split for waiver of Subdivision Regulations and the lot-split for L-19384 to June 26, 2002 at 1:30 p.m.

Country Hollow West – PUD-657 (983) (PD-18) (CD-8)

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

Staff Recommendation:

The item is stricken from the agenda.

STRICKEN.

Git-N-Go 101 Sheridan – PUD-431-B (2783) (PD-26) (CD-8)

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

Staff Recommendation:

Staff requests a continuance to June 26, 2002.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **CONTINUE** the preliminary plat for Git-N-Go, 101 Sheridan to June 26, 2002, at 1:30 p.m.

APPLICATION NO.: Z-6856

RS-4 to OM

Applicant: David Giacomo

(PD-11) (CD-1)

Location: Northeast corner of East Queen Street and North Cincinnati

Staff Comments:

Applicant has withdrawn this application.

WITHDRAWN.

APPLICATION NO.: Z-6859/PUD-662

AG to IL/PUD

Applicant: William M. Wiles

(PD-17) (CD-6)

Location: Northwest corner of East 7th Street and South 145th East Avenue

Staff Recommendation:

Applicant has requested a continuance to June 26, 2002. Staff submitted a letter from the applicant requesting a continuance (Exhibit D-1).

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **CONTINUE** Z-6859/PUD-662 to June 26, 2002 at 1:30 p.m.

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19385 – John G. Arnold (2093)

(PD-6) (CD-9)

Location: 2544 East 33rd Street South

Staff Recommendation:

An application has been filed to split a triangle tract off Tract A and tie it to Tract B. A PUD Minor Amendment (649-1) to accommodate the proposed lot-split was approved by the TMAPC on May 15, 2002. Both resulting tracts meet the RS-1 bulk and area requirements; however, they 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 commented that the fire hydrant might need to be relocated. 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 with the condition that the applicant works with Public Works to meet the fire hydrant needs.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the lot-split for waiver of Subdivision Regulations and the lot-split for L-19385 subject to the applicant cooperating with Public Works to meet the fire hydrant needs as recommended by staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19352 – H. L. Willis (1674)

(PD-20) (County)

14618 South 145th East Avenue

- L-19354 – Randall Vaughn (2613)** (PD-15) (County)
7901 North Sheridan
- L-19355 – Sack and Associates (2592)** (PD-6) (CD-9)
4402 South Peoria
- L-19364 – Dyanna Hughes (2873)** (PD-20) (County)
4204 East 161st Street
- L-19368 – Robert M. Miles (2883)** (PD-26) (CD-8)
4021 East 104th Street
- L-19375 – Warren G. Morris (994)** (PD-17) (CD-6)
1260 South 141st East Avenue
- L-19383 – Louis Reynolds (1393)** (PD-17) (CD-5)
8159 and 8165 East 31st Street
- L-19387 – R. S. Looney (3294)** (PD-17) (CD-6)
5908 South 118th East Avenue
- L-19391 – Stan Goodchild (1094)** (PD-17) (CD-6)
15624 East 11th Street

Staff Recommendation:

Mrs. Fernandez stated that these lot-splits are in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Bayles, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

FINAL PLAT:

Serenity Park – RMH (3204)

(PD-16) (CD-6)

Location: Southwest corner of I-244 and 129th East Avenue

Staff Recommendation:

This plat consists of one Lot in one Block on 21.6 acres. The property will be used a mobile home park. All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat.

There were no interested parties wishing to speak.

The applicant was not present.

TMAPC Comments:

Ms. Hill stated that the project is not paved and dust is a problem. Ms. Hill asked when the applicant is obligated to pave the streets. In response, Mrs. Fernandez stated that during the preliminary plat this issue came up and Neighborhood Inspections did go to visit the site. Mr. Kevin Cox, Neighborhood Inspections, stated that because the applicant is in phases of development, he can't enforce the paving issue; however, Neighborhood Inspections would be watching this development. Ms. Hill stated that she doesn't know how the residents get back to their homes.

TMAPC Action 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the final plat for Serenity Park as recommended by staff.

PRELIMINARY PLAT:

South Springs South – PUD- 405-K (2383)

(PD-18) (CD-8)

Location: East 93rd Street and South 76th East Avenue

Staff Recommendation:

This plat consists of 142 lots in six blocks and five reserves on 42.66 acres.

The following issues were discussed on May 16, 2002 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD 405K which was approved by first reading of the City Council on 5/9/02, and is also zoned under the existing CO district Z-5722-SP-15.

The site had been approved in 1985 for multifamily housing with a maximum dwelling unit density of 866 dwelling units. PUD 405K allows a maximum of 150 detached single-family dwelling units. The underlying zoning requirements equate to RS-3 zoning, with the exception of one lot at the northwest corner of the PUD to be developed at RS-4 standards. Interior streets are to be private and gated. There can be no hammerhead turnarounds.

2. **Streets/access:** The street to the northeast part of the plat is the existing 92nd Street. A private street with gated access is subject to final review by traffic engineering. Limits of No Access need to be placed appropriately on the plat. The covenants need to reflect standard language with the City of Tulsa being able to enforce the covenants.
3. **Sewer:** There needs to be lift station relief in the area. Show tie south of the turnpike. Tie into lift station manhole across floodplain to north.
4. **Water:** No problem.
5. **Storm Drainage:** The 100-year water surface elevation needs to be plotted. The entire floodplain should be in the reserve. Appropriate access easements for maintenance need to be provided based upon elevations. Reserve D needs to be identified for detention. There can be no utility easements in the reserves.
6. **Utilities:** PSO, ONG, and Cox Cable will need additional utility easements, per their plan layouts given to applicant.
7. **Other:** There will be a wet pond, with a plastic lining. The pond will be aerated and use PSO service. Before plans are finalized, grading plans need to be approved through Development Services and access and drainage easements will be required.

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

Waivers of Subdivision Regulations:

None.

Special Conditions:

1. Easements for access to drainage areas must be dedicated.
2. The 100-year flood elevations need to be described per the Storm Drainage Department.
3. Detention areas need to be appropriately defined and identified.
4. Grading plans must be approved through the Development Services Department.

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.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the preliminary plat for South Springs South, subject to special conditions and standard conditions as recommended by staff.

PLAT WAIVER:

BOA-19146 – RS-2 (994)

(PD-17) (CD-6)

Location: 1150 South 131st East Avenue

TMAPC Comments:

Ms. Hill stated that she has had ex parte communication and feels that she can remain objective.

Staff Recommendation:

Mrs. Fernandez stated that this application was received by staff on April 11, 2002 prior to the new Subdivision Regulations for a minor subdivision plat was in place; therefore, this application was taken as a plat waiver. The TAC discussed this issue with the applicant.

The following information was provided at the TAC meeting of 05/16/02.

The platting requirement was triggered by City Board of Adjustment Case number 19146. This case approved the church use and accessory church uses in an RS-2 zoning district.

Staff provides the following information from TAC.

STREETS

An additional five feet of right-of-way must be dedicated along 131st East Avenue.

SEWER

No comment.

WATER

No comment.

STORM DRAIN

There can be no sheet flow off of the paved area. A detention area easement will likely be necessary to maintain predevelopment rate. The engineered design will be approved by Development Services.

FIRE:

No comment.

UTILITIES

No comment.

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

- 1. An additional five feet of right-of-way be dedicated along 131st East Avenue.

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 file plat? | | X |
| 3. Is property adequately described by surrounding platte X 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 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 9 members present:

On **MOTION** of **LEDFORD**, TMAPC voted 9-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the plat wavier for BOA-19146, subject to conditions as recommended by staff.

CHANGE OF ACCESS ON RECORDED PLAT:

Boatman's Bank 1 Addition – Lot 1, Block 1, PUD-206 (PD-18) (CD-8) (2283)

Location: West of Sheridan at 92nd Street.

Staff Recommendation:

Mrs. Fernandez stated that this application relates to PUD-206-14, which is on today's agenda. This application is made to allow an additional 40-foot access on South Sheridan Avenue. The property is zoned under PUD 206. A minor amendment (number 206-14) and a lot-split (number 19390) are also proposed for the subject tract on the June 5, 2002 agenda.

Staff recommends approval of the change of access with the condition that both the minor amendment and the lot-split be approved by TMAPC. The minor amendment will establish the new development standards for the PUD, and the proposed lot-split necessitates the change in access request. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted, and with the approvals of the related lot-split and minor amendment on this agenda.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the change of access for Boatman's Bank 1 Addition as recommended by staff.

RELATED ITEM:

APPLICATION NO.: PUD-206-14

MINOR AMENDMENT

Applicant: Steve Powell

(PD-18) (CD-8)

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

Staff Recommendation:

The applicant is proposing to split Lot 1, Block 1, Boatmen's Bank 1. PUD-206 was approved by the City Council in 1977. The subject tract was a part of Development Area A, which was approved for those uses permitted by right in the CS district. Minor amendment PUD-206-12 was approved by the Planning Commission on November 30, 1994 and allocated 30,900 SF of maximum building floor area to the subject tract.

The proposed lot-split would create two parcels (see Exhibit A). Parcel 1 would have a net lot area of 55,352.05 SF and would be allocated 20,750 SF of maximum building floor area. Parcel 2 would have a net lot area of 27,081.17 SF and would be allocated 10,150 SF of maximum building floor area.

Staff finds that the request is minor in nature and substantial compliance is maintained with the approved Development Plan and the purposes and standards of the PUD Chapter. Therefore, staff recommends **APPROVAL** of PUD-206-14 (minor amendment) subject to the following conditions:

1. Requirements of PUD-206 as amended shall apply unless modified below.
2. **Development Standards:**

PARCEL 1

Land Area: 55,352.05 SF

Maximum Building Floor Area: 20,750 SF

Minimum Landscape Requirements:

Internal landscaped areas shall be provided in accord with the provisions of the PUD and Landscape Chapter of the Tulsa Zoning Code.

PARCEL 2

Land Area: 27,081.17 SF

Maximum Building Floor Area: 10,150 SF

Minimum Landscape Requirements:

Internal landscaped areas shall be provided in accord with the provisions of the PUD and Landscape Chapter of the Tulsa Zoning Code.

- 3. Each lot in the subject tract shall have vehicular access to all other lots in the subject tract through the use of mutual access easements. This access shall also be mutually accessible to the adjoining tracts to the north and south.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the minor amendment for PUD-206-14, subject to the conditions as recommended by staff.

PUBLIC HEARING ON POSSIBLE AMENDMENTS TO THE COMPREHENSIVE PLAN

Amendment for the Major Street and Highway Plan Map, a Part of the Comprehensive Plan for the Tulsa Metropolitan Area; Resolution No 2311:842.

Request:

To reclassify the Gilcrease Expressway as a Parkway from the L.L. Tisdale Parkway/Osage Expressway to Edison Avenue.

Staff Recommendation:

Mr. Armer stated that a request was received from Osage County in conjunction with the Osage Nation and with concurrence from the City of Tulsa to reclassify the portion of the Gilcrease Expressway as a parkway on the Major Street and Highway Plan. The reclassification would begin at the intersection with the L.L. Tisdale Expressway, then west and south to Edison Avenue north of the Keystone Expressway. The parkway configuration would have to also be amended to the Major Street and Highway Plan to include up to a six-lane parkway with a variable median, shoulders and a bicycle/pedestrian trail on one side. The City of Tulsa would benefit, as well as Osage County, and would still be a controlled-access facility, but not a full limited-access facility. This would also provide the necessary capacity for the expected future traffic in the corridor.

The Transportation Policy Committee has reviewed this request and recommends **APPROVAL**.

RESOLUTION NO.: 2311:842

**A RESOLUTION AMENDING
THE TULSA METROPOLITAN MAJOR STREET AND HIGHWAY PLAN,
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 28th day of February, 1968 this Commission, by Resolution No. 696:289, did adopt the Tulsa Metropolitan Major Street and Highway Plan as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which 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

WHEREAS, a Public Hearing was held on the 5th day of June, 2002, 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 modify its previously adopted Tulsa Metropolitan Major Street and Highway Plan within the City of Tulsa and the unincorporated area of Tulsa County by redesignating the Gilcrease Expressway as a Parkway from the L.L. Tisdale Parkway/Osage Expressway to Edison Avenue, according to the map and cross-section attached as Exhibit A, made a part of this resolution.

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

DATED this ____ day of _____, 2002.

TULSA METROPOLITAN AREA PLANNING COMMISSION

Chair

ATTEST:

Secretary

TMAPC Comments:

Ms. Pace asked Mr. Armer if this project is currently underway and if there is a completion date. In response, Mr. Armer stated that the actual construction has not started; however, there is committed funding for the portion from U.S. 75 to the L.L. Tisdale Parkway to complete it as an expressway. Mr. Armer indicated that there is funding committed for purchasing the right-of-way south of Edison; however, for the portion being discussed today, there is no identified funding.

Mr. Westervelt stated that he is delighted to see the multiuse trail and hopes that there are some design criteria to make sure that trail has good continuity. In response, Mr. Armer stated that in the design phase of the parkway those issues would be addressed.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to recommend **ADOPTION** of Resolution 2311:842 to reclassify the Gilcrease Expressway as a parkway from the L.L. Tisdale Parkway/Osage Expressway to Edison Avenue as recommended by staff.

A Resolution Finding That the North Peoria Avenue Tax Increment District Number Four, City of Tulsa, Oklahoma Project Plan is in Conformance with the Comprehensive Plan of the City of Tulsa.

Staff Recommendation:

Ms. Matthews stated that this resolution has been reviewed by the committee and staff does find it in accord with the Comprehensive Plan. This is the fourth TIF district that has been created in Tulsa and it is also one of the largest

districts. This is the only TIF district that is outside of the Central Business District or adjacent to it.

Ms. Matthews stated that this includes an area that is being renovated, widening of Peoria, and the actual funding would be used to fund some infrastructure improvements, which would be the most far-reaching types of improvements. There would be some public-side improvements, such as to the Booker T. Washington campus and some other streetscaping types of improvements, with a contingency for overruns.

RESOLUTION

A RESOLUTION FINDING THAT THE NORTH PEORIA AVENUE TAX INCREMENT DISTRICT NUMBER FOUR, CITY OF TULSA, OKLAHOMA PROJECT PLAN IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN OF THE CITY OF TULSA.

WHEREAS, the City of Tulsa, Oklahoma, and the Board of County Commissioners of Tulsa, Oklahoma, on August 2, 1960, and August 9, 1960, respectively, adopted a Comprehensive Plan for the orderly development of the City and County of Tulsa, Oklahoma with subsequent amendments to date; and,

WHEREAS, said Comprehensive Plan contains sections dealing with the needs and desirability of Urban Renewal Programs and other economic development programs; and

WHEREAS, on December 3, 1992, the City of Tulsa established the Local Development Act Review Committee in accordance with House Bill No. 1525, now cited as the Local Development Act, 62 O.S. Supp. 1992, §851 et seq.; and,

WHEREAS, said Local Development Act requires that the Tulsa Metropolitan Area Planning Commission review the proposed project plan, make recommendations, and certify to the City of Tulsa as to the conformity of any proposed Tax Incentive or Tax Increment Plan to the Comprehensive Plan of the City of Tulsa; and,

WHEREAS, the City of Tulsa Urban Development Department has prepared the North Peoria Avenue Tax Increment District Number Four, City of Tulsa, Oklahoma, Revised Project Plan in connection with the Local Development Act; and,

WHEREAS, on May 23, 2002 the Local Development Act Review Committee voted to recommend to the City Council that the proposed North Peoria Avenue Tax Increment District Number Four, City of Tulsa, Oklahoma, Revised Project Plan be approved and adopted by ordinance; and

WHEREAS, said North Peoria Avenue Tax Increment District Number Four, City of Tulsa, Oklahoma, Revised Project Plan has been submitted to the Tulsa Metropolitan Area Planning Commission for review in accordance with the Local Development Act;

NOW, THEREFORE, BE IT RESOLVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, that The North Peoria Avenue Tax Increment District Number Four, City of Tulsa, Oklahoma, Revised Project Plan in connection with the Local Development Act is hereby found to be in conformity with the Comprehensive Plan for the City of Tulsa and further recommends to the City Council of the City of Tulsa the approval of the North Peoria Avenue Tax Increment District Number Four, City of Tulsa, Oklahoma, Revised Project Plan without amendment.

Certified copies of this resolution shall be forwarded to the City Council of the City of Tulsa.

APPROVED AND ADOPTED THIS _____ day of June 2002 by the Tulsa Metropolitan Area Planning Commission.

Chairman

ATTEST:

Secretary

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick "absent") to **ADOPT** the Resolution finding that the North Peoria Avenue Tax Increment District Number Four, City of Tulsa, Oklahoma Project Plan is in conformance with the Comprehensive Plan of the City of Tulsa.

CONTINUED ZONING PUBLIC HEARING:

APPLICATION NO.: CZ-303/PUD-664

AG to RM-1/PUD

Applicant: R. L. Reynolds

(PD-12) (County)

Location: South of southeast corner of East 96th Street North and North Cincinnati

Staff Recommendation:

RELEVANT ZONING HISTORY:

There are no previous records of actions that have been heard by TMAPC or Tulsa Board of Adjustment in this area. See Exhibit A (contained in master file) submitted by applicant for previous history of the subject tract by the Town of Sperry.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5.19 acres in size and is located south of the southeast corner of East 96th Street North and North Cincinnati Avenue. The property is flat, partially wooded, vacant, and zoned AG in the County.

STREETS:

| Exist. Access | MSHP Design. | MSHP R/W | Exist. No. Lanes |
|------------------------------------|---------------------|-----------------|-------------------------|
| East 96 th Street North | 100' | 100' | 2 lanes |
| North Cincinnati Avenue | 100' | 100' | 2 lanes |

UTILITIES: Sperry Public Water system and sewer serve the subject tract.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 12 Plan, a part of the North Tulsa County Comprehensive Plan, designates the subject tract as Recreation – Open Space and Development Sensitive. The requested RM-1 zoning **is not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

In response to a previous staff recommendation on this application, the applicant has submitted an accompanying PUD. Staff cannot support the requested multifamily zoning and therefore recommends **DENIAL** of RM-1 for CZ-303 and **APPROVAL** of RS in the alternative.

If the TMAPC finds it appropriate to approve this rezoning, staff should be directed to prepare appropriate amendments to the North Tulsa County Comprehensive Plan.

Maximum Building Height:

One story not to exceed 24 feet.

Minimum Livability Space per Dwelling Unit per Lot: 4,000

Minimum Lot Width 250 FT

Minimum Width of Required Yards:

From the north boundary of the PUD 20 40 FT

From the south boundary of the PUD 40 FT

From the centerline of Cincinnati Avenue 200 FT

From the east boundary of the PUD 20 FT

Minimum Parking Space Setbacks:

From the west boundary of the PUD 100 FT

From the north boundary of the PUD 40 FT

From the south boundary of the PUD 40 FT

From the east boundary of the PUD 20 FT

Off-Street Parking:

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

Minimum Bulk Trash Container Setbacks:

From the centerline of Cincinnati Avenue 250 FT

From all other PUD boundaries 60 FT

Signs:

One identification ground sign shall be permitted at the entrance on Cincinnati Avenue with a maximum display surface area of 22 square feet and a maximum height of eight feet.

3. A landscaped open space area shall be established and maintained, which is not less than 100 feet in width and which extends along the entirety of abutting street right-of-way, except at the points of vehicular access.
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. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from properties abutting the PUD. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the properties abutting the PUD. No light standard nor building-mounted light shall exceed 15 feet in height.
8. A professional engineer registered in the State of Oklahoma shall certify to the appropriate County 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 County 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. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC and the Tulsa County Engineer prior to issuance of a building permit for the gates or guard houses.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review.
13. 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:

R.L. Reynolds, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that he is in agreement with the staff recommendation except for two items. He stated that he does not agree with the setbacks. He commented that he believes that the northerly setback for this project should be 20 feet, as opposed to 40 feet. He explained that the 20-foot setback would allow his client to build his project with the parking in the middle for a courtyard concept, as opposed to a "circle the wagons" design, where vehicles park around the outside of it. Mr. Reynolds submitted a site plan for the project indicating what it would look like with the reduced setback to 20 feet (Exhibit A-3). He stated that the nearest building to the north is approximately 150 feet away, which is a church. On the south end of the property there is an electrical easement and it impacts the subject property for 50 feet of width. He explained that the setback is due to the electrical easement. Mr. Reynolds submitted photographs of the surrounding properties and photographs of similar proposals (Exhibit A-1). Mr. Reynolds read and submitted letters of support from the Chief of Police and the City Manager of Cleveland, Oklahoma (Exhibit A-2). Mr. Reynolds stated that the proposed units would stand the test of time and his client has agreed to build the units one story and all brick.

Mr. Reynolds stated that the subject application was approved by the City of Sperry, but the property was not properly annexed into the City of Sperry five or six years before. He indicated that the City of Sperry owns the subject property and issued a building permit before realizing that the annexation did not take place.

Mr. Reynolds stated that the second issue is the setback from the centerline of Cincinnati. He requested that the setback be 85 feet instead of the 200 feet staff has recommended. He commented that the 85-foot setback is similar to the houses located to the south.

TMAPC Comments:

Mr. Jackson recapped that from the north boundary the applicant would like to reduce the setback from 40 feet to 20 feet and on the centerline from Cincinnati reduced from 200 feet to 85 feet. In response, Mr. Reynolds answered affirmatively.

Mr. Ledford asked what the right-of-way dedication is for North Cincinnati. In response, Mr. Stump stated that it is a secondary arterial and it is 50 feet from centerline. Mr. Stump further stated that if this were straight residential zoning, then the minimum setback would be 85 feet.

Interested Parties Comments:

Charlene Sayer, 209 North Elgin, Sperry Oklahoma 74073, stated that she is in favor of the proposal.

Jessie Cloud, 209 North Elgin, Sperry Oklahoma 74073, stated that he is in favor of the proposal.

Tom Baker, 3821 East 106th North, Sperry Oklahoma, 74073, stated that he is representing the vast majority of the homeowners who live in the subject area and directly affected by this proposal. He commented that there have been ongoing disputes, two lawsuits and two years of conflict. Staff is recommending denial of apartment zoning. This is not an appropriate land use for the subject area. He described the subject area as being a pasture and it has always been that. He stated that there is no difference in the subject application from two years ago.

Mr. Baker stated that the recommendation of staff does find the subject area to be a sensitive area for development and he agrees because it has never been developed before. He commented that there has been no objection to developing the subject tract as a single-family residential. He further commented that PUDs are for innovative land development and there is nothing innovative about this application. The PUD is for creative land development and there is nothing creative about this application. The PUD is supposed to encourage open space, but the applicant doesn't want to have open space and it is against the spirit of the PUD law.

Mr. Baker stated that this proposal is spot zoning, it doesn't fit anything in Sperry and it doesn't fit anything in the area or a ten-mile radius. There are no apartments in Sperry at this time. Apartments don't fit in a pasture and don't fit the existing zoning patterns because there are none. Apartments don't fit the existing development pattern in the subject area because there are none. The houses in the subject area are all single-family homes with multiple acreages. This is a low-lying area and there is no development in the subject area.

Mr. Baker stated that this application was started incorrectly because the advertising sign was blocked by foliage until his clients remedied the problem. He explained that he realizes that the signage issue was town-level and has nothing to do with the TMAPC's consideration. The first and second lawsuits were contingent upon the fact that the subject property is Sperry Town property and they have been defeated. The proposal before the Planning Commission today was a pretext. He found it to be island (like spot zoning) and he found the decision to approve the zoning, which was a split decision, to be arbitrary and capricious, like fraud because it didn't fit the area. The lawsuit went to trial last July and the ruling came down in favor of opposition. The opponents hired Larry Baker, registered engineer and surveyor, and he found that the DEQ inspected this proposal and found the Sperry sewer system is already overloaded. Sperry was under-reporting sewage and reporting over when they did report. DEQ forced Sperry to install new monitoring equipment and change their monitoring system. He indicated that the drainage in the subject area is poor and when it rains it floods. Mr. Baker cited several people who testified in the court case opposing the subject application due to drainage and sewer problems.

Mr. Baker described the nature of the neighborhood to be single-family dwellings with acreage and agricultural use only. The churches in the subject area all set back 200 feet and they are not as busy as a home. The churches do not want this development, and if it is approved they want a very tall fence and a setback. There is no Comprehensive Plan for the Sperry and there has not been any development in the area because that is how the people like it. Mr. Baker concluded that the proposal doesn't fit any Comprehensive Plan and it doesn't fit the subject area. He stated that it would be dangerous to allow this development because of the sewage and drainage problems.

TMAPC Comments:

Mr. Romig asked for a copy of the Judge Frizzell's order. Mr. Baker supplied a copy for Mr. Romig.

Interested Parties Comments:

Gary Pinson, 9500 North Cincinnati, Tulsa, Oklahoma 74073, stated that the subject area is zoned residential agriculture and he opposes this application. He explained that he runs large animals on his land, as most do in the subject area, and this proposal wouldn't be appropriate.

James Crandle, 9502 North Cincinnati, Tulsa, Oklahoma 74073, stated that he opposes the subject proposal because of the sewage already being at the maximum. He indicated that the school system wouldn't be able to accommodate the families who would move into the subject property. He commented that this proposal is for personal gain and it is not good for Sperry.

TMAPC Comments:

Mr. Jackson asked Mr. Crandle if he was on a septic system or on the sewer system. In response, Mr. Crandle stated that he is on the sewer system. Mr. Jackson asked Mr. Crandle if he ever has any problems with his system. In response, Mr. Crandle stated that his sewer hasn't backed up.

Interested Parties Comments:

Mel Tilly, 9400 North Cincinnati, Tulsa, Oklahoma 74073, stated that he opposes the subject proposal due to the sewage problems. He indicated that several residents have problems with the sewer system, and the City has to have the system flushed out several times a year. He indicated that the sewer lines are not up to code.

Applicant's Rebuttal:

Mr. Reynolds stated that today's application is a land use issue only. He commented that he agrees with staff regarding the land use issues. Mr. Reynolds stated that the properties across the street from the proposal are needed to be seen to get the whole picture. He submitted photographs of the surrounding area (Exhibit A-1). He stated that there is a house with a business in front of it, a house with a paved front yard with a rental-type property or something similar, and there are mobile home trailers that are rental property.

Mr. Reynolds stated that Sperry thought that the subject property was in their city limits and that is why there was a lawsuit. It turns out that it wasn't in the city limits because Sperry failed to publish the notice in the newspaper about five to seven years ago. Sperry's Planning Commission agreed with this application, Sperry's Board of Trustees agreed with this project and the City permitted a building permit. The sewage and drainage issues are non-land use issues that would be dealt with during the platting process. This application is before the Planning Commission today because the subject property is in Tulsa County and not in Sperry.

TMAPC Comments:

Mr. Westervelt asked Mr. Reynolds how deep the subject property is. In response, Mr. Reynolds stated that the property is 932 feet on the south boundary and 840 feet on the north boundary. Mr. Westervelt asked Mr. Reynolds how much of his net land or depth this would project take. In response, Mr. Reynolds stated that it would take approximately 260 feet.

Mr. Carnes stated that he agrees with the staff recommendation, including the setbacks. There is no reason to crowd people on the north when the applicant owns property to the south. In response, Mr. Reynolds; stated that there is an easement on the south boundary that is 50 feet wide for the electrical line and that is why he can't go farther south and turn the project with the courtyard development. Mr. Carnes stated that he would concede on the 20 feet, but stick with the 200 feet.

Ms. Pace stated that she can see some good with this project and hears what the neighbors are saying. This property is over 900 feet deep, which runs up to where the County is investing some amenities for a jogging trail. She commented that the applicant is only going 260 feet deep, and she doesn't see why he would be hesitant to give the full needed easement. This application is jumping up to the highest residential zoning and she asked why this proposal couldn't look more like a residential development. It looks square and bunched up without a lot of amenities rather than residential. Ms. Pace asked if the applicant could make the proposal look better. She stated that Planning Commission is dealing with future growth and not what does currently exist. This subject area is going to be a part of Tulsa very soon and Sperry is a nice community with a great school system. This proposal needs to look more like what was applied for, which is residential and something close to single-family look. In response, Mr. Reynolds stated that he applied for a multifamily project and he is in agreement with staff except for the setbacks. Mr. Reynolds further stated that the construction plans would have to be subject to PUD site plan approval. Mr. Reynolds requested that the application be approved with the amendments to the staff's recommendation. Mr. Reynolds commented that the City of Sperry is in support of this project. Ms. Pace stated that the applicant used the PUD with residential single-family zoning in order to get it approved, and it needs to look more like residential. In response, Mr. Reynolds stated that he was asked by staff to submit a PUD with the RS zoning and he agreed. Mr. Reynolds further stated that this application was done to help de-intensify the project to spread the units out, and 18 units is a low ratio of units per foot.

Ms. Pace asked the applicant if there was a reason for including the entire tract if he is only going 260 feet deep. In response, Mr. Reynolds stated that he applied to rezone the entire tract of land and if the Planning Commission is disposed to not rezone the entire tract to RS, then he would be agreeable if there is enough room to build the proposed units. Mr. Reynolds explained that his client couldn't build more units without coming back to the Planning Commission because of the PUD.

Mr. Jackson asked Mr. Reynolds why he prefers the 85-foot setback from the centerline instead of the 200 feet. In response, Mr. Reynolds stated that the units run east and west and are 32 feet wide. Mr. Reynolds explained that the units wouldn't block views toward the east. Mr. Reynolds stated that the main reason for requesting 85 feet is to be able to develop the remaining property in the future for possibly single-family type purposes. Mr. Reynolds commented that at this time his client does not have a concept for that, but if the apartments are pushed back onto the property, then it would ruin any future development prospects from the east or west. Mr. Reynolds stated that the only reason to place this proposal in the middle of the property is to line up with the churches; however, the churches are a nonresidential use and there is not as much concern or need to be lined up with the churches. Mr. Reynolds indicated that he

was told that this was a method of trying to give people some geographic idea of where the buildings would be.

Mr. Harmon asked Mr. Reynolds if the 200-foot setback would impede the development. In response, Mr. Reynolds stated that it wouldn't impede it, but set it back further.

Mr. Harmon asked what the church had on their side of the boundary. In response, Mr. Reynolds stated that the church has grass and then a parking lot. Mr. Harmon asked how close the parking lot is to the north boundary. In response, Mr. Reynolds indicated that the parking lot is approximately 30 feet away.

Mr. Ledford asked Mr. Reynolds if the electrical easement runs parallel to the centerline. In response, Mr. Reynolds stated that it does run parallel and it is 50 feet on either side. Mr. Ledford stated that if the proposal was pushed back farther east, then he should also be able to go farther south with the project. Mr. Reynolds stated that he could go farther east, but not very far.

Mr. Jackson stated that he likes the development and everything can't remain as it always had been or there wouldn't be a Planning Commission. There is always opportunity for growth and this project is low density. Mr. Jackson suggested a 100-foot setback from the centerline of Cincinnati and 20 feet on the north and approve RS zoning.

MOTION of JACKSON to recommend APPROVAL of the RS zoning for CZ-303 and of the PUD-664, subject to a 100-foot setback from the centerline of Cincinnati and a 20-foot setback from the north boundary.

TMAPC Comments:

Mr. Westervelt stated that he can support the proposal and he agrees with Mr. Jackson's observations; however, the setback from the centerline of Cincinnati should remain at 200 feet as suggested by staff.

Mr. Harmon agreed with Mr. Westervelt and stated that the 200-foot setback is not imposing any undue hardship on the developer.

Mr. Jackson amended his motion:

TMAPC Action; 10 members present:

On **MOTION of JACKSON**, TMAPC voted 10-0-0 (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of the RS zoning for CZ-303 and of the PUD-664, subject to a 200-foot setback from the centerline of Cincinnati and a 20-foot setback from the north boundary and subject to all other

conditions as recommended by staff. (Words deleted by the TMAPC are shown as ~~strikeout~~; words added or substituted by TMAPC are underlined.)

Legal Description for CZ-303/PUD-664:

A tract of land lying in the NW/4, NW/4 of Section 24, T-21-N, R-12-E, of the IBM, Tulsa County, Oklahoma, lying West of the Midland Valley Railroad commencing at the Northwest corner of the NW/4 of Section 24, thence S 0°0'05" E along the West line of the NW/4 a distance of 1,056.24' to the Point of Beginning, thence N 89°51'42" E a distance of 841.61' to a point on the West right-of-way line of the Midland Valley Railroad, thence S 19°45'54" E along the West right-of-way line a distance of 270.73', thence S 89°51'42" W a distance of 933.15' to a point on the West line of the NW/4, thence N 0°0'05' W along the West line of the NW/4 a distance of 255' to the Point of Beginning containing 5.19 acres more or less, and located south of the southeast corner of East 96th Street North and North Cincinnati Avenue, Sperry, Oklahoma, **From AG (Agriculture District) To RS/PUD-664 (Residential Single-Family District/Planned Unit Development).**

APPLICATION NO.: Z-6857/PUD-665

RS-3 to CH/PUD

Applicant: Harry K. Myers

(PD-5) (CD-4)

Location: North side of East 15th, between South Erie and South Fulton

Staff Recommendation for Z-6857:

Mr. Stump stated that this is a combination rezoning request and he received a letter from the attorney on Tuesday, June 4, 2002, amending the rezoning requests from CH to CS and proposing new screening requirements. Staff cannot support the CS zoning on the subject tract and therefore cannot support the PUD. At the instructions of the Planning Commission, if CS zoning is approved, staff would recommend certain conditions for the PUD.

RELEVANT ZONING HISTORY:

BOA-19256 December 2001: The Board of Adjustment approved a request for variances of the required 100' setback from the centerline of East 15th Street to allow the construction of a home improvement store and a mini-storage facility. The property is located southwest of the subject tract on the southeast corner of East 15th Street and South Yale Avenue.

BOA-19024 March 2001: The Board of Adjustment approved a variance for the home improvement store on the property located on the southeast corner of East 15th Street and South Yale Avenue to meet parking requirements on a lot containing a mini-storage facility and other than where the principal use is located. The parking agreement would be temporary and only until construction of the home improvement facility and the new mini-storage facility was complete,

at which time the existing mini-storage would be demolished, thereby providing required parking area for the home improvement store.

BOA-18304 February 1999: The Board of Adjustment approved a special exception to permit Use Units 12 and 14 in an IM-zoned district; a variance of the required building setback from the centerline of East 15th Street from 65' to 62'; and a special exception to waive the screening requirements along East 15th Street frontage in lieu of landscaping.

BOA-7253 December 1971: The Board of Adjustment approved a variance to permit maintaining quarters for a custodian/night-watchman and manager of a warehouse facility located directly across East 15th Street from the subject tract and in an IM-zoned district.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property consists of two adjoining lots that front East 15th Street South and lie between South Erie Avenue and South Fulton Avenue. The lots are 61' x 280', combined size. The property is sloping, non-wooded, and zoned RS-3.

STREETS:

| Exist. Access | MSHP Design. | MSHP ROW | Exist. No. Lanes |
|------------------------------------|---------------------|-----------------|-------------------------|
| East 15 th Street South | 100' | 100' | 4 lanes |
| South Erie Avenue | 50' | 50' | 2 lanes |
| South Fulton Avenue | 50' | 50' | 2 lanes |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north and west by single-family dwellings, zoned RS-3; to the east by a small repair shop, zoned CS and to the northeast by single-family dwellings, zoned RS-3; and to the south across East 15th Street by Public Service offices and equipment storage lot, zoned IM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Residential Land Use.

According to the Zoning Matrix the requested CH is **not** in accord with the Zoning Matrix.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing land uses and surrounding zoning, staff cannot support the requested CH zoning and therefore recommends **DENIAL** of CH zoning or any lesser commercial zoning for Z-6857.

Staff Recommendation for PUD-665:

The PUD proposes uses included within Use Unit 10, Off-Street Parking Areas; Use Unit 11, Offices, Studios, and Support Services; and selected Use Unit 15 uses, Other Trades and Services on .6396 (gross) acres located on the north side of East 15th Street South between South Erie Avenue and South Fulton Avenue. The subject tract is composed of two lots in a residential subdivision which has 280 feet of frontage on 15th Street and 61 feet of frontage on South Erie Avenue and also on South Fulton Avenue. Currently, 15th Street has a planned right-of-way of 100 feet but only 80 feet currently exists; therefore, an additional ten feet of right-of-way would be required to be dedicated along 15th Street. This would make the PUD have a depth of 50 feet. The tract is zoned RS-3. Rezoning application Z-6857 has been filed requesting the tract be rezoned to CH. The tract is abutted on the north by single-family dwellings, zoned RS-3. There are single-family dwellings zoned RS-3 to the west of the tract across South Erie Avenue. To the east of the tract across South Fulton Avenue is a small repair shop zoned CS and to the northeast of the tract are single-family dwellings zoned RS-3. To the south of the tract across 15th Street are industrial uses zoned IM.

The District 5 Plan, a part of the Comprehensive Plan designates the subject tract as Low Intensity-Residential. The requested zoning and PUD are not in accordance with the plan map.

Staff finds the uses and intensities of development proposed to not be consistent with the Comprehensive Plan nor in harmony with the existing or proposed development of the area. Because of this, shallowness of the lot and the potential harm to the residences on the north side of 15th Street, staff recommends **DENIAL** of PUD-665.

If the Planning Commission finds that CS or CG zoning is appropriate for the subject tract, staff submits the following conditions:

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

Land Area:

| | | |
|-------|-------------|-----------|
| Net | .3906 Acres | 17,013 SF |
| Gross | .6396 Acres | 27,862 SF |

Permitted Uses:

Use Unit 11 – Offices, Studios, and Support Services; Building services and carpentry only as included within Use Unit 15 - Other Trades and Services.

Maximum Building Floor Area: ~~5,800~~ 4,000 S F

Maximum Building Height:

One story not to exceed 15 feet to the top of the top plate or 24 feet at the peak of the roof.

Minimum Lot Frontage on East 15th Street South 150 FT

Minimum Building Setbacks:

| | |
|---|-------|
| From the north boundary of the PUD | 10 FT |
| From the centerline of South Fulton Avenue | 53 FT |
| From the centerline of South Erie Avenue | 53 FT |
| From the centerline of East 15 th Street South | 65 FT |

Minimum Parking Ratio:

As required by the Tulsa Zoning Code in accordance with the applicable Use Unit designation.

Minimum Landscaped Area: 10% of net lot area.

Landscaping and Screening:

Internal landscaped areas shall be provided in accord with the provisions of the PUD and Landscape Chapters of the Tulsa Zoning Code. There shall be a four- six-foot high masonry screening wall or wood fence with top cap and brick columns erected and maintained along the north 35 feet of the west boundary and the north 35 feet of the east boundary stepping up to six feet high within the east and west 25 feet of the and the entire north boundary of the PUD and continuing at six feet high along the remainder of the north boundary.

Access:

There shall be a maximum of two points of access from East 15th Street. There shall be no access to South Erie Avenue or South Fulton Avenue. All access shall be approved by Traffic Engineering and the Tulsa Fire Department.

Building Design:

The exterior finish of building walls (except doors, windows and architectural features) shall be stucco, masonry or Dryvit-type finish. Smooth concrete blocks shall be prohibited. All buildings shall have a pitched roof and have a residential character. There shall be no windows on the north side of the buildings.

Signs:

One ground sign may be located along the East 15th Street frontage a minimum of 140 feet from the west boundary of the PUD and a minimum of 100 feet from the east boundary of the PUD. The sign shall not exceed eight feet in height and a display surface area of 24 square feet.

Wall signs shall be permitted, not exceeding 1 ½ square feet of display surface area per lineal foot of building wall to which affixed. The length of a tenant wall sign shall not exceed 75% of the frontage of the tenant space. No wall sign shall be permitted on the east-, north- or west-facing walls.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. All 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.
7. 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 or reflector of the light fixture from being visible to a person standing in adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed 15 feet in height.
8. The Department of 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 shall be no open-air storage or open-air display of merchandise offered for sale.

Applicant's Comments:

R.L. Reynolds, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that he is in agreement with staff except for a few issues. He indicated that he agrees with the limited permitted uses. In regard to the screening, on the east and west boundary of property along Fulton and Erie (northern 35 feet), would prefer a

four-foot cedar fence with brick pillars on 8.4-foot centers and the pillars would be five feet in height. He stated that in the back he would like to install a six-foot cedar fence with a cap.

Mr. Reynolds stated that if his client is allowed the CS zoning, then the project would fit the subject property. He explained that he has amended his application to CS zoning and amending his permitted uses to office and the other trades and services (limited carpentry and construction service). He proposes a six-foot cedar fence with a cap rail on top in the north and east/west there would be a four-foot fence for the northerly 35 feet on both lots with brick columns for a decorative feature along Erie and Fulton.

TMAPC Comments:

Mr. Westervelt asked Mr. Reynolds if he was comfortable with staff's recommendation for the setbacks. In response, Mr. Reynolds answered affirmatively.

Mr. Harmon asked Mr. Reynolds whether, if the Planning Commission required masonry walls, it would be a detriment to the project. In response, Mr. Reynolds answered affirmatively.

Mr. Westervelt asked Mr. Reynolds how the amended site plan affects the elevation that was shown previously. In response, Mr. Reynolds stated that instead of four garage doors, now there would only be two and there would be a reduction in the size of the building. Mr. Reynolds clarified that each building would have two garage doors, but basically the façade looks the same as previously proposed.

Mr. Westervelt asked Mr. Reynolds if he would agree to make a statement that what is seen at the detail site plan would be consistent with the quality and style previously proposed. In response, Mr. Reynolds stated that it would be high quality and staff's recommendation is brick or Dryvit. Mr. Reynolds commented that he doesn't feel the screening and fencing is nearly as required if he bricks or Dryvits the back of the building. Mr. Reynolds stated that he intends to build something very nice and it doesn't trouble him to agree to Mr. Westervelt's statement.

Ms. Hill asked Mr. Reynolds why a masonry fence would be detrimental to the project. In response, Mr. Reynolds stated that a masonry wall is far too expensive for this small size of a project. Mr. Reynolds further stated that the use is not intense and his client is spending a lot of money to make the buildings look nice and agreeing to back the back of the buildings masonry or some type of thing.

Mr. Westervelt asked Mr. Reynolds if the proposal would have a pitched roof and remain one story. In response, Mr. Reynolds answered affirmatively.

Ms. Pace asked Mr. Reynolds if the interested parties seen this new proposal. In response, Mr. Reynolds stated that he sent the proposal to the only one interested party who asked him to follow up with them (Ms. Hoppes). Ms. Pace stated that as far as she knows, the 50 people who signed the petition against the project still object to this proposal. In response, Mr. Reynolds stated that they still object.

Interested Parties Comments:

Mr. Roger Williams, 1435 South Erie, Tulsa, Oklahoma 74112, stated that he opposes this application and all of his neighbors are opposed as well. He expressed concerns with increased traffic, noise from commercial air-conditioners and overflow parking from the proposed businesses. He stated that when he purchased his home, it was in a single-family residential area and expects it to remain that way. He commented that everything is essentially the same as it was 30 years ago and there is no reason to change it now. If the CS zoning is allowed it could cause a domino effect throughout the subject area.

Sissy Smith, 1440 South Fulton, Tulsa, Oklahoma 74112, stated that the proposed building would be six feet from her bedroom windows. She commented that none of the neighbors want this proposal approved and have CS zoning in their neighborhood. She explained that several of the neighbors could not attend a second meeting and take another day off from work.

Ellen Boswell, 1300 block of Erie, Tulsa, Oklahoma 74112, stated that she is against this proposal because it is a residential neighborhood. She indicated that there are no other business properties along the street except for one across the street, which has been there approximately 50 years and it is currently inactive. The proposed lots are residential lots and not deep enough for commercial lots.

Carol Akins, 1423 South Fulton, Tulsa, Oklahoma 74112, stated that she was present at the first hearing, and since the first meeting she still has not seen any plans. She commented that the attorney did not contact her and tell her about the new plans. She explained that she has lived in the area for 17 years and she was aware that there were businesses in the subject area; however, she didn't have the money to purchase a home somewhere else. Ms. Akins stated that she visited the neighborhood on several occasions before purchasing her home to see what impact the businesses would have and she found that there were none.

TMAPC Comments:

Mr. Jackson asked Ms. Smith if she lived directly behind the proposal. In response, Ms. Smith stated that she lives one house south of the proposal and it is not far from her property. She indicated that there is already a wood fence between her property and the subject property, but it does not go all the way east of the property.

Applicant's Rebuttal:

Mr. Reynolds stated that his application has been slightly revised and demonstrated how it would look (Exhibit A-3). He reminded the Planning Commission that his client and Dennis Whitaker met with the neighbors on three different occasions. He explained that the only thing that has changed is the size of the buildings in order to improve the parking situation, and there will only be two garage doors on each building rather than four.

TMAPC Comments:

Mr. Westervelt asked Mr. Reynolds if there would be any windows on the north side of the two buildings. In response, Mr. Reynolds stated that there would be no windows on the north side. Mr. Reynolds commented that the proposed buildings are only 1800 SF and would have a residential air-conditioning unit and no need for commercial units.

Ms. Pace asked Mr. Reynolds if his client was Mr. Whitaker. In response, Mr. Reynolds stated that Dennis Whitaker is with the City of Tulsa and he helped set up the meetings with the neighbors. In response, Ms. Pace expressed concerns that someone with the City's Urban Development Department is advocating that the Planning Commission go into an area that is virtually all residential zoning and rezone it to commercial zoning, when staff is recommending against it. Ms. Pace asked Mr. Reynolds if he could give her an answer. In response, Mr. Reynolds stated that he believes there is a misunderstanding.

Mr. Midget informed Ms. Pace that it is not unusual for the Urban Development Department to aid in neighborhood involvement. Mr. Midget explained that Dennis Whitaker is assigned to this type of service and it is very appropriate for him to help facilitate a meeting between the residents and the developer. Mr. Midget stated that he did not get the impression that Mr. Whitaker was advocating anything, but merely trying to help facilitate a meeting between the developer and residents about this particular project in their area. Mr. Midget concluded that he wouldn't characterize Mr. Whitaker's role as being an advocate for the project. In response, Mr. Reynolds stated that he did not get the impression that Mr. Whitaker was advocating anything either, but simply helped to facilitate the meetings. Mr. Reynolds stated that Mr. Whitaker helped a great deal with setting up the meetings and it was helpful to the neighbors and the developer.

Ms. Pace stated that in her mind she can't understand why this proposal is not considered spot zoning. There is commercial development on the corner of 15th, but other than that, besides PSO, she doesn't see how this could fit in. In response, Mr. Reynolds stated that he disagrees that this is spot zoning. Mr. Reynolds further stated that there are only six lots along the full mile of 15th Street that are not zoned industrially or commercially, and he doesn't believe this would be spot zoning. Mr. Reynolds commented that the industrial use to the south is very intense and the neighbors stated how unsightly it was and a

negative impact. Mr. Reynolds stated that his client's project would be a barrier to the industrial use and tie into the residential theme with the residential type structure.

Mr. Jackson recapped the changes Mr. Reynolds requested as follows: A six-foot wood privacy fence with a cap up to 35 feet to the west and four-foot brick columns; permitted uses be office and the other trades and services for construction and carpentry service, which is in line with staff's recommendation; CS for the underlying zoning; there would be no windows on the north side.

Ms. Pace asked staff if the proposal was passed with CS underlying zoning would it not make it much easier for the other six lots along 15th Street to achieve commercial zoning. In response, Mr. Stump stated that the next lot to the west would now be adjacent to CS zoning and it would make it more likely that the CS zoning could be extended than without it.

Mr. Harmon asked Mr. Reynolds where the trash dumpsters would be located. In response, Mr. Reynolds stated that the trash dumpsters would be located on the west building of the east wall. Mr. Westervelt suggested that if the dumpsters were located behind parking spaces one and two and fully screened it would be a better location. Mr. Reynolds agreed and stated that it may need to be relocated. Mr. Reynolds stated that the dumpsters could be fully screened and in a good place, which would be submitted to detail site plan review.

Mr. Stump stated that if the Planning Commission is going to consider the four-foot screening fence height on the east and west boundaries along the street frontage of Erie and Fulton, then the northern screening fence should be stepped down toward the four-foot height in the direction of north/south.

Mr. Jackson stated that he believes this proposal is a good proposal and very attractive. This would be a good buffer to block the view of PSO from the neighbors.

Mr. Horner stated that he lives eight blocks from the proposed project and anything improvement would help the neighborhood. He commented that he lives next door to commercial property and he has never had any problems. There has been one home built in the subject area in the last 30 or 40 years.

Ms. Hill stated that she understands that this is a difficult site and there has been a lot of work put into this proposal. She expressed her preference of having masonry screening versus a wood fence; however, with the changes and screening of the dumpsters she could support this application.

Ms. Pace stated that if this application is approved then the Planning Commission would be sending the wrong signals to people who want to preserve their residential neighborhood. This proposal will lose yet one more

neighborhood that is ripe for redevelopment and upgrade of the housing. Ms. Pace commented that she could not support this application.

Mr. Midget stated that he is an advocate of neighborhood revitalization and he believes in creating roof tops. This is a good development and the developer should be commended for revising this and giving it a more residential characteristic. This proposal would complement the neighborhood and he can't imagine, under any circumstances, someone building a house on this corner. He stated that he would think the neighbors would want something that would protect the neighborhood and provide a buffer. The intensity of use has been reduced and it shouldn't destroy the neighborhood, but go a long way to help preserve the neighborhood.

Mr. Stump stated that with the revised proposal for two 1800 SF buildings; which would be 3600 SF building floor area, then the standard should be reduced to 4,000 SF maximum building floor area.

TMAPC Action; 10 members present:

On amended **MOTION** of **JACKSON**, TMAPC voted 8-2-0 (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; Bayles, Pace "nays"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of the CS zoning for Z-6857 and PUD-665 subject to the development standards submitted by staff with the following amendments: There shall be no windows on the north side of the building; Use Unit 11 – Offices, Studios and Support Services shall be added to the permitted uses; the screening fence along the east and west boundaries of the PUD shall be a minimum of four feet in height, the six-foot screening fence required along the north boundary may step down to four feet high within the east and west 25 feet of the PUD; reduction of the maximum building floor area in the PUD to 4,000 SF; and all screening required along the boundaries of the PUD may be a wood fence with top cap and brick columns if not entirely masonry. (Words deleted by the TMAPC are shown as ~~strikeout~~; words added or substituted by TMAPC are underlined.)

Legal Description for Z-6857/PUD-665:

Lot 9, Block 7, and Lot 10, less a part beginning 5' West of the Southeast corner, thence North 10', West 10', South 10', East 10' to POB, Block 7, Smithville Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and located on the north side of East 15th Street South between South Erie Avenue and South Fulton Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To CS/PUD (Commercial Shopping Center District/Planned Unit Development).**

* * * * *

APPLICATION NO.: PUD-659

RS-3 to PUD

Applicant: Patrick Fox

(PD-6) (CD-9)

Location: West of southwest corner of East 31st Street and South Utica Avenue

Staff Recommendation:

The PUD consists of 1.8 gross acres located west of the southwest corner of East 31st Street and South Utica Avenue. The subject tract has 158.5 feet of frontage on East 31st Street.

The subject tract is zoned RS-3. The tract is abutted on the east, south and west by single-family uses zoned RS-3. There are single-family uses to the north of the tract across 31st Street zoned RS-1.

The PUD proposes a maximum of seven single-family lots with a private street providing the principal resident access and a secondary access intended for visitor access to guest parking. It is proposed that the paving and base of the secondary access be non-typical and designed to avoid root damage to the existing mature trees. All dwellings would contain a sprinkling system.

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-659 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-659 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:**

Gross Land Area:

1.8 acres

Permitted Uses:

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

| | |
|---|----------|
| Maximum Number of Dwelling Units: | 7 |
| Minimum Lot Area: | 9,800 SF |
| Minimum Depth of Required Yards: | |
| From the centerline of East 31 st Street | 70 FT |
| From the east boundary of the PUD | 45 FT |
| From the south boundary of the PUD | 5 FT* |
| From the west boundary of the PUD | 25 FT |
| From internal side lot line | 5 FT |

Other Bulk and Area Requirements:

As provided within an RS-3 district.

Screening:

The existing wrought iron fence along the northern portion of the east boundary shall be retained. A wood screening fence not less than six feet in height and having masonry columns shall be erected and maintained along the east boundary (except the noted wrought iron section) and along the south and west boundaries. Masonry walls shall be prohibited along the east boundary. The design of the required fencing shall be submitted to the TMAPC for review and approval and shall be installed prior to any building permits for dwellings within the PUD being issued. Screening on the west boundary of the PUD shall include landscaping, which shall be approved by TMAPC.

*On the south wall of the southernmost dwelling windows shall be prohibited above the first floor.

Access and Circulation:

There shall be a minimum of two access points to the PUD. All vehicular access and circulation both externally and internally, shall be approved by Traffic Engineering and the Tulsa Fire Department. All required parking spaces shall be accessed from a private roadway at the rear of the lot. Visitor access shall be provided on the front side of all dwellings by means of a common access drive, which shall also connect to at least two off-street parking spaces per dwelling.

Utilities Location:

New utilities shall be limited to location along the west boundary.

3. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
4. The private roadway providing the principal resident access and access to required parking spaces shall have a minimum right-of-way of 30' and be a minimum width of 18' in width measured face-to-face of curb. The principal resident access shall be located along the west boundary of the PUD. All curbs, gutters, base and paving materials used for the principal resident access shall be of a quality and thickness, which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent. A secondary access shall be located along the east boundary of the PUD. The surfacing of the secondary access to be located along the east boundary shall not exceed 16' in width. Excavating for the secondary access on the east shall not exceed 12 inches in depth.
5. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to PUD standards.
6. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
8. Private roadways providing access to required parking spaces, and entry gates or guardhouses, if proposed, must receive detail site plan approval from Traffic Engineering, Tulsa Fire Department, and TMAPC staff, prior to issuance of a building permit for the gates or guard houses.
9. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during the subdivision platting process.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, representing Patrick Fox and Don McCorkell, stated that this application was

before the Planning Commission three weeks ago and it was continued to this date to further study the turnaround issues. He explained that this application has some unusual concepts and creative approaches to an infill project. He commented that the subject property is zoned RS-3 and it would permit nine dwelling units but seven are proposed.

Mr. Johnsen stated that the physical facts of the property are that there were two homes abutting each other and the drive to the southernmost home was located on the west side of the property. Along the east side of the property are significant mature trees and part of the concept is to access the properties and preserve the trees. He stated that the concept of a divided drive was one of the approaches designed to protect the mature trees. The drive on the west is proposed for access by the residents to their garages and staff has recommended that this drive be built to City specifications and his client has agreed; however, it would be an 18-foot width rather than a 26-foot width. There would be two parking spaces in front of each garage on the west under the rooftop. He explained that on the west boundary there would be seven lots with two spaces in the garages and two spaces in the driveway before getting to the 18-foot drive. The east drive would not be to City specifications because of the trees. With a drive, rather than a conventional street, there is the ability to maneuver around the trees and would involve less surfacing and excavation.

Mr. Johnsen stated that with his application, as amended at the previous hearing and incorporated in the revised staff recommendation, utilities are required to be located on the west boundary and a non-typical drive on the east. In the plans on the east side there are two guest parking spaces for each of the lots, which equal 14 guest parking spaces. The proposal would be gated on the west and guest would be able to come in on the east.

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

Mr. Johnsen commented that there was a concern regarding turnarounds for services and emergency vehicles. He stated that hammerheads have proved to be functional in other circumstances and with the preservation of the trees and other circumstances the hammerheads are appropriate for this project. There was concern that the drives were not connected in order to provide better circulation for emergency vehicles. The dwellings are proposed to be sprinkled and the Fire Marshall is in agreement with the proposal as it is. There are two basic ways to access the properties in case of an emergency or fire. He explained that in this type of project there would be a common landscaped service and they would figure a way in and out of the project property and shouldn't be a concern. A trash truck would not try to enter the subject property because the trash service would use a cart to go into the project to pick up trash just as it does for houses facing street frontages. Mr. Johnsen submitted a revised site plan (Exhibit C-1) with a three-point turnaround designed for deliveries and guests to maneuver in and out of the project. The southernmost

lot had two guest parking spaces which have been moved in order to allow the three-point turnaround. The two guest parking spaces would be moved to the southern end of the project and it would be brick over sand in order to preserve the trees.

Mr. Johnsen stated that this is a great proposal and concept. He indicated that the proposal is within the RS-3 that exists and if his client is forced to lose a lot, it would affect the economics. There is substantial public investment in streets, infrastructure, schools, sewer, water and if there is going to be a redevelopment, it makes no sense to hold it to fewer units unless there is a real compelling reason to do so. This would create a higher tax base resulting from a very expensive structure, and most of the general public concerns would actually favor the higher density rather than knocking a unit off. It comes down to a question of how convenient a turnaround has to be.

Mr. Johnsen requested that the Planning Commission approve the project as it has been proposed. Staff has revised the recommendation to include issues that were important to the neighborhood. Mr. Johnsen asked Mr. Stump if the staff recommendation should be changed for number five stating that the east drive does not need to meet City standards, but meet PUD standards.

Mr. Stump stated that staff considers the private street to be the one on the west side and the one on the east drive is basically a driveway. Mr. Stump asked Mr. Johnsen if that would be agreeable. In response, Mr. Johnsen stated that with that clarification, staff's recommendation is acceptable.

TMAPC Comments:

Mr. Harmon stated that if the private drive (18-foot concrete drive) is where all of the utilities would be located, then if there were two cars parked in front of Lot 7 then a service truck wouldn't be able to get out. Mr. Harmon suggested extending the concrete drive to the property line on the south side and make it the parking for the house to leave the turnaround available like on the east side. In response, Mr. Johnsen stated that it could be done, but the likelihood of that happening would be temporary in duration of a broken line. Mr. Harmon pointed out that with all of the utilities being located on the west there could be a number of service trucks needing access and turnaround. Mr. Johnsen reminded Mr. Harmon that the resident could park on the other side (east side) if there was a temporary inconvenience. Mr. Johnsen stated that his client agrees to change the location of the three-point turnaround.

Mr. Ledford stated that he is confused about the west side of the subject project. He asked if the building has changed in order to allow two full-length cars to park in front of the garage. In response, Mr. Fox stated that the difference is that the previous exhibits showed the roof plan and what is being shown today is the actual footprint of the first floor. The second floor cantilevers over the driveway and the driveway parking was not clear with this exhibit. In response, Mr.

Ledford asked if there is from face to curb to the end of the carport there is space for two full cars. In response, Mr. Fox answered affirmatively.

Interested Parties Comments:

Jerry Reeves, 1626 East 31st Street, Tulsa, Oklahoma 74105, stated that he continues to support the idea of residential infill. He questions the appropriateness of the density of this project. He expressed concerns regarding the ingress/egress and internal circulation issues. Mr. Reeves concluded that he questions the future problems with drainage and utility capacity.

John Brightmire, 320 South Boston, Suite 500, Tulsa, Oklahoma 74103, representing the Mr. & Mrs. Greenwood (neighbors to the east), stated that his client has seen the new plans and she is in agreement with it. She still objects to any type of loop street and feels this plan would preserve the trees and provide adequate parking.

Dave Henry, 3132 South Utica, Tulsa, Oklahoma 74105, requested that the screening fences be built prior to the building permits being issued and after the utilities were installed.

TMAPC Comments:

Mr. Midget stated that he supports this project and is happy with the changes made to improve the turnarounds. He wanted to make sure that the applicant is committed to sprinkling the proposed homes and that it satisfies the Fire Marshall's concerns.

Mr. Harmon stated that he could support this application as well. He further stated that with the modifications of the turnarounds, it is a well-designed proposal.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick "absent") to recommend **APPROVAL** of PUD-659 subject to extending the garage access drive to the south to provide two additional parking spaces and each unit having two outside parking spaces behind the two garage spaces; 42 parking spaces onsite (two parking spaces for visitors on the east driveway, two in the garage and two on the west driveway behind the garage spaces) the turnaround, as shown on the submitted plan, being located on the west drive, screening fences being in place prior to building permits being issued, and subject to all other standards as recommended by staff.

Legal Description for PUD-659:

Beginning 24.75' South and 183.4' West of the Northeast corner of the NE/4, NW/4, thence S 255.25', W 138.3', thence N 255.25', thence East 138.3', to the Point of Beginning, Section 19, T-19-N, R-13-E, Tulsa County, City of Tulsa,

State of Oklahoma, and a tract described as follows: Beginning 24.75' South and 341.7' West of the Northeast corner of the NE/4, NW/4, thence S 475.25', thence E 158.3', thence N 220', thence W 138.3', thence N 255.25', thence W 20' to the Point of Beginning, Section 19, T-19-N, R-13-E, Tulsa County, City of Tulsa, and located west of the southwest corner of East 31st Street and South Utica Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To RS-3/PUD-659 (Residential Single-family High Density District/Planned Unit Development).**

ZONING PUBLIC HEARING

APPLICATION NO.: Z-6860

CS to IL or CG

Applicant: Virgie L. Brown

(PD-2) (CD-3)

Location: 2619 East Apache

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6627 June 1998: A request to rezone a four-acre tract located south of the Santa Fe Railroad right-of-way and lying between North Birmingham Place and North Columbia Avenue from RS to IM and PK. Staff recommended approval of IL zoning on all of the north and west portion with the south 330' remaining RS-3. TMAPC recommended that the RS-3 remain on the west 3' and the south 3', PK zoning on the north 150' of the south 153', and IL zoning on the remaining north tract. City Council concurred in approval per TMAPC recommendation.

Z-6555 August 1996: A request to rezone a five-acre tract located on the north side of the Santa Fe Railroad right-of-way abutting the Cherokee Expressway exit ramp on the south and south of the subject tract from RS-3 to IM. All concurred in approval of IM zoning for the proposed industrial use.

Z-5460 January 1981: All concurred in approval of a request to rezone a one-acre tract located on the southwest corner of East Apache Street and the Santa Fe Railroad right-of-way and east of the subject tract, from RS-3 to IL.

BOA-10896 February 1980: The Board of Adjustment approved a special exception to allow automotive repair service on the subject property and to modify the screening requirements, subject to no outside storage of parts or junk cars and no outside work on automobiles.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property consists of four adjoining lots that front East Apache Street between North Birmingham Avenue and North Columbia Avenue. The lots are 200' x 123' combined size. The property is flat, partially wooded, contains L & M Tire and Repair and an accessory building and is zoned CS. The parking lot is in front of the building and is partially paved, graveled and dirt.

STREETS:

| Exist. Access | MSHP Design. | MSHP R/W | Exist. No. Lanes |
|-------------------------|---------------------|-----------------|-------------------------|
| East Apache Street | 80' | 80' | 4 lanes |
| North Birmingham Avenue | 50' | 50' | 2 lanes |
| North Columbia Avenue | 50' | 50' | 2 lanes |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the north by single-family residential uses in various conditions of repair and zoned RD; on the south by an automotive electrical use, zoned CS (relocated as a result of the widening of Peoria and intersection improvements to the Pine/Peoria intersection) and by vacant land, zoned RS-3 and IL; on the east by two dilapidated single-family residential units and vacant land, zoned CS; and on the west by vacant land, zoned CS and the Cherokee Expressway, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Corridor.

According to the Zoning Matrix the requested IL or CG zoning **may be found** in accord with the Zoning Matrix.

Staff Recommendation:

There is no existing CG adjacent to or in the immediate vicinity of this property. Some CH zoning exists west of the expressway, some distance from the site. Some IL zoning is in place immediately south of the property, across Apache Street, and to the east along the railroad tracks. The applicant could carry out his intended activities with either Board of Adjustment approval under the existing CS zoning or with CG or IL zoning. Based on the existing zoning patterns and uses in the area (notably the existing single-family development adjacent on the north), staff cannot support the requested CG zoning but can support IL zoning in the alternative. Therefore, staff recommends **DENIAL** of CG zoning for Z-6860 and **APPROVAL** of IL zoning in the alternative.

The applicant indicated his agreement with staff's recommendation.

Interested Parties Comments:

Nathaniel Kimbro, 834 North Union Place, Tulsa Oklahoma 74127, representing the owner of 2548 East 29th Street North, Tulsa Oklahoma 74110, stated that he is concerned about some rental property in the subject area.

TMAPC Comments:

Mr. Stump informed Mr. Kimbro that the subject property is more than three blocks south of the 29th Street North. In response, Mr. Kimbro stated that he would support the IL zoning.

Mr. Midget stated that he lives in North Tulsa and he hopes that there is some sensitivity to the way the property is kept. He explained that when one drives around and see automotive related businesses it looks like a junk yard. He requested the applicants to keep the subject property neat and looking nice.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick "absent") to recommend **DENIAL** of the CG zoning and recommend **APPROVAL** of the IL zoning for Z-6860 as recommended by staff.

Legal Description for Z-6860:

Lots 16, 17, 18 and 19, Block 14, Ben C. Franklin Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located east of the northeast corner of East Apache Street and North Birmingham Avenue (2619 East Apache), Tulsa, Oklahoma, **From CS (Commercial Shopping Center District) To IL (Industrial Light District).**

Mr. Midget out at 3:55 p.m.

APPLICATION NO.: PUD-411-9

MINOR AMENDMENT

Applicant: Dale Bennett

(PD-26) (CD-8)

Location: 9777 South Memorial

Staff Recommendation:

The applicant is requesting a minor amendment to the sign standards to allow a ground sign 40 feet in height to be located at the northeast corner of East 98th Street and South Memorial Drive. The existing standard limits the sign to a maximum of 25 feet in height.

The existing sign standard is consistent with the existing standards for similar uses within this PUD and also with the standards for other PUDs in the area.

The subject tract has been approved for an automobile dealership and the existing sign standards are appropriate for the permitted uses. Staff recommends **DENIAL** of the requested minor amendment.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action 8 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Midget "absent") to **DENIAL** the minor amendment for PUD-411-9 as recommended by staff.

* * * * *

Mr. Midget in at 3:56 p.m.

APPLICATION NO.: PUD-641-1 MINOR AMENDMENT

Applicant: Roy Johnsen (PD-18) (CD-7)

Location: West of the northwest corner of East 71st Street and South Sheridan

Staff Recommendation:

Development Area A (49.74 acres) of PUD-641 was approved in November of 2000 as a continuing care retirement community and has been platted as one lot, one block designated as "Montereau In Warren Woods". Construction has commenced.

This minor amendment proposes an alternate offsite routing of the access to Granite Avenue and proposes an alternative paving cross-section of the internal roadways. In regard to access, the approved detail site plan (Exhibit A, attached) depicts an access point to Granite Avenue at the westernmost boundary of Development Area A. It is proposed that an alternate routing to the south be permitted as depicted on Exhibit B. The alternative routing would be located offsite within property zoned OL Office Low-Intensity and owned by the William K. Warren Medical Research Center, Inc., which is also the owner of Lot 1, Block 1, Montereau In Warren Woods.

In regard to the paving cross-section of the internal roadways, the minutes of the TMAPC meeting of October 18, 2000 (the date of the initial approval of PUD-641) at page 46 set forth the following development standard:

- II. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.

A detail site plan was approved by the TMAPC on February 27, 2002. The staff recommendation read in part as follows:

Staff recommends approval of the detail site plan as submitted provided that all private roads and public access points conform to City requirements for a minor residential street and have approval of then Fire Marshall.

The minutes of the TMAPC meeting of February 27, 2002, on page 5 set forth the approval action which modified the staff recommendation as follows:

Approve the detail site plan for PUD-641 as recommended by staff, subject to an alternative roadway paving cross-section being permitted if approved by the Department of Public Works and applicant may return with a minor amendment if necessary and permitting the secondary access to be 24 feet in width, measured face to face of curb.

The requested minor amendment would permit a cross-section as set forth within Exhibit C, which the applicant claims has been designated in accordance with accepted engineering standards for the anticipated loads but does not provide the same base as required by the City of Tulsa for public streets.

Staff recommends **APPROVAL** of the request subject to the following conditions:

Prior to occupancy of any building within PUD-641, an access easement appurtenant of Lot 1, Block 1, Montereau In Warren Woods shall be established on over and across the proposed alternative routing of access to Granite Avenue and shall be filed of record.

Prior to occupancy of any building within PUD-641, a detail site plan of the alternative routing of access to Granite shall be submitted to and approved by the TMAPC.

The paving cross-section for internal roadways shall be designed in accordance with accepted engineering standards for the anticipated loads and shall be approved by the Tulsa Fire Department and the Tulsa Public Works Department as being so designed.

Mr. Stump stated that the applicant has contacted the Fire Department and Public Works Department and they are less than eager to review these standards because they are private streets. Mr. Stump commented that staff are planners and are not engineers to determine what an adequate street design is. He stated that he wouldn't suggest that the Planning Commission get into the business of approving cross-sections of street design as well. Staff is at a loss as to an alternate source of expertise on whether the proposed design is adequate to the anticipated load of traffic.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, stated that the Zoning Code doesn't address private streets meeting City standards. The standard requirement is that a street meets the City requirements for minor residential streets, which is width, curb and gutter, base and the thickness and type of concrete or asphalt.

Mr. Johnsen stated that with multifamily development, the PUD doesn't require that the streets meet the city standards for minor residential streets. These streets are based on load, type of vehicles and frequency, and the length of time one would want the street to be in good condition. The City has a standard for collector streets and that same standard, even though it has higher load than a minor residential street, is applied to the minor residential street. The City doesn't technically have a standard other than the paving width goes from 36' to 26'.

Mr. Johnsen informed the Planning Commission that the proposal is a hundred million dollar project, which belongs to Warren Foundation that has a 50-year history of maintaining their property. His client would like to build a street that does not meet the city standards, but is still engineered by Taracon. Taracon was hired to make the appropriate analysis, which is a study of projected loading of how many trucks, passenger vehicles, etc., and the submitted cross-section is believed to meet the requirements. Mr. Johnsen submitted a letter from Taracon (Exhibit E-1) describing the cross-section and how they based their study.

TMAPC Comments:

Mr. Harmon stated that if the Zoning Code states that the street has to be built to City standards, he is not sure the Planning Commission could approve it for anything less. In response, Mr. Johnsen stated that the Code doesn't state that it has to meet City standards. Mr. Johnsen explained that in a PUD, where there are private streets, for years there were no standards. The standards that do exist are from good staff work (over time) that states that if the developer is developing a single-family lot, then the streets are required to meet the city specifications. Mr. Johnsen stated that staff created the standard, properly done in his opinion, but it is not stated in the Code or city regulation because it is a private street. Mr. Johnsen explained that this proposal is one lot, one block and there is no worry about a homebuyer might have a poor drive through the project. Mr. Johnsen stated that he anticipates that business takes care of business and the apartment ownership would improve their streets as appropriate.

Mr. Stump stated that staff recommends that the cross-section meet the city requirements. The Planning Commission approved that the internal roadway system be built to an accepted engineering standard that would be anticipated to function well under the anticipated loads. Such design is to be approved by the Fire Department and Public Works Department as being able to withstand the anticipated load. There is not an official statement to this effect on the subject project. Mr. Stump stated that he doesn't know why staff should have to review this new street standard, because there is an existing street standard. Why should staff or the Planning Commission have to certify that something is going to be able to handle a particular load, he asked. If there is already an existing standard, the applicant should build to that standard. Staff is stating that they are not engineers and the Planning Commission, except for a few, are not engineers and should not be put in the position to state that the proposed cross-section is adequately designed and would withstand the anticipated traffic.

Mr. Harmon stated that he is struggling with this issue because he doesn't know if the proposal is good enough or not.

Mr. Westervelt stated that this proposal is a single ownership and it is up to the Warren Foundation to take care of the streets. Taracon's E & O insurance would certainly work with regard to the Foundation's relationship with their engineers. In response, Mr. Johnsen agreed with Mr. Westervelt. Mr. Johnsen stated that over time and practice, there has been a distinction between institutional drives and public drives. Mr. Johnsen stated that he has discussed this issue with Cecil Cotner, Department of Public Works, and he agreed that the proposal is a good street and meets engineering standards, but the Department doesn't review private streets and he would not sign off on this project. Mr. Johnsen explained that he called Mr. SomdeCerff, designer in Transportation, and he stated that if it is a private street, he doesn't care how it is built. Mr. Johnsen stated that Mr. SomdeCerff agreed that Taracon is a reputable firm and applied the correct formula, but it is not the same as city standards. Mr. Johnsen stated that in

apartment and institutional developments the roads are ignored and are taken care of privately. Mr. Johnsen requested that this street be certified by a registered engineer and that it has been designed in accordance with the correct standards and in accord with accepted engineering practice.

Mr. Ledford stated that currently the problem is that none of the private streets are being inspected by the City and it may say in the PUD that the streets are to meet or exceed the city standards, but they are not being built to that. In response, Mr. Johnsen stated that he thought the City did inspect the streets. In response, Mr. Ledford stated that they are not inspecting private streets. Mr. Ledford further stated that he would request that the engineer certify that it meets and exceeds the current standard. Mr. Johnsen stated that he has had clients (in single-family developments) ask for their private streets to be inspected in order to ensure that they would not have problems in the future. Mr. Johnsen indicated that in apartment developments there are no inspections and no requirements. Mr. Johnsen stated that it is a practical business circumstance that a major institution would take care of a street that starts to deteriorate.

Mr. Ledford stated that the only problem he would have is if the developer is actually selling units and who would actually own the development as a whole. In response, Mr. Johnsen stated that it would remain a one lot, one block development and there would not be any lots or conveyance by deed of a fee interest in the property. It would remain in the ownership of the Warren Foundation. Mr. Ledford stated that the restrictive covenants should state that it would not be sold by lots or conveyed by deed or the property would not be transferred to individual ownership. Mr. Ledford further stated that this project could become a condominium, and then all of the streets would be private subject to a condominium association owning those streets, which would be similar to a single-family subdivision.

Mr. Johnsen stated that all of his condominium projects have not had a conveyance of a lot, but rather a space.

Mr. Stump asked Mr. Johnsen if the residents would simply move in and start paying rent and nothing above or beyond their monthly rent. In response, Mr. Johnsen stated that he is not sure that rent is the way it is done because there is a priority and how much service is provided. Mr. Johnsen explained that the residents wouldn't have a fee-ownership interest. Mr. Stump stated that the residents would have a sizeable buy-in to this development and they have certain rights because of the buy-in. Mr. Stump explained that this is why staff wanted to get into the quality of the cross-section because people are purchasing their units.

Mr. Harmon asked staff if there are no requirements for a one lot, one block subdivision developed like the proposal, then how can the Planning Commission

suddenly impose a standard. In response, Mr. Stump stated that the requirements are in the PUD and already exist.

After a lengthy discussion, it was determined that there should be a worksession to further discuss street standard requirements for public streets.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick "absent") to **APPROVE** the minor amendment for PUD-641-1 per the Taracon Report regarding the cross-section meeting the anticipated loads, subject to covenants stating that there be no selling of individual units, condominiums or lots, subject to access per staff recommendation.

OTHER BUSINESS:

APPLICATION NO.: PUD-221-D DETAIL SITE PLAN

Applicant: Larry Pennington (PD-17) (CD-6)

Location: South of southeast corner of East 41st and South 129th East Avenue

Staff Recommendation:

The applicant is requesting approval of a detail site plan for an office park. The proposed use is in conformance with PUD-221-D Development Standards

The site abuts residential uses on its south and east boundaries. Screening will be provided in these locations by a six-foot screening fence (type not specified), and, per notation on the site plan, no parking lot lighting is planned for these locations. However, no other lighting detail has been provided. PUD-221-D Development Requirements state only that lighting be directed downward and away from residential districts. At a minimum, additional information regarding location, height and direction of "light throw" of proposed lighting should be submitted to verify that any lighting used would not be directed at the adjacent residential areas.

Proposed landscaped area exceeds the minimum 10% required and the proposed one-story buildings meet maximum height restrictions.

Staff recommends **APPROVAL** of PUD-221-D Detail Site Plan contingent upon submittal of additional information regarding location, height and direction of "light throw" of any parking lot lighting.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick "absent") to **APPROVE** the detail site plan for PUD-221-D subject to conditions as recommended by staff.

APPLICATION NO.: PUD-435-C DETAIL SITE PLAN

Applicant: Darin Akerman (PD-18) (CD-7)

Location: Southeast corner of East 66th Street and South Yale

Staff Recommendation:

The applicant is requesting approval of a detail site plan for a medical office building. The proposed use is in conformance with PUD-435-C Development Standards.

The site plan for the proposed medical building meets or exceeds minimum parking and net landscape area requirements. No external trash dumpsters are planned for the site, as storage and collection of refuse will be internal to the building. The closest residential area is 350 feet to the southeast, with other residential areas being 400 and 900 feet, respectively, away from the site's northeast and southeast boundaries. Lighting detail provided (and the assumption that the light-producing element is fully housed within the hooding) depicts light element visibility far short of these areas.

Staff recommends **APPROVAL** of PUD-435-C Detail Site Plan with verification that the light-producing elements of parking lot lighting are fully housed within the light fixture hooding.

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

And related item:

APPLICATION NO.: AC-063 ALTERNATIVE LANDSCAPE COMPLIANCE

Applicant: Darin Akerman (PD-18) (CD-7)

Location: Southeast corner of East 66th Street South and South Yale Avenue

Staff Recommendation:

The applicant is requesting approval of an Alternative Landscape Compliance plan, which is related to PUD-435-C, Detail Site Plan for a medical office building.

The Landscape Plan complies with all PUD-435-C Development Standards and the Zoning Code with exception to the use of Black Gum trees in meeting minimum tree requirements. Black Gum, *Nyssa sylvatica*, is not included in the "Urban Forester's Certified List of Tree Species Which Are Appropriate for Use in Meeting the Tree Requirements of the Landscape Chapter of the City of Tulsa Zoning Code". Joe Roberts of City of Tulsa Park and Recreation Department/ Urban Forestry, has submitted a letter stating that the Black Gum would be acceptable for this site.

Staff recommends **APPROVAL** of **AC-063** as submitted.

TMAPC Action 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick "absent") to **APPROVE** the detail site plan for PUD-435-C as recommended by staff and to **APPROVE** the alternative landscape compliance for AC-063 as recommended by staff.

* * * * *

Consider Adoption of Revised City and County Application Fees for Planned Unit Developments, Rezoning Requests, and Board of Adjustment matters.

Staff Recommendation:

ZONING MAP AMENDMENTS

| ZONING CATEGORIES | BASE FEE | SLIDING |
|--|-----------|---------|
| A. Rural Intensity AG, AG-R | \$ 400.00 | |
| B. Low Intensity RE, RS, RS-1, RS-2, RS-3, RS-4, RD | | |
| 1. 2.0 ACRES OR LESS | 500.00 | |
| 2. Each additional acre increment and/or fraction thereof | | \$10.00 |

- C. Medium Intensity** RT, RM-T, RMH, RM-0, RM-1, RM-2, PK, OL, OM
- | | | |
|---|--------|-------|
| 1. 2.0 ACRES OR LESS | 700.00 | |
| 2. Each additional acre increment and/or fraction thereof | | 15.00 |
- D. High Intensity** RM-3, OMH, OH, CS, CG, CH, CBD, CO, SR, IR, IL, IM, IH
- | | | |
|---|--------|-------|
| 1. 2.0 ACRES OR LESS | 900.00 | |
| 2. Each additional acre increment and/or fraction thereof | | 20.00 |
- E. Multiple Zoning Classifications ***
- Highest of base fees **
(A, B-1, C-1, D-1)
 - Plus per acre cost per category*** **(A, B-2, C-2, D-2)**

* In addition to charging the highest base fee in the multiple zoning application, (See above) highest sliding fee shall be charged for the total area included in a multiple zoning classification request, unless the applicant calculates and records on the zoning application the specific number of acres for each classification requested.

** Only one base fee **(A, B-1, C-1, D-1)** shall be charged for the multiple zoning classification requests and it shall be the highest of the base fees per type of zoning requested.

*** The applicant shall be charged, in addition to the highest of the base fees, a sliding fee **(A, B-2, C-2, D-2)** for each acre of each category requested, except the first 2 acres of the highest category which has already been charged in the base fee.

F. HP Zoning District Fees based on Item (A) Low Intensity

G. CORRIDOR SITE PLAN REVIEW fee is determined by intensity of use and based on items **(A, B, C & D)**

H. Planned Unit Development

| | BASE fee | SLIDING |
|--|-----------|---------|
| 1. Low Intensity (Use Units 1, 3, 4, 6 & 7) | | |
| ① 5.0 ACRES OR LESS | \$ 500.00 | |
| ② Each additional acre or fraction thereof over 5.0 | | \$10.00 |
| 2. Medium Intensity (Use Units 5, 7a, 8, 9, 10 & 11) | | |
| ① 5.0 ACRES OR LESS | 700.00 | |
| ② Each additional acre or fraction thereof over 5. | | 15.00 |
| 3. High Intensity (Use Units 2 & 12-28) | | |
| ① 5.0 ACRES OR LESS | 1,000.00 | |
| ② Each additional acre or fraction thereof over 5. | | 20.00 |

I. MAJOR AMENDMENT to Planned Unit Development shall be consider a *new* application with fees as per **H-1 H-2 and H-3.**

J. ABANDONMENT of a
Planned Unit Development \$500.00

OTHER ZONING RELATED FEES

| | | | |
|-----------|--|--------|----------|
| A. | Zoning letters | | \$ 10.00 |
| B. | Any item requiring placement on the Agenda for which no fee is established | | 25.00 |
| C. | Zoning Ordinance Publication Fee: | City | 150.00 |
| | (for information only) | County | 125.00 |
| D. | MINOR Amendment to CO Site Plan (1 ST item) | | 400.00* |
| E. | MINOR Amendment to PUD (1 ST item) | | |
| | Residential | | 200.00* |
| | Non-Residential | | 400.00* |
| | *Plus \$100.00 for each add'l amendment | | |
| F. | PUD DETAIL SITE Plan | | 200.00 |
| G. | PUD Minor Revision to Detail Site Plan | | 25.00 |
| H. | PUD Sign Plan, and Landscape Plan <i>EACH</i> | | 100.00 |
| I. | Alternative Compliance for Landscape | | 150.00 |

There were no interested parties wishing to speak.

TMAPC Action 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Midget "absent") to **APPROVE** the revised City and County application fees for PUDs, rezoning requests and Board of Adjustment matters.

There being no further business, the Chairman declared the meeting adjourned at 4:30 p.m.

Date Approved:



Chairman

ATTEST: Mary E. Hill
Secretary