

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2343

Wednesday, May 7, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Bayles	Coutant	Dunlap	Romig, Legal
Carnes	Harmon	Fernandez	
Collins		Huntsinger	
Hill		Matthews	
Horner		Stump	
Jackson			
Ledford			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, May 6, 2003 at 10:11 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **Minutes:**

#### **Approval of the minutes of April 16, 2003, Meeting No. 2341**

On **MOTION** of **HILL** the TMAPC voted 7-0-1 (Carnes, Collins, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; Bayles "abstaining"; Coutant, Harmon, Midget "absent") to **APPROVE** the minutes of the meeting of April 16, 2003, Meeting No. 2341.

### **REPORTS:**

#### **Chairman's Report:**

Mr. Jackson reported that Item three will be heard with Item 19. The applicant for PUD-678 would like a continuance to May 21, 2003.

**Application No.: PUD-678**

**RS-3 TO PUD**

**Applicant:** Jack Cox/John Moody

(PD-26) (CD-8)

**Location:** West of northwest corner of East 98<sup>th</sup> Street and South Memorial Drive

**TMAPC Action; 8 members present:**

On **MOTION** of **HILL**, TMAPC voted 8-0-0 (Bayles, Carnes, Collins, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Harmon, Midget "absent") to **CONTINUE** PUD-678 to May 21, 2003 at 1:30 p.m.

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**Director's Report:**

Mr. Stump reported that there is one item on the City Council agenda for the Nelson Nissan/Mazda expansion along Memorial.

Mr. Stump further reported that staff had two productive meetings with Public Works and others regarding roadway standards and other approval processes in PUDs. On May 6, 2003, staff had a productive session with Public Works staff who primarily deal with enforcing PUD conditions and ways that all could better coordinate the conditions that are imposed under a PUD, and staff, in the field, could see if the conditions are actually met. Both areas will have better understanding and improve the process.

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**SUBDIVISIONS:**

**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

**L-19255 – Sack & Associates, Inc.** (2893) (PD 6) (CD 7)

3319 East 46<sup>th</sup> Street

**L-19483 – White Surveying** (213) (PD 15) (County)

Southwest corner of 75<sup>th</sup> East Avenue and 126<sup>th</sup> Street North

**L-19491 – Kathleen A. O'Connell** (2490) (PD 23) (County)

17701 West 41<sup>st</sup> Street

**L-19496 – Andrea Fisher** (2690) (PD 23) (County)

4529 South 208<sup>th</sup> West Avenue

<u>L-19506 – Janice M. Perry</u> (9205) 6340 West Edison	(PD 10) (County)
<u>L-19508 – Tanner Consulting, LLC</u> (8316) 4755 East 91 <sup>st</sup> Street	(PD 18) (CD 8)
<u>L-19509 – White Surveying</u> (8316) Southwest of East 81 <sup>st</sup> Street & Yale	(PD 18) (CD 8)
<u>L-19512 – Ed Schermerhorn</u> (7307) 13327 South Yorktown	(PD 21) (County)
<u>L-19513 – Sack &amp; Associates, Inc.</u> (8326) 6808 East 109 <sup>th</sup> Street	(PD 26) (CD 8)
<u>L-19515 – Connie Kyle</u> (9208) 5441 West 11 <sup>th</sup> Street	(PD 10) (CD 1)
<u>L-19518 – Virgil Ray Goodman</u> (9006) 815 South 263 <sup>rd</sup> West Avenue	(PD 23) (County)
<u>L-19519 – Sack &amp; Associates, Inc.</u> (9319) 2104 East 37 <sup>th</sup> Street	(PD 6) (CD 9)
<u>L-19520 – Mohammad Arshad</u> (0225) 1606 North Owasso	(PD 2) (CD 1)
<u>L-19521 – City of Tulsa</u> (8309) 7600 South Yale	(PD 18) (CD 8)
<u>L-19522 – City of Tulsa</u> (8309) 7601 South Yale	(PD 18) (CD 8)
<u>L-19523 – City of Tulsa</u> (8309) 4605 East 80 <sup>th</sup> Street	(PD 18) (CD 8)
<u>L-19530 – Michael T. Huff</u> (1433) 13579 East 66 <sup>th</sup> Street North	(PD 15) (County)

All lot-splits are in order and staff recommends **APPROVAL**.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Bayles, Carnes, Collins, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Harmon, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

**PRELIMINARY PLAT:**

**Hidden Treasures II** – PUD 206 (2283)

(PD-18) (CD-8)

Southwest of East 91<sup>st</sup> Street South and South Sheridan Road

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 1.69 acres.

The following issues were discussed April 17, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD-206 and is currently requesting a minor amendment for reallocation of development standards in the PUD. The plat proposes one lot, one block on 1.69 acres.
2. **Streets:** Access easement should be further explained and maintenance defined in the covenants. Add to Section H. 2. Delete the dedication reference in 1A to a public street. Show surrounding platted property.
3. **Sewer:** Sewer is available.
4. **Water:** A water line extension may be necessary. Additional easements may be needed. There is a big need for fire protection capability. A minimum six-inch line will be needed and a fire hydrant. A private hydrant was discussed with concern about a future sale of property.
5. **Storm Drainage:** Show off-site water flowing across site. Show building setback lines. Show off-site and on-site easements and the book and pages numbers. Add overland drainage easement (show it) and add storm sewer language to 1C in covenants. Show 4:1 side slope.
6. **Utilities: SBC:** An easement has been paved over and is not useful. A new easement may be necessary.
7. **Other:** N/A

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.
2. The Fire Marshall must approve hydrants and the availability of water for adequate fire protection.

**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 therefor 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 therefor 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.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located and inspected and accepted by same prior to issuance of any building permits in the subdivision.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 8 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 7-0-1 (Bayles, Carnes, Collins, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; Midget "abstain"; Coutant, Harmon "absent") to **APPROVE** the preliminary plat for Hidden Treasures II, subject to special conditions and standard conditions per staff recommendation.

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**Glendale Acres - (2672)**

(PD-21) (County)

North of West 171<sup>st</sup> Street South, West of South Elwood Avenue

**STAFF RECOMMENDATION:**

This plat consists of 24 lots, four blocks, on 40 acres.

The following issues were discussed February 6, 2003, at the Technical Advisory Committee (TAC) meeting, and also discussed at the April 17, 2003 TAC meeting to review the revised plat design:

1. **Zoning: TAC 2/6/03:** The property was recently zoned from AG to AG-R (1/6/03). The cul-de-sac proposed is extremely long and would need a waiver to the Subdivision Regulations. Waivers to the Major Street and Highway Plan and block lengths would also be required for the proposed plat. There should be additional streets or stub streets shown. The existing KAMO easement needs book and page numbers to be shown. Drainage and utility easements should be separate. Covenants need to list setbacks per the Zoning Code requirements as minimums. The right-of-way dedication along 171<sup>st</sup> Street needs 60 feet from centerline to be dedicated. Staff needs any proposed plat changes before the public hearing on the Preliminary Plat. The City of Glenpool submitted a letter of their concerns/requirements. **TAC 4/17/03:** The Preliminary Plat has been repeatedly continued on TMAPC meetings after the initial review of the TAC of the plat on February 6, 2003. One block will need a waiver to the subdivision regulations to block length. KAMO will need to agree to the stub street that is in their easement. The stub streets need to be built. Covenants need to be consistent with the zoning code.
2. **Streets: TAC 2/6/03:** Stub streets are needed to the east and west. Right-of-way should be dedicated or reserved. The County Engineer said maybe one stub street could be built now and the other just dedicated (plat to west and reserve to the east). The engineer for the project needs to meet with the County Engineer on a new proposal for street access for the plat. Utilities should be separated. Radius must be per the Subdivision Regulations. The applicant should confer with 911 personnel for addresses and street names. **TAC 4/17/03:** The County Engineer stated that the KAMO easement was a large easement and it is proposed to be located under a stub street so KAMO needs to agree to the location of the street.
3. **Sewer:** Septic systems are proposed and need to be approved per DEQ.
4. **Water:** Creek County Rural Water District 2 will serve water with a six-inch line.
5. **Storm Drainage:** The County Engineer must approve drainage plans.
6. **Utilities:** No comments.
7. **Other: INCOG Transportation:** The Tulsa TMA Trails Master Plan indicates a future on-street bikeway along South Elwood Avenue. The route runs from the Tulsa city limits south through Glenpool and on to Liberty.

Staff recommends **APPROVAL** of the preliminary plat with the revised design. The County Engineer and planning staff have held several meetings on the

redesign of the proposed subdivision and are in agreement with the current proposal.

**Waivers of Subdivision Regulations:**

1. Waivers to block length, cul-de-sac length and the turn-around are necessary.

**Special Conditions:**

1. The concerns of the County Engineer must be taken care of to his specifications.
2. KAMO must approve of and release the final plat.

**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 therefor 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 therefor 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.

23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**TMAPC COMMENTS:**

Mr. Ledford stated that he does not agree with the County Engineer's approval of the cul-de-sac within 60 feet of right-of-way when subdivision requirements are 38 feet on the pavement and a 50-foot radius on the cul-de-sac. If the Planning Commission is inclined to approve this plat, then it should have the appropriate cul-de-sac at the end of the street.

**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 9-0-0 (Bayles, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Harmon "absent") to **APPROVE** the preliminary plat and waiver of Subdivision Regulations for Glendale Acres per staff recommendation, subject to redesigning the cul-de-sac with a 50-foot right-of-way dedication and 38-foot radius on the paving section.

\* \* \* \* \*

**PLAT WAIVER:**

**Z-6876-** (2103)

(PD-2) (CD-3)

4702 East Apache

**STAFF RECOMMENDATION:**

The platting requirement was triggered by Z-6876 which rezoned the property to CS.

***Staff provides the following information from TAC at their April 17, 2003 meeting:***

**ZONING:**

TMAPC staff: Lots 1-7, Block 2, of the Smithdale Addition were rezoned to CS for the subject site, and the Board of Adjustment approved BOA-19525 to allow vehicle repair and use and a setback variance from Zion Street no closer than ten feet from the property line on the south. Screening fences are required to be constructed along the west and south property lines.

**STREETS:**

Limits of No Access need to be shown. Radius of 25 feet requires a waiver for the existing subdivision. Easements should be shown separately.

**SEWER:**

Public Works, Wastewater: No Comment.

**WATER:**

Public Works, Water: No Comment.

**STORM DRAIN:**

Public Works, Stormwater: Site needs to be connected to existing storm sewer. (Maps were provided by staff.)

**FIRE:**

Fire: No Comment.

**UTILITIES:**

Franchise Utilities: No Comment.

Staff can recommend **APPROVAL** of the plat waiver requested with the Limits of No Access document provided to and approved by the Traffic Engineer. There is an existing plat on the property and the applicant states that he plans to sell lots (other than Lots 5, 6 and 7 which he will use) in the future as they were originally platted. A replat may be necessary in the future if building plans for specific sites do not conform to existing lot lines.

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

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

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

4. Is right-of-way dedication required to comply with Major Street and Highway Plan?	X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?	X

- |     |  |    |   |
|-----|--|----|---|
| 6.  | Infrastructure requirements:   |    |   |
|     | a) Water   |    |   |
|     | i. Is a main line water extension required?  |    | X |
|     | ii. Is an internal system or fire line required?   |    | X |
|     | iii. Are additional easements required?  |    | X |
|     | b) Sanitary Sewer  |    |   |
|     | i. Is a main line extension required?  |    | X |
|     | ii. Is an internal system required?  |    | X |
|     | iii. Are additional easements required?  |    | X |
|     | c) Storm Sewer   |    |   |
|     | i. Is a P.F.P.I. required?   |    | X |
|     | ii. Is an Overland Drainage Easement required?   |    | X |
|     | iii. Is on-site detention required?  | X  |   |
|     | iv. Are additional easements required?   |    | X |
| 7.  | Floodplain   |    |   |
|     | a) Does the property contain a City of Tulsa (Regulatory) Floodplain?                          |    | X |
|     | b) Does the property contain a F.E.M.A. (Federal) Floodplain?                                  |    | X |
| 8.  | Change of Access   |    |   |
|     | a) Are revisions to existing access locations necessary?                                       | X* |   |
| 9.  | Is the property in a P.U.D.?   |    | X |
|     | a) If yes, was plat recorded for the original P.U.D.   |    |   |
| 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.? |    |   |

\*Limits of No Access by separate instrument is requested by the Traffic Engineer.

Mrs. Fernandez stated that the two new requirements, as far as the median and the mutual access necessity for the subject site, have not been totally reviewed. These two requirements have been added to the checklist.

**TMAPC COMMENTS:**

Mr. Midget asked staff to clarify the two new conditions added to the checklist. In response, Mrs. Fernandez stated that the Planning Commission requested two new conditions added to the plat waivers. One of the new conditions is to look at mutual access needs and the other was for medians in the nearby area. Traffic Engineering hasn't had a chance to look at this for the subject application.

Mr. Ledford explained that a project at 89<sup>th</sup> and South Yale Avenue prompted the decision to add the two additional conditions to the checklist. He indicated that today's application is identical to the subject application and had the Planning Commission required the two new conditions, then they could have required a mutual access on the 89<sup>th</sup> and Yale project.

Mr. Midget reminded the Planning Commission that this particular plat was discussed several months ago and there were neighbors present who were concerned about the type of business that it might become.

**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 **LEDFOORD**, TMAPC voted 9-0-0 (Bayles, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Harmon "absent") to **CONTINUE** the plat waiver for Z-6876 to March 21, 2003, at 1:30 p.m. in order to allow Traffic Engineering and staff to review the mutual access and median.

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**CONTINUED ZONING PUBLIC HEARING:**

**Application No.:** Z-6875 **IL/CS/SR/AG TO IL**

**Applicant:** Bradley Beasley (PD-17) (CD-6)

**Location:** Southwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

**Z-6823 July 2001:** All concurred in approval of a request to rezone a 2.04-acre tract located on the north side of East Admiral Place and west of South 161<sup>st</sup> East Avenue from RS-3 to IL for the continuation of a parking and storage area for an automobile auction.

**Z-6587/PUD-560 June 1997:** A request to rezone a 12.5-acre tract located on the south side of Admiral Place, west of 161<sup>st</sup> East Avenue, south and west of the subject property, from AG to IL and PUD for light industrial development was approved subject to conditions.

**Z-6585/PUD-556 February 1997:** A request to rezone a 4.5-acre tract located on the south side of Admiral Place and west of 161<sup>st</sup> East Avenue, south and west of the subject property, from SR to CS or IL. Approval was granted for IL zoning to a depth of 350' fronting East Admiral Place with the balance of the tract to remain as SR zoning.

**Z-6332 October 1991:** All concurred in approval of a request to rezone the 1.9-acre tract abutting the subject tract on the east from RS-3 to IL.

**Z-6297 April 1991:** All concurred in approval of a request to rezone a 2.5-acre tract located west of the northwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue and east of the subject tract, from RS-3 to IL.

**Z-6007 December 1984:** All concurred in approval of a request to rezone a 1.4-acre tract abutting the subject tract on the west from RS-3 to IL.

**Z-5887 December 1983:** A request to rezone a 20-acre tract located west of the southwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue from IR and AG to IL. All concurred in approval of CS on the east 350' x 350' tract located on the southwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue, IL on the western portion fronting East Admiral to a depth of 350' and SR on the balance.

**Z-5567 June 1981:** All concurred in approval of a request to rezone a ten-acre tract located north of the northeast corner of East Admiral Place and South 145<sup>th</sup> East Avenue from RS-3 to IL.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is gently sloping, non-wooded, paved, fenced and lighted. It is currently a vehicle storage area for an auto auction business. It is zoned AG, SR and CS.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East Admiral Place	Secondary arterial street	100'	2 lanes (adjacent to this site)
South 161 <sup>st</sup> East Avenue	Secondary arterial street	100'	2 lanes

**UTILITIES:** The subject tract has municipal water and sewer.

**SURROUNDING AREA:** The site is abutted on the north by offices and stored vehicles, apparently for the auto auction, zoned IL; to the east by vacant land, zoned IL; to the southeast by a church, zoned RS-3; to the west by a mini-storage and truck parking facility, zoned IL; and to the south by heavily wooded and vacant land, zoned SR and AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Medium Intensity-Industrial Land Use. According to the Zoning Matrix, the requested IL zoning is in accord with the Plan Map.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, existing surrounding uses and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of IL zoning for Z-6875.

**RELATED ITEM:**

**Application No.:** PUD-679

**AG/CS/SR/IL TO IL/PUD**

**Applicant:** Bradley Beasley

**(PD-17) (CD-6)**

**Location:** Southwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant submitted a revised request on April 29, 2003. Revised Development Area A has gone from a net land area of 19.43 acres to 26.58 acres and Development Area B has been revised from 8.53 acres to 1.38 acres (see revised development areas.)

PUD-679 consists of approximately 28 acres located at the southwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue. The applicant is proposing temporary vehicle storage on the subject tract, which is related to an auto auction located north and west of East Admiral Place and South 161<sup>st</sup> East Avenue. The auto auction site consists of approximately 12 acres which has frontage on I-44. The applicant is also proposing that those uses permitted by right in an IL district be permitted.

The subject tract is zoned IL, CS, SR and AG. Concurrently, an application (Z-6875) has been submitted to rezone the tract to IL. To the north of the tract, across East Admiral Place are automotive uses zoned IL. To the east of the

tract, across South 161<sup>st</sup> East Avenue, is vacant IL-zoned property, a church use zoned RS-3 and a detention facility zoned RM-2. The subject tract is abutted on the south by vacant property zoned AG and SR and on the east by a trucking facility zoned IL, vacant property zoned SR, mini-storage zoned IL/SR/PUD-556 and vacant property zoned AG.

Staff does not support permitting all uses allowed by right in an IL district for the PUD, but with some modification to the PUD, staff could support selected uses related to the auto auction.

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-679 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-679 subject to the following conditions:

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

### **DEVELOPMENT AREA-A**

**Net Land Area:** 26.58 Acres

**Permitted Uses:**

Within the north 600 feet of the Development Area: Those uses permitted by right within an IL district.

Within the remainder of the Development Area: Parking and storage of vehicles, including cars, trailers, trucks, diesel rigs, sport utility vehicles (SUV's), boats, motorcycles, recreation vehicles (RV's), all terrain-vehicles (ATV's) and motor homes, as included within Use Unit 23. No parking and storage of wrecked or inoperable vehicles shall be allowed within the boundaries of Development Area-A.

**Building Prohibition:**

Buildings maybe permitted in the north 600 feet of the Development Area A by minor amendment. There shall be no buildings permitted in the remainder of the development area.

**Minimum Vehicle Setbacks:**

From the centerline of South 161<sup>st</sup> East Avenue 60 FT

From the planned right-of-way of East Admiral Place 5 FT

**Other Bulk and Area Requirements:**

As established within an IL district.

**DEVELOPMENT AREA-B**

**Net Land Area** 1.38 Acres

**Permitted Uses:**

Parking and storage of vehicles, including cars, trailers, trucks, diesel rigs, sport utility vehicles (SUV's), boats, motorcycles, recreation vehicles (RV's), all terrain vehicles (ATV's) and motor homes as included within Use Unit 23. Parking and storage of wrecked or inoperable vehicles as included within Use Unit 26 shall not exceed 60 days per vehicle.

**Building Prohibition:**

There shall be no buildings permitted within Development Area B.

**Fencing:**

Wrecked or inoperable vehicles must be stored within a fenced, secured area.

3. There shall be only two access points to the PUD from East Admiral Place. There shall be no access to South 161<sup>st</sup> East Avenue. All access shall be approved by Traffic Engineering.

4. Landscaping shall be in substantial compliance with the applicant's conceptual site plan and shall include a ten-foot landscape strip along the east side of the six-foot high screening wall/fence along 161<sup>st</sup> East Avenue. All required landscaping shall be outside the planned right-of-way of 161<sup>st</sup> East Avenue and Admiral Place and all landscaping shall meet or exceed the requirements of the City of Tulsa Zoning Code. The depth of the street-yards along Admiral Place and 161<sup>st</sup> East Avenue shall be 50 feet.
5. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
7. Business signs and outdoor advertising shall be prohibited.
8. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
9. 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 the adjacent residential areas or street right-of-way. Light standards within 200 feet of the south 420 feet of the planned right-of-way of East 161<sup>st</sup> East Avenue shall not exceed 15 feet in height. No light standard nor building-mounted light shall exceed 30 feet in height.
10. 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.

11. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
14. There shall be no development in the regulatory floodplain.

Mr. Dunlap reminded the Planning Commission that the first application on the subject property (zoning) was heard and continued in October 2002. Staff feels that the subject PUD with these conditions and modifications should be approved.

**TMAPC COMMENTS:**

Mr. Carnes expressed concerns with the staff recommendation allowing wrecked vehicles to be stored for a maximum of 60 days and how it would be enforced. In response, Mr. Stump stated that Mr. Carnes is voicing a concern that staff has as well. Mr. Stump explained that there is a classification in the Zoning Code for something other than a junk yard if the wrecked vehicles are being removed from the highway and stored them for 60 days or less. Mr. Stump agreed that enforcement would be very difficult and that is why staff approves of the new Development Area B, which is very small and in the interior. Mr. Stump explained that the south and west would be screened by substantial trees and a floodplain, and if the wrecked vehicles are stored in Development Area B, he doubts anyone would be able to see them.

**Applicant's Comments:**

**Bradley Beasley**, 100 West 5<sup>th</sup> Street, Suite 800, Tulsa, Oklahoma 74103, stated that he has a few exceptions and clarifications that he would like to discuss.

Mr. Beasley stated that there are a couple of concerns with the staff recommendation and one of the concerns is more of a clarification, which is the language for building prohibition. He explained that his client doesn't have any plans to build any buildings at this time, but have provided that if any buildings in the future were required, it would necessitate a major amendment. He stated

that he doesn't want to be precluded in the future from building, even without a major amendment.

Mr. Beasley stated that the second concern is the lighting in Item No. 9. He explained that presently there are 30-foot light poles with low wattage, and each is shielded and is approximately 250 watts. The staff recommendation would require that four of the light poles would have to be removed. They provide an ambient type of light, which the neighbors believe provides an additional security measure for the neighborhood. The existing light poles are not any taller than the City of Tulsa light poles. He requested that his client be allowed to maintain the existing light poles.

Mr. Beasley submitted photographs (Exhibit A-1) depicting the drainage and erosion problems along 161<sup>st</sup> Street. The fence for the PUD would be moved to the west, but he is concerned regarding the expense of fencing and landscaping that could erode before the City resolves this problem. He would like to wait to fence and landscape until the erosion and drainage problems are resolved. He commented that he hopes the fence would be moved back to prevent any problems.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Beasley how long he thought would be a reasonable timeframe to resolve the erosion issues with the City. In response, Mr. Beasley stated that he doesn't know. Mr. Beasley explained that 161<sup>st</sup> Street is not only eroding at his client's side of the property, but it is actually eroding underneath the road, and with the constraints of budget; he has not received any confirmation from the City of Tulsa of where this issue appears on their checklist to correct. His client has taken some steps to help minimize the erosion that has been occurring.

Mr. Jackson asked staff to clarify the major amendment issue for new building projects. In response, Mr. Stump stated that staff would agree with Mr. Beasley's interpretation that if he comes back with a major amendment to add buildings, then it wouldn't preclude that action.

Mr. Jackson asked staff if they would agree to allow the four light poles that currently exist. In response, Mr. Stump stated that staff believes that would set a bad precedent. Mr. Stump reminded the Planning Commission that the existing lights were established contrary to zoning in the first place and staff wouldn't like to see the applicant have something that wouldn't normally be given just because they have already established a use in violation of the Zoning Code. Staff couldn't agree to the existing four light poles.

Mr. Beasley stated that he anticipates that four light poles would have to be removed. He explained that there are approximately 30 lights on the subject property. He further explained that with regard to Mr. Stump's comments, there

was no knowledge that there was a problem with zoning until last July when his client received a zoning violation notice. The light poles have been in existence for over 20 years and his client would like to maintain the lights as they currently exist.

Mr. Midget asked staff if the delay in landscaping and fencing could be noted or flagged so that the applicant can wait until the City resolves the erosion problems. In response, Mr. Ledford stated that one way it could be flagged is on Item 11, the staff could clarify its meaning.

Mr. Stump stated that Item 11 is the standard requirement for a subdivision plat to be recorded before establishing the use. In response, Mr. Ledford stated that there have been a lot of violations in this particular area with developers and owners adding impervious surface without doing on-site detention. The applicant needs to be aware that the Planning Commission is requiring him to plat the property. Mr. Ledford stated that he could not support a plat waiver on the subject property.

Mr. Stump stated that staff would not support a plat waiver either. The subject property has floodplain issues with massive amounts of runoff because use was established contrary to the Zoning Code without proper drainage. He commented that he wouldn't be surprised to find that the erosion of the ditches along the sides of the streets may have been aggravated by the increased runoff that the applicant's paving and gravel produced. He explained that the City would be obtaining the planned right-of-way, which is 50 feet from centerline, and the proposal is to place the fence another ten feet behind that and it should be 30 feet away from the ditch. The erosion shouldn't impede the applicant from moving ahead with proper screening fences and landscaping because of the setback.

Mr. Jackson recognized Mr. Beasley.

Mr. Beasley stated that he appreciates Mr. Stump's comments. He agreed that the fence and landscaping would be 30 to 35 feet from the ditches.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTSERVELT**, the TMAPC voted **9-0-0** (Bayles, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Harmon "absent") to recommend **APPROVAL** of the IL zoning for Z-6875 per staff recommendation.

**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFORD**, the TMAPC voted **9-0-0** (Bayles, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Harmon "absent") to recommend **APPROVAL** of PUD-679 per staff recommendation.

**Legal Description for Z-6875/PUD-679:**

A tract of land being a part of the S/2, NE/4 in Section 3, T-19-N, R-14-E of the IBM, according to the U. S. Government survey thereof, and a part of Lot 1, Block 1, LaBarge Addition, a subdivision of a part of Lots 7 and 8 and a part of the S/2, NE/4 of said Section 3, and all of Lot 1, Block 1, I-44 Auto Auction II, a subdivision of Part of U. S. Government Lot 8 of said Section 3, all in the City of Tulsa, Tulsa County, State of Oklahoma, being more particularly described as follows: Beginning at the Northeast corner of said S/2, NE/4; thence S 0°16'02" E along the East line of said S/2, NE/4 for 420.00'; thence S 89°31'57" W parallel with the North lines of Lot 1, Block 1, I-44 Auto Auction II and Lot 1, Block 1, LaBarge Addition for 1,649.23' to a point on the West line of said Lot 1, Block 1, LaBarge Addition; thence N 0°18'19" W along the West line of said Lot 1, Block 1, LaBarge Addition for 426.49'; thence N 89°45'29" E for 736.90'; thence N 0°18'19" W parallel with said West line of Lot 1, Block 1, LaBarge Addition for 554.14'; thence N 13°41'57" W for 51.37' to a point on the North line of said Lot 1, Block 1, LaBarge Addition; thence N 89°31'57" E along said North line for 150.00' to the Northeast corner of said Lot 1, Block 1, LaBarge Addition and the Northwest corner of said Lot 1, Block 1 of I-44 Auto Auction II; thence continuing N 89°31'57" E along the North line of said Lot 1, Block 1, I-44 Auto Auction II for 387.08'; thence S 0°28'03" E along said North line for 8.00'; thence N 89°31'57" E along said North line for 307.69' to a point of curve; thence Southeasterly on a curve to the right with a central angle of 90°12'01" and a radius of 30.00' for 47.23' to a point on the East line of said Lot 1, Block 1, I-44 Auto Auction II; thence S 0°16'02" E along said East line a distance of 569.44' to a point on the North line of said S/2, NE/4; thence N 89°45'29" E along said North line of the S/2, NE/4 for 50.00' to the Point of Beginning of said tract of land, and located on the southwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue, Tulsa, Oklahoma, **From: AG, SR, CS and IL (Agriculture District/Scientific Research/Commercial Shopping Center District/Industrial Light District) To IL/PUD (Industrial Light District/Planned Unit Development [PUD-679]).**

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**ZONING PUBLIC HEARING**

**Application No.:** Z-6888

**AG to CS**

**Applicant:** William B. Jones

(PD-18) (CD-2)

**Location:** 9900 South Riverside Drive

**STAFF RECOMMENDATION:**

**Z-6677/PUD-306-H February 1999:** Approval was granted for a request to rezone the 8.4-acre tract abutting the subject property on the north from RM-1 to CO and for a Major Amendment to PUD-306 with a Corridor Site Plan for proposed commercial uses, which could also include hotel use.

**Z-6674/PUD-306-G January 1999:** A request to rezone a 1.5-acre triangular tract lying south of the realigned South Delaware Avenue and Riverside Parkway intersection and west of Development Area B of PUD-306 from AG to CS and to be included in PUD-306. All concurred in approval.

**PUD-306-F March 1998:** All concurred in approval of a request for a Major Amendment to PUD-306 for a proposed multifamily residential development on 18.3 acres located on the northeast corner of South Delaware Avenue and the Creek Turnpike and on the south side of Vensel Creek.

**Z-6522/PUD-306-E January 1996:** Approval was granted for a request to rezone the tract from RM-1/RS-3/PUD to CO/PUD and for a Major Amendment to PUD-306 on an 18.3-acre tract located at the northeast corner of South Delaware Avenue and the Creek Turnpike and on the south side of Vensel Creek. The proposed use was for an ice sports facility.

**PUD-306-C February 1983:** All concurred in approval to a proposed Major Amendment to the PUD on 57 acres of the PUD to allow a school teaching compulsory education.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is gently sloping, partially-wooded, contains what appears to be a single-family residence, and is zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Delaware	Secondary arterial	100'	4 lanes

**UTILITIES:** The subject tract has municipal water and sewer.

**SURROUNDING AREA:** The property is abutted on the north by a restaurant (Outback Steakhouse) and construction for another restaurant (Red Robin) zoned CO/PUD-306H; on the east across Delaware Avenue by vacant land, zoned RM-1/PUD-306; on the south by the Creek Turnpike, zoned AG; and on the west by the Arkansas River, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

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

According to the Zoning Matrix the requested CS is in accord with the Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, existing development and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of CS zoning for Z-6888.

**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**, the TMAPC voted **9-0-0** (Bayles, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Harmon "absent") to recommend **APPROVAL** of CS zoning for Z-6888 per staff recommendation.

**Legal Description for Z-6888:**

Lot 8, less the South 702' and less the North 50' of Section 20, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and less the following described tract: Beginning at a point on the West Right-of-Way line of Delaware Avenue, said point being 56.2' Westerly and 50' Southerly of the Northeast corner of said Lot 8; thence S 88°48'22" W and parallel to the North line of said Lot 8 a distance of 78.95'; thence S 1°30'48" E a distance of 0.00' to a point of curve; thence along said curve to the right having a radius of 5,569.58' a distance of 43.79' to a point of tangent; thence S 01°04'15" E a distance of 372.75' to a point on the North line of the Oklahoma Turnpike Authority Right-of-Way; thence N 68°28'26" E along said Right-of-Way a distance of 84.10' to a point on the West Right-of-Way line of Delaware Avenue; thence N 1°04'15" W along said Right-of-Way line and parallel to the East line of said Lot 8 a distance of 387.32' to the Point of Beginning, and less and except a strip, tract or parcel of land lying and being a part of Lot 8, Section 20, T-18-N, R-13-E, Tulsa County, Oklahoma, and more particularly described as follows: Beginning at a point on the East line of said Lot 8, said point being a distance of 702.00' North of the Southeast corner of said Lot 8; thence North along said East line a distance of 201.18'; thence S 68°28'26" W a distance of 526.10' to a point on the West line of said Lot 8, according to the original government survey; thence Southeasterly along said West line a distance of 18.98'; thence East a distance of 486.74' to the Point of Beginning, and located on the northwest corner of South Delaware Avenue and Creek Turnpike, Tulsa, Oklahoma, **From: AG (Agriculture District) To: CS (Commercial Shopping Center District).**

\* \* \* \* \*

**Application No.:** Z-5722-SP-16

**CORRIDOR SITE PLAN**

**Applicant:** Mark Eberhard

(PD-18) (CD-8)

**Location:** 7512 East 91<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a corridor site plan for a one-story medical office building. The use is in compliance with the Zoning Code and in conformance with development standards of PUD-405 in which it is located.

The site plan complies with maximum building height, floor area and lot coverage requirements. Off-street parking meets minimum requirements and the proposed bulk trash container will be screened. A six-foot high wood screening fence will be provided on the south boundary as required by development standards.

Parking lot lighting using 20-foot high poles is proposed. Such lighting must comply with Section 1303.C of the Zoning Code regarding visibility of the light-producing element.

Staff finds **Z-5722-SP-16** to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the Corridor Chapter of the Zoning Code. Therefore staff recommends **APPROVAL** of Z-5722-SP-16 corridor site plan contingent upon compliance with Section 1303.C of the Zoning Code.

*(Note: Detail site plan approval does not constitute landscape and sign plan approval.)*

**RELATED ITEM:**

**Application No.:** PUD-405

**DETAIL SITE PLAN**

**Applicant:** Mark Eberhard

(PD-18) (CD-8)

**Location:** 7512 East 91<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a one-story medical office building. The use is in compliance with the Zoning Code and in conformance with development standards of PUD-405 in which it is located.

The site plan complies with maximum building height, floor area and lot coverage requirements. Off-street parking meets minimum requirements and the proposed bulk trash container will be screened. A six-foot high wood screening fence will be provided on the south boundary as required by development standards.

Parking lot lighting using 20-foot high poles is proposed. Such lighting must comply with Section 1303.C of the Zoning Code regarding visibility of the light producing element.

If Corridor Site Plan Z-5722-SP-16 is approved by the City Council, staff finds the proposed site plan to be consistent with the approved PUD standards. Therefore staff recommends **APPROVAL** of PUD-405 detail site plan, subject to approval of the corridor site plan for Z-5722-SP-16 by City Council and contingent upon compliance with Section 1303.C of the Zoning Code.

*(Note: Detail site plan approval does not constitute landscape and sign plan approval.)*

**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 9-0-0 (Bayles, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Harmon "absent") to **APPROVE** the corridor site plan for Z-5722-SP-16 per staff recommendation.

**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 9-0-0 (Bayles, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Harmon "absent") to **APPROVE** the detail site plan for PUD-405 per staff recommendation.

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**Mr. Westervelt out at 2:15 p.m.**

**Application No.: Z-6889**

**RS-2 TO RM-2**

**Applicant:** Roy Johnsen

**(PD-6) (CD-9)**

**Location:** Southeast corner of East 22<sup>nd</sup> Place and South Utica

**STAFF RECOMMENDATION:**

**BOA-19371 June 2002:** The Board of Adjustment approved a special exception to permit the change in use from a medical office and retail use to a restaurant use without providing additional and required parking for the restaurant. The decision of the Board was appealed to District Court but the appeal was subsequently dismissed. The subject property for this request is located north of the subject tract within the Utica Square Shopping Center.

**BOA-18251 November 1998:** The Board of Adjustment approved a variance of the allowable height from 35' to 62' for new school buildings to be constructed on the Cascia Hall School campus, and abutting the subject property to the south. The new construction was located on Lewis Avenue and nearer East 23<sup>rd</sup> and East 24<sup>th</sup> Streets.

**Z-6506 December 1995:** All concurred in approval of the rezoning of several residential lots located between East 26<sup>th</sup> Street and East 31<sup>st</sup> Street, South Utica Avenue to South Lewis Avenue, from RS-1 and RS-2 to RE zoning.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is gently sloping, partially-wooded, vacant, and zoned RM-1, RM-2 and RS-2.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 22 <sup>nd</sup> Place	Residential	50'	2 lanes
South Utica Avenue	Residential Collector	60'	2 lanes

**UTILITIES:** The subject tract has municipal water and sewer.

**SURROUNDING AREA:** The property is abutted on the north by the Utica Square Shopping Center and associated parking lots, zoned OL, CS, and CH; to the east by Temple Israel, zoned RS-2; to the south by the Cascia Hall High School campus, zoned RS-2; and to the west by single-family dwellings, zoned RS-2.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity – Residential land use.

According to the Zoning Matrix, the requested RM-2 **is not** in accord with the Plan.



theme is proposed which would include stucco and stone and roofs and eaves of a blend of terra cotta clay tile.

The west 190 feet of the subject tract is zoned RM-1; the east 387 feet of the west 577 feet is zoned RM-2; and the east 53 feet of the tract is zoned RS-2. Concurrently, an application (Z-6889) has been filed to rezone the RS-2 portion of the tract to RM-2.

If Z-6889 is approved as recommended by staff, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-680 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-680 subject to the following conditions:

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

#### **DEVELOPMENT AREA A (Townhouse Area)**

##### **Permitted Uses:**

Detached single-family residences and customary accessory uses.

<b>Maximum Number of Dwelling Units:</b>	4
<b>Minimum Lot Area:</b>	2,300 SF
<b>Minimum Lot Width:</b>	32 FT
<b>Maximum Building Height:</b>	42 FT
<b>Minimum Required Yards:</b>	
From centerline of 22 <sup>nd</sup> Place	35 FT

From centerline of Utica	50 FT
From Reserve A	5 FT (measured from face of curb)
Interior side lot lines	5 FT

**Minimum Livability Space Per Lot:** 200 SF

**Other Bulk and Area Requirements:**

As provided within an RM-2 district.

**Minimum Off-Street Parking:**

Within each lot, two spaces within an attached garage shall be provided.

**Signage:**

~~No signs are permitted.~~ No signs are permitted except on development identification sign at the private street entrance on 22<sup>nd</sup> Place, not to exceed four feet in height nor 25 square feet of display surface area.

**DEVELOPMENT AREA B (Courtyard Villas Area)**

**Permitted Uses:**

Detached single-family residences and customary accessory uses.

<b>Maximum Number of Dwelling Units:</b>	12
<b>Minimum Lot Area:</b>	5,700 SF
<b>Minimum Lot Width:</b>	32 FT

**Maximum Building Height:**

1 ½ story, not to exceed 35 FT

**Minimum Yards:**

From centerline of Utica	50 FT
From Reserve A	

Garages with door facing Reserve A	20 FT
Other parts of dwelling	5 FT
Interior side-lot lines	5 FT
From south-lot boundary	5 FT
East boundary of PUD	17.5 FT
<b>Minimum Livability Space Per Lot:</b>	200 SF

**Other Bulk and Area Requirements:**

As provided within an RM-2 district.

**Minimum Off-Street Parking:**

Within each lot, two spaces within an attached garage shall be provided.

**Signage:**

No signs are permitted.

**DEVELOPMENT AREA C (Terrace Homes Area)**

**Permitted Uses:**

Attached or detached single-family townhouse residences and customary accessory uses and structured parking.

**Maximum Number of Dwelling Units:** 10

**Minimum Required Yards:**

Not applicable to attached single-family townhouse residences. If detached there shall be a minimum separation between buildings of ten feet.

**Minimum Livability Space Per Unit:** 200 SF

**Maximum Building Height:** 60 FT

**Minimum Parking Building Setbacks:**

From centerline of 22<sup>nd</sup> Place 32 FT

From centerline of Utica	185 FT
From east boundary of PUD	195 FT
From Reserve A	0 FT

**Other Bulk and Area Requirements:**

As provided within an RM-2 district.

**Minimum Off-Street Parking for Residences:**

Two spaces shall be provided within the parking structure for each residence.

**Signage:**

~~No signs are permitted except on development identification sign at the private street entrance on 22<sup>nd</sup> Place, not to exceed four feet in height nor 25 square feet of display surface area. No signs shall be permitted.~~

**DEVELOPMENT AREA D (Office Tower Area)**

**Permitted Uses:**

Multifamily dwellings and offices (excluding drive-in banks.)

<b>Maximum Number of Dwelling Units:</b>	7
<b>Minimum Livability Space Per Unit:</b>	200 SF

**Minimum Yards:**

Not applicable to multifamily dwelling units.

<b>Maximum Office Floor Area:</b>	81,937 SF
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**Maximum Building Height:**

9 stories, not to exceed 160 FT

**Minimum Building Setbacks:**

From centerline of 22 <sup>nd</sup> Place	35 Ft
From centerline of Utica	470 FT

From east boundary of PUD	35 Ft
From Reserve A	0 FT

**Maximum Signage:**

As permitted in the OL District.

**Minimum Off-Street Parking:**

Each dwelling shall have two spaces within an individual garage within the office building and other parking shall be provided as required by the applicable use unit.

**Minimum Landscaped Open Space:**

15% of net lot area\*.

\*Lot 1 as depicted on the Sketch Plat (Exhibit B-1) includes the footprint of the office building and access ways. Required landscaped area may be located within the lot and/or the reserves and perimeter landscaped areas.

**Reserve A**

Reserve A shall contain a private street meeting the standards prescribed in this PUD, which provide vehicular and pedestrian access from public streets to each dwelling unit and the office tower in the PUD.

**3. Conceptual Building Views:**

The submitted building views (Exhibits C-I and C-II) of the proposed buildings within Utica Place are conceptual and variation in the building facades and footprints may occur pursuant to finalization of the detail site plan, provided however, construction shall be in substantial accordance with the concepts depicted within the submitted buildings views which shall include architectural style. Elevations of townhouses/parking facility and the office/multifamily residences shall be submitted to the TMAPC as a part of detail site plan review.

4. **Landscaping:**

Landscaping within the PUD shall be in substantial compliance with the submitted landscape plan and shall meet or exceed the requirements of the Landscaping and PUD Chapters of the Tulsa Zoning Code. The landscaped area, excluding landscaping within private courtyard areas, shall not be less than 15% of the net site area.

5. Development may proceed in phases. The approved final plat of the townhouses and detached single-family dwellings (Lots 2 through 18 as depicted on the sketch plat, Exhibit B-1) shall constitute the required detail site plan of the lots provided, however, a detail site plan of entry gating and perimeter screening walls and fences and common area landscaping and private streets and decorative features shall be submitted to and approved by the TMAPC as being in compliance with the PUD concept plan and development standards prior to the issuance of any building permits. No certificate of occupancy shall be issued until the landscaping for the applicable phase of development has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by TMAPC. 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 of 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 continuing condition of the granting of an occupancy permit.
6. A detail landscape plan for each lot within Development Area D 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 of 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 continuing condition of the granting of an occupancy permit.
7. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
8. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement are prohibited.

9. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
10. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way.
11. 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.
12. An owners 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.
13. All private roadways (Reserve A) shall have a minimum right-of-way of 30' and be a minimum of ~~26'~~ 18' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.
14. 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. The developer shall pay all inspection fees required by the City.
15. 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.
16. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
17. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department prior to issuance of a building permit for the gates or guard houses.

18. 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.
19. 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.
20. A secondary point of emergency access shall be provided to Utica Avenue.
21. All buildings must be sprinkled.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, stated that he is representing Utica Place, LLC, which consists of Chris Bumgarner and three architects, Pat Fox, Jack Arnold and Lanny McIntosh. He cited the history of the past uses and zoning on the subject property and described it as an infill project. Mr. Johnsen submitted photographs (Exhibit B-1) and compared the subject proposal to other developments in the immediate area.

Mr. Johnsen explained that the proposal is for a nine-story office building and residential penthouse-condominiums. The bottom six floors would be office and the top three would be residential penthouses. In designing the subject project the architects and engineers spent time to carefully address how to integrate the mixed-use development so that it would work. There would be townhouses, single-family detached at grade, and then around the south boundary would be single-family detached villas with individual lots at grade. In the middle of the subject proposal is a parking structure that is built into the slope and topography approximately four feet above grade. The drive enters into the top level of the parking structure. There are ten terrace homes that are detached (due to design constraints). The parking for the units is on the same fourth level, and within the parking garage would be parking for the office building. Guest parking would be provided within the garage with a manned entry into the project. Mr. Johnsen cited the estimated value of the townhouses, penthouses, etc.

Mr. Johnsen stated that he is essentially in agreement with the staff recommendation, but there are a few things he needs to mention. He requested that the terrace homes have attached or detached units. The second issue is the signage and he would like the opportunity have a project identification sign in Area C and delete it from Area A. The third issue is the interior drive with a paving width of 18 feet. He commented that the staff recommendation is for 26 feet in width. There are some departures that he believes are appropriate in infill situations. He indicated that he met with representatives from Public Works to explain the concept and demonstrate how the subject project is distinguishable. All of the proposed buildings are sprinkled for fire protection and the Fire

Department requested a second point of access onto Utica, which his client has agreed to install with a crash gate. The drive is to create a European village look and would meet the City's requirements in regard to strength. There would be no parking allowed on the drive, and that can be enforced because there would be a manned gate. Each unit would have garage parking and space in front of the garages for some parking, but the important factor is that there would be a parking garage that exceeds the parking requirement for the office by 60 to 70 spaces. After meeting with Public Works it was agreed that if his client submitted additional standards they would agree with the 18 feet in width (Exhibit B-2).

Mr. Johnsen stated that he met with Cascia Hall representatives to discuss the south wall, which would be of stucco. He explained that he committed to submitting a drawing with the minimum height from the grade on Cascia Hall's side of six feet and of masonry construction with a stucco finish on the outside (Exhibit B-3).

**TMAPC COMMENTS:**

Mr. Jackson asked staff if they would agree or disagree with the terrace homes being detached. In response, Mr. Stump stated that staff has no problem with the terrace homes being detached, but there would have to be an established required side yard, which is not in the standards at this time.

Mr. Stump asked Mr. Johnsen if he knew what the combined side yard between each unit would be or the minimum separation. In response, Mr. Johnsen stated that if the terrace homes are detached it would five feet, but he isn't sure the terrace homes will be detached. Mr. Stump stated that staff would recommend a minimum of five feet of separation for the required side yards for the detached terrace homes.

Mr. Jackson asked Mr. Stump if staff would agree to the signage for Development Area A. In response, Mr. Stump stated that staff would have no problem with moving the sign from Development Area C to Development Area A with the same standards.

Mr. Midget asked if there are any other safety issues with emergency vehicles coming through this type of setting. In response, Mr. Johnsen stated that there were issues that had to be dealt with and he believes he has done this. The second point of access onto Utica (crash gate) was an agreement with the Fire Department. There were some radius requirements on the turns and the turnaround at the end has to be designed in a way to permit paramedic units to turn around.

**Interested Parties:**

**John Moody**, 1924 South Utica, Suite 700, Tulsa, Oklahoma 74104, representing Cascia Hall Preparatory School, stated that the school was approached by the developers of the project and was shown a preliminary plan.

The school reviewed the preliminary plans and requested a final submittal to the Planning Commission before commenting. After reviewing the Planning Commission submittal, the Board of Directors and Building Committee for Cascia Hall have met several times regarding the proposed project. There were concerns regarding the nine-story height and a five-foot setback from the south property line adjacent to Cascia Hall's property. Concerns were expressed regarding the increased traffic that would be generated by the office building, which does not exist under the existing zoning.

Mr. Moody indicated that after reviewing the submittal his client requested the applicant to be specific about the details of the screening wall located on the south side of the subject property. He stated that he had a meeting with the developer and was shown a final detail of the screening wall. He indicated that he expressed concerns that the City, Planning Commission and any future owners of the project should be fully aware that Cascia Hall has an athletic area on the south side of the property. Single-family homeowners may find these types of activities offensive. The school has had a master plan (Exhibit B-4) which will be coming before the Planning Commission for approval soon. He requested that the applicant show on the plat of their property the Cascia Hall Preparatory School and athletic fields so that any future owners would be aware of these activities.

Mr. Moody stated that the other request he has made is the five-foot setback along the south property line and the Zoning Code requires ten. There are two conditions that the Board of Directors and Building Committee would like to see met and then they wouldn't oppose the application. One of the two conditions is that there would be some notation on the plat showing Cascia Hall School and athletic fields. The second condition is that the face of the south wall, which faces Cascia Hall, be finished with clinker brick and match the same type and style that all of the structures are finished with. This type of design has been utilized in order to be compatible with the surrounding area and the type of homes in the subject area. One of the things that the Planning Commission looks for in an infill development is what treatment is given to the structures, architecturally, to blend in and be compatible with older residential areas. He explained that one of the reasons for requesting the clinker brick is because all of the buildings for Cascia Hall have clinker bricks, including the baseball dugouts. The proposed stucco would be subject to more types of appearance problems than would be with the brick.

Mr. Moody stated that the drainage on the subject property drains out to the southeast portion and goes into an underground storm system that is located under the football field, Cascia Hall and the Temple. He indicated that he was shown plans for containing all stormwater detention in an enclosed structure underground, which would contain the water generated by the project in excess of natural states and the only release that would occur would be that meeting the

requirements that it be above no greater than what was there before. He would like to ensure that this remain as part of the approval process.

Mr. Moody concluded that subject to the above mentioned conditions, the school felt that this would be a good result for this type of project. He stated that there is one other concern that a drive-in bank facility would be permitted in the office building. He requested that if a bank is located in the offices, that drive-in lanes would not be permitted.

**TMAPC COMMENTS:**

Mr. Jackson asked Mr. Moody what adverse effect a nine-story building would have on a playground or field house. In response, Mr. Moody stated that a case could be made that it might be incompatible with those uses in the sense of the people who live there are going to be looking at those activities. Mr. Moody further stated that Cascia Hall doesn't have a problem with the nine-story building, but are more concerned that they be aware of the activities Cascia Hall is proposing and have historically been in place.. Mr. Moody explained that Cascia Hall doesn't want a conflict coming up in the future.

Mr. Jackson asked Mr. Moody if he was opposed to the five-foot setback. In response, Mr. Moody stated that Cascia Hall could live with the five-foot setback if the wall were finished on the south face with clinker brick.

Mr. Carnes asked Mr. Moody if the baseball field would be abolished with the new plan. In response, Mr. Moody answered affirmatively.

Mr. Carnes asked Mr. Moody if the school would be willing to maintain the clinker brick after it is installed by the developer. In response, Mr. Moody answered affirmatively.

**Interested Parties:**

**Coleman Robison**, 525 South Main, Suite 700, Tulsa, Oklahoma 74103, representing Temple Israel, stated that Temple Israel is not adamantly for or against the project. The development of the subject property is good for Tulsa.

Mr. Robison stated that there are some concerns regarding increased traffic that the development would generate to the detriment of Temple Israel. The main entrance and exit to the Temple is on 22<sup>nd</sup> Place and immediately adjacent to the east boundary of the subject property. The Temple conducts a day school, a nursery and a Hebrew School. Five days a week there are 150 persons entering the building between the hours of 7:30 a.m. to 9:30 a.m. All enter off of 22<sup>nd</sup> Place. In the afternoon, 3:30 p.m. to 5:00 p.m., there are 190 students exiting the Temple parking lot off of 22<sup>nd</sup> Place.

Mr. Robison stated that a May 2002 traffic count indicates an estimated 3,000 cars per day on 22<sup>nd</sup> Place. The traffic count was conducted before the new

restaurant opened in Utica Square and a new restaurant is proposed. He expressed concerns that the traffic could be bottlenecked.

Mr. Robison expressed concerns regarding stormwater drainage, which drains toward the Temple and Cascia Hall properties. He stated that he is concerned with the prospect of flooding.

Mr. Robison stated that he is concerned about a nine-story building being next to the Temple's west property boundary. He commented that the highrise buildings that Mr. Johnsen compared his proposal to are all located on a hard corner with ingress/egress onto two major streets. The proposal wouldn't have two major streets for ingress/egress.

**TMAPC COMMENTS:**

Mr. Jackson stated that the Planning Commission doesn't handle stormwater issues. He explained that the City's Public Works Department would take care of the stormwater issues.

Mr. Jackson asked Mr. Robison if Yorktown intersects with 22<sup>nd</sup> Place. In response, Mr. Robison answered affirmatively. Mr. Jackson stated that the traffic could access 22<sup>nd</sup> Place from Utica, Yorktown or through the shopping center, which could be used if a bottleneck did occur. In response, Mr. Robison stated that the problem is there could be a bottleneck at both intersections during the hours of 7:30 a.m. and 9:00 p.m. and in the late afternoons between 3:30 p.m. and 5:30 p.m.

Mr. Jackson reminded Mr. Robison that previously there was a medical building (six stories) and the apartments located in the subject area that generated traffic. The newly-proposed nine-story building would have three floors of penthouse apartments that would be large units. The first six floors would be offices and the former medical building in Utica Square was six stories. In response, Mr. Robison stated that he doesn't have any traffic counts or studies, but he believes that a large amount of the patients of the medical center would enter off of 21<sup>st</sup> Street through Utica Square, as opposed to using 22<sup>nd</sup> Place.

Ms. Hill asked Mr. Robison if the classrooms were located next to the subject property. In response, Mr. Robison stated that the westernmost portion of the Temple's property is classrooms and the sanctuary is located on the east side of the property.

**Interested Parties:**

**Shirley Burger**, President of the Board for Temple Israel, 2601 E. 75<sup>th</sup>, Tulsa, Oklahoma 74136, stated that she concurs with Mr. Robison's comments.

**Applicant's Rebuttal:**

Mr. Johnsen stated that a traffic study was performed one year ago by Mr. Jon Eshelman. He requested Mr. Eshelman to report his traffic analysis.

**Jon Eshelman**, Traffic Engineering Consultants, 6931 South 66<sup>th</sup> East Avenue, Suite 100, Tulsa, Oklahoma 74133, stated that he performed a traffic analysis for the subject site when the proposal was more office and more residential units than is being proposed today.

Mr. Eshelman stated that he compared the traffic generation for the specific proposal versus what was in the traffic impact study, and the daily traffic is approximately two percent less than it was with the assumptions that were made in this study. He indicated that one year ago 22<sup>nd</sup> Place carried 2,300 cars per day and he projects that there would be 2,900 cars per day with the proposal. This would be an increase of 600 cars per day on 22<sup>nd</sup> Place, which is fewer than 3,000 on a 36-foot wide collector type street. In the peak hours, he projects that approximately 75 cars (in one hour) would travel on 22<sup>nd</sup> Place passing in front of Temple Israel.

Mr. Eshelman stated that in the morning hours there would be residents leaving their homes while the office traffic is arriving and vice versa in the evening. He concluded that he had no concern about the operation with the existing stop signs at the two intersections on 22<sup>nd</sup> Place and the signal on 21<sup>st</sup> and Yorktown.

**TMAPC COMMENTS:**

Mr. Ledford asked Mr. Eshelman if he has conducted a traffic count since the professional building has been demolished and a new restaurant has opened with another restaurant proposed. In response, Mr. Eshelman answered negatively.

**Applicant's Rebuttal:**

Mr. Johnsen stated his client does not accept the idea of being required to install clinker brick on the screening wall. The screening wall will be consistent with the architecture of the proposed buildings and would be acceptable in most locations. It would be extreme to be required to match the schools' brick.

Mr. Johnsen stated that Tanner Consulting has addressed the drainage problems with the underground detention and it takes this type of project to be able to afford this type of detention. His client will follow the standard that the situation not be aggravated downstream. Tulsa has an excellent stormwater management program to ensure the standard is followed.

Mr. Johnsen stated that he did agree to indicate Cascia Hall Preparatory School on the plat, but nothing else.

Mr. Johnsen stated that regarding the traffic concerns, he believes the increase in traffic would be negligible and the acceptable levels of service would be present after the subject project is developed. It is possible to get to 21<sup>st</sup> Street through Utica Square. It is possible to access Yorktown and Utica, which both have traffic signals. Traffic should flow well in the subject area.

Mr. Johnsen stated that churches are located near high-rise buildings in downtown Tulsa and some have schools and daycare. He commented that they seem to function well.

Mr. Johnsen concluded that this is a good infill project, which would be approximately a twenty-five million dollar-plus development. The site needed to be redeveloped and who greatly underutilized.

**TMAPC COMMENTS:**

Mr. Jackson stated that he likes the project and he could support this project.

Mr. Ledford requested Mr. Michael Skates to speak before the Planning Commission. He stated that it would be a shame to lose this opportunity to have Public Works on record regarding how they support or do not support the proposed project.

**Michael Skates**, Administrator for Development Plan Review for the City of Tulsa, 111 South Greenwood, Tulsa, Oklahoma 74103, stated that he has had several meetings for the proposal with Mr. Johnsen, project architects and engineers, INCOG, TMAPC representatives, Public Works Permitting Services and Engineering Services. From this meeting there were items of concern that were discussed. Public Works has consented to the exception from the 26-foot to the 18-foot wide street, with the items noted in Mr. Johnsen's supplemental development standards (Exhibit B-2). Private streets should be 26 feet wide unless approved otherwise on a case-by-case basis.

Mr. Midget stated that he supports the proposed project and he appreciates the concerns that the interested parties have raised. The project represents the type of infill development that the Planning Commission has discussed over the last three or four years. He commented that he is neutral on the screening wall setback and esthetics.

Mr. Ledford stated that he believes that it is a good project. He requested staff to address the issues regarding the detached or attached units.

Mr. Stump stated that staff has no problem with the terrace homes being detached with a minimum five-foot setback and it would be consistent with the townhouses within the development.

In response to Mr. Ledford, Mr. Stump stated that staff has no problem with moving the signage from Area C to Area A as long as it is no larger than the staff recommendation.

Mr. Ledford asked Mr. Stump if staff supports the 18-foot width versus the 26-foot width for the private street. In response, Mr. Stump stated that staff is not comfortable with the proposal. Staff would prefer to see ten-foot wide lanes or a 20-foot wide street in order to accommodate delivery trucks and SUVs.

Mr. Ledford asked Mr. Stump if staff would support a 20-foot wide street. In response, Mr. Stump stated that staff would support a 20-foot wide street with no parking on the street being allowed.

Mr. Midget asked Mr. Johnsen to speak on the concern of a drive-in bank.

Mr. Johnsen stated that there wouldn't be a drive-in bank on the subject property.

Mr. Ledford asked Mr. Johnsen to address the preference of the staff regarding a 20-foot wide street. In response, Mr. Johnsen stated that the effect his client is trying to achieve is a European village look. Mr. Johnsen commented that the more pavement there is, the less the esthetics are. Mr. Johnsen explained that he has gone to considerable lengths with the Department of Public Works to ensure that this wouldn't be a safety issue. If there is any inconvenience it would be for the occupants of the proposed project. He requested that the Planning Commission try the 18-foot width since the life-safety issues have been appropriately addressed.

Ms. Bayles asked Mr. Johnsen if Mr. Moody's comment was that he would support a five-foot setback if the clinker brick were installed, otherwise he could not support it. In response, Mr. Johnsen stated that he didn't hear it that way, but perhaps they have reached that position.

Ms. Bayles recognized Mr. Moody.

Mr. Moody stated that he had hoped to reach an agreement, but it wasn't possible and he is opposed to the five-foot setback. He commented that the clinker brick was a modest request and it is not incompatible with anything in the applicant's development because it is on the exterior south wall. People at Cascia Hall would be the only ones who would have to look at stucco on the south wall.

Mr. Jackson asked Mr. Moody what difference five feet makes on a setback next to a ball field. In response, Mr. Moody stated that it is a ball field and balls do go over the fences. On the applicant's side the fence would only be three feet high and doesn't really create much screening from the houses. Ten feet is a better separation.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Bayles, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Coutant, Harmon, Westervelt "absent") to recommend **APPROVAL** of the RM-2 zoning for Z-6889 per staff recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Bayles, Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Coutant, Harmon, Westervelt "absent") to recommend **APPROVAL** of PUD-680 subject to the following modifications: terrace homes allowed to be detached with a minimum five-foot required side yard; no signs are permitted in Development Area A except on development identification sign at the private street entrance on 22<sup>nd</sup> Place, not to exceed four feet in height nor 25 square feet of display surface area; 18-foot wide private streets with the supplemental development standards provided by applicant (Exhibit B-2); no drive-in banking facilities shall be permitted; and provided the proposed development is sprinkled and per the staff recommendations unless otherwise modified by the Planning Commission. **(Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)**

**Legal Description for Z-6889:**

A tract of land in the NW/4, NE/4, Section 18, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows: Beginning at a point on the South boundary of said NW/4, NE/4, 617' East of the Southwest corner; thence East along the South boundary 53.00' to a point which is 645.05' from the Southeast corner; thence North 300.00'; thence West 53.00'; thence South 300.00' to the Point of Beginning, containing .365 acres more or less, **From RS-2 (Residential Single-family Medium Density District) To RM-2 (Residential Multifamily Medium Density District).**

**Legal Description for PUD-680:**

A tract of land in the NW/4, NE/4, Section 18, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows: beginning at a point on the South boundary of said NW/4, NE/4, 40.00' East of the Southwest corner; thence East along the South boundary 630.00' to a point which is 645.05' from the Southeast corner; thence North 300'; thence West 643.80'; thence S 0°43'30" E, 300.00' to the Point of Beginning, containing 4.352 acres, more or less and located on the Southeast corner of East 22<sup>nd</sup> Place South and South Utica Avenue, Tulsa, Oklahoma, **From RM-1, RM-2, and RS-2 (Residential Multifamily Low Density District, Residential Multifamily Medium Density District, and Residential Single-family Medium Density District) To RM-1/RM-2/PUD (Residential**

**Multifamily Low Density District/Residential Multifamily Medium Density District/Planned Unit Development).**

\* \* \* \* \*

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

**Application No.: PUD-592-C**

**MAJOR AMENDMENT**

**Applicant:** Roy Johnsen

(PD-6) (CD-7)

**Location:** East of the northeast corner of East 41<sup>st</sup> Street and South Harvard Avenue

**STAFF RECOMMENDATION:**

PUD-592-B was approved by the City Council in June, 2001. The PUD consists of approximately 5.73 acres located north and east of the northeast corner of East 41<sup>st</sup> Street and South Harvard Avenue. The PUD consists of three development areas. Development Area A consists of the north 237 feet ± of the PUD and has frontage on South Harvard Avenue. Development Area A was approved for uses that permitted the development of religious movies, videos and stage production. Development Area B consists of the west 328 feet of the tract with frontage on East 41<sup>st</sup> Street. Development Area B was approved for funeral home and office uses. Development Area C consists of the east 281 feet of the tract with frontage on East 41<sup>st</sup> Street. Development Area C was approved for office use, single-family dwelling and accessory parking to uses in Development Area A. The floor area for Development Area C was limited to the existing building. The City Council added a condition that any new construction in Development Area C would require a major amendment (see existing development standards, Exhibit D).

This amendment proposes the removal of the existing structures within Development Area C and the construction of a one-story bank with drive-in facilities. It is proposed that the building be of pitched roof design and an architectural style compatible with residential structures. This amendment further proposes that of the permitted uses within Development Area B permit the shared use of existing parking by a proposed florist shop to be located within an existing building (to be remodeled) located on a parcel adjoining the west boundary of Development Area B.

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-592-C 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-592-C subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. Except as modified below, the development standards established pursuant to the initial approval of PUD-592-B shall remain applicable.
3. Development Standards:

**DEVELOPMENT AREA B (LOT 2, BLOCK 1)**

**Net Land Area:** 1.98 acres (no change)

**Maximum Building Floor Area:** 19,285 SF (no change)

**Permitted Uses:**

Funeral home, offices and off-street parking for a florist shop not exceeding a floor area of 5,280 square feet and to be located adjoining the west boundary of Development Area B.

**DEVELOPMENT AREA C (LOT 3, BLOCK 1)**

**Net Land Area:** 1.70 acres (no change)

**Permitted Uses:**

Offices as included within Use Unit 11; including bank drive-in facilities and off-street parking accessory to uses within Lot 1, Block 1 (Development Area A).

**Maximum Building Floor Area:** 6,600 SF

**Minimum Building and Canopy Setbacks:**

From the centerline of East 41<sup>st</sup> Street 120 FT

From the north boundary of the Development Area 100 FT

From the west boundary of the Development Area -0- FT

From the east boundary of the Development Area

Building Wall 15 FT

Drive-In Canopy including ATM 130 FT

**Minimum Parking Space or Access Drive Setbacks:**

From the east boundary of the Development Area 15 Ft

From the north boundary of the Development Area 5 FT

From the south boundary of the Development Area 15 FT

**Signs:**

Shall comply with the provisions of the OL district and shall be limited to one ground sign located along the East 41<sup>st</sup> Street frontage at least 200 feet from the east boundary of the development area.

**Building Design:**

Buildings within Development Area C shall be of pitched roof design and an architectural style compatible with residential structures.

**Minimum Landscaping and Screening:**

There shall be an eight-foot high wall or fence constructed and maintained along the north and east boundaries of Development Area C. A landscaped area of not less than 15 feet in width shall be located along the east boundary of Development Area C. A landscaped area of not less than 15 feet in width shall be located along the south boundary of Development Area C except for approved access points, which shall include a three-foot berm. All required landscaped areas shall be outside the planned right-of-way of East 41<sup>st</sup> Street. All landscaping shall meet or exceed the requirements of the PUD and Landscape Chapters of the Tulsa Zoning Code, which would include a landscaped area of not less than five feet along the north boundaries of Development Areas B and C and (except for approved access points).

4. There shall be a maximum of one access point from East 41st Street to Development Area C in addition to a shared access point on the common boundary of Access B and C. Each development area within the PUD shall have internal pedestrian and vehicular access to other development areas within the PUD, which shall include a three-lane access point with two outbound lanes onto East 41<sup>st</sup> Street to be located at the shared boundaries of Development Areas B and C. Within Development Area C drive-in lanes shall be on the west side of the building and be located a minimum of 80 feet from the centerline of East 41<sup>st</sup> Street. There shall be no through-traffic movement on the east side of the building within Development Area C. All access shall be approved by the Public Works Department.
5. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement are prohibited.
6. 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 the adjacent residential areas or street right-of-way. No light nor building-mounted light shall exceed twelve feet in height and all such lights shall be set back at least 50 feet from an RS district.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, representing Buford Properties, stated that a letter was sent to all persons within 300 feet and persons who had spoken at earlier hearings on the subject PUD. The consensus at the meeting was that the neighbors were happy with the redevelopment of the church property.

Mr. Johnsen stated that the PUD has been approved and there were two existing residential structures. The PUD provided that if there were to be new construction, it would require a major amendment, but the area had been authorized for office use. The office zoning that exists within the PUD is sufficient to accommodate the proposed bank.

Mr. Johnsen indicated the existing parking area that would be re-striped, which has an access drive along the east boundary that extends to 41<sup>st</sup> Street. The drive-in would be located west of the bank building and would be substantially away from abutting residential areas. The east access drive along the east boundary would be closed and additional landscaping would be installed. There will be some alteration to the access point on 41<sup>st</sup> Street at the east edge of the

property that would not allow vehicles to go north. Mr. Johnsen submitted a revised conceptual site plan (Exhibit C-1).

Mr. Johnsen stated that his client worked with the neighborhood while developing the funeral home. His client built a good relationship with them by listening to their suggestions and making improvements in the fencing and drainage. He concluded that he is in agreement with the staff recommendation and the conditions that have been imposed.

**Commissioner Collins out at 3:43 p.m.**

**Interested Parties:**

**Josh McCormick**, 3424 East 41<sup>st</sup> Street, Tulsa, Oklahoma 74135, stated that he is opposed to the subject proposal. He explained that the subject proposal would bring an abrupt speed change in front of his property and surrounding properties due to traffic turning in and out. He understands that 41<sup>st</sup> Street is a major arterial road, but it is residential in character from the subject property over to Harvard. He commented that there is not a lot of a commercial traffic in the subject area. He cited the surrounding characteristics, two schools, a park, and pedestrian traffic.

Mr. McCormick stated that his major objection is that the subject proposal is completely against his expectations of development for the area and the general character of housing along 41<sup>st</sup> Street. Currently, there are two homes on the subject property that the applicant would like to remove and build a bank with a drive-through.

Mr. McCormick commented that the subject property is completely surrounded by residential properties. If the subject proposal is approved it would start a slow erosion of the area into commercial properties. He pointed out that a church recently turned into a funeral home and two houses proposed to be turned into a bank. He questioned of what would be next to move into the surrounding area.

The following are concerns of Mr. McCormick:

This is an extension of a commercially-zoned area and the removal of a residential area; the original use for Development Area C was for the parsonage of the church and not for commercial purposes; it was not an office space or business but the residence of the pastor; questions how a bank could have a residential character; Comprehensive Plan designates the intersection of 41<sup>st</sup> and Harvard as medium-intensity commercial, as well as 41<sup>st</sup> and Yale, but in between Yale and Harvard the entire road frontage is designated low-intensity residential; ambiguity where the intersections in between the medium-density commercial and low-density residential; in older developed areas the plan designates what is already present and because what is currently present is residential in character then it would go against the Comprehensive Plan to remove a residential property and place commercial property in its place; the

property is currently zoned for Use Unit 11 uses and a drive-through is not a conceivable part of the majority of businesses that are zoned for a Use Unit 11; the Zoning Code recognizes the drive-through restaurant as being a greater commercial intensity and impact on the surrounding properties, which would be the same for a drive-through bank and that is why it requires a BOA special exception in OL districts; the proposal is to replace a parsonage with a high intensity drive-through bank near residential properties.

**Applicant's Rebuttal:**

Mr. Johnsen stated that the planning issues were previously determined when the PUD was approved and established this development area. The application today is to implement the concept that was approved. An office has been recognized as a good use on arterial streets near residential properties. All of the property immediately adjacent to the subject property backs to it. A residential structure or compatible architecture language has been used in the past to ensure a pitched roof instead of something that looks modernistic.

Mr. Johnsen requested the Planning Commission to approve the subject proposal per staff recommendation.

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Bayles, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Carnes, Collins, Coutant, Harmon, Westervelt "absent") to recommend **APPROVAL** of the major amendment for PUD-592-C per staff recommendation.

**Legal Description for PUD-592-C:**

Lots 2 and 3, Block 1, Forty-first Place Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the northeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue, Tulsa, Oklahoma, **From RS-3/OL/PUD-592-B (Residential Single-family High Density District/Office Low Intensity District/Planned Unit Development) To RS-3/OL/PUD-592-C (Residential Single-family High Density District/Office Low Intensity District/Planned Unit Development [PUD-592-C]).**

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**Application No.:** Z-6890

**IM to CBD**

**Applicant:** Charles Norman

(PD-1) (CD-4)

**Location:** Northwest corner of East 3<sup>rd</sup> Street and South Lansing Avenue

**STAFF RECOMMENDATION:**

**Z-6779 August 2000:** A request to rezone an acre tract located south and west of the southwest corner of East Archer Street and South Elgin Avenue from IL to CBD. All concurred in approval of CBD zoning.

**Z-6763 June 2000:** All concurred in approval of a request to rezone a tract located on the northeast corner of East Archer Street and North Detroit Avenue from IL to CBD for office use.

**Z-6754 April 2000:** All concurred in approval of a request to rezone a 75' x 120' lot located on the southwest corner of East 7<sup>th</sup> Street and South Kenosha Avenue from IM to CBD for office use.

**Z-6695 June 1999:** Approval was granted for a request to rezone a lot located on the southwest corner of East 1<sup>st</sup> Street and South Detroit Avenue from IL to CBD.

**Z-6598 December 1997:** All concurred in approval of a request to rezone a 14-acre tract located east of Boulder Avenue, north of the Burlington Railroad tracks to the right-of-way of I-244 from IL to CBD.

**Z-6560 November 1996:** A request to rezone the southern portion of the subject tract from IM to CBD was withdrawn by the applicant due to complications with a sales contract with future developer.

**Z-6422 December 1993:** All concurred in approval of a request to rezone a tract located on the northeast corner of East Archer Street and North Main Street from IL to CBD for a 26-unit residential facility.

**Z-6242 April 1989:** All concurred in approval of a request to rezone a tract located between Kenosha and Lansing Avenue on the south side of East 1<sup>st</sup> Street from IM to CBD.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is gently sloping, non-wooded, and zoned IM. It is in the northeastern corner of the downtown (Central Business District), within an older, developed industrial and mixed use area.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 3 <sup>rd</sup> Street	Comm/Indus. Collector	60'	2 lanes
South Lansing Avenue	Comm/Indus. Collector	60'	2 lanes

**UTILITIES:** The subject tract has municipal water and sewer.

**SURROUNDING AREA:** The property is abutted on the north by an industrial use and farther north by railroad tracks, zoned IM; to the east by the expressway (I-444), zoned IM; to the west by a vacant lot that may be or have been a parking/vehicle storage lot, and immediately to the west by an apparently vacant industrial building, zoned IM; and to the south by an industrial use, zoned IM.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 1 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as part of the Downtown East Identity Area within the downtown, all of which is a Special District. Plan policies (section 3.12) call for office and service uses to remain here and for redevelopment to be compatible with adjacent uses. The District 1 Plan recommends that all or most property within the Inner Dispersal Loop downtown eventually be rezoned to CBD. The District 1 Plan also contemplates that as the downtown redevelops, opportunities for residential use will be incorporated in plans for some of the mixed-use developments, and this application would enable that to occur on this property.

According to the Zoning Matrix the requested CBD **may be found** in accord with the Plan by virtue of its location within a Special District.

**STAFF RECOMMENDATION:**

Rezoning trends in the area over more than a decade indicate a transition from industrial zoning to CBD, as the District One Plan envisioned. Based on the Comprehensive Plan, existing development and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of CBD zoning for Z-6890.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he is in agreement with the staff recommendation. He explained that the purpose of the application is to allow a mixed-use of an existing building that is approximately 85 years old. Originally the subject building had seven apartment units upstairs. When he requested permits to renovate the units it was determined that apartments were not allowed in an industrially-zoned district. He is requesting CBD zoning to permit the renovation upstairs in accordance with the TDA plans.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Bayles, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Carnes, Collins, Coutant, Harmon, Westervelt "absent") to recommend **APPROVAL** of the CBD zoning for Z-6890 per staff recommendation.

**Legal Description for Z-6890:**

Lot 4 and the North Half of Lot 5, Block 5, Hodge Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and the East Half of the South Half of Lot 5, Block 5, and the East 70' of Lots 6 and 7, Block 5, Hodge Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and located on the northwest corner of South Delaware Avenue and Creek Turnpike, Tulsa, Oklahoma, **From IM (Industrial Moderate District) To CBD (Central Business District).**

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**Application No.:** Z-6891

**RS-3 TO RM-2**

**Applicant:** Roy Johnsen

(PD-3) (CD-3)

**Location:** Southeast corner of East Latimer Street and North Yale Avenue

**STAFF RECOMMENDATION:**

**BOA-19143 July 2001:** The Board of Adjustment approved a special exception to allow an assisted living facility on the subject property.

**Z-6610 December 1997:** A request to rezone a four-acre tract located on the northeast corner of East Archer Street and North Yale Avenue from CH and OL to CH for a trucking and warehouse business. The applicant withdrew the application prior to TMAPC hearing date.

**BOA-17120 August 1995:** The Board of Adjustment approved a special exception to permit a public park on property located south of the subject tract on the east side of North Yale Avenue and in an RS-3-zoned district.

**BOA-16117 August 1992:** The Board of Adjustment approved a special exception to remove the screening requirements for a convenience store that is located near and abutting the subject tract on the south. The screening requirements were for the boundaries on the north, east and south boundaries until such time as residential development occurs.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is vacant and zoned RS-3. According to Councilor David Patrick, this property has been vacant for many years and was once the site of the entrance to a coal mine. Tulsa's Physical Environment shows a large coal mine in the vicinity, south of Pine Street and approximately one-quarter mile east of Yale. The applicant has had the property core-drilled to determine the presence of open mine shafts and has found there are none.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East Latimer Street	Residential Collector	70'	2 lanes
North Yale Avenue	Secondary Arterial	100'	4 lanes

**UTILITIES:** The subject tract has municipal water and sewer.

**SURROUNDING AREA:** The property is abutted on the north by single-family residential uses, zoned RS-3; on the east by a church, zoned RS-3; on the west by a church, zoned RS-3; and on the south by a convenience store and multifamily residential uses, zoned CS and RM-2.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity – Residential land use.

According to the Zoning Matrix the requested RM-2 is **not** in accord with the Plan

**STAFF RECOMMENDATION:**

Based on the site's location adjacent to a secondary arterial (Yale), a convenience store and two churches, staff can support the requested rezoning. It is unrealistic to expect that this site would develop as single-family residential, and therefore staff recommends **APPROVAL** of RM-2 for Z-6891. Staff would further encourage the developer to have no vehicular access from the north, where the single-family residential uses are located, and to restrict any such access to Yale Avenue.

If the TMAPC is inclined to recommend approval of this application, they should direct staff to prepare appropriate amendments to the District Plan map.

**STAFF COMMENTS:**

Mr. Stump stated that the subject property was earlier approved by the BOA for assisted housing and now the applicant would like to change it to elderly apartments, which requires a change in zoning. The BOA, when approving

assisted housing, prohibited access to Latimer and staff would probably be asking the Planning Commission, when this comes up for platting, that limits of no access be provided along Latimer.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Bayles, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Carnes, Collins, Coutant, Harmon, Westervelt "absent") to recommend **APPROVAL** of the RM-2 zoning for Z-6891.

**Legal Description for Z-6891:**

A tract of land in the NW/4, NW/4, SW/4 of Section 34, T-20-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the US Government survey thereof, more particularly described as follows: Beginning at a point 30' South and 50' East of the Northwest corner of said NW/4, NW/4, SW/4 of said Section, thence N 90°00'00" E a distance of 250.80', thence S 00°06'38" W a distance of 430.00', thence S 90°00'00" W a distance of 250.80', thence N 00°06'38" E a distance of 430.00' to the Point of Beginning, containing 2.47 acres more or less, and located on the southeast corner of East Latimer Street and North Yale Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To RM-2 (Residential Multifamily Medium Density District).**

\*\*\*\*\*

**OTHER BUSINESS:**

**Application No.:** PUD-335-B

**DETAIL SITE PLAN**

**Applicant:** Doug Huber

(PD-18) (CD-8)

**Location:** North and west of northwest corner of East 91<sup>st</sup> Street and South Yale Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a one-story medical office building. The use is in conformance with development standards.

The detail site plan is in compliance with maximum permitted building height, and complies with maximum permitted floor area and building setbacks (per Minor Amendment PUD-355-B-3). Proposed parking meets minimum requirements and

parking lot lighting complies with height and setback standards. In addition, the proposed lighting complies with Section 1303.C of the Zoning Code regarding visibility of the light-producing element.

Screening and perimeter landscaping are currently in place and are in compliance with development standards. The site also complies with minimum requirements for parking and net landscaped area.

Staff recommends **APPROVAL** of PUD-355-B detail site plan as submitted.

*(Note: Detail site plan approval does not constitute landscape and sign plan approval.)*

**Applicant was not present.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, TMAPC voted 6-0-0 (Bayles, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Coutant, Harmon, Carnes, Collins, Westervelt "absent") to **APPROVE** the detail site plan for PUD-355-B per staff recommendation.

\*\*\*\*\*

**Plat: Villarese – PUD-670 (1993)**

**FINAL PLAT**

**Location:** Southwest corner of East 31<sup>st</sup> Street and South Rockford Drive

**STAFF RECOMMENDATION:**

This plat consists of eight lots in one block on 2.04 acres.

All release letters have been received for this final plat. There are issues regarding parking spaces and design and construction details for the required wall that have not been resolved, to date. The Planning Commission should decide what mechanism must be used to implement these PUD requirements, whether it be to add appropriate wording to the covenants of the final plat, or to allow individual site plan review and approval to provide implementation of these details.

**RELATED ITEM:**

**Application No.:** PUD-670

**DETAIL SITE PLAN**

**Applicant:** Ricky Jones

(PD-6) (CD-9)

**Location:** Southwest corner of East 31<sup>st</sup> Street and South Rockford

**STAFF RECOMMENDATION:**

Development Standards for PUD-670 require that "The screening wall along 31<sup>st</sup>, the private drive gating and entry features and the fencing along Rockford shall require submission and approval of a supplemental detailed plan (including landscaping)". Submitted for review at this time are typical sections (elevations) of the decorative wall along S. Rockford, and a plan view of the two northern most lots, showing typical location of off-street parking. No landscaping plans related to the wall and parking areas have been submitted. Other than the aforementioned requirement for review of landscaping, neither the PUD Development Standards nor TMAPC action indicates specific landscape features and detail required. Most landscaping per the PUD concept plan is contained within 31<sup>st</sup> Street and S. Rockford rights-of-way.

In compliance with Development Standards, the proposed screening wall is of masonry (limestone) and black wrought iron construction, and more specifically is six feet in height with a two-foot masonry base topped with four-foot wrought iron comprising 75% of the linear feet of the fence. Arrangement/ location of the fence per the plan view is proposed as 'typical'/ 'conceptual' in that placement of the house upon the lot will cause the fence, gate and off-street parking arrangement to vary.

In addition to the 'typical' plan view and elevations submitted, the developer's attorney has proposed language that would require site plan review of individual lots for compliance with Development Standards regarding the location and composition of the wall along Rockford and arrangement of the off-street parking. The language does not include review of landscape plans, although Development Standards require that such plans be submitted. Review of landscaping is also necessary to assure that the area adjacent to off-street parking and beyond the curb stop remains sod and does not obstruct vehicle overhang.

Should the Planning Commission wish to accept the following as sufficient for this review - the combination of 'typical' plan view of the decorative wall and off-street parking, elevations and language submitted by the developer's attorney (requiring site plan review of individual lots) - staff would suggest that the language provided by the developer's attorney be included in the Restrictive Covenants of the Final Subdivision Plat and that the language include

requirements for review of landscaping for each lot in keeping with the Development Standards.

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

Mr. Stump stated that regarding the wall or fence, staff has some questions for the Planning Commission. The wall was limited to six feet in height and the applicant is indicating a six-foot high bulk of the fence on a flat terrain. The posts are higher than six feet and staff recommends that the Planning Commission ignore the post height and state that a six-foot high fence conforms. This is a sloping site and this type of wall is typically level at the top. Staff asks the Planning Commission if they are looking at the average height being six feet or nowhere higher than six feet and therefore, uphill has to be lower less six feet. Staff would prefer to see the whole fence and parking area laid out. It appears that with the narrowness of the lots and the transformers out front there are not a lot of options and the applicant could probably go ahead and decide where they would be located and submit a layout.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, representing Mr. Rick Taylor, stated that he is not sure what the staff recommendation is on the site plan. At the last hearing he understood that the Planning Commission wanted him to resolve the issue regarding the process to follow for the screening fence in order to allow the plat to proceed. There is an approved site plan for the wall on 31<sup>st</sup> Street and it is not the issue today. He indicated that his client is ready to build the 31<sup>st</sup> Street wall, but he is unable to obtain a building permit under today's rules without the plat being filed of record. There has been a struggle on how to design the front wrought-iron fence, and during this time the plat has been held up. He requested the Planning Commission to work with his client and release the plat.

Mr. Johnsen stated that he prepared a document that he believes sets out a reasonable approach in order to finalize the subject site plan on the Rockford fencing and the language that is in declaration form would be included in the plat itself. The Planning Commission could approve the final plat subject to the language being incorporated into the deed-of-dedication.

**STAFF COMMENTS:**

Mr. Stump stated that he failed to inform the Planning Commission that staff does support the language that the applicant has proposed and the process he has proposed to be incorporated into the plat.

Mr. Johnsen stated that his main objective is to request that the plat be released in order to go forward with it. He understands that staff would like to see more

detail on the site plan for the Rockford fencing and he believes Mr. Taylor is willing to do so if he is able to go forward with his plat.

**TMAPC COMMENTS:**

Mr. Ledford asked Mr. Johnsen if he could get the Rockford fence issues resolved before recording the plat. In response, Mr. Johnsen stated that he hopes that would happen, but he wouldn't like it as a condition. Mr. Johnsen explained that he has tried to set out this process on the site plan and the Planning Commission would still have control over the site plan. Mr. Johnsen commented that the site plan for the fence is more controlled than it has normally been in the past.

Mr. Horner asked staff if the six feet in height measured from ground elevation at each lot line. In response, Mr. Stump stated that it is measured anywhere along the fence. Mr. Stump explained that the fence cannot exceed six feet and it would normally be measured at any point and be six feet or less. Mr. Stump stated that he would recommend that the masonry columns be excluded from the height limitation, but he is not sure what to recommend for the hilly sites where the low end of the section is taller than the upper end. Mr. Stump asked the Planning Commission if they wanted the maximum height anywhere to be six feet or if they want to state that the average height is six feet.

Mr. Horner stated that he believes there should be language that defines the height of the fence.

Mr. Jackson stated that on each lot the fence could be stepped down with the column. In response, Mr. Stump stated that the typical concept that the applicant has submitted has a 20-foot run, and with the slopes that are on this particular site there could be a number of significant deviations. Mr. Stump further stated that it would be best to resolve how the height is to be measured for the fence.

Mr. Jackson asked if the lots were 50 or 55 feet wide. In response, Mr. Stump stated that they are 55 feet in width.

Mr. Jackson asked Mr. Johnsen if he thought there would be a step-down on the fencing for a 55-foot lot. In response, Mr. Johnsen stated that if it is steep enough the fence may have to be stepped down. Mr. Johnsen further stated that the height is an average of six feet per lot. Mr. Jackson commented that the step-down could be started at the column.

Mr. Jackson asked Mr. Johnsen if he would have any problems with the language that the fence is an average of six feet in height. In response, Mr. Johnsen stated that he would like to average per lot and exclude the columns from the height limitation.

**Interested Parties:**

**Keith Franklin**, 3135 South Rockford Drive, Tulsa, Oklahoma 74105, stated that he has had a chance to review some of the applicant's response and it was his understanding that originally staff was recommending that the entire fence be built at one time. He indicated that he would prefer that there not be a fence farther to the south until there is an actual house built. In his opinion, he would prefer some diversity regarding the fence and to have the fences match the architecture of the construction that would be on the lot. When the neighborhood originally looked at the plan there was a unified fence concept, but he would prefer to not have something that looks like an apartment complex. After looking at Mr. Taylor's other projects with a lot of diversity in the architecture, he believes that bringing that diversity out to the street with the fence would be a good idea. The wrought iron could have a different style and the rock could be of a different style. This is not a screening fence and it isn't meant to screen anything. The neighbors would like that the fence not to exceed six feet, but the columns being over six feet would be understandable.

Mr. Franklin stated that he has looked at the plan for the fence for the two lots on Rockford Drive and it is not a problem. The fence does not accurately reflect the topographic conditions and the detail site plan without grades is difficult for staff to evaluate. The transformers are already in place and he would suggest that, in reviewing the site plan for parking, location of the columns and the gate, the applicant be allowed to have some flexibility of where they might be located. There are enough existing conditions in place that there is not that much flexibility as one might think.

**TMAPC COMMENTS:**

Ms. Bayles asked Mr. Franklin if he had any objection to the language that Mr. Johnsen has provided regarding the declaration of the fencing requirements and restrictions. In response, Mr. Franklin stated that he hasn't read the language in detail and couldn't comment on it. Mr. Stump explained the language that Mr. Johnsen submitted. In response, Mr. Franklin stated that the language would be satisfactory.

**Applicant's Rebuttal:**

Mr. Johnsen asked Mr. Stump if he was in favor of the submittals. In response, Mr. Stump stated that he would prefer a more realistic site plan that depicts a sloping lot that is actually there and goes to the end of the development. Mr. Johnsen asked if the plat would be tied to the site plan. In response, Mr. Stump stated that release of the plat wouldn't be tied to detail site plan.

Mr. Taylor asked if each individual lot had to be brought in for detail site plan approval. In response, Mr. Stump stated that he would have to have a typical site plan and staff would prefer a typical site plan of the whole site rather than the first two lots and one that reflected the topographic changes that are typical of the subject site.

Mr. Johnsen asked if the plat could be released with the language incorporated as he has submitted and then he would work with staff to submit more detail on the fencing.

**TMAPC COMMENTS:**

Mr. Jackson asked Mr. Stump to clarify what is needed for the detail site plan. In response, Mr. Stump stated that the front fencing and parking for the subject proposal with typicals. Mr. Stump explained that if there is a slope, then it should be reflected and the elevations and should be submitted for that typical slope.

Mr. Ledford stated that staff would like to see is a profile of the fence on Rockford Avenue and a plan view of the fence along the entire development.

Mr. Jackson asked Mr. Johnsen if he could achieve staff's request. In response, Mr. Johnsen stated that he would get more information to staff.

Mr. Stump stated that staff would recommend the final plat be approved subject to incorporating the conditions that Mr. Johnsen has suggested into the restrictive covenants of the plat. Staff would recommend that the site plan be brought back once it is submitted.

**TMAPC Action; 6 members present:**

On **MOTION** of **LEDFOORD**, TMAPC voted 6-0-0 (Bayles, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Coutant, Harmon, Carnes, Collins, Westervelt "absent") to **APPROVE** the final plat for Villarese subject to the language that was submitted by Roy Johnsen.

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, TMAPC voted 6-0-0 (Bayles, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Carnes, Collins, Coutant, Harmon, Westervelt "absent") to **CONTINUE** the detail site plan for PUD-670 to May 21, 2003 at 1:30 p.m.

\* \* \* \* \*

**Application No.:** PUD-559-A

**DETAIL SITE PLAN**

**Applicant:** Eric Sack

(PD-18) (CD-8)

**Location:** East 91<sup>st</sup> Street and South 101<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a three-story, 80,139 SF medical office building. The proposed use, Use Unit 11, Office & Studios; is permitted by PUD-559-A development standards.

The Detail Site Plan is in conformance with development standards for setbacks (building and parking), maximum building floor area, building height, off-street parking and landscaped areas (open area, street yard, required landscaped strips along R-O-W's, and landscaped areas for parking). No building-mounted lighting is proposed and visibility of light-producing elements of parking lot lighting is contained to the site or adjacent R-O-W's. The proposed bulk trash container is located in the site's northeast corner and is screened per requirements.

Access to the site is proposed in two locations: from 91<sup>st</sup> Street South and from South 101<sup>st</sup> East Avenue. The 91st Street access has been approved per plan by Darrell French of Traffic Engineering.

Staff recommends **APPROVAL** of PUD-559-A as submitted.

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

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Bayles, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Coutant, Harmon, Carnes, Collins, Westervelt "absent") to **APPROVE** the detail site plan for PUD-559-A per staff recommendation.

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There being no further business, the Chair declared the meeting adjourned at 4:15 p.m.

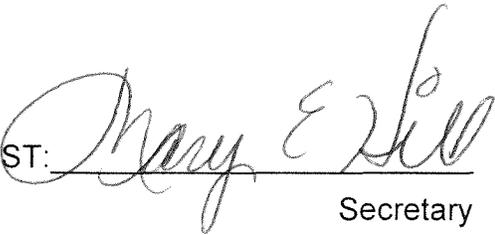
Date Approved:

5/21/03



Chairman

ATTEST:



Secretary