

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2347

Wednesday, June 18, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Bayles	Beach	Romig, Legal
Harmon	Coutant	Chronister	
Hill	Collins	Dunlap	
Horner	Ledford	Huntsinger	
Jackson	Midget	Matthews	
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 16, 2003 at 8:50 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 May 21, 2003, Meeting No. 2344

On **MOTION** of **HORNER** the TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Coutant, Collins, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of May 21, 2003, Meeting No. 2344.

REPORTS:

Chairman's Report:

Mr. Jackson reported that PUD-573-B, Kevin Coutant, has been withdrawn.

Director's Report:

Mr. Dunlap reported that there are several agenda items on the City Council agenda for Thursday, June 19, 2003.

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19540 – White Surveying, Co. (9307)

(PD 4) (CD 4)

South of East 11th Street, West of Lewis Avenue

STAFF RECOMMENDATION:

The U.S. Government seized this property and was ordered by the courts to offer the property for sale as two separate tracts. The 50' x 42.5' parcel (Tract 1) has a cellular tower on it, but would not have street frontage if split. All other IM zoning requirements would be met. It was also determined that Tract 1 would not have access to water or sanitary sewer service; therefore, the applicant is seeking a waiver of *Subdivision Regulation 6.5.2* requiring access to the sanitary sewer or a passing soil percolation test and water service to each tract.

At their June 5, 2003, meeting, the Technical Advisory Committee recommended denial because Tract 1 would not have access to a public street, or access to water or sanitary sewer service.

On June 10, 2003, the City of Tulsa Board of Adjustment approved a variance of the required street frontage, subject to Tract 2 providing and filing an access easement for Tract 1.

Normally, staff would recommend denial of this application based on the practical requirements and the TAC recommendation. However, given that the Board of Adjustment has approved a variance of the required street frontage subject to an easement being filed of record; the current use of a cell tower on Tract 1 not requiring water and sanitary sewer service; and in an effort to help the U.S. Government comply with the court's ruling to divide this property, staff recommends **APPROVAL** of the waiver of *Subdivision Regulation* and of the lot-split, subject to notice being included on the deed for Tract 1 that water and sanitary sewer service is not available.

TMAPC COMMENTS:

Mr. Harmon asked why the court ordered two separate tracts of land.

Applicant's Comments:

Catherine Depew, Assistant United States Attorney, stated that the subject sale stems from a criminal forfeiture of a property. She explained that the owner of the property (Steve Dodson) had embezzled approximately five million dollars from elderly people, who lost their life savings, homes, etc. Every penny of the subject property, as well as the other properties that have been forfeited in this case, would go to the victims.

Ms. Depew explained that the court ordered the sale of the property in two sections because of a frivolous claim that had been made, which would have caused several years of litigation. The victims need the money as soon as possible. In order to expedite the sale, the United States Government settled to split the two properties and sell them in two separate tracts.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **APPROVE** the waiver of Subdivision Regulation and of the lot-split, subject to notice being included on the deed for Tract 1 that water and sanitary sewer service is not available.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19528 – Jane Enzbrenner (1416) (PD 15) (County)
12905 East 105th Street North

L-19544 – Jerry Shands (6318) (PD 21) (County)
20209 South Peoria Avenue

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

PRELIMINARY PLAT:

Stone Creek Farms II – (9425) (PD-17) (CD-6)
North of East 51st Street and west of South 193rd East Avenue

STAFF RECOMMENDATION:

This plat consists of 138 lots, nine blocks, on 29.24 acres.

The following issues were discussed June 5, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-4. A waiver to the length of cul-de-sac is needed. Reserve A (pool area) needs to be maintained through the homeowners' association.
2. **Streets:** A stub street is needed to the west in the north half of the subdivision. A physical break should occur in the over-length block. Street names need to be added per Development Services. Show date and preparation of plat. Insert proper legal description. Show recording references. Add elevations to topography. Show proper street sizes.
3. **Sewer:** Show 17.5-foot utility easement at all boundaries adjacent to unplatted property. System development fees will be necessary to Broken Arrow. Broken Arrow must accept sanitary sewer flow from this development in a letter, and the Tulsa Utility Board must then approve it. Additional sewer easements and sewer placement per Public Works will be necessary.
4. **Water:** Show size of existing water lines and placement of inline valves for repairs and fire hydrant isolation during repairs. Fire hydrants must be placed at 400 feet. Water lines must be placed eight feet behind curbs.
5. **Storm Drainage:** Show conceptual of proposed regional detention facility. Overland drainage easements must be a minimum of 15 feet. Label elevations on contours. Add a note stating that stormwater detention for this platted area and future Stone Creek III area will be provided for in the northeast quadrant of Stone Creek III. Correct covenants.
6. **Utilities: PSO:** Show the clubhouse. **ONG:** Additional easements are needed and standard covenant language. **SBC:** Need additional easements. **COX:** Acceptable.
7. **Other:** N/A

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

Waivers of Subdivision Regulations:

1. ~~A waiver to cul-de-sac length.~~

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

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. Beach stated that under Item 1, it states that a waiver for the length of a cul-de-sac is needed, and as he reviewed this for the first time this morning, he could not see what Mrs. Fernandez was referring to and he doesn't see any stub streets that may be interpreted as an over-length cul-de-sac. He stated that he would be prepared to withdraw that comment.

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**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **APPROVE** the preliminary plat for Stone Creek Farms II, subject to special conditions and standard conditions per staff recommendation.

Stonebriar Estates – (8328)

(PD-26) (CD-8)

North of 111th Street South and West of Yale Avenue

STAFF RECOMMENDATION:

This plat consists of 45 lots, four blocks, on 20 acres.

The following issues were discussed June 5, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD 675 and RS-1. The plat proposes 45 lots on four blocks for single-family residential uses. PUD standards must be followed.

2. **Streets:** Close and vacate the right-of-way running east/west. It is recommended that a public street tie to existing public stub streets in Quail Point and Barrington Place Additions. The private street standards must be 26 feet minimum in width. Show a property line and dimension between east end of Reserve A and the adjacent Yale right-of-way. Approval of any gate should be with the approval of TMAPC and added to the covenants. Show Limits of No Access along Block 3 and include language for this in the covenants.
3. **Sewer:** The lift station and sanitary sewer in Reserve A need easements or to be included in the language for Reserve A. Utility easements given within Reserve "C" must be 15 feet instead of ten feet for sanitary sewer lines. Show topography lines. Take off references to septic systems.
4. **Water:** Add ten-foot right-of-way easement in Block 1, Lot 1 and Block 3, Lot 9. Correct PUD number to 675.
5. **Storm Drainage:** The stormwater easements must not contain other utilities. Show overland drainage easement to convey public waters across lots 1, 2, 3 of block 2. Use "Stormwater Detention Facility" and correct covenant language.
6. **Utilities: COX:** Additional easements are needed. **PSO:** The lift station may need to have extra voltage. **ONG:** Additional easements and standard covenant language is needed. **Valor:** Additional easements are needed.
7. **Other:** N/A

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below. **The issue regarding public versus private streets as recommended by traffic engineering needs to be discussed and solved at the TMAPC meeting.** Traffic engineering staff has been requested to attend the meeting for this purpose.

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.

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. Dunlap stated that he attended the TAC meeting and heard the comments regarding the public street issues. The PUD was proposed with private streets and approved by the TMAPC and City Council with private streets. A staff

member of Public Works was expressing concerns about the public streets and stated that he would desire that the street be a through street. TMAPC staff requested that the Public Works staff member to attend today's meeting to make that argument.

TMAPC COMMENTS:

Mr. Westervelt asked staff if they had a suggestion on how this might be handled. In response, Mr. Dunlap stated that staff received PUD comments, which did not include this comment, then when the plat was submitted to TAC was when the comment regarding the private street was made. Mr. Dunlap suggested that the Planning Commission hear from the applicant.

Applicant's Comments:

Jeff Levinson, 35 East 18th, Tulsa, Oklahoma 74119, stated that he has reviewed the comments from various parties and he is in agreement with all of the comments except for the private street issue. This has already been through the PUD process and approved by the City Council. He commented that this is the first time any issues were raised about private streets.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Levinson if he had any problems with linking to the adjacent subdivision. In response, Mr. Levinson stated that they are private streets with the potential to be gated and they would all connect. Mr. Levinson indicated that there would be three points of access in the subject subdivision.

Mr. Westervelt asked staff whether there were crash gates at the entrances but the paving met to the public streets, that would accomplish what Traffic Engineering was concerned about. In response, Mr. Dunlap stated that he remembers the discussion during the PUD application. The surrounding areas are adequately served with access and circulation and there isn't a need to have these streets as public streets. The only comments from the public are that the streets should be kept private in the subject development.

Mr. Westervelt stated that if all of the surrounding area is adequately served and if there are crash gates installed, then it would seem all of the problems are solved. In response, Mr. Dunlap stated that this is an issue that wasn't missed during the PUD application because it was discussed thoroughly. Mr. Dunlap reminded the Planning Commission that the City Council has already approved the PUD.

Mr. Levinson stated that the Fire Marshal has no problem with the private street layout. This application has gone through all of the proper channels.

Mr. Westervelt asked Mr. Levinson if his applicant would be willing to give the TMAPC an additional week in order to discuss this issue with Public Works.

After a lengthy discussion it was determined that this item would be continued one week in order for staff to contact Public Works and request their presence at the next TMAPC meeting.

Interested Parties:

Monika Kistenmacher, 10819 South Sandusky, Tulsa, Oklahoma 74137, stated that she lives west of the development. She asked if there was any type of regulation in the City to protect wildlife and mature trees. She described the wildlife and number of mature trees in the subject area. She asked if the subject development would be adding to the runoff problems in the subject area.

TMAPC COMMENTS:

Mr. Jackson informed Ms. Kistenmacher that there were no City regulations that he is aware of to protect wildlife and mature trees. Mr. Jackson stated that Stormwater Management would address any flooding issues and would not allow a development to have any adverse effects to anyone downstream.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **CONTINUE** the preliminary plat for Stonebriar Estates to June 25, 2003 at 1:30 p.m.

TMAPC COMMENTS:

Mr. Westervelt requested that staff contact Public Works to attend the next meeting or have something in writing regarding the street and access issues. In response, Mr. Dunlap stated that he would contact Public Works.

* * * * *

PLAT WAIVER:

BOA – 19548 – (0319)

(PD-2) (CD-1)

2131 East 31st Place North

STAFF RECOMMENDATION:

The platting requirement was triggered by BOA 19548, which granted a Special Exception for a daycare center in an RS-3 district.

Staff provides the following information from TAC at their June 5, 2003 meeting:

ZONING:

- TMAPC Staff: N/A

STREETS:

- N/A

SEWER:

- Sewer is available.

WATER:

- Water is available.

STORM DRAIN:

- N/A

FIRE:

- N/A

UTILITIES:

- N/A

Staff can recommend **APPROVAL** of the plat waiver requested.

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

	Yes	NO
1. Has property previously been platted?	X	
2. Are there restrictive covenants contained in a previously-filed plat?		X
3. Is property adequately described by surrounding platted properties & street right-of-way?	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.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **APPROVE** the plat wavier for BOA-19548 per staff recommendation.

PUD 564 – A – (191313)

(PD-17) (CD-5)

North and east of the northeast corner of East 31st Street and South Memorial Drive

STAFF RECOMMENDATION:

The platting requirement was triggered by a major amendment to PUD 564-A.

Staff provides the following information from TAC at their June 5, 2003 meeting:

ZONING:

- TMAPC Staff: Mutual access easements may be necessary for this development.

STREETS:

- There could be a need for mutual access easements to be filed of record.

SEWER:

- Okay.

WATER:

- Okay.

STORM DRAIN:

- N/A

FIRE:

- N/A

UTILITIES:

- N/A

Staff recommends that the property utilize the minor subdivision process or replat the property. The original plat is old and dated, and there will be mutual access easements and drainage easements required per the changes to the development.

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

- | | Yes | NO |
|--|-----|----|
| 1. Has property previously been platted? | X | |
| 2. Are there restrictive covenants contained in a previously filed plat? | X | |

3. Is property adequately described by surrounding platted properties (X street right-of-way?

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

	Yes	NO
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.		X
10. Is this a Major Amendment to a P.U.D.?	X	
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?	X	
11. Are mutual access easements needed to assure adequate access to the site?	X	

12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?

X

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that this is part of a PUD for Riverside Nissan. The original PUD was submitted five years ago. He has proposed a major amendment, which was approved recently, to acquire the Carpenter's Union Hall building and to remove the existing building. Under the amendment to the PUD the subject area would be used for display and sale of new and used automobiles. He indicated that in the future there would be an office for the sales staff.

Mr. Norman stated that when this was presented to the TAC some of the history was not known to them. He explained that when the PUD was originally approved on the subject property, it was within the same subdivision plat, Lot 8 and 7. The north part of Lot 8 was divided by the major drainage channel that was constructed, and which was owned by the church to the south. On that original PUD, which was approved five years ago, the replat waiver was approved by the Planning Commission. Mr. Norman explained the drainage for the subject property and surrounding property. He commented that there isn't any need for consideration of drainage easements by precedent or by actuality. He stated that the drainage would not be changed and there is no requirement on the staff report for onsite detention because the subject property is virtually/entirely impervious now and has been for many years. Under the new PUD, the buffer area and landscaped area would be continued, which separate the subject property from the residential area to the east.

Mr. Norman reminded the Planning Commission that there were no protestants present during the PUD application.

Mr. Norman stated that the subject property would be under common ownership and it could be made subject to tie agreement if so desired. He commented that this is the first time he has ever heard of a 1966 plat being outdated and a reason for a replat.

Mr. Norman pointed out that the only physical change to the subject property is the removal of an existing building. He commented that he doesn't feel there would be a real purpose served by requiring replatting the subject property.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Norman if he would be agreeable to a tie agreement between Tracts A and B. In response, Mr. Norman answered affirmatively.

Mr. Jackson asked staff if they would be agreeable to a tie agreement. In response, Mr. Dunlap stated that he believes Mr. Norman is correct in his analysis and he would hate to speak against what has been presented today.

Mr. Westervelt asked Mr. Norman if he or anyone from his staff attended the TAC meeting. In response, Mr. Norman stated that Eric Sack attended and his notes indicated that an overland drainage may be required, but he did not know that the drainage goes into the channel.

Mr. Dunlap stated that there is a drainage system in place.

Mr. Jackson stated that if the building is being demolished, then the impervious surface area would not be increased and if they decide to build a new building, the applicant would have to go through the permitting process, which would look at any additional runoff that would go to the detention site.

Mr. Westervelt stated that, looking at the subject proposal logically, he feels comfortable that the issues can be resolved as Mr. Norman has suggested. It is important that staff be a little more cognizant about what is being discussed at TAC and get more resolution before it is brought to the Planning Commission. He recommended to consultants and representatives of the applicants that these issues need to be discussed at TAC to prevent the Planning Commission from being in the same situation that Mr. Levinson is in with Stonebriar Estates.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **APPROVE** the plat waiver, striking items 6.c.ii and iii, which are not necessary, subject to a tie agreement between Areas A and B.

Applicant's Comments:

Mr. Norman stated that he appreciates staff's efforts to smooth out the process. It is incumbent on both the applicant and/or their representatives to participate more fully in that process.

PUD 592 – C – (191321)

(PD-6) (CD-9)

Northeast corner of South Harvard Avenue and East
41st Street South

STAFF RECOMMENDATION:

The platting requirement was triggered by major amendment PUD 592 C.

Staff provides the following information from TAC at their June 5, 2003 meeting:

ZONING:

- TMAPC Staff: N/A

STREETS:

- Access must be changed and mutual access easements are essential.

SEWER:

- Sewer is available along 31st Place.

WATER:

- Okay.

STORM DRAIN:

- On-site detention is required.

FIRE:

- N/A

UTILITIES:

- N/A

Staff can recommend **APPROVAL** of the plat waiver requested with the condition that detention be approved per the Development Services staff, and that mutual access easements be dedicated by separate easement per the approval of the traffic engineer.

The property was just recently platted and replatting is not viewed as being necessary at this time.

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

	Yes	NO
1. Has property previously been platted?	X	

- 2. Are there restrictive covenants contained in a previously filed plat? X
- 3. Is property adequately described by surrounding platted properties (street right-of-way? X

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

	Yes	NO
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
lii Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?	X	
iv. Are additional easements required?	X	
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?	X	
a) If yes, was plat recorded for the original P.U.D.	X	
10. Is this a Major Amendment to a P.U.D.?	X	
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?	X	
11. Are mutual access easements needed to assure adequate access to the site?	X	

12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

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**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **APPROVE** plat waiver for PUD-592-C per staff recommendation.

PUD-186-A

(PD-18) (CD-7)

Lot 3, Block 5, Woodland Hills Mall, Blocks 2, 3, 4 and 5, (6737 South 85th East Avenue)

STAFF RECOMMENDATION:

Mr. Beach submitted an interoffice memo from Michael Skates, Development Services, stating that the existing drainage, sanitary sewer, transportation, traffic and water for the above referenced plat waiver released and there are no objections to the plat waiver. (Memo dated June 10, 2003 submitted in the TMAPC agenda packet.) Staff recommends **APPROVAL**.

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

- | | Yes | NO |
|--|-----|----|
| 1. Has property previously been platted? | X | |
| 2. Are there restrictive covenants contained in a previously filed plat? | X | |
| 3. Is property adequately described by surrounding platted properties & street right-of-way? | X | |

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

- | | Yes | NO |
|--|-----|----|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan? | | X |
| 5. Will any restrictive covenants be filed by separate instrument? | X | |

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

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 **CARNES**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **APPROVE** the plat waiver for PUD-186-A per staff recommendation.

CHANGE OF ACCESS ON RECORDED PLAT:

Reserve A, Forest Trails (2683)

East of South Sheridan Road and South of East 106th
Place South

STAFF RECOMMENDATION:

This application is made to allow a change of access along South Sheridan Avenue. The proposal is to add a 40-foot limited access on Sheridan Avenue for the area known as Reserve A.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

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 **HARMON**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **APPROVE** the change of access for Reserve A, Forest Trails per staff recommendation.

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-678

RS-3 to PUD

Applicant: Jack Cox

(PD-26) (CD-8)

Location: West of northwest corner of East 98th Street and South Memorial Drive

STAFF RECOMMENDATION:

The PUD proposes single-family residential uses on approximately 9.63 acres located west of the northwest corner of East 98th Street (a private street) and

South Memorial Drive. The proposal is for private streets with one point of access. Also, the tract does not have access to a public street.

In January 2003 the City Council rezoned the subject tract from RS-1 to RS-3. The applicant had requested RS-4 zoning. The tract is abutted on the north by the Creek Turnpike right-of-way; on the east by a drainageway zoned RS-1 and CO/PUD-581, and beyond the drainageway be an apartment complex zoned CO/PUD-581; and on the west by single-family dwellings zoned RS-1. There is a single-family dwelling to the south of the tract, across East 98th Street which is a private street, zoned RS-1.

The applicant's revised proposed circulation system has two points of access to East 98th Street (which would be public from Memorial to the west boundary of the PUD). One of these access points would be an emergency fire lane. It is proposed that the streets within the PUD be private.

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-678 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-678 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:

Permitted Principal Uses:

Those uses included within Use Unit 6, Single-Family Dwelling.

Maximum Number of Dwelling Units: 33

Minimum Livability Space per Dwelling Unit Per Lot: 2,500 SF

Minimum Livability Space within the PUD:

Within the PUD, livability space shall be provided in an aggregate amount of not less than the amount of livability space required by the RS-3 zoning district (Subsection 403.A, of the Zoning Code) for conventional development of a comparable number of dwelling units.

Required livability space shall be provided on the lot containing the dwelling unit or units on which computed, or in common areas. Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. The location and size of this common livability space shall be shown on the subdivision plat and provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Subsection 1107.F. of the Zoning Code.

Minimum Required Yards:

Front yard and any yard abutting a street	20 FT
Rear Yards	20 FT
Side Yards	5 FT

Other Bulk and Area Requirements:

As established within the RS-3 district.

Access:

There shall be a minimum of two access points from a public street to the PUD. Prior to the filing of final plat, East 98th Street South must be a public street from South Memorial Drive to the west boundary of the PUD. All access must be approved by Public Works and the Tulsa Fire Department.

3. There shall be no development in the regulatory floodplain.
4. 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.
5. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
6. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical

grade of private streets shall be 10 percent. All dead-end streets, if more than one lot deep, shall have a circular turnaround which meets the requirements of Public Works. The fire lane, which shall be permitted within Lot 1, shall be built to Fire Department standards. The fire lane shall have a minimum right-of-way of 20 feet (or greater if required by the Fire Marshall).

7. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
8. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during the subdivision platting process.

TMAPC COMMENTS:

Mr. Westervelt asked how to determine if there is a circular turnaround when there is one lot on one side and three on the other. In response, Mr. Dunlap stated that he determined that it was a circular turnaround and this is the particular area that the staff desires a circular turnaround in.

Applicant's Comments:

John Moody, 1924 South Utica, Suite 700, Tulsa, Oklahoma 74104, stated that he thought he understood staff's recommendation until now. He indicated that the staff recommendation is not what was discussed at the TAC meeting. He understood that the proposal he submitted was acceptable.

TMAPC COMMENTS:

Mr. Westervelt stated that he remembers very clearly about expressing concerns with the hammerhead.

Mr. Moody explained that he is talking about the TAC meeting. He stated that at the last Planning Commission meeting he advised the board that he had met with the Fire Marshal and there was no problem with the design submitted. The Planning Commission determined that it should go back before the TAC committee and he did that. There is only one lot that is affected by this and he doesn't see the need for a circular drive to serve one lot.

Mr. Moody stated that another point he disagrees with is the setback on the side yards. He would like to be able to do zero feet on one side and ten feet on the other. There will be a modification of the regulatory floodplain, but no development in the floodplain, to realign it in order to make the detention area and reserve areas work as shown on the plat (Lot 27).

Mr. Moody stated that he doesn't recall anyone stating that there would be a turnaround for the one lot.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to recommend **APPROVAL** of PUD-678, subject to the standards and conditions per staff recommendation.

Legal Description for 678:

a tract of land lying in the NW/4, SE/4, Section 23, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: beginning at the Northeast corner of said NW/4, SE/4; thence S 0°03'17" E along the East line thereof a distance of 660.98' to the Southeast corner of the NE/4, NW/4, SE/4 of said Section 23; thence S 89°54'13" W along the South line of said NE/4, NW/4, SE/4 a distance of 385.20' to a point; thence N 0°15'47" E a distance of 29.92' to a point; thence N 89°58'21" W a distance of 126.68' to a point of curve; thence along said curve to the left, said curve having a radius of 480', a central angle of 21°36'06", a distance of 180.97' to a point; thence N 21°31'10" W a distance of 713.98' to a point on the North line of said NW/4, SE/4; thence N 89°56'09" E along said North line a distance of 949.74' to the point of Beginning, less and except the following described tract of land: Beginning at the Southeast Corner of the NE/4, NW/4, SE/4 of said Section 23; thence S 89°54'13" W a distance of 385.20' to a point; thence N 0°15'47" E a distance of 29.92' to a point; thence S 89°58'21" E a distance of 66.55' to a point; thence N 0°05'47" W a distance of 85.22' to a point; thence N 89°55'57" E a distance of 127.10' to a point; thence N 0°05'47" a distance of 180.00' to a point; thence N 89°55'57" E a distance of 46.52' to a point; thence N 0°04'03" W a distance of 118.09' to a point; thence S 82°09'20" E a distance of 56.42' to a point; thence N 51°30'39" E a distance of 75.91' to a point; thence N 89°55'57" E a distance of 31.89' to a point on the East line of said NE/4, NW/4, SE/4; thence S 0°03'17" E a distance of 521.98' to the point of Beginning, containing 9.63 acres more or less, and located west of the northwest corner of East 98th Street South and South Memorial Drive, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To RS-3/PUD (Residential Single-family High Density District/Planned Unit Development [PUD-678]).**

Application No.: CZ-322/PUD-683

AG to IL/PUD

Applicant: R. L. Reynolds

(PD-14) (County)

Location: South of southwest corner of East 136th Street North and North Yale Avenue

STAFF RECOMMENDATION CZ-322:

There has been no zoning activity in the vicinity.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.1 acres in size and is located on the east side of U. S. Highway 75, and in the southwest corner of East 136th Street North and North Yale Avenue. The property is gently sloping, non-wooded, vacant, and is zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
North Yale Avenue	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract is served with water from Washington County RWD #2 and is not served by sewer.

SURROUNDING AREA: The subject property abuts vacant property on the north, zoned AG; to the south and east by single-family dwellings, zoned AG; to the west by U.S. Highway 75 North, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The North Tulsa County Comprehensive Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, designates the property as Low Intensity - Residential.

The requested IL zoning **is not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the North Tulsa County Plan, surrounding zoning and existing low intensity development (and lack of development) in the area, staff cannot support the requested IL zoning and therefore recommends **DENIAL** of IL zoning for CZ-322.

STAFF RECOMMENDATION PUD-683:

PUD-683 consists of approximately 1.457 (gross) acres located along the east side of U.S. Highway 75 at the southwest corner of East 136th Street and North Yale Avenue. The applicant is proposing a propane distribution facility on the tract.

The subject tract is zoned AG. Concurrently an application (CZ-322) has been made to rezone the tract to IL. The subject tract is abutted on the north by vacant AG-zoned property and on the south by AG-zoned tract containing a mobile home and a single-family dwelling. There is AG-zoned property to the east of the subject tract, across North Yale Avenue and also to the west across North U.S. Highway 75.

The North Tulsa County Comprehensive Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, designates the subject tract as Corridor/Residential – Low Intensity. The requested IL is not in accord with the Comprehensive Plan.

Base on the North Tulsa County Plan, surrounding zoning and existing low intensity development in the area, staff cannot support the requested IL zoning and therefore, recommends **DENIAL** of PUD-683.

If the Planning Commission finds that the requested zoning and proposed uses are appropriate, staff would submit the following standards:

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

Land Area:

Gross	1.457 Acres
Net	0.801 Acres

Permitted Uses:

Propane distribution facility and accessory uses customarily incidental to the principal use permitted including, but not limited to, office and other uses incidental thereto.

Minimum Lot Frontage:	200 FT
Maximum Floor to Area Ratio:	0.25

Maximum Building Height: 35 FT

Minimum Building Setback:

From the north boundary of the PUD 250 FT

From the south boundary of the PUD 75 FT

From the centerline of North Yale 75 FT

From the west boundary of the PUD 5 FT

Minimum Propane Storage Tank Setback:

From the north boundary of the PUD 5 FT

From the south boundary of the PUD 200 FT

From the centerline of North Yale 75 FT

From the west boundary of the PUD 10 FT

Minimum Truck Parking Setback:

From the south boundary of the PUD 25 FT

Minimum Fueling Areas Setback where Propane is Transferred:

From the south boundary of the PUD 200 FT

Off-Street Parking:

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

Signs:

One identification-style ground sign shall be permitted at the entrance on North Yale Avenue, with a maximum of 100 SF of display surface area and a maximum height of 25 FT.

One ground sign shall be permitted on the main propane storage tank which shall not exceed 1.5 SF of display surface area per lineal foot of the tank to which such sign is attached. The length of such sign shall not exceed 75 percent of the length of such tank.

Screening and Landscaping:

Landscaping and screening shall be in substantial compliance with the applicant's revised conceptual landscape plan (Exhibit E), which shall include a six-foot high screening wall or fence along the south boundary of the PUD.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. Lighting used to illuminate 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. Within the south 149 feet of the PUD no light standard or building-mounted light shall exceed 15 feet in height. No light standard nor building-mounted light shall exceed 25 feet in height.

9. The County Engineering Department or a professional engineer registered in the State of Oklahoma shall certify to the appropriate County official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
10. No building permit shall be issued until the requirements of Section 1107.5 of the County Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the County beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. 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.
13. Except for propane storage tanks, all storage of material shall be within the buildings located on the property. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Truck trailers and shipping containers shall not be used for storage (including lease tanks).
14. All access shall be approved by the Tulsa County Engineers.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that he is in agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to recommend **APPROVAL** of the IL zoning for CZ-322 and recommend **APPROVAL** of the PUD-683 per submitted standards.

Legal Description for CZ-322/PUD-683:

A tract of land lying in the NE/4, NE/4 of Section 33, T-22-N, R-13-E, Tulsa County, State of Oklahoma, described as follows: Beginning at the Northeast corner of said Section 33, thence S 01°07'56" E along the East line of said

Section 33, a distance of 499.00'; thence N 88°32'56" W a distance of 161.30' to a point on the East right-of-way of Highway 75; thence Northeasterly on a curve to the right having a radius of 10,873' a distance of 529.24' to a point on the North line of said Section 33; thence East along said North line a distance of 93.00' to the Point of Beginning, less the East 30.00' thereof, containing 1.12 acre more or less, and located in the southwest corner of East 136th Street North and North Yale Avenue, Tulsa, Oklahoma, **From AG (Agriculture District) To IL/PUD (Industrial Light District/Planned Unit Development [PUD-683])**.

Application No.: PUD-105/105-A

ABANDON EXISTING PUD

Applicant: Roy D. Johnsen

(PD-18) (CD-2)

Location: Southeast corner of East 81st Street and Riverside Parkway

STAFF RECOMMENDATION:

The applicant has requested that PUD-105 and PUD-105-A be abandoned. PUD-684, which is also on this agenda, contains the areas included within PUD-105 and PUD-105-A.

Staff recommends **APPROVAL** of the request, subject to the approval of PUD-684.

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 **HARMON**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to recommend **APPROVAL** to the abandonment of PUD-105/105-A per staff recommendation.

Legal Description for PUD-105/105-A:

To *abandon and terminate* PUD-105 and PUD-105-A on the following described property: All that part of the NE/4 and the SE/4 lying Northeasterly of the Arkansas River and the proposed right-of-way of the Riverside Expressway in Section 18, T-18-N, R-13-E, Tulsa County, Oklahoma, less the following described tract of land, beginning at the northeast corner of said Section 18; thence South and along the East line of said Section 18 for 1,915'; thence West and parallel to the north line of said Section 18 for 190'; thence North and parallel

to the East line of Section 18 for 300'; thence N 17°49' W for 147'; thence N 45° W for 212'; thence North and parallel to the East line of Section 18 for 375'; thence West and parallel to the North line of said Section 18 for 125'; thence North and parallel to the East line of said Section 18 for 950'; to a point on the North line of Section 18; thence East and along the North line of Section 18 for 510' to the Point of Beginning, containing 67.37 acres more or less.

* * * * *

Application No.: Z-6897

AG/OM/RM-1 TO CS

Applicant: Roy D. Johnsen

(PD-18) (CD-2)

Location: Southeast corner of East 81st Street and Riverside Parkway

STAFF RECOMMENDATION:

PUD-495-A August 1994: Approval was granted for a major amendment to PUD-495 to allow Use Unit 18, Drive-in Restaurant on a portion of the PUD. The property is located on the northwest corner of East 81st Street South and South Lewis Avenue.

Z-6376/PUD-495 November 1992: A request to rezone an acre tract located on the northwest corner of East 81st Street South and South Lewis Avenue from CO to CS/OM/PUD-495 for commercial and office development.

Z-6260/PUD-105-A September 1989: All concurred in approval of a request to rezone a one-acre tract located on the southwest corner of East 81st Street South and South Yorktown Avenue from RM-1 to CS and PUD-105. Approval was also granted for a major amendment to the original PUD-105 that was originally proposed for multifamily development under the provisions of PUD-105, and approved in 1971, to allow commercial uses within the PUD.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is sloping, partially wooded, vacant and is zoned AG/RM-1/OM.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 81 st Street	Secondary arterial street	100'	4 lanes
South Riverside Parkway	Parkway	150'	4 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The site is abutted on the north by a Wal-Mart store and apartments, zoned CS and OM; on the east by commercial uses, zoned CS; on the west by the Riverside Parkway and across that by a bingo facility, zoned AG; and on the south by single-family residential (mobile home) uses, zoned RMH.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Special District 6 – Office and Commercial Area. Plan policies (section 3.1.6) call for this to be developed/redeveloped as apartment, medical and related office uses, and to be compatible with existing adjacent uses. Designated land use intensity is Low Intensity-No Specific Land Use and Development Sensitive.

According to the Zoning Matrix, the requested CS zoning **may be found** in accord with the Plan by virtue of its location within a Special District. It should be noted that this intensity designation was placed there prior to acquisition of the Riverside right-of-way and final configuration of the adjacent intersections.

STAFF RECOMMENDATION: Based on the Comprehensive Plan, existing development, and trends in the area, staff supports the rezoning request and recommends **APPROVAL** of CS for Z-6897, if the TMAPC is inclined to recommend approval of the accompanying PUD. Staff further recommends that the underlying land use intensity designation be amended to Medium Intensity-No Specific land use and that the Planning Commission direct staff to prepare appropriate amendments to the District Plan map.

RELATED ITEM:

Application No.: PUD-684

AG/OM/RM-1 to RM-1/CS/PUD

Applicant: Roy D. Johnsen

(PD-18) (CD-2)

Location: Southeast corner of East 81st Street and Riverside Parkway

STAFF RECOMMENDATION:

The tract, which is the subject of this application for abandonment of PUD-105 and PUD-105-A and application for the approval of PUD-684, consists of 57.41 acres located at the southeast corner of the intersection of South Riverside Parkway and East 81st Street.

The tract is irregular in shape. The westerly boundary is formed by the Riverside Parkway, which extends southeasterly from 81st Street a distance of approximately 2600 feet. The northern boundary is formed by 81st Street, which extends east from Riverside Parkway a distance of approximately 1500 feet. The property extends eastwardly from Riverside Parkway and wraps around commercial development existing at the intersection of 81st Street and South Lewis Avenue and then extends south along Lewis Avenue a distance of approximately 500 feet. The remaining portion of the east boundary of the south boundary is interior with the southerly boundary being located approximately 590 feet to Riverside Parkway.

In 1971 (prior to the extension of the Riverside Parkway and the channelization of Fred Creek), approximately 67 acres (substantially consisting of the property and lands later acquired by the City for Riverside Parkway) was submitted as PUD-105 and was approved as a multifamily project (RM-1) having a projected density of 1200 dwelling units which was subsequently reduced to 1017 dwelling units. A substantial portion of the property was thereafter included within the subdivision plat known as "Riverbend" (plat # 3337 recorded 1972) and 284 dwelling units were developed on approximately 16 acres located within the interior site. In 1989, pursuant to PUD-105-A and Z-6260, approximately .9 acres located at the southeast corner of Yorktown and 81st Street was approved for commercial use and thereafter developed as a convenience grocery.

It is proposed that PUD-105 and PUD-105-A be abandoned and that the 55.62 acres remaining after the extension of Riverside Parkway be submitted as a new PUD in order to recognize the change of physical facts and land use occurring in the area subsequent to the initial PUD approvals. PUD-684 proposes the designation of additional areas for commercial use and the corresponding reduction of areas previously designated for multifamily use.

The subject tract is zoned AG, RM-1, OM and CS. Concurrently, an application (Z-6897) has been filed to rezone the AG-zoned area, a portion of the RM-1-zoned area and a portion of the OM-zoned area to CS.

If PUD-105 and PUD-105-A are abandoned and Z-6897 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-684 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-684 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: 7.76 acres

Permitted Uses:

As permitted by right within a CS district.

Maximum Floor Area Ratio Per Lot: .35

Maximum Building Floor Area: 118,000 SF

Maximum Building Height: Six stories

Minimum Building Setbacks:

From Riverside Parkway right-of-way 50 FT

From 81st Street right-of-way 50 FT

From east boundary of the Development Area 10 FT

From interior boundaries if divided 10 FT

Minimum Lot Frontage

81st Street 150 FT

Riverside Drive 300 FT

Minimum Parking Ratio:

As provided within the applicable use unit.

Minimum Landscaped Area:

10% of net lot area.

Signs:

One ground sign shall be permitted along the Riverside Parkway frontage with a maximum height of 25 feet and a maximum display surface area of 250 square feet.

One ground sign shall be permitted along the East 81st Street frontage with a maximum height of 12 feet and a minimum display surface area of 160 square feet.

Wall signs shall be permitted not to exceed two square feet of display surface area per lineal foot of building wall to which attached. The length of the wall sign shall not exceed 75% of the frontage of the tenant space.

DEVELOPMENT AREA B (Commercial) *

Net Land Area:	4.37 acres
Permitted Uses:	
As permitted by right within a CS district.	
Maximum Building Floor Area Ratio Per Lot:	.35
Maximum Floor Area:	66,472 SF
Maximum Building Height:	Six stories

Minimum Building Setbacks:

From 81 st Street right-of-way	50 FT
From interior public/private collector street right-of-way	25 FT
From west boundary of the Development Area	10 FT
From interior boundaries if divided	10 FT

Minimum Lot Frontage on 81st Street: 150 FT

Minimum Parking Ratio:

As provided within the applicable use unit.

Minimum Landscaped Area:

Ten percent of net lot area.

Signs:

One ground sign shall be permitted along the East 81st Street frontage with a maximum height of 25 feet and a maximum display surface area of 160 square feet.

Wall signs shall be permitted not to exceed two square feet of display surface area per lineal foot of building wall to which attached. The length of the wall sign shall not exceed 75 percent of the frontage of the tenant space. There shall be no wall signs on the south-facing walls.

***ALTERNATIVE DEVELOPMENT STANDARDS
DEVELOPMENT AREA B (Multifamily)**

Upon approval of a minor amendment, Area B may be developed for multifamily purposes and the following standards shall apply.

Net Land Area: 4.37 acres

Permitted Uses:

Multifamily dwellings and customary accessory uses.

Maximum Number of Dwelling Units: 110 Units

Minimum Livability Space Per Dwelling Unit:	600 SF
Maximum Building Height:	42 FT
Maximum Stories:	Three
Minimum Building Setbacks:	
From 81 st Street right-of-way	35 FT
From interior public/private collector street right-of-way	20 FT
From other development area boundaries	10 FT
Minimum Lot Width:	300 FT

Signs:

Shall comply with the provisions of the RM-1 district.

Other Minimum Bulk and Area Requirements:

As established within a RM-1 district.

DEVELOPMENT AREA C

Net Land Area: .92 acres

Permitted Uses:

As permitted by right within a CS district.

Maximum Building Floor Area Ratio: .20

Maximum Floor Area: 7,900 SF

Maximum Building Height: 22 FT

Minimum Building Setbacks:

 From 81st Street right-of-way 50 FT

 From Yorktown right-of-way 20 FT

 From west and south boundaries of the Development Area 10 FT

Minimum Lot Width: 150 FT

Minimum Parking Ratio:

As provided within the applicable use unit.

Minimum Landscaped Area:

Ten percent of net lot area in the event of new development.

Signs:

1. One ground sign shall be permitted on the east 81st Street frontage with a maximum of 160 square feet of display surface area and 25 feet in height.
2. Wall and canopy signs shall be permitted not to exceed two square feet of display surface area per lineal foot of building wall or canopy to which attached. The length of a tenant wall sign shall not exceed 75 percent of the frontage of the tenant space.

DEVELOPMENT AREA D

Net Land Area: 10.14 Acres

Permitted Uses:

Multifamily dwellings 8 and customary accessory uses.

Maximum Number of Dwelling Units: 258 units

Minimum Livability Space Per Dwelling Unit: 600 SF

Maximum Building Height: 42 FT

Maximum Stories: Three

Minimum Building Setbacks:

From interior public/private collector street right-of-way 20 FT

From other development area boundaries 10 FT

Signs:

Shall comply with the provisions of the RM-1 district.

Other Minimum Bulk Area Requirements:

As established within an RM-1 district.

DEVELOPMENT AREA E

Net Land Area 16.60 Acres

Permitted Uses:

Multifamily dwellings and customary accessory uses.

Maximum Number of Dwelling Units: 284 Units

Maximum Livability Space Per Dwelling Unit: 600 SF

Maximum Building Height: 42 FT

Maximum Stories: Three

Minimum Building Setbacks:

From interior public/private collector streets right-of-way 20 FT

From other development area boundaries: 10 FT

Signs:

Shall comply with the provisions of the RM-1 district.

Other Minimum Bulk and Area Requirements:

As established within an RM-1 district.

DEVELOPMENT AREA F

Net Land Area: 1.15 Acres

Permitted Uses:

As permitted by right within a CS district.

Maximum Building Floor Area Ratio Per Lot: .25

Maximum Floor Area: 12,500 SF

Maximum Building Height: Two stories

Minimum Building Setbacks:

From Lewis right-of-way 50 FT

From 83rd Street right-of-way 20 FT

From south and west boundaries of the Development Area 10 FT

Minimum Lot Frontage on Lewis Avenue 150 FT

Minimum Parking Ratio:

As provided within the applicable use unit.

Minimum Landscaped Area:

Ten percent of the net lot area.

Signs:

One ground sign shall be permitted along the South Lewis frontage with a maximum height of 25 feet and a maximum display surface area of 160 SF.

Wall signs shall be permitted not to exceed two square feet of display surface area per lineal foot of building wall to which attached. The length of the wall sign shall not exceed 75 percent of the frontage of the tenant space. There shall be no wall signs on the south- or west-facing walls.

DEVELOPMENT AREA G (MULTIFAMILY)*

Net Land Area: 8.40 Acres

Permitted Uses:

Multifamily dwellings and customary accessory uses.

Maximum Number of Dwelling Units: 215 Units

Minimum Livability Space Per Dwelling Unit: 600 SF

Maximum Building Height: 42 FT

Maximum Stories: Three stories

Minimum Building Setbacks:

From Lewis right-of-way 35 FT

From interior public/private collector street right-of-way 20 FT

From other development area boundaries 10 FT

Signs:

Shall comply with the provisions of the RM-1 district.

Other Minimum Bulk and Area Requirements:

As established within an RM-1 district.

***ALTERNATIVE DEVELOPMENT STANDARDS
DEVELOPMENT AREA G (OFFICE USE)**

Upon approval of a minor amendment, Area G may be developed for office purposes and the following standards shall apply:

Net Land Area: 8.40 Acres

Permitted Uses:

As permitted by right within an OM district.

Maximum Floor Area Ratio Per Lot: .30

Maximum Floor Area: 109,000 SF

Maximum Building Height: Four stories

Minimum Building Setbacks:

From Lewis right-of-way 50 FT

From interior public/private collector street right-of-way 25 FT

From other Development Area boundaries 10 FT

From interior boundaries if divided 10 FT

Minimum Lot Frontage on Lewis Avenue 150 FT

Minimum Parking Ratio:

As provided within the applicable use unit.

Signs:

Shall comply with the provisions of the OL district.

Minimum Landscaped Area:

15 percent of net lot area.

RESERVE A

The permitted of Reserve A (4.85 acres) shall be limited to stormwater management facilities and open space.

3. Access and Circulation:

~~Pedestrian access shall be provided along the perimeter of the PUD. A pedestrian access network shall also be provided from the perimeter to the main entrance of all buildings.~~ Pedestrian access shall be reviewed during detail site plan review.

Mutual access shall be provided between all lots within a Development Area.

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

6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement 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. No light standard nor building-mounted light shall exceed 25 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. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent. The foregoing conditions shall not apply to existing private streets.
12. The City shall inspect all private streets hereafter constructed 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.
13. 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.

14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
15. 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.
16. 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.
17. 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.
18. There shall be no development in the regulatory floodplain.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, cited the history of the subject property. He explained that after discussing this proposal with staff and studying the past approvals, it was determined to abandon PUD-105/105-A and file a new PUD in order to use more definitive standards and the process that is utilized today. The abandonment of PUD-105/105-A was to remove the old standards and to implement the new standards. He indicated that he is in agreement with the staff recommendations regarding intensity, land use and the general layout, but there are a few issues he would like to discuss.

Mr. Johnsen stated that one of the issues he would like to discuss is the issue regarding the landscaping percentage. He commented that he has some concerns that when PUDs are approved and then before they are fully developed the zoning ordinance changes, when a decision has to be made what the development is subject to. In this instance, in 1991, PUD-105-A was developed for QuikTrip with CS zoning. In 1991 there was not a standard for landscaping in the Code. Now the Code does require a minimum of ten percent landscaping for commercial development. At the time PUD-105-A was developed, there were no standards and staff imposed one, which was seven percent. He stated that he would like to protect the record on existing development. He suggested that it be clear for existing improvements that seven percent would be acceptable and any new development would have to meet the ten percent. Mr. Johnsen proposed new language "...buildings, private streets, parking areas and other improvements existing on June 18, 2003 shall remain subject to the Zoning Code existing as of the date of construction provided; however, any expansion of existing buildings or parking areas shall meet the standards for new construction".

Mr. Johnsen stated that what he is trying to determine is that there are two different development areas, QuikTrip and the Riverbend Apartment project. Both were lawful and built under existing ordinances and should not have to retrofit or redo unless they change or expand their use. He indicated that he is not opposed to the language proposed by staff stating "...minimum landscaped area shall be ten percent of net lot area in the event of new development".

TMAPC COMMENTS:

Mr. Carnes asked Mr. Johnsen why he didn't leave QuikTrip and the apartments in the old PUD and file a new PUD for the new development. In response, Mr. Johnsen stated that it would have been a possibility, but the records were not clear, except for the QuikTrip development. He indicated that it was recommended that he abandon the old PUD, but by filing a new PUD, the records would be clearer.

Mr. Westervelt asked if the decision to abandon PUD-105/105-A, and then filing a new PUD affected the floor area ratio overall on the old PUD when finished, as far as what could have been constructed new if the apartments had been excluded. In response, Mr. Johnsen stated that he doesn't believe it affected it.

In response to Mr. Horner, Mr. Johnsen stated that the only place that the seven or ten percent landscaping is applicable is in Development Area C, which is PUD-105-A (200' x 200').

Mr. Johnsen stated that Development Area A is located at the westernmost edge of the subject property (Riverside Parkway and 81st Street). Mr. Johnsen cited the surrounding properties. He commented that the signage that staff has generally prescribed is acceptable to the applicant with one exception. The ground sign along 81st Street is limited to 12 feet in height and he disagrees with that. All of the other signs are 25 feet in height and has been approved on other projects in the vicinity. He compared the surrounding properties' signs to staff's recommendation of 12 feet. He commented that restricting the ground sign to 12 feet is not necessary when all of the signs in the subject area are larger.

Mr. Dunlap stated that the reason staff arrived at the 12-foot restriction for the ground sign is because it would be facing a residential area directly to the north across 81st Street.

Mr. Johnsen stated that the residential uses across 81st Street are apartments that are separated by a four-lane arterial street. He reminded the Planning Commission that the Creek Nation Bingo sign is directly across from the apartments and it is substantially larger.

Mr. Johnsen stated that the next items he would like to discuss are the access and circulation standards. Mr. Johnsen read the standard and stated that he

doesn't understand them. He commented that he believes that this is a new generalized requirement. He stated that Riverside Parkway makes up more than 2,000 feet of the perimeter, which was built by the City of Tulsa without any sidewalks on the easterly side. If this standard were applied literally, it would be unfair to require a developer (given the history) to build a sidewalk along Riverside Parkway on the east side. He stated that the City did build a sidewalk along 81st Street when it was widened, and therefore that perimeter is taken care of and wouldn't impact his client. He further stated that his client would be impacted by having to build sidewalks along Riverside Parkway and Lewis Avenue. He requested that in Reserve A, Item 3, the first sentence be deleted regarding pedestrian access. On the second sentence, he commented that he is not sure what it means and believes it is a new standard. If the Planning Commission is trying to establish new standards there should be some type of involvement with the various entities. For pedestrian access in this project, the interior circulation system is already existent, and he doesn't plan any new sidewalks because the street system has already been developed.

Mr. Dunlap stated that "vehicular access" should be in the second sentence, not "pedestrian". He agrees with Mr. Johnsen that mutual access is needed and that is why the second sentence was included.

Mr. Johnsen stated that he would agree that mutual access shall be provided from between all lots within a development area.

Mr. Westervelt asked staff if the access and circulation requirements related to Tulsa Trails or to the Master Trails Plan for River Parks. In response, Mr. Dunlap stated that it is in the staff recommendation to make sure pedestrians have access to the development. Mr. Dunlap explained that the Zoning Code requires that pedestrian and vehicular access has to be addressed. Mr. Dunlap stated that the pedestrian access has probably not been noted in the past as it should, but in this particular situation, staff is stating that when a site plan is submitted, then it would have to address the pedestrian access. If a bus pulls into a bus stop, then the pedestrian should be able to access areas within the development area.

Ms. Matthews stated that this is an issue that a lot of cities across the country are beginning to address more, and some have required bicycle racks and storage lockers and very clear pedestrian-type directional signage once a vehicle enters a parking lot. This is for pedestrian safety and recognizing that people are choosing to take alternative forms of transportation. Staff is trying to be responsive to trends that they see beginning across the nation and have been for years in place in larger cities.

Mr. Johnsen stated that this may all be good planning, but he would suggest that a worksession would be appropriate before implementing this requirement. He further stated that the Zoning Code does not require pedestrian access

standards, but it does state that information has to be supplied. However, in the past it has never been required except in some residential areas regarding sidewalks. He commented that this is a staff-created standard and it is not in the Zoning Code.

Mr. Harmon asked Mr. Johnsen if he was completely opposed to installing a sidewalk along Riverside Parkway. In response, Mr. Johnsen stated that he is opposed, because arterial streets are built by the City and they put in the sidewalks. Developers are not required to build arterial streets. Mr. Harmon agreed that the City does not require developers to build arterial streets, but they do require that they build sidewalks. In response, Mr. Johnsen stated that it has never been required on arterial streets, but developers have been required to install sidewalks on interior collectors.

Mr. Westervelt agreed that the Planning Commission probably should have a worksession regarding pedestrian access. He questioned why there has not been any allowance for a future trail along Riverside Parkway. In response, Mr. Johnsen stated that there is ample right-of-way if the City elected to do so on the east side. Mr. Johnsen further stated that a sidewalk would be a municipal obligation.

Mr. Dunlap stated that this item did go before TAC and the representative for the Trails was present, and he indicated that there was no need for trails on this side of Riverside Parkway. Public Works was present as well and did not see the need.

Mr. Jackson asked staff if there would be a problem with allowing PUD-105-A in its current existence. In response, Mr. Dunlap stated that the standards and the submittal allow it to remain in its current state.

Mr. Jackson asked staff if they would amend the sign standard to 25 feet, since the surrounding properties have 25-foot signs. In response, Mr. Dunlap stated that the 12-foot sign was determined due to the residential use across the street. Mr. Dunlap stated staff cannot go with the 25-foot sign.

Mr. Harmon asked if staff would compromise to 20 feet on the sign. In response, Mr. Dunlap stated that 20 feet would be better than 25 feet. Mr. Westervelt reminded Mr. Harmon that 12 feet is twice his height or more. Mr. Dunlap reiterated that due to the residential use to the north, he would recommend 12 feet for the ground sign.

Mr. Romig reminded the Planning Commission that they are not allowed to regulate anything on the Creek Nation Bingo property and it is not a good comparison to the requirements of the Zoning Code. He stated that it is not a good example for precedent purposes.

In response to Mr. Jackson, Mr. Dunlap stated that the pedestrian access does need to be addressed in the PUD and it is a requirement. Mr. Dunlap agreed that there should be a worksession.

Mr. Westervelt asked staff what "pedestrian access should be provided along the perimeter of the PUD" means. In response, Mr. Dunlap stated that generally there would be pedestrian access around the perimeter of a PUD. Mr. Dunlap stated that it doesn't mean that a sidewalk would have to be all around all parts of the PUD, nor when one comes to any part of that PUD or where anyone would be on foot to any other part of that PUD, but it does mean that when a PUD is brought before the Planning Commission, it should address the pedestrian access.

Mr. Jackson stated that the requirement seems confusing and it should be addressed on another day during a worksession. In response, Mr. Dunlap stated that there is a need for a worksession. Mr. Dunlap stated that there would be standards for pedestrian access in all PUDs from this point forward, including today's PUD.

Mr. Jackson stated that he agrees with the abandonment and submitting the new PUD. He agrees with changing the zoning to CS and approving the PUD with some corrections.

Mr. Westervelt asked Mr. Johnsen to come up with some type of language that would indicate that if the pedestrian access language were deleted, it would not prevent River Parks having a trail through that particular corridor and some access into the site from that trail. This would be beneficial to everything within the development, including the apartments.

Mr. Dunlap informed the Planning Commission that staff was not thinking so much in terms of the trail and the pedestrian access, but once the pedestrians get to this site, how they could circulate in the site without driving.

Mr. Westervelt stated that he is ready to have a worksession on the pedestrian access issues, but he is not comfortable with the putting this language in the PUD because he doesn't understand what it is doing. However, if Mr. Johnsen can assure him that in taking the language out, it is not creating a problem with River Parks, he can support the application.

Mr. Johnsen stated that there is room for a trail if the River Parks should decide to build a trail. He further stated that he has confidence in staff and this Planning Commission. If the Planning Commission would like to have the language that pedestrian access would be reviewed during detail site plan, he would not object. In response, Mr. Dunlap stated that staff would be comfortable with Mr. Johnsen's proposal.

Mr. Westervelt stated that he would make a motion deleting the first two sentences under Item 3 and adding that the pedestrian access would be reviewed during detail site plan and that by doing so, it does not remove access to Riverside Drive's trail extension or pedestrian access to and from the subject site; the ground sign shall remain at 12 feet as recommended by staff; and noting that the Planning Commission is not implementing higher standards for the existing development until such time as it is expanded.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to recommend **APPROVAL** of CS zoning for Z-6897 per staff recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to recommend **APPROVAL** PUD-684, subject to the staff recommendations as modified by the TMAPC. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

Legal Description for Z-6897:

To consider the proposed zoning change on the following described property: A tract of land that is part of the NE/4, Section 18, T-18-N, R-13-E of the IBM according to the U. S. Government survey thereof, said tract being more particularly described as follows: beginning at the Northeast corner of Block 1, Riverbend Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence S 0°00'11" W for a distance of 154.41' to a point of curvature; thence along a 127.77 foot radius curve to the right, having a central angle of 20°53'18", for an arc distance of 46.58'; thence N 89°42'04" W and parallel with the Northerly line of said Block 1 for a distance of 1,148.12'; thence Southeasterly and parallel with the present Easterly right-of-way line of Riverside Drive, along a 11,159.16 foot radius curve to the left, having an initial tangent bearing of S 31°51'09" E, a central angle of 1°30'05", for an arc distance of 307.10' to a point of tangency; thence S 33°25'45" E and continuing parallel with said Easterly right-of-way line, for a distance of 502.25'; thence S 11°10'38" W for a distance of 284.81' to said Easterly right-of-way line; thence N 33°25'45" W along the Easterly right-of-way line for a distance of 705.02' to a point of curvature; thence continuing along the Easterly right-of-way line along a 11,359.16 foot radius curve to the right, having a central angle of 3°10'21", for an arc distance of 628.95'; thence N 45°17'40" E for a distance of 51.32' to the present Southerly right-of-way line of East 81st Street South; thence S 89°42'04" E and along said Southerly right-of-way line and the Northerly line of Block 1, for a distance of 1,453.12' to the Point of Beginning; said tract containing 11.12 acres more or less; and located west of the Southwest corner of East 81st Street South and South Lewis Avenue, **AND** a

tract of land that is part of Block 3, Riverbend Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, said tract being more particularly described as follows: Beginning at the Northeast corner of said Block 3, thence S 0°00'11" W along the Easterly line of Block 3, for a distance of 250.00'; thence N 89°59'49" W and parallel with the Northerly line of Block 3, for a distance of 200.00'; thence N 0°00'11" E and parallel with said Easterly line, for a distance of 250.00' to said Northerly line; thence S 89°59'49" E and along the Northerly line, for a distance of 200.00' to the Point of Beginning, said tract containing 1.148 acres more or less, and located South of the Southwest corner of East 81st Street South and South Lewis Avenue, **From AG/OM/RM-1 (Agriculture District, Office Medium Intensity District and Residential Multifamily Low Density District) To CS (Commercial Shopping Center District).**

Legal Description for PUD-684:

To consider the proposed Planned Unit Development [PUD-684] on the following described property: A TRACT OF LAND THAT IS PART OF THE NE/4 OF SECTION 18, T-18-N R-13-E, OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF BLOCK 1, "RIVERBEND ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3337); THENCE S 0°00'11" W AND ALONG THE EASTERLY LINE OF SAID BLOCK 1, FOR A DISTANCE OF 154.41' TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID EASTERLY LINE AND ALONG A 127.77 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 20°53'18", FOR AN ARC DISTANCE OF 46.58'; THENCE S 89°42'04" E AND PARALLEL WITH THE NORTHERLY LINE OF SAID BLOCK 1, FOR A DISTANCE OF 68.40' TO THE WESTERLY LINE OF LOT 2, BLOCK 2, OF SAID "RIVERBEND ADDITION"; THENCE S 0°00'11" W AND ALONG SAID WESTERLY LINE, FOR A DISTANCE OF 700.00'; THENCE S 89°42'04" E AND ALONG THE SOUTHERLY LINE OF SAID LOT 2, FOR A DISTANCE OF 125.36' TO THE NORTHWEST CORNER OF LOT 7 OF SAID BLOCK 2; THENCE S 0°00'11" W AND ALONG THE WESTERLY LINE OF SAID LOT 7, FOR A DISTANCE OF 384.95' TO THE PRESENT NORTHERLY RIGHT-OF-WAY LINE OF EAST 83rd STREET SOUTH; THENCE S 43°04'33" E FOR A DISTANCE OF 37.01' TO THE CENTERLINE OF SAID EAST 83rd STREET SOUTH; THENCE S 89°59'49" E ALONG SAID CENTERLINE, FOR A DISTANCE OF 353.72' TO THE EASTERLY LINE OF SAID NE/4; THENCE S 0°27'25" W ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 1,006.34'; THENCE N 85°37'59" W FOR A DISTANCE OF 592.09' TO THE PRESENT EASTERLY RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE FOR THE FOLLOWING FIVE (5) COURSES: THENCE N 34°49'46" W FOR A DISTANCE OF 1,599.40' TO A POINT ON THE WESTERLY LINE OF "RIVERBEND

ADDITION"; THENCE CONTINUING N 34°49'46" W, FOR A DISTANCE OF 433.82' TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 11,359.16 FOOT, FOR A DISTANCE OF 14.92' TO THE WESTERLY LINE OF "UNIVERSITY PARK ESTATES", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3039); THENCE CONTINUING ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,359.16 FOOT, FOR A DISTANCE OF 614.03'; THENCE N 43°53'59" E FOR A DISTANCE OF 51.32' TO THE PRESENT SOUTHERLY RIGHT-OF-WAY LINE OF EAST 81st STREET SOUTH; THENCE N 0°17'56" E AND PERPENDICULAR TO THE NORTHERLY LINE OF SAID NE/4, FOR A DISTANCE OF 50.00' TO SAID NORTHERLY LINE; THENCE S 89°42'04" E ALONG THE NORTHERLY LINE, FOR A DISTANCE OF 1,453.12'; THENCE S 0°17'56" W AND PERPENDICULAR TO THE NORTHERLY LINE, FOR A DISTANCE OF 50.00' TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 57.401 ACRES. From **AG/OM/RM-1/PUD (Agriculture District/Office Medium Intensity District/Residential Multifamily Low Density District/Planned Unit Development) To CS/RM-1/PUD (Commercial Shopping Center District/Residential Multifamily Low Density District/Planned Unit Development [PUD-684])**.

Application No.: PUD-206-16

MINOR AMENDMENT

Applicant: Joel Slaughter

(PD-18) (CD-8)

Location: South and west of the southwest corner of East 91st and South Sheridan Road.

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment of the maximum building height on a 1.69-acre tract located south and west of the southwest corner of East 91st Street and South Sheridan Road. The existing standard is one-story, not to exceed 26 feet and the applicant is requesting that this be amended to two-story, not to exceed 26 feet to permit the construction of a health club/spa as included within Use Unit 19.

The applicant's original submittal showed a building set back approximately 68.4 feet from the west boundary of the tract with the second story portion of the building being approximately 88 feet from the west boundary. The proposed structure had second-story windows on the west side and also a second-story balcony facing the residential uses to the west. Staff had recommended denial of

the request. The applicant requested a continuance, which was granted and has made a revised submittal.

The revised submittal shows the one-story portion of the building being 33.5 feet from the west boundary, with the second story being approximately 53.5 feet from the west boundary. No windows are being proposed on the west side of the second-story portion of the building.

The subject tract is abutted on the west by a developed single-family subdivision. The ground on the subject tract is generally higher than the residential subdivision to the west. There is a second-floor balcony facing toward the residential uses. Staff finds that the proposed two-story structure as proposed would result in an increase of incompatibility with the present single-family uses abutting on the west. Therefore, staff recommends **DENIAL** of the request as submitted.

Staff could support the request with additional setbacks and conditions. Therefore, staff could recommend **APPROVAL** subject to the following conditions:

1. Requirements of PUD-206 as amended shall apply unless modified below.

2. **Development Standards:**

Maximum Building Height:

Two stories not to exceed 26 feet.

Maximum Building Setback from west boundary of tract:

First Story	60 FT
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Second Story	80 FT
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3. There shall be no second-story windows facing west.

4. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.

5. 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. All bulk trash containers shall be set back a minimum of 150 feet from the west boundary of the tract.

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. Within the west 60 feet of the tract no light standard or building-mounted light shall exceed eight feet in height. No light standard nor building-mounted light shall exceed 15 feet in height.

Applicant's Comments:

Joel Slaughter, 6670 South Lewis, Suite 201, Tulsa, Oklahoma 74105, stated that he is in agreement with the staff recommendation except for the setbacks on the south side. He explained that there is an 80- to 85-foot utility easement for ONG and Explorer Pipeline that he would have to stay out of. If the setbacks are increased as proposed by staff, then it would move the building toward the east and would require all of the parking to move to the back of the building. One of the issues with the neighborhood is to prevent parking in the rear of the lot.

Mr. Slaughter stated that he thought he met the intent of the restriction to one story and minimized the visual impact from an office building or commercial building into the neighborhood. The windows have been minimized toward the residential area and he felt that he met the intent of the requirements.

Mr. Harmon asked if it were a one-story building (26 feet), the setback requirements of 23.5 and 53.5 feet would be applicable. In response, Mr. Dunlap stated that he could have built a 26-foot high structure within 30 feet of the west boundary without a balcony or doors facing the west boundary.

Mr. Slaughter stated that the balcony is an exterior exit balcony and staircase. The two doors are for exit only, and the neighbors requested that there be no hardware on the exterior and markers on the interior stating exit only. This is a one-of-kind building, and he would do whatever needs to be done to minimize the impact on the neighborhood.

Mr. Dunlap stated that when there are buildings closer to residential areas, then staff has requested significant landscaping. Mr. Dunlap indicated that the subject building would also have outdoor gym activities associated with it.

Mr. Westervelt asked how far from the property line the building sets to the south. In response, Mr. Dunlap stated that he has not reviewed the file on the adjacent property, but he does know that it was developed under the old standards. Mr. Dunlap offered to review the file.

Mr. Westervelt asked why there is a driveway around the building if the neighbors do not want to have any cars or parking behind the building. In response, Mr. Slaughter stated that it is a requirement of the Fire Marshal.

Mr. Dunlap informed the Planning Commission that the existing building to the south of the subject property is set back 65.75 feet from the residence.

Interested Parties:

Jan Stafford, 9229 South Norwood, Tulsa, Oklahoma 74137, stated that she is in agreement with proposal with some reservations. She explained that she did meet with Mr. Slaughter to look at the plans.

Ms. Stafford stated that the neighborhood is interested in getting similar amendments to the proposed PUD as when the Food Lion was developed. She commented that she is surprised at the proximity of the building and the closeness to the residential area. She indicated that the neighbors do not want parking near the backs of the homes. Ms. Stafford read the amendments that were granted to the existing building to the south and indicated that she would like similar conditions on the proposal.

Mr. Westervelt stated that it would seem that staff should look at the contents for the project to the south and it would be beneficial to work through this. He suggested that this application be continued to July 2, 2003 in order to allow staff, neighbors and the applicant to work on the standards. Mr. Dunlap indicated that staff would agree to a continuance. Mr. Dunlap explained that the submittal didn't have enough standards, and therefore staff wrote the standards rather than waiting for the site plan to keep returning until it was right. If the applicant would get with the neighborhood and address these issues and then show them on the site plan and landscape plan, staff would be able to then comment on those standards.

Ms. Stafford stated that she is agreeable to a continuance, but she cannot continue to ask her neighbors to show up for meetings. In response, Mr. Jackson stated that he understands her situation and he would like the neighbors to get with the applicant and come up with a good recommendation that everyone can live with.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **CONTINUE** the minor amendment for PUD-206-16 to July 2, 2003 at 1:30 p.m.

ZONING PUBLIC HEARING

Z-6898 – (8308)

(PD-4) (CD-4)

Northeast corner of East 12th Street and South Delaware Avenue

STAFF RECOMMENDATION FOR REZONING Z-6898:

PUD-484 March 1992: Approval was granted for a Planned Unit Development on a tract that included five platted lots and a combination of CH, OL and RS-3 zoning. The PUD proposed a single commercial building fronting East 11th Street with a large landscaped open space which would buffer the residential lots to the south and parking between the proposed building and East 11th Street. The tract is located on the southeast corner of East 11th Street and South Delaware Place.

Z-6236 March 1989: A request to rezone a .2-acre tract located on the northeast corner of South Delaware and 12th Street from RS-3 to PK was approved.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, vacant, and zoned RS-3.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 12 th Street	Residential street	N/A	2 lanes
South Delaware Avenue	Urban Arterial street	70'	4 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The site is abutted on the north by a commercial area (a pizza restaurant and an automotive shop, which staff understands is soon to relocate), zoned CH; to the south and east by single-family dwellings, zoned RS-3; and to the west by Wilson Middle School and a church, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this property as Low Intensity - Residential.

According to the Zoning Matrix, the proposed PK zoning **is not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION: Although single-family residential uses exist on two sides of this property, staff believes it is unrealistic to expect single-family development on this site due to the high intensity commercial use on the north

and the school and church uses on the west and southwest. Parking use has proven to be an effective buffer between CH zoning and single-family residential use and therefore staff recommends **APPROVAL** of PK zoning for Z-6898.

If the TMAPC is inclined to recommend approval of PK zoning for this case, they should also direct staff to prepare appropriate map changes for the District 4 Plan.

RELATED ITEM:

STAFF RECOMMENDATION FOR PLAT WAIVER FOR Z-6898:

The platting requirement was triggered by rezoning case Z-6898 which is pending to request rezoning from RS-3 to PK (TMAPC date 6-18-03).

Staff provides the following information from TAC at their June 5, 2003 meeting:

ZONING:

- TMAPC Staff: N/A

STREETS:

- Additional right-of-way is needed along Delaware (5 feet).

SEWER:

- Okay

WATER:

- Okay

STORM DRAIN:

- Okay

FIRE:

- N/A

UTILITIES:

- N/A

Staff can recommend **APPROVAL** of the plat waiver requested with the appropriate right-of-way dedication.

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

- | | Yes | NO |
|--|------------|-----------|
| 1. Has property previously been platted? | X | |

- 2. Are there restrictive covenants contained in a previously filed plat? X
- 3. Is property adequately described by surrounding platted properties (street right-of-way? X

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

- | | Yes | NO |
|--|-----|----|
| 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. | | X |
| 10. Is this a Major Amendment to a P.U.D.? | | X |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | | X |
| 11. Are mutual access easements needed to assure adequate access to the site? | | X |

12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?

X

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Bama Pie Companies, stated that the subject property would be desirable for parking, but not required for the expansion of the Bama plant at 11th and Delaware. This would be added to the parking that was approved by the Board of Adjustment within the area immediately to the north. The landscaping has been designed to align with the setback of the residences immediately to the east.

Mr. Norman stated that he has submitted the plans to the Renaissance Neighborhood Association several weeks ago and he assumes that they are satisfied with the plans.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to recommend **APPROVAL** PK zoning for Z-6898 per staff recommendation.

Legal Description for Z-6898:

Lots 13 and 14, Block 3, Signal Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the northwest corner of East 12th Street and South Delaware Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To PK (Parking District).**

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **APPROVE** the plat waiver for Z-6898 per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-600

DETAIL SITE PLAN

Applicant: Randy Barker

(PD-18) (CD-8)

Location: East 91st Street and South Toledo 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-600-1). The eave of the building, however, does extend into the front setback by approximately one foot, but is allowed to do so per Section 210.B.1 of the Zoning Code.

Proposed parking meets minimum requirements in design and number of spaces required, however, the northernmost parking space on the building's southeast corner extends into the required five foot minimum landscaped area extending along the abutting street right-of-way. With exception of this encroachment, the landscaped area proposed meets minimum lot and street yard requirements.

No parking lot lighting is proposed. Wall-mounted lights are decorative in nature. No bulk trash container is proposed.

Staff recommends **APPROVAL** of PUD-600 detail site plan, contingent upon the parking on the building's southeast corner being reconfigured to meet the minimum five-foot landscape strip requirement.

(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 **HARMON**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-600 per staff recommendation.

Application No.: AC-070

ALTERNATIVE LANDSCAPE COMPLIANCE

Applicant: Carlye O. Jimerson

(PD-2) (CD-3)

Location: 2247 North Peoria Avenue

STAFF RECOMMENDATION:

The applicant is requesting that irrigation of all landscaped areas of the North Peoria Church site be by hose attachments. Hose attachments will be on the exterior of the building and within 100 feet of all landscaped areas.

The applicant further suggests that the "hose attachment is equivalent to the underground sprinkler system in that the plants, trees and/or shrubbery will be adequately cared for pursuant to the ordinance and the attachment system is better than the underground system in its cost effectiveness". Per Section 1002.D.2.c., "No landscape plan submitted after June 30, 1996, shall use (a hose attachment within 100 feet of all landscaped areas) to irrigate required landscape area without the prior approval of TMAPC".

Approval by Alternative Compliance, per Section 1003.D, is upon the Planning Commission's determination that, "although not meeting the technical requirements of this chapter, it is equivalent to or better than the requirements of this chapter". In regard to the applicant's proposal that hose attachments are a better approach, cost effectiveness is not typically considered a matter of technical compliance with the landscape requirements. Instead, the applicant must be able to assure that all landscaped areas of the site, including perimeter areas, parking islands and those areas adjacent to the building, can be adequately irrigated on a regular basis. The plan submitted proposes five hose attachments located adjacent to the building; however, not all landscaped areas are within 100 feet of these hose attachments, particularly on the site's northwest corner. Per the plan submitted, a 100' long hose might reach the closest edge of the landscaped area, but not the far side of the landscaped area, which extends an additional 80' plus beyond.

Because of the size of this site and the numerous landscaped areas, and because of the potential inadequacy of the proposed method of irrigation to adequately and systematically irrigate all landscaped areas, staff recommends **DENIAL of Alternative Compliance request AC-070.**

Applicant's Comments:

Carlye Jimerson, 400 Oneok Plaza, Tulsa, Oklahoma 74121, representing the North Peoria Church of Christ, stated that the landscape plans were submitted and approved in 1999. The building is close to completion and she has

submitted landscaped plans that indicate 100-foot attachments, except for one. However, that extra attachment will be installed and comply with Zoning Code.

Ms. Jimerson stated that the church has a full-time landscaper to maintain the existing landscaping and the anticipated landscaping. Ms. Jimerson submitted photographs depicting the existing landscaping the new expansion (Exhibit C-1).

TMAPC COMMENTS:

Mr. Harmon asked Ms. Jimerson if she is stating that there would be an outdoor faucet such that every area that needs watering would be within 100 feet of a hose attachment. In response, Ms. Jimerson answered affirmatively.

Mr. Westervelt asked staff if the plans to install another faucet changes their recommendation or would set a precedent. In response, Mr. Dunlap stated that the plans that the applicant has submitted at this point do not equal to or are not greater than the requirements and all are not within 100 feet, and that is why staff is recommending denial. If the applicant has changed that and brings it into compliance, then staff would change their recommendation.

Mr. Dunlap requested that this application be continued one week in order to allow staff to review the plans.

Ms. Jimerson stated that she has visited with Ms. Tomlinson regarding this issue and her concern was with esthetics, the one area that did not have the hose attachment on the plan. She explained that she has talked with Ms. Tomlinson since submitting the initial plan and told her what the new plans were (showing the extra attachment) and pictures. She stated that Ms. Tomlinson suggested that it might be helpful, but she still could not give the approval based on the ordinance.

Mr. Dunlap stated that if Ms. Tomlinson has already reviewed this material and has commented that it is not in compliance, then he would recommend denial of the request.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **CONTINUE** the alternative landscape compliance for AC-070 to June 25, 2003 at 1:30 p.m.

Application No.: PUD-489

AMENDED SITE PLAN

Applicant: Rick Stuber

(PD-18) (CD-8)

Location: Northeast corner of East 71st Street and South Mingo Road

STAFF RECOMMENDATION:

The applicant is requesting a revision to a previously-approved detail site plan for removal of a greenhouse structure, reuse of the area for parking, and striping and use of additional area for parking. The uses are in conformance with development standards and the Zoning Code.

The applicant is proposing to remove the greenhouse structure of the former 'Builder's Square' retail space and striping the underlying paved area for parking. Some alteration of the existing landscaped area is proposed; however, the site is exempt from landscaping requirements per Section 1001.E and F of the Tulsa Zoning Code. The net effect of the proposed site revisions is to rearrange existing landscaped areas and relocate existing trees within those rearranged areas. In addition to this proposed new area of parking, the applicant is striping existing paved areas to the rear (east) of the Gordman's and Norwalk Furniture retail spaces.

Parking layout of all proposed new parking areas complies with the Tulsa Zoning Code.

Staff recommends **APPROVAL** of PUD-489 detail site plan as submitted.

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

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **APPROVE** the amended detail site plan for PUD-489 per staff recommendation.

Request to add the 'Foster Holly' to the 'Urban Forester's Certified List of Tree Species', which are appropriate for use in meeting the requirements of the Landscape Chapter of the City of Tulsa Zoning Code.

STAFF RECOMMENDATION:

Dan Alaback , Alaback Design, Associates, Inc., is requesting that the foster holly be added to the 'Certified Tree List', and therefore be considered appropriate for meeting the requirements of the Landscape Chapter of the Zoning Code. Mr. Joe Roberts, City of Tulsa Urban Forester, has recommended approval of the foster holly's inclusion to the list.

Staff recommends **APPROVAL** of the request to add the 'Foster Holly' to the 'Certified Tree List'.

TMAPC Action; 6 members present:

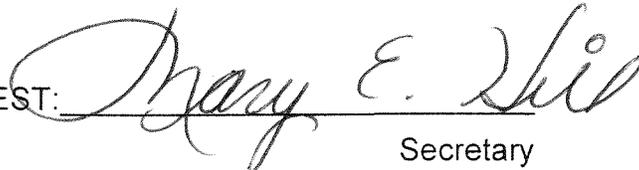
On **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Collins, Coutant, Ledford, Midget "absent") to **APPROVE** the request to add the 'Foster Holly' to the 'Urban Forester's Certified List of Tree Species.

There being no further business, the Chair declared the meeting adjourned at 3:47 p.m.

Date Approved:

7.3.03


Chairman

ATTEST: 
Secretary