

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2361**

Wednesday, November 5, 2003, 1:30 p.m.

Francis Campbell City Council Room  
Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, November 3, 2003 at 8:38 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 1:35 p.m.

**Minutes:**

**Approval of the minutes of September 17, 2003, Meeting No. 2356**

On **MOTION** of **HARMON** the TMAPC voted 8-0-1 (Carnes, Collins, Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; Bayles "abstain"; Horner, Ledford "absent") to **APPROVE** the minutes of the meeting of September 17, 2003, Meeting No. 2356.

**Minutes:**

**Approval of the minutes of September 24, 2003, Meeting No. 2357**

On **MOTION** of **HARMON** the TMAPC voted 8-0-1 (Carnes, Collins, Coutant, Harmon, Hill, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; Bayles "abstain"; Horner, Ledford "absent") to **APPROVE** the minutes of the meeting of September 24, 2003, Meeting No. 2357.

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**REPORTS:**

**Director's Report:**

Mr. Dunlap stated that there are two items on the City Council agenda November 6, 2003.

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**SUBDIVISIONS:**

**LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:**

**L-19581 – Barry Hacker** (9206)

(PD 23) (County)

Northeast corner Old North Road and Wild Mountain Road

**STAFF RECOMMENDATION:**

The applicant has applied to split a four-plus-acre tract where an existing road cuts through the property. Tract B will be tied to a 194+ acre tract (Tract C located in Osage County). Both proposed tracts will meet the AG bulk and area requirements. However, Old North Road is designated as a secondary arterial and the applicant is requesting a waiver of Subdivision Regulations, Section 6.5.1.(c)(3) requiring right-of-way be given to the City of Tulsa/Tulsa County in accordance with the Major Street and Highway Plan.

The TAC has requested the full 50' right-of-way along Old North Road. Staff recommends **DENIAL** of the waiver of Subdivision Regulations for 50' of required right-of-way, and of the lot-split. Should the Planning Commission approve the waiver and lot-split, staff requests that it be approved on the condition that 30' OF right-of-way from the center of the road be given to Tulsa County along Old North Road.

**TMAPC COMMENTS:**

Mr. Harmon asked staff if they would accept 30 feet of right-of-way. In response, Ms. Chronister stated that Tulsa County stated that they would accept the 30 feet of right-of-way, but would prefer 50 feet.

**Applicant's Comments:**

**Barry Hacker**, 1115 Renaissance Drive, Sand Springs, Oklahoma 74063, stated that he appreciates the lightning-quick review of this lot-split, which was applied for on August 5, 2003. He indicated that he was informed in September that this lot-split would be approved if he was willing to donate 50 feet of right-of-way. He explained that he is not willing to do that. Old North Road may be classified as a secondary arterial, but in its present condition and its present location, it is not capable of supporting that type of improvement because of the sharpness of the curves on each end. He indicated that he offered the 30 feet of right-of-way, but no 50 feet of right-of-way.

**TMAPC COMMENTS:**

Mr. Westervelt asked Mr. Hacker what type of hardship prevents giving the statutory right-of-way. In response, Mr. Hacker stated that it would create a smaller total acreage and the subject property has minimum size lots, and if he ever wanted to develop it would cause him to lose a lot. There are deed restrictions on the subject property.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON** TMAPC voted 6-3-0 (Carnes, Collins, Coutant, Harmon, Jackson, Midget "aye"; Bayles, Hill, Westervelt "nays"; none "abstaining"; Horner, Ledford "absent") to **APPROVE** of the lot-split for waiver of Subdivision Regulations for L-19581, subject to the condition that 30' right-of-way from the center of the road be given to Tulsa County along Old North Road.

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**L-19602 – Sack & Associates** (9332)

(PD 15) (County)

East 98<sup>th</sup> Street North and Garnett Road

**STAFF RECOMMENDATION:**

The applicant has applied to split a 2.9-acre tract out of a ten-acre tract. North 115<sup>th</sup> East Avenue truncates on the north side of the subject property. The applicant is seeking a waiver of Subdivision Regulations, Section 4.2.1. stating that the subdivision "should provide for the continuation or appropriate projection of existing streets in surrounding area".

Upon further review of this application, it was noted that 115<sup>th</sup> East Avenue is a neighborhood street that is required to provide a logical extension, whether a turn-around or a stubbed street. According to O.S.863.9, this would require that the property be platted:

For the purpose of this act, a subdivision is defined as any division of land into five or more lots, parcels, tracts, or areas, or any division of land involving the right-of-way or alignment of an existing or proposed street or highway.

Staff finds that this property is not eligible for a lot-split, and therefore recommends **DENIAL** of the requested waiver of Subdivision Regulations and of the lot-split.

**TMAPC COMMENTS:**

Mr. Westervelt asked if the reason for denial is due to the through street to the adjacent subdivision. In response, Ms. Chronister answered affirmatively.

Mr. Westervelt asked if there would be another step in the development process that would allow the stub street to come through. In response, Ms. Chronister stated that if the property is platted, that opportunity would come up, but if it is not platted then it could remain as it is today. There has been some concern about that being the only access that is through the subdivision to the north. TAC did have one comment regarding Tract A being wide on Garnett and not being accessed to Tract B from Tract A.

**Applicant's Comments:**

**Ted Sack**, Sack and Associates, 111 South Elgin, Tulsa, Oklahoma 74120, stated that this property is on the east side of Garnett, north of 96<sup>th</sup> Street (ten acres). The current property is zoned AG and before it can be developed, it would have to be rezoned. Mr. Sack described the surrounding properties and their uses.

Mr. Sack stated that the purpose of the lot-split is to do estate planning at this time. The owner would like to split off the homestead and leave a balanced tract. There is no desire to develop the property, but the owner would like to split it and divide it among the heirs. Water and sewer are available for each tract and each tract does have accessibility. As the property develops to the south and is rezoned, it would require platting and the street would probably be extended to the south or make a cul-de-sac. He explained that his client does not want to extend the street at this time because he doesn't know how it would develop nor how to extend the street. The subdivision requirement of the rezoning would take care of this issue at platting. The lot-split is appropriate and the waiver of the statute is appropriate.

**TMAPC COMMENTS:**

Mr. Harmon asked if there is anything on the lot at this time. In response, Mr. Sack stated that there is a home on the west side adjacent to Garnett, and the necessary right-of-way for Garnett will be dedicated to meet the Major Street and Highway Plan. As part of the deed for Tract B, access is being secured across Tract A by granting an easement that would be defined at a later date. Mr. Sack stated that Tract B would have access to Garnett through a 30-foot mutual access easement to be determined at a later date.

Mr. Westervelt asked Mr. Sack how the mutual easement would be perfected. In response, Mr. Sack stated that it would part of the deed by requiring a 30-foot mutual access easement across Tract A.

Mr. Westervelt asked if a stipulation can be made on a lot-split that the mutual access be on the deed. In response, Mr. Romig stated that this has been offered by the applicant and it is appropriate.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT** TMAPC voted 9-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Ledford "absent") to **APPROVE** the lot-split for waiver of Subdivision Regulations for L-19602, subject to a 30-foot mutual access easement for Tract B being on the deed to prevent the property from being landlocked from the primary arterial.

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

- L-19605 – Roy Johnsen** (8315) (PD-18) (CD-8)  
6228 East 86<sup>th</sup> Place
- L-19607 – Dexter Wright** (0319) (PD-2) (CD-3)  
1916 East 27<sup>th</sup> Street North
- L-19608 – Brenda Shafer** (6310) (PD-20) (County)  
19322 South Sheridan
- L-19609 – Sisemore Weisz & Associates** (9322) (PD-6) (CD-4)  
Southwest of southwest corner East 39<sup>th</sup> Street and Canton

**STAFF RECOMMENDATION:**

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

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

**TMAPC Action; 9 members present:**

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

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**FINAL PLAT:**

**Ashton Creek Village** – PUD 600 (2183) (PD 18) (CD 8)

South of East 91<sup>st</sup> Street South and West of Yale Avenue

**STAFF RECOMMENDATION:**

This plat consists of 83 lots in eight blocks on 20.9 acres.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON** TMAPC voted 9-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Ledford "absent") to **APPROVE** the final plat for Ashton Creek Village per staff recommendation.

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Mr. Westervelt announced that he would be abstaining from the following item.

**QuikTrip Commercial Center II – PUD-682 (9402)**

(PD-17) (CD-6)

East of the southeast corner of East Admiral and South 161<sup>st</sup> Avenue.

**STAFF RECOMMENDATION:**

This plat consists of three lots in one block on 5.49 acres.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat with the condition that the certificate on non-development for oil wells be received before the plat is filed.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET** TMAPC voted 8-0-1 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Jackson, Midget "aye"; no "nays"; Westervelt "abstaining"; Horner, Ledford "absent") to **APPROVE** the final plat subject to the certificate on non-development for oil wells being received before the plat is filed per staff recommendation.

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**PRELIMINARY PLAT/EXTENSION:**

**Palazzo II - Tulsa – PUD 669 (2894)**

(PD 17) (CD 6)

North side of 51<sup>st</sup> Street, West of 145<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 10.8 acres.

The following issues were discussed November 7, 2002 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD 669 (RM-1) for residential apartment uses.

2. **Streets:** Building lines must be shown in accordance with the PUD. The concept plan needs to be cleaned up and clarified. All details per the Subdivision Regulations need to be provided on the plat. A 17.5-foot perimeter easement should be shown.
3. **Sewer:** Sewer is available along 51<sup>st</sup> Street with a six-inch service line. This will not access the existing manhole.
4. **Water:** The concept plan needs to be clarified with bearings.
5. **Storm Drainage:** A PFPI will be necessary. Show floodplain clearly. Storm sewer easements will be necessary.
6. **Utilities: PSO:** Show building numbers and square footages. More easements are needed. Legal descriptions must be clear and by metes and bounds.
7. **Other:** N/A

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**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.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HILL** TMAPC voted 9-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Ledford "absent") to **APPROVE** the preliminary plat extension for Palazzo II for one year per staff recommendation.

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**Mr. Westervelt announced that he would be abstaining from the following item.**

**CHANGE OF ACCESS ON RECORDED PLAT:**

**QuikTrip Commercial Center, Lots 4, 5, and 7, Block 1-** (PD 17) (CD 6)  
PUD 682 (9402)

East of the Southeast corner of East Admiral Place and South 161<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

This application is made to allow a change of access along East Admiral Place. The property is zoned PUD 682.

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 new plat on the property will not conflict with the access change requested.)

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of HILL TMAPC voted 8-0-1 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Jackson, Midget "aye"; no "nays"; Westervelt "abstaining"; Horner, Ledford "absent") to **APPROVE** the change of access on recorded plat for QuikTrip Commercial Center per staff recommendation.

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**CONTINUED ZONING PUBLIC HEARING:**

**Application No.: CZ-332**

**AG-R TO AG**

**Applicant:** Dennis Bowers

(PD-15) (County)

**Location:** North Memorial Drive and East 112<sup>th</sup> Street North

**STAFF RECOMMENDATION:**

**CZ-294 January 2002:** Upon the request from the homeowners within the Countryside Estate development, TMAPC requested the rezoning of the subject property from RE to AG-R. All concurred in the request.

**CZ-286 July 2001:** An application to rezone property located on the northeast corner of East 106<sup>th</sup> Street North and North Memorial Drive, south of the subject property from AG to RS was denied by TMAPC and RE zoning was recommended. The County Commission approved RE zoning upon appeal from the applicant.

**CZ-262 January 2001:** An application to rezone property located on East 106<sup>th</sup> Street North between North Memorial Drive and North Mingo Road from AG to RS was recommended for denial by TMAPC. The County Commission concurred in denial of RS and approved RE zoning.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 151 acres in size and is located on the east side of North Memorial Drive and on the north and south side of East 112<sup>th</sup> Street North. The property is sloping, partially wooded, the development contains large lots with single-family dwellings, grazing lands, farm buildings and is zoned AG-R.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
North Memorial Drive	Secondary arterial	100'	2 lanes
East 112 <sup>th</sup> Street North	Residential	50'	2 lanes

**UTILITIES:** Water to the site is served by the City of Owasso. Sewer is by septic systems or lagoons.

**SURROUNDING AREA:** The subject property is abutted on the north and west by large-lot, single-family residential homes and agriculture uses, zoned AG; to the south by vacant property zoned RE; to the east by vacant land, zoned AG and to the northeast by a residential development with single-family homes, zoned AG and is within the Owasso fence-line.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 15 Plan, a part of the Comprehensive Plan for the City of Owasso, designates the subject property as Rural Residential/Agriculture. According to the Plan Map and Land Use Descriptions in the Plan Text, the requested AG zoning is in accord with the Owasso 2010 Land Use Master Plan.

**STAFF RECOMMENDATION:**

It was staff understanding at the time this application was taken that most or all of the property owners in the subject boundaries supported this rezoning. Staff has since been contacted by a number of the property owners whose names and signatures appear on the petition of support to indicate they have changed their minds. This is not a TMAPC-sponsored application, and if the property owners do not in fact wish to have their properties rezoned, staff can see no benefit to the community in rezoning. Both the existing AG-R and the proposed AG are in accord with the Plan.

Absent of the support of all or most of the property owners, staff does not deem rezoning to AG to be in the public interest. According to the Zoning Code, one purpose of the AG district is to protect agricultural land until its transition to more urban types of development. This subdivision and others nearby appear to have begun that transition and rezoning to a lesser intensity at this point appears to be regression. Therefore, staff recommends **DENIAL** of AG zoning for CZ-332.

Ms. Matthews stated that this case was continued on the premise that the County Board of Adjustment would make a clarification of what constituted limited agricultural animal raising. Staff understands that the District Attorney and County Zoning Official are currently working on the clarification, which would be presented to the CBOA on November 18, 2003. However, staff's recommendation does not change and continues to recommend denial based on the fact that it is platted, which shows intent to urbanize at some point in a limited degree of urbanization, and the fact that the City of Owasso planner has recommended denial as well.

**TMAPC COMMENTS:**

Mr. Harmon asked if the residents who originally supported this are now indicating that they are in not in support. In response, Ms. Matthews stated that staff understands from various communications, which are included in the packet, that most of the residents have represented to staff that they have changed their positions because they didn't understand what was presented to them or it was misrepresented to them.

Mr. Jackson asked if TMAPC was the applicant for this rezoning. In response, Ms. Matthews stated that Mr. Bowers is the applicant on this request.

**Applicant's Comments:**

**Dennis Bowers**, 11006 North 92<sup>nd</sup> East Avenue, Owasso, Oklahoma 74055, he stated that the original application did not represent all of the homeowners were in favor of this rezoning. The original application is signed by 18 lots out of 24 lots. Additionally, there is nothing to document that most of the residents have changed their minds. He stated that he expects a different position from the City of Owasso to be submitted on this application. He further stated that there is an interested party who has requested a continuance based on the outcome of the County Board of Adjustment clarification hearing. He commented that he does not feel that this is prima-facie to this item. He is willing to go with the continuance and it would allow the City of Owasso planner to change his position, plus review the minutes.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Bowers if it is his opinion that there are residents who still support this application. In response, Mr. Bowers stated that he does not have a final count, but he believes he has 15 or 16 out of the 21 occupied properties. Mr. Harmon stated that there seems to be some confusion on who actually supports this application.

**INTERESTED PARTIES:**

**Matt Slavin**, 11028 North 92<sup>nd</sup> East Avenue, Owasso, Oklahoma 74055, stated that he is Mr. Bowers' next-door neighbor. He explained that he would like to know what type of animals he is allowed to have on his property. He requested a

continuance until the County Board of Adjustment makes a clarification. He indicated that if he is able to have the animals that he has always had, then he is supportive of AG-R.

**TMAPC COMMENTS:**

Ms. Bayles asked Mr. Slavin what type of animals he currently has on his property. In response, Mr. Slavin stated that he does not have any animals on his property at this time, but in the past there were chickens and horses on the property prior to his purchasing the property. He explained that he has a seven-stall barn and he would like to use it for horse activity. Ms. Bayles asked Mr. Slavin if he would have an objection if it were limited to horses only. In response, Mr. Slavin stated that he would object to that limitation. He explained that cows, sheep, goats, etc., would be a possibility as well. He stated that he doesn't want to run a herd on his property, but he would like to have an animal or two on his property.

**INTERESTED PARTIES:**

**Linda Segress**, 9034 East 112<sup>th</sup> Street North, Owasso, Oklahoma 74055, stated that she would like to request a continuance until the clarification is determined. She commented that at the last meeting she submitted petitions and a plat which indicated the residents who did not want to change from AG-R. She stated that considering her petition, it does not appear that the majority are still in support of changing from AG-R to AG.

**TMAPC COMMENTS:**

Mr. Westervelt asked Ms. Segress if she knew the number of people who are in support and the ones are not in support. In response, Ms. Segress stated that she would guess half support and half oppose. She further stated that there are several people who are undecided.

Mr. Westervelt stated that it would be helpful if the interested parties and the applicant were able to bring a good head count by the next meeting.

**INTERESTED PARTIES:**

**Robin Weiser**, 11046 North 92<sup>nd</sup> East Avenue, Owasso, Oklahoma 74055, stated that she would like a continuance and hear this application in January. She commented that she would not like to see the neighborhood split between some being zoned AG and some zoned AG-R. She prefers everything stay AG-R because the neighborhood is a very unique subdivision. She explained that there are expensive homes in the subject subdivision and she would not like to see property values decrease if they were downzoned to AG. There are a lot of areas in Owasso available for someone who would like to farm and have a lot of animals.

**TMAPC COMMENTS:**

Mr. Jackson stated that an interested party has requested a continuance to December 3, 2003 in order to obtain the CBOA's determination of what type of animals would be allowed in AG-R.

Mr. Harmon stated that in light of the fact that it is uncertain as to who supports and does not support this position, it would seem reasonable to grant this extension.

Mr. Westervelt stated that if there is only 50 percent of support to downzone the subject area, then he could not support it. Usually it is well over 90 percent and lots that do not want to be downzoned are usually excluded. This downzoning request exposes the neighborhood to circumstances they do not want. He stated for the record that he would have a hard time supporting this application if there is only 60 or 50 percent support.

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Ledford "absent") to **CONTINUE** CZ-332 to December 3, 2003 at 1:30 p.m.

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**ZONING PUBLIC HEARING**

**Application No.: Z-6915/PUD-693**

**RS-3/RD to OL/PUD**

**Applicant:** Charles E. Norman

(PD-18) (CD-8)

**Location:** North side of East 91<sup>st</sup> Street, west of South Yale

**STAFF RECOMMENDATION FOR Z-6915:**

**Z-6878 December 2002:** Approval was granted for a request to rezone a 200' x 330' tract located north of the northwest corner of East 89<sup>th</sup> Street South and South Yale Avenue from RS-3 and OL to OL for office use.

**PUD-600-B January 2001:** All concurred in approval of a major amendment to PUD-600 to allow the construction of an 80-foot wooden monopole cellular transmission tower within the PUD. The location of the tower was approved for an area west of the southwest corner of East 91<sup>st</sup> Street and South Toledo Avenue.

**Z-6784 September 2000:** All concurred in denial of a request to rezone a lot located north of the northeast corner of East 89<sup>th</sup> Street and South Vandalia Avenue and east of the subject property, from RS-3 to OL.

**PUD-600-A August 2000:** All concurred in approval of a major amendment to PUD-600 to allow a barber and beauty shop in the PUD. The property is located on the south side of East 91<sup>st</sup> Street and west of the subject tract.

**Z-6684 April 1999:** All concurred in approval of a request to rezone the 135' x 305' lot located on the southwest corner of East 89<sup>th</sup> Street South and South Yale Avenue from RS-3 to OL.

**Z-6670/PUD-600 December 1998:** A request to rezone a 34-acre tract located south of the subject property on the south side of East 91<sup>st</sup> Street, AG to OL/RS-3/PUD for an office and townhouse development.

**Z-6318 June 1991:** Approval was granted for a request to rezone a twenty-two acre tract located north and northeast of the subject property, from AG to RS-3, for development as Canyon Creek Estates.

**PUD-275 January 1982:** All concurred in approval of a request to rezone a sixty-acre tract located on the southwest corner of East 91<sup>st</sup> Street and South Yale and directly south of the subject property on the south side of East 91<sup>st</sup> Street South, from CS, RM-2 and RM-0 to RS-3/PUD-275 for a single-family and multifamily residential development.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 4.9 acres in size and is located on the north side of East 91<sup>st</sup> Street South and one-quarter mile west of South Yale Avenue. The property is sloping, partially wooded, is vacant and is zoned RD and RS-3. An existing storm sewer bisects the property from north to south.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 91 <sup>st</sup> Street South	Secondary arterial	100'	2 lanes
East 89 <sup>th</sup> Street South	Residential	50'	2 lanes

**UTILITIES:** Water and sewer are available to the subject tract.

**SURROUNDING AREA:** The site is abutted on the north by duplex dwellings, zoned RD; to the south by an apartment complex zoned RS-3/RM-0/PUD275; to the southwest by a single-family dwelling, zoned RS-3 and across East 91<sup>st</sup>

Street to the southwest is an office park, zoned OL. To the immediate west are single-family dwellings, zoned RS-2.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity – No Specific Land Use.

According to the Zoning Matrix, the requested OL zoning **may be found** in accord with the District Plan Map. The existing RD also **may be found** in accord and the existing RS-3 **is** in accord with the Plan Map.

**STAFF RECOMMENDATION:** Based on existing nearby uses, trends in the area and the Comprehensive Plan, staff can support the requested rezoning for OL on the east 262' of the south 498' of the tract and the remainder RS-3 and RD as currently exists, provided that the TMAPC recommends approval of the accompanying PUD-693 or some variation thereof.

**RELATED ITEM:**

**STAFF RECOMMENDATION PUD-693:**

The PUD proposes an office development on 4.9 acres located approximately one-quarter of a mile west of South Yale Avenue and is an inverted L-shape with frontage on East 91<sup>st</sup> Street and East 89<sup>th</sup> Street. The property is bisected by an existing storm sewer, which would have to be relocated to permit the proposed office park. The site boundaries, topography, and existing and proposed utilities are shown on Exhibit E.

The subject tract is zoned RS-3 and RD. Concurrently, an application (Z-6915) has been filed to rezone a portion of the tract to OL. The tract is abutted on the east by Southern Woods office park, which is within PUD-355-A and PUD-355-C. A single-family dwelling on an unplatted 2.1-acre tract zoned RS-3 is immediately west along with two lots within the Thousand Oaks subdivision, zoned RS-2. Across East 89<sup>th</sup> Street to the north is a residential development zoned RD/PUD-321. An apartment complex zoned PUD-275 is located on the south side of East 91<sup>st</sup> Street. The subject tract slopes from north to south and falls approximately 23 feet from East 89<sup>th</sup> Street to East 91<sup>st</sup> Street. The topographical changes and stormwater detention requirements restrict the location of the proposed office buildings.

If Z-6915 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-693 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-693 subject to the following conditions:

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

**DEVELOPMENT AREA A**

**LAND AREA:**

Gross	2.75 Acres	119,852 SF
Net	2.42 Acres	105,496 SF

**PERMITTED USES:**

Those uses included within Use Unit 10, Off-Street Parking Areas; and Use Unit 11, Offices, Studios and Support Services and uses customarily accessory to permitted uses.

**MAXIMUM BUILDING FLOOR AREA:** 28,000 SF

**MAXIMUM BUILDING HEIGHT:**

Two stories not exceeding 45 feet.

**OFF-STREET PARKING:**

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

**MINIMUM BUILDING SETBACKS:**

From the centerline of East 91 <sup>st</sup> Street	125 FT
Form the east boundary	10 FT
From the west boundary	75 FT
From the north internal boundary	10 FT

**MINIMUM PARKING AREA SETBACKS:**

From the centerline of East 91 <sup>st</sup> Street	55 FT
From the east boundary	10 FT
From the west boundary	20 FT
From the north boundary	0 FT

**LANDSCAPED AREA:**

A minimum of 15% of the net land area shall be improved as internal landscaped open space in accord with the Landscape Chapter of the Tulsa Zoning Code and shall include at least five feet of street frontage landscaped area.

**SIGNAGE:**

1. One ground sign shall be permitted along the East 91<sup>st</sup> Street frontage which shall not exceed 48 square feet in display surface area and 20 feet in height. Such ground sign shall be located at least 100 feet from the west boundary of Development Area A.
2. One wall sign shall be permitted for each building which shall not exceed 18 square feet of display surface area, provided the wall sign shall not be permitted on west-, north- and east-facing walls.

**DEVELOPMENT AREA B**

**LAND AREA:**

Gross	2.757 Acres	120,133 SF
Net	2.47 Acres	107,740 SF

**PERMITTED USES:**

Those uses included within Use Unit 10, Off-Street Parking Areas; and Use Unit 11, Offices, Studios and Support Services and uses customarily accessory to permitted uses, but excluding the following: Broadcasting Studio; Employment Agency (for other than professional/clerical/technical employment); Funeral Homes; Loan Office (for consumer or "signature" loans), and Union Hall.

**MINIMUM SETBACK OF EXTERIOR TRASH RECEPTACLES:**

<u>From the west boundary</u>	<u>100 FT</u>
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**MAXIMUM BUILDING FLOOR AREA:** 24,000 SF

**MAXIMUM BUILDING HEIGHT:**

One story not exceeding 35 feet.

**OFF-STREET PARKING:**

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

**MINIMUM BUILDING SETBACKS:**

From the north boundary	35 FT
From the east boundary	10 FT
From the west boundary	25 FT
From the south internal boundary	25 FT

**MINIMUM PARKING AREA SETBACKS:**

From the north boundary	10 FT
From the east boundary	10 FT
From the west boundary	25 FT
From the west 250 feet of the south boundary	25 FT
From the east 285 feet of the south boundary	0 FT

**LANDSCAPED AREA:**

A minimum of 15% of the net land area shall be improved as internal landscaped open space in accord with the Landscape Chapter of the Tulsa Zoning Code and shall include at least ten feet of street frontage landscaped area along East 89<sup>th</sup> Street. Trees of substantial size on the property that are four inches or greater in diameter shall be marked and preserved.

**SIGNAGE:**

1. No ground (business) signs shall be permitted.
2. Wall signs shall be permitted for each building which shall not exceed 18 square feet in display surface area, ~~provided wall signs shall not be permitted on the west, north or east-facing~~

walls-locations to be determined during detail site plan.

3. Landscaping and screening shall be in substantial compliance with Exhibit B, Screening and Landscaping Concept, which includes a six-foot high or higher screening wall or fence along the north boundary of the PUD, except for approved points of access, along the west boundary and the west 208.75 feet of the south boundary of the PUD. All landscaping shall meet or exceed the requirements of the PUD Chapter and the Landscape Chapter of the Tulsa Zoning Code.
4. The principal access to the PUD shall be from East 91<sup>st</sup> Street. No access shall be provided to East 89<sup>th</sup> Street except for an emergency crash gate. All access shall be approved by the Public Works Department.
5. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
7. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
8. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
9. All trash, mechanical and equipment areas, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
10. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor

building-mounted light shall exceed 16 feet in height within Development Area A. Within the west 40 feet of Development Area B no light standard nor building-mounted light shall exceed six feet in height. No light standard nor building-mounted light within the remainder of Development Area B shall exceed 12 feet in height.

11. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot are fully in compliance with all applicable City ordinances and regulations, and that they have been completed and installed in accordance with the approved plans (and fully in accordance with the plans and specifications of any Privately Funded Public Improvement ["PFPI"] approved by the City therefor) prior to issuance of an occupancy permit on that lot.
12. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
15. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

**Development Services Comments for TAC meeting October 16, 2003:**

**PUD-693, north side of East 91<sup>st</sup> Street, ¼ mile west of South Yale Avenue.**

Water – Access to the water main is available. Water system to be designed per City of Tulsa standards.

Stormwater – Very good conceptual drainage plan. Detention is required. If the existing public pipe system is relocated, it may be necessary to vacate the old easement, and dedicate a new storm sewer easement at the new location. It is not acceptable to place waterlines and sanitary sewers in the detention easement. Runoff from the site will not be allowed to sheet flow off of the site. No other utilities may be placed within the detention easement, including waterlines and sewer pipes.

Wastewater – A sanitary sewer main extension will be required to provide service to Development Area A. Wastewater system to be designed per the City of Tulsa standards.

Transportation – No comment.

Traffic – No comment.

**INTERESTED PARTIES:**

**Steve Jeter**, 8822 South Urbana Avenue, Tulsa, Oklahoma 74137, stated that he is concerned about the safety for his children with through-traffic and the value of his property being impacted.

Mr. Dunlap stated that the primary access is the East 91<sup>st</sup> Street and the access to the north would be emergency access only.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that the property to the south and to the west has been zoned OL and there is an office park development under construction with several buildings in place. There is a storm sewer that is in poor condition and it would have to be reconstructed relocated to permit the property to be developed.

Mr. Norman stated that he is not proposing any access to 89<sup>th</sup> Street other than a crash gate that would be approved by the Fire Marshal, and all access would be to and from 91<sup>st</sup> Street. Development Area A permits a two-story building under the light office zoning standards and there is a stormwater detention requirement which has been planned and sized and creates additional setback and buffer for the single-family located on the out-parcel to the west. Immediately to the west is the Thousand Oaks Subdivision. In the northern portion of the property it is limited to one-story office buildings and it is proposed to have a 25-foot rear yard in this area, 30 feet on the south and a 35-foot setback from the north. This is a low density project due to the stormwater detention limitations and the limitations of the OL district. There are two lots in Thousand Oaks that abut the subject property to the west, which are represented by Mr. Schuller, that have a 100-foot AEP/Public Service easement in the backyard. These properties would be most affected by the northern one-story area of the development. He indicated that the screening fence would continue around the project that is the same design as the existing screening fence for the office development immediately to the east, which is part of the PUD. In other words, Mr. Jeter would see the same design of brick columns and a board fence along 89<sup>th</sup> Street and then behind the two single-family homes to the west.

Mr. Norman submitted a letter from Stephen Schuller regarding proposed modifications (Exhibit A-2). He indicated that he is willing to delete from the office use unit the following uses: a broadcasting studio, but would allow a recording studio; delete all employment agencies other than those that offer professional, clerical or technical employment opportunities; delete the funeral home, loan office for signature or consumer type loans as contrasted to a financial institution and delete a union hall. He indicated that he is unable to agree to Mr. Schuller's parking area setback of 100 feet from the west boundary.

He explained that his site plan is a concept plan and there is likely to be a project in the immediate future, but there are no specific plans at this time. If the concept buildings were configured in another way, there could be parking within the area of the west boundary. He stated that he has agreed that any trash containers would be a minimum of 100 feet from the west boundary. Mr. Norman stated that there is some concern about stormwater drainage. He explained that anything that falls within the 25 feet would flow as it does today. He stated that he has submitted a stormwater plan that would take the water from the building and move it around to the east and into this detention facility that would cross 91<sup>st</sup> street at an existing location. Mr. Norman stated that Mr. Schuller has also requested that the language in standard 11 be modified, and he doesn't object to it, but it is a deviation from what the TMAPC usually requires. He further stated that he has also agreed to a request to preserve trees that are in excess of four inches in diameter when possible. He concluded that he agrees with everything Mr. Schuller requested in Exhibit A-2, except for the 100-foot parking setback. Mr. Norman described the topography and separation that is currently in place and would be in place after development and stated that parking within 25 feet would be perfectly acceptable.

Mr. Norman requested that this application be approved as recommended by staff.

**INTERESTED PARTIES:**

**Steve Schuller**, 100 West 5<sup>th</sup> Street, Suite 500, Tulsa, Oklahoma 74103, stated that the only issue he does not agree with is the parking setback from the west boundary of Development Area B. He indicated that he represents the Thousand Oaks Homeowners Association (HOA) and stated that the board voted approval of this project except for the parking setback. View is not an issue in this case because of the fence, but the sound of car doors opening and shutting during the day is an issue. The 100-foot setback was requested to conform to the conceptual site plan that has been presented and that the HOA Board approved for the purpose of muffling or making the sound of those doors more distant.

**TMAPC COMMENTS:**

Mr. Jackson asked Mr. Schuller how far his client's homes are located from the fence line. In response, Mr. Schuller stated that his clients' properties are adjacent to the west boundary of Development Area B and have homes on the property. There is an AEP/Public Service easement along the rear of their properties and their backyards are deeper than many backyards in an RS-2 district.

Mr. Jackson asked Mr. Schuller if he is requesting 100 feet, plus an additional 200 feet. In response, Mr. Schuller stated that he is not sure the easement is 100 feet, but he is requesting an additional 100 feet setback to the parking area. He explained that he is in support of the building setback at 25 feet.

Mr. Westervelt asked if Mr. Schuller stated that if the conceptual plan is how the subject property is developed, he would then be supportive. In response, Mr. Schuller answered affirmatively.

Ms. Bayles asked Mr. Schuller if he was in agreement with the broadcasting studio being deleted and allowing a recording studio. In response, Mr. Schuller answered affirmatively. Mr. Schuller reiterated that he is in agreement with the setbacks, screening and all of those elements of the development standards. This is a very well-thought-out project and is very sensitive to the surrounding residential areas.

**Mr. Jackson recognized Mr. Jeter.**

Mr. Steve Jeter, 8822 South Urbana Avenue, Tulsa, Oklahoma 74137, stated that he wanted clarification on the exact fire gate. He further stated that he has regarding noise, lighting, parking, etc.

**Applicant's Rebuttal:**

Mr. Norman stated that the plat indicates a 100-foot AEP/PSO easement and the two lots in question are on the plat. The two lots are 100 feet from the west boundary of the project and that is why he felt that having a 25-foot parking area setback from the west boundary would be adequate, considering the slope, the screening and trees, which is in excess of what would be required under straight OL zoning (ten feet) and multifamily areas allow parking within ten feet adjacent residential. He reiterated that under these circumstances, he felt that what is proposed was well-conceived to consider concerns of those two homes.

Mr. Harmon stated that the emergency access gate is 70 to 85 feet away from the nearest home.

**TMAPC COMMENTS:**

Mr. Westervelt asked Mr. Norman if he would consider making the west wall all masonry to protect Mr. Schuller's clients. In response, Mr. Norman stated that there is a wall in place and his client plans to extend the same design. The design features brick columns and wood panels. In response, Mr. Westervelt stated that he understands, but for the west boundary (a short section behind the building) there would there be a possibility to make the fence all masonry. In response, Mr. Norman stated that he would prefer that the Planning Commission use their best judgement on the parking area setback, because he believes that the proposed screening is very attractive as is and designed to accomplish sound separation along with the trees that would be preserved. Mr. Norman indicated that he would not be able to agree on the solid masonry wall on his client's behalf.

Mr. Westervelt stated that, noting that the AEP/PSO 100-foot easement is in place, it would appear that separation is significant, and with the 25 feet it would equal 125 feet.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Carnes, Collins, Coutant, Harmon, Hill, Jackson, Midget, Westervelt no "aye"; "nays"; none "abstaining"; Horner, Ledford "absent") to recommend **APPROVAL** of the OL on the east 262 feet of the south 498 feet of the tract and the remainder RS-3 and RD as currently exists and recommend **APPROVAL** of PUD-693 per staff recommendation and as amended by applicant; subject to the signage being determined during detail site plan for Development Area B.

**Legal Description for Z-6915:**

The east 262' of the south 498' of the tract described below from RD & RS-3 to OL: A tract of land that is part of the SE/4, SE/4 of Section 16, 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: Commencing at the Southeast corner of the SE/4 of said Section 16; thence S 89°48'47" W along the Southerly line of said SE/4, for a distance of 826.45'; thence N 0°07'52" W for a distance of 50.00' to the Point of Beginning; thence S 89°48'47" W and parallel with said Southerly line, for a distance of 287.11' to a point; thence N 0°07'03" W for a distance of 367.50' to a point; thence S 89°48'47" W and parallel with the Southerly line for a distance of 208.75' to a point; thence N 0°07'03" W for a distance of 217.42' to a point on the present Southerly right-of-way line of East 89<sup>th</sup> Street South; thence N 89°50'02" E and along said right-of-way line, for a distance of 495.72' to a point; thence S 0°07'52" E for a distance of 584.74' to the Point of Beginning, said tract containing 4.895 acres more or less and located on the north side of East 91<sup>st</sup> Street approximately one quarter mile west of South Yale Avenue, Tulsa, Oklahoma, **From RD & RS-3 (Residential Duplex District & Single-family High Density District) To RD/RS-3/OL/PUD (Residential Duplex District & Single-family High Density District/Office Low Intensity District/Planned Unit Development [PUD-693]).**

**Legal Description for Z-6915/PUD-693:**

A tract of land that is part of the SE/4, SE/4 of Section 16, 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: Commencing at the Southeast corner of the SE/4 of said Section 16; thence S 89°48'47" W along the Southerly line of said SE/4, for a distance of 826.45'; thence N 0°07'52" W for a distance of 50.00' to the Point of Beginning; thence S 89°48'47" W and parallel with said Southerly line, for a distance of 287.11' to a point; thence N 0°07'03" W for a distance of 367.50' to a point; thence S 89°48'47" W and parallel with the Southerly line for a distance of 208.75' to a point; thence N 0°07'03" W for a distance of 217.42' to a point on the present

Southerly right-of-way line of East 89<sup>th</sup> Street South; thence N 89°50'02" E and along said right-of-way line, for a distance of 495.72' to a point; thence S 0°07'52" E for a distance of 584.74' to the Point of Beginning, said tract containing 4.895 acres more or less and located on the north side of East 91<sup>st</sup> Street approximately one quarter mile west of South Yale Avenue, Tulsa, Oklahoma, **From RD & RS-3 (Residential Duplex District & Single-family High Density District) To RD/RS-3/OL/PUD (Residential Duplex District & Single-family High Density District/Office Low Intensity District/Planned Unit Development [PUD-693]).**

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**Application No.:** Z-6916/PUD-694/Z-6916-SP-1                      **AG to CS/CO/PUD**

**Applicant:** Charles E. Norman    (PD-8) (CD-2)

**Location:** Northeast corner of West 91<sup>st</sup> Street and South Union Avenue

**STAFF RECOMMENDATION FOR Z-6916:**

**PUD-636 September 2000:** Approval was granted for a PUD on a 108-acre tract located in the northeast corner of West 81<sup>st</sup> Street South and South Union Avenue for a mixed use development. The property was previously zoned CO in November 1975 (Z-4825) and November 1980 (Z-5457). PUD-636 proposed seven development areas for single-family, multifamily and commercial uses.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 8.4 acres in size and is located on the northeast corner of West 91<sup>st</sup> Street South and South Union Avenue. The property is gently sloping, non-wooded, vacant and is zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
West 91 <sup>st</sup> Street South	Secondary arterial	100'	2
South Union Avenue	Secondary arterial	100'	2

**UTILITIES:** Water service is available to the subject tract and sewer would require septic systems.

**SURROUNDING AREA:** The subject property is abutted on the north and south by vacant land zoned AG; to the east by U. S. Highway 75 South, zoned AG; and to the west by single-family dwellings, zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Medium Intensity -Corridor at the intersection of East 91<sup>st</sup> Street South and South Union Avenue with the balance being designated Low Intensity - Corridor. The requested CO **is** in accord with both the Medium Intensity – Corridor and the Low Intensity – Corridor designations. The requested CS **is** in accord with the Medium Intensity – Corridor and **is not** in accord with the Low Intensity – Corridor designation.

**STAFF RECOMMENDATION:** Staff can support the requested rezoning of the south 467' of the tract CS (which corresponds to the Medium Intensity-Corridor designation) and the remainder CO, if the TMAPC deems the accompanying PUD-694 or some variation of it appropriate. Staff therefore recommends **APPROVAL** of CO and CS as described if the TMAPC recommends approval of the PUD and the Corridor Site Plan.

**RELATED ITEM:**

**STAFF RECOMMENDATION pud-694/Z-6916-SP-1:**

The subject tract consists of 8.4 acres located on the north side of West 91<sup>st</sup> Street between South Union Avenue and the Okmulgee Beeline expressway. The property is within the city limits of Tulsa; however, the property on the south side of West 91<sup>st</sup> Street is within the City of Jenks. The immediate neighborhood is shown on Exhibit F, Aerial Photo – Land Uses. The subject tract is zoned AG. Concurrently, an application (Z-6916) has been made to rezone the tract to CS and CO.

The Arkansas Valley Petroleum Company intends to construct its corporate headquarters building and one of its fuel distribution centers on the site. The company will store diesel, unleaded gasoline and kerosene on-site in state approved tanks for area delivery to small commercial, rural residential and agricultural users. No on-site fuel sales will be made at the fuel distribution.

The property in Development Area A along the west 91<sup>st</sup> Street frontage is planned for small convenience commercial uses and the fuel distribution center. The north 4.6 acres in Development Area B is proposed primarily for office use with mini-storage and a cell tower as additional permitted uses.

If Z-6916 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-694/Z-6916-SP-1 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-694/Z-6916-SP-1 subject to the following conditions:

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

**DEVELOPMENT AREA A**

**LAND AREA:**

Gross	4.78 acres	208,197 SF
Net	3.75 acres	163,462 SF

**PERMITTED USES:\***

Those uses included within Use Unit 10, Off-Street Parking Areas; and Use Unit 11, Offices, Studios and Support Services; Use Unit 12, Entertainment Establishments and Eating Establishments other than drive-ins; Use Unit 13, Convenience Goods and Services; Use Unit 14, Shopping Goods and Services; Fuel Distribution only as included within Use Unit 15, Other Trades and Services; ~~Use Unit 16, Mini Storage; Use Unit 18, Drive-In Restaurants;~~ Use Unit 21, Business Signs and Outdoor Advertising and uses customarily accessory to permitted principal uses.

\*Commercial activities shall be limited to the south 467 feet of the Development Area.

**MAXIMUM BUILDING FLOOR AREA:** 40,000 SF

**MAXIMUM BUILDING HEIGHT:**

Two stories not exceeding 45 feet.

Architectural elements and business logos may exceed the maximum building height with detail site plan approval.

**MAXIMUM FUEL STORAGE FACILITIES HEIGHT:** 30 FT

**MAXIMUM LAND COVERAGE OF BUILDINGS:** 30%

**OFF-STREET PARKING:**

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

**MINIMUM BUILDING SETBACKS:**

From the centerline of East 91 <sup>st</sup> Street	100 FT
From the centerline of South Union Avenue	150 FT
From the north boundary	10 FT
From the east boundary (Okmulgee Beeline)	10 FT

Internal lot side yards to be established by detail site plan.

**MINIMUM FUEL STORAGE TANK SETBACKS:**

From the centerline of South Union Avenue	200 FT
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**LANDSCAPED AREA:**

A minimum of ten percent of the net land area shall be improved as internal landscaped open space in accord with the Landscape Chapter of the Tulsa Zoning Code.

**SIGNAGE:**

1. One ground sign shall be permitted for each lot on the West 91<sup>st</sup> Street frontage with a maximum of 160 square feet of display surface area and 25 feet in height. There shall be a maximum of two ground signs permitted on the West 91<sup>st</sup> Street frontage.
2. One center identification ground sign shall be permitted within 25 feet of the Okmulgee Beeline right-of-way with a maximum of 200 square feet of display surface area and 25 feet in height.
3. Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
4. Outdoor advertising signs shall be permitted within 50 feet of the Okmulgee Beeline right-of-way.

**HOURS OF OPERATION:**

6 a.m. to 6 p.m.

**OTHER MINI-STORAGE STANDARDS:**

~~Shall comply with the RM-2 requirements.~~

**DEVELOPMENT AREA B**

**LAND AREA:**

Gross	5.11 acres	222,583 SF
Net	4.61 acres	201,017 SF

**PERMITTED USES:**

Those uses included within Use Unit 4, Antennas and Supporting Structures only; Use Unit 10, Off-Street Parking Areas; Use Unit 11, Offices, Studios and Support Services; ~~Use Unit 16, Mini-Storage~~ and uses customarily accessory to permitted uses.

**MAXIMUM BUILDING FLOOR AREA:** 60,000 SF

**MAXIMUM BUILDING HEIGHT:**

Two stories not exceeding 45 feet.

**MAXIMUM LAND COVERAGE OF BUILDINGS:** 30%

**OFF-STREET PARKING:**

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

**MINIMUM BUILDING SETBACKS:**

From the centerline of South Union Avenue	150 FT
From the north boundary	25 FT
From the south boundary	10 FT
From the east boundary (Okmulgee Beeline)	10 FT

Antennas and Supporting Structures shall be located within 75 feet of the Okmulgee Beeline right-of-way.

**MINIMUM LOT WIDTH:** 200 FT

### **LANDSCAPED AREA:**

A minimum of fifteen percent of the net land area shall be improved as internal landscaped open space in accord with the Landscape Chapter of the Tulsa Zoning Code.

### **SIGNAGE:**

1. One ground sign shall be permitted for each lot along the South Union Avenue frontage which shall not exceed 48 square feet of display surface area and ten feet in height.
2. One ground tenant identification sign for Development Area B shall be permitted within Development Area B within 25 feet of the Okmulgee Beeline frontage which shall not exceed 160 square feet of display surface area and 25 feet in height.
3. One wall sign shall be permitted for each building which shall not exceed 18 square feet in display surface area.

### **SCREENING:**

A solid screening fence six feet high or higher shall be installed along the north boundary of Development Area B, provided the screening fence requirement may be modified by detail landscape plan approval after considering the development status of the property immediately to the north.

### **OTHER MINI-STORAGE STANDARDS:**

~~Shall comply with the RM-2 requirements.~~

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. No light standard nor building-mounted light shall exceed 25 feet in height within Development Area A. No light standard nor building-mounted light shall exceed 20 feet in height within Development Area B.
9. 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.
10. 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.
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. 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 and shipping containers shall not be used for storage in the PUD.
14. All access shall be approved by the Public Works Department.

**Development Services Comments for TAC meeting October 16, 2003:  
PUD-694, northeast corner of West 91<sup>st</sup> Street and South Union Avenue.**

Water – Access to the water main is available. Water system to be designed per City of Tulsa standards.

Stormwater – This was difficult to review without a conceptual plan. Detention is required, as are easements to convey all public waters.

Wastewater – No sanitary sewer service is available in the area. Septic lateral field must be in an easement.

Transportation – No comment.

**TMAPC COMMENTS:**

Mr. Harmon stated that this application proposes intensive use for an area that has been predominately residential. In response, Mr. Dunlap stated that the properties on the east side of Union and north of 91<sup>st</sup> have no commercial uses where it abuts the expressway, but the east side of Union has all non-residential uses. There is a convenience store located on the west side of Union at the southwest corner of 91<sup>st</sup> and Union. In response, Mr. Harmon stated that he wouldn't deny that there has been commercial development in the area. However, the existing commercial uses are not as intensive as a fuel supply station. In response, Mr. Dunlap stated that staff felt that it would be compatible with the Comprehensive Plan and the existing uses.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Arkansas Valley Companies, stated that he agrees with the staff recommendation, but he would like to respond to interested parties. Mr. Norman submitted photographs of the subject area (Exhibit B-1). The property under consideration does not include all of vacant tract. There is a five-acre tract that has been sold for a future church. He cited the surrounding area uses and facilities planned for the future. The subject area is in the City of Tulsa and is eligible for this use and is shown on the Comprehensive Plan for corridor zoning and identified as a medium intensity node.

Mr. Norman stated that the proposal is for a fuel distribution facility that does not have any on-site sales or deliveries. The existing facility from West 41<sup>st</sup> Street would relocate on the subject property. The purpose is to make rural residential and small business deliveries of fuel.

**TMAPC COMMENTS:**

Mr. Harmon stated that it wouldn't just be the headquarters, but the fuel would be stored there as well. In response, Mr. Norman stated that it is a fuel storage distribution facility, which is permitted in a commercial district with an exception or within the CG district as a matter of right. This facility is set back 200 feet from the centerline of Union Avenue and has a maximum of height to 30 feet. He explained that the delivery trucks are two-axles and make home and small

business deliveries. The reason it is listed as a Use Unit 15 is because it is a fuel distribution facility only.

Mr. Harmon stated that the delivery trucks would have to use 81<sup>st</sup> Street or Highway 117 because there is no access on 91<sup>st</sup> Street. In response, Mr. Norman stated that the fuel facility will be in Development Area A and the north 4.6 acres in Development Area B are proposed primarily for office use. The subject property is on the boundary line of Jenks and there is an agreement between the City of Tulsa and Jenks that stormwater detention would be provided. The property slopes to the south and west, except the property at 91<sup>st</sup> Street slopes slightly back to the north to a crossing underneath Union Avenue. The detention facility design has been developed in order to provide additional setback and buffer between the fuel distribution facility (low intensity use with off-site deliveries and once or twice a week a tanker truck making a delivery to refill the tanks) and there is a 150-foot setback from any buildings and 200 feet from the loading area. Mr. Norman stated that if the Planning Commission would prefer, he would not have any objections to restricting the area to the north as fuel service facility only.

Mr. Dunlap asked Mr. Norman if he is willing to restrict the fuel distribution to the north. In response, Mr. Norman stated that he is willing to restrict commercial activities to the south 200 feet and the only commercial use, other than the distribution facility, would have to be in the south portion.

Mr. Norman explained that the tanks are not very large and the proposal is not a tank farm. The facility is for delivery of fuel. The office use is compatible with existing uses to the north and this is an excellent project.

**INTERESTED PARTIES:**

**Jean Brown**, 8934 South 39<sup>th</sup> West Avenue, Tulsa, Oklahoma 74132, stated that she opposes this application. She explained that she researched the subject area before moving her family. The subject area is quiet and there is not a lot of traffic. She stated that she would not like this property rezoned commercial/industrial. She further stated that the reason is due to the roads and infrastructure not being available. Traffic would have to travel through the residential neighborhood to reach their property. She explained that 81<sup>st</sup> Street is in need of repair and the County does not have the funds. Fuel trucks would tear 81<sup>st</sup> Street up more than it is today. The fire station at 71<sup>st</sup> and Union is no longer on call, but is HAZMAT. She compared the subject proposal to Airgas and the fire they experienced in Tulsa. There is an elementary school 2000 feet east of the subject property and it is too close to the fuel distribution facility. There are industrial parks in Tulsa where this would be appropriate. Ms. Brown requested the Planning Commission to deny this application.

**TMAPC COMMENTS:**

Mr. Harmon asked Ms. Brown where she lives. In response, Ms. Brown stated that she lives west approximately one mile from the subject property.

**INTERESTED PARTIES:**

**Cynthia Scanlon**, 4407 West 93<sup>rd</sup> Street, Tulsa, Oklahoma 74132, stated that she lives west of the development area and she opposes this application. She expressed concerns about future development of Highway 75, the exits and entrances that would be incorporated into the Creek Nation. She understands that 91<sup>st</sup> Street would not be one of the streets targeted as a main entrance and exit off of Highway 75.

Ms. Scanlon explained the difficulty the trucks for the facility would have in making the sharp turns to access the subject property. She described this proposal as a premature large commercial approval prior to the infrastructure that is needed within the area to develop this. Fuel concerns her because there is a lot of traffic in the subject area. Ms. Scanlon described the surrounding uses. Ms. Scanlon submitted photographs of residential uses in the subject area (Exhibit B-1).

**Applicant's Rebuttal:**

Mr. Norman stated that the Beeline slants toward the intersection at 91<sup>st</sup> and Memorial, and by its varied dimensions and preexisting uses, it precludes a residential type of development other than the type of single-family homes that are presently on the west side. The uses to the north, which include the Creek County Community Center, Head Start and farther to the north there is use called Global X-Ray Services. The concern of the fuel distribution facility is exaggerated in the fact that the tanks are not high-pressure tanks. It is not designed to contain any type of gases that could be explosive and there is not any propane storage or distribution. The tanks will have to be surrounded with abutments and berms that area adequate to contain the full contents of the tanks in case of a rupture. If there is a leakage, it is regulated by State Law. The reason the area is large for the small storage facility is to accommodate the turning radius of the trucks that deliver the fuel to fill the tanks. There are no plans to make this anything but a distribution facility.

Mr. Norman stated that the subject area would never be a major commercial location because of the pattern of development that takes place in Creek County and the remainder to the west that has large lots that do not have sanitary service.

Mr. Norman stated that he would not have any problem with restricting the one Use Unit to the exact location that is shown on the concept plan and he could provide the dimensions to the staff if needed. The discussion regarding the conditions and use of the roads is the same as often heard. He pointed out that there are no immediate neighbors present today to express objections. He

requested that the staff recommendation be approved and modified as he has suggested if there are concerns about the possibility of commercial uses extending farther north than where the node would ordinarily be. The subject area would be less than five acres. If the Planning Commission would like to limit the commercial uses, other than the fuel distribution facility to the south 467 feet, then it would be limited and with the right-of-way and detention it would be a very small area that any type of commercial uses could be developed if there were a market for them.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Norman about the traffic and the access to the facility. Mr. Midget expressed concerns that the facility would not be accessible from 91<sup>st</sup> Street and would force the traffic to 81<sup>st</sup> Street and 96<sup>th</sup> Street, then traveling down Union to access the facility. In response, Mr. Norman stated that this is not a major commercial intersection area because of lack of access. The full four-way access is ½ mile to the south and there is a collector street in place that takes traffic back around. The access off of 81<sup>st</sup> Street is the same as any use has to deal with. That access is more than adequate for the office use and the delivery trucks will use the arterial streets just like any other fuel delivery service that serves that neighborhood today. This facility simply locates closer to the demands for the storage of fuel. Any business or residence that does not have gas and needs fuel deliveries is currently getting service over the streets. The delivery service would not increase the local traffic, but the storage facility is moved closer to the demand area.

Ms. Hill asked Mr. Norman if the storage tanks would be servicing their businesses with bobtails (trucks, which are not 18-wheelers). In response, Mr. Norman stated that the delivery trucks would fill up in the morning and they are gone during the day. Ms. Hill asked Mr. Norman if an 18-wheeler tanker truck delivered to fill the storage tanks. In response, Mr. Norman stated that some might very well be. Ms. Hill asked if the fuel would be coming from the DX refinery in West Tulsa. In response, Mr. Norman stated primarily they would. Ms. Hill stated that the trucks from West Tulsa would be coming in on Highway 75 and exit at 96<sup>th</sup> Street to make a sharp U-turn to access Union to reach the facility. In response, Mr. Norman stated that they would exit off of 81<sup>st</sup> Street, as it is the closest from the West Tulsa refinery facilities. Ms. Hill expressed concerns regarding the interchange at 96<sup>th</sup> and the tight turning radius for an 18-wheeler truck. Mr. Norman stated that there is a two-way access at the exit at 81<sup>st</sup> Street. Ms. Hill asked how many trips the bobtail trucks would make.

**Weister Smith**, owner of Arkansas Valley Petroleum, stated that he merged his company with the Conoco facility at 41<sup>st</sup> and Union. He explained that his drivers access the facility off of Highway 75. The bobtail truck deliveries are only 2% of his entire business. He explained that the transports leave empty and not the entire drivers park in the facility. He stated that they load their trucks at the terminal and deliver all over the State of Oklahoma and do not return with fuel on

the transports because of environmental concerns. He indicated that 98% of the business is loaded at the terminal and delivered at the individual stores. The bobtail trucks are the only operation that is run from the proposed property.

**Inaudible.**

Mr. Norman stated that if all of the storage tanks were emptied, then three trips a week would fill them up.

Ms. Hill asked if the operation was a 24-hour facility. In response, Mr. Smith answered negatively.

Mr. Jackson asked Mr. Norman what types of fuel would be delivered. In response, Mr. Norman stated that it would be diesel with, kerosene and gasoline for farm or business implement use.

Mr. Norman indicated that his client would not have any problems with limiting the hours of use from 6:00 a.m. to 6:00 p.m. He explained that night-time activity does not occur.

Mr. Harmon stated that this is a good project, but it is not being located in the ideal location. There are many places in West Tulsa that would accommodate a business of this type. He expressed concerns of allowing something this intense in a primarily residential neighborhood. There are many things that could locate on the subject property that are not residential and would not be as intense. There is no immediate access to a major thoroughfare and he cannot support this location.

Mr. Jackson stated that he could support the project. This is in the corridor zoning district and it is in accord with the plan and is along the highway. This is five blocks from one intersection and ten blocks away from the other intersection.

**MOTION of COLLINS to recommend APPROVAL of CO and CS zoning for Z-6916 and recommend APPROVAL of PUD-694/Z-6916-SP-1, subject to the commercial uses being limited to 467 feet and limit the hours of operation from 6:00 a.m. to 6:00 p.m.**

Mr. Midget seconded the motion.

Mr. Jackson recognized Ms. Scanlon.

**Mr. Harmon out at 3:07 p.m.**

**Ms. Coutant out at 3:10 p.m.**

Ms. Scanlon requested a continuance to review this further and allow the City to look at the Comprehensive Plan to see what is going to happen to Highway 75

and how the entrances and exits for fuel trucks coming from and to the subject area would be. Since the company has recently combined with another company it appears that there would be growth and possibly the numbers that have been talked about would change regarding volume.

Mr. Dunlap stated that Development Area A is proposed to have FAR .192 and Development Area B is .269 and the fuel discussed today is within Use Unit 15, which is other trades and services.

Mr. Jackson stated that staff clarified that they did review the Comprehensive Plan and determined that Use Unit 15 is acceptable in this corridor district. Therefore, there is no need for a continuation.

**TMAPC Action; 8 members present:**

On **MOTION** of **COLLINS**, TMAPC voted 7-1-0 (Bayles, Carnes, Collins, Coutant Jackson, Midget, Westervelt "aye"; Hill "nay"; none "abstaining"; Harmon, Horner, Ledford "absent") to recommend **APPROVAL** of the of CO and CS zoning for Z-6916 and recommend **APPROVAL** of PUD-694/Z-6916-SP-1, subject to the commercial uses being limited to south 467 feet and limit the hours of operation from 6:00 a.m. to 6:00 p.m.

**Legal Description for Z-6916:**

CS on south 467' of tract and CO on the remainder: A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION FOURTEEN (14), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14; THENCE N 0°00'15" E ALONG THE WEST LINE THENCE A DISTANCE OF 927.95 FEET TO THE POINT OF BEGINNING; THENCE S 89°51'09" E A DISTANCE OF 564.20 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE S 11°15'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 210.09 FEET; THENCE S 22°34'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 51.00 FEET; THENCE S 11°15'52" W ALONG THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 636.71 FEET; THENCE N 89°50'08" W A DISTANCE OF 247.64 FEET; THENCE N 42°03'08" W A DISTANCE OF 121.86 FEET; THENCE N 89°59'45" W A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF SAID SW/4 SW/4; THENCE N 0°00'15" E ALONG THE WEST LINE OF SAID SW/4 SW/4 A DISTANCE OF 787.83 FEET TO THE POINT OF BEGINNING, and located in the northeast corner of West 91<sup>st</sup> Street South and South Union Avenue, Tulsa, Oklahoma, **Legal Description for Z-6916-SP-1:** A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION FOURTEEN (14), TOWNSHIP EIGHTEEN (18)

NORTH, RANGE TWELVE (12) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14; THENCE N 0°00'15" E ALONG THE WEST LINE THENCE A DISTANCE OF 927.95 FEET TO THE POINT OF BEGINNING; THENCE S 89°51'09" E A DISTANCE OF 564.20 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE S 11°15'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 210.09 FEET; THENCE S 22°34'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 51.00 FEET; THENCE S 11°15'52" W ALONG THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 636.71 FEET; THENCE N 89°50'08" W A DISTANCE OF 247.64 FEET; THENCE N 42°03'08" W A DISTANCE OF 121.86 FEET; THENCE N 89°59'45" W A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF SAID SW/4 SW/4; THENCE N 0°00'15" E ALONG THE WEST LINE OF SAID SW/4 SW/4 A DISTANCE OF 787.83 FEET TO THE POINT OF BEGINNING, and located in the northeast corner of West 91<sup>st</sup> Street South and South Union Avenue, Tulsa, Oklahoma, **From AG (Agriculture District) To CS & CO/PUD-694 (Commercial Shopping Center District/Corridor District/Planned Unit Development)**

**Legal Description for PUD-694:**

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION FOURTEEN (14), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14; THENCE N 0°00'15" E ALONG THE WEST LINE THENCE A DISTANCE OF 927.95 FEET TO THE POINT OF BEGINNING; THENCE S 89°51'09" E A DISTANCE OF 564.20 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE S 11°15'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 210.09 FEET; THENCE S 22°34'52" W ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 51.00 FEET; THENCE S 11°15'52" W ALONG THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 75 A DISTANCE OF 636.71 FEET; THENCE N 89°50'08" W A DISTANCE OF 247.64 FEET; THENCE N 42°03'08" W A DISTANCE OF 121.86 FEET; THENCE N 89°59'45" W A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF SAID SW/4 SW/4; THENCE N 0°00'15" E ALONG THE WEST LINE OF SAID SW/4 SW/4 A DISTANCE OF 787.83 FEET TO THE POINT OF BEGINNING, and located in the northeast corner of West 91<sup>st</sup> Street South and South Union Avenue, Tulsa, Oklahoma, **Legal Description for Z-6916-SP-1: A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION FOURTEEN (14), TOWNSHIP**



The tract is abutted on the east by vacant CO-zoned property; on the west by vacant property zoned CO and AG; and on the south by vacant property zoned AG. To the north of the tract across East 91<sup>st</sup> Street is property zoned CO/PUD-559-A and CO/PUD-559.

The applicant is proposing a four-story, 73.88-foot high building with a .31 floor area ratio. The proposed uses are a bank and offices. Mutual access would be provided to the adjoining properties to the east and west that would be directed toward the intersection of East 91<sup>st</sup> Street and South 101<sup>st</sup> East Avenue.

Section 804 of the Zoning Code states the following:

In order that the traffic capacity of the transportation system may be maintained, any corridor development's access shall be principally from internal collector service streets.

Approval of this proposed access would require a variance of Section 804 from the Board of Adjustment.

The following is a summary of the proposed site plan standards:

<b>Proposed Floor Area:</b>	59,940 SF	(.31 FAR)
<b>Proposed Land Coverage:</b>	8%	
<b>Setbacks:</b>		
Office Building:		
From South Boundary:	172'	
From East Boundary:	60'	
From North Boundary:	398' / 458'	from centerline 91 <sup>st</sup> St.
From West Boundary:	120'	
*Mechanical Building:	7'	from South Boundary
*Cooling Tower:	12'	from South Boundary
*Trash Enclosure:	5'	from South Boundary
+Canopies:		
Drive-thru banking canopy	64'	from West Boundary
South parking lot canopies	71'	from South Boundary
East parking lot canopy	31'	from East Boundary
Front canopy/ porte-cochere	351'	from North Boundary
<b>Parking:</b>	44,955 SF medical	180 spaces req./proposed
	14,985 SF office	50 spaces req. / proposed
	59,940 SF total	230 spaces req./proposed

**Lighting:** 25' max height pole mounted permitted/ proposed  
Lighting directed downward and away from residential

**Screening:**

There are no residential uses or residential zoning districts adjacent to the site, therefore, no general screening of the site is required or proposed. The bulk trash container is screened from view of persons standing at ground level by a masonry and wood screening wall/fence that is compatible in materials with the proposed office building. The mechanical equipment is enclosed within the proposed mechanical building that also is constructed of materials compatible with the office building. The cooling towers are partially screened by a 6' high masonry wall that is compatible to the adjacent mechanical building. The cooling towers will exceed the height of the screening wall.

\*Mechanical building, cooling towers and trash enclosure located in proposed 17.5 perimeter utility easement conflict must be resolved.

+Configuration of canopies subject to approve of Fire Marshal.

**Landscaping:**

Per Section 1002.A.1 & 2, 1032 SF of the 6880 SF street yard must be landscaped area, with a total of five trees. The site is compliant in terms of landscaped street yard, but only one tree is proposed. In addition, a total of 20 trees are required for parking areas located outside the street yard. A total of 31 trees are proposed, seven of which are located adjacent to the street yard. Section 1002.B.2 and 1002.C.2 require that no parking space be more than 75 feet from a minimum 100 SF landscaped area that contains at least one tree. Ten parking spaces on the east parking bay and one space in the north parking bay do not comply. Staff recommends that at least one tree be placed in the landscaped area bordering the east property line and within 75' of the ten spaces.

**Signs:**

One ground sign permitted 65' from the centerline of E. 91<sup>st</sup> Street South with a maximum height of 25' and a maximum display surface area of 150 SF. Wall signs permitted at 2 SF per lineal foot of building wall for a maximum of 247 SF on north and east facing walls only or wall signs may be permitted on all elevations at a maximum 150 SF each (as shown on building elevations).

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

1. BOA approval of a variance of Section 804 of the Zoning Code.

2. Mechanical building, cooling towers and trash enclosure shall not be located in the utility easement.
3. Configuration of canopies shall be subject to approval of the Fire Marshal.
4. At least one additional tree shall be placed in the landscaped area bordering the east property line and within 75 feet of the ten parking spaces.

**Development Services Comments for the TAC Meeting, October 16, 2003.  
Z-6910-SP-1, south and east of the southeast corner of East 91<sup>st</sup> Street and South Mingo.**

Water – Access to the water main is available. Water system to be designed per City of Tulsa standards.

Stormwater – Good conceptual plan. Detention is required. All public waters must be conveyed in easements. No other easements or utilities will be allowed to encroach on the detention easement.

Wastewater – A sanitary sewer main extension will be required to provide service to the development. Wastewater system to be designed per City of Tulsa.

Transportation – No comment.

**Applicant's Comments:**

**Robert Sanders**, Sanders Engineering, representing the owner, Mike Lester, stated that he is in agreement with the staff recommendation except for one condition. He indicated that he would like to discuss the landscaping issue. He explained that by requiring one additional tree it would cause some problems.

**Inaudible.**

Mr. Dunlap stated that staff would go along with several additional trees, but is only recommending one additional tree. Mr. Dunlap read the standard and conditions regarding the landscaping to Mr. Sanders.

After Mr. Dunlap clarified the landscaping recommendation Mr. Sanders 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 **MIDGET**, TMAPC voted 6-0-0 (Bayles, Carnes, Collins, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Coutant, Harmon, Horner, Ledford, Westervelt "absent") to recommend **APPROVAL** of the corridor site plan for Z-6910-SP-1 per staff recommendation.

\*\*\*\*\*

**Mr. Midget out at 3:11 p.m.**

**Ms. Coutant and Mr. Westervelt in at 3:15 p.m.**

Application No.: PUD-287-B

ABANDONMENT OF PUD

Applicant: Louis Levy

(PD-18) (CD-9)

Location: 6800 South Utica Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting that a portion (Lots 7, 8 and 9, Block 1, South Utica Place) of PUD-287 be abandoned and then included within PUD-307-B. PUD-287 is approved for those uses as permitted within an OM District. Lots 7, 8 and 9, Block 1, South Utica Place would allow a maximum Building Floor Area of 180,000 square feet and a maximum building height of ten stories.

Staff recommends **APPROVAL** of the request to abandon this portion of PUD-287 subject to the approval of PUD-307-B.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES** TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Harmon, Horner, Ledford "absent") to **APPROVE** the abandonment of PUD-307-B per staff recommendation.

**Legal Description for PUD-287-B:**

**Abandon** a portion of the supplemental designation of PUD on the following described property: Lots 7, 8, and 9, Block 1, South Utica Place Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located north of the northeast corner of East 71<sup>st</sup> Street South and South Utica Avenue, Tulsa, Oklahoma, **From OM/PUD-287-A (Office Medium Intensity District/Planned Unit Development) To OM (Office Medium Intensity District).**

**RELATED ITEM:**

**Application No.:** PUD-307-B

**MAJOR AMENDMENT**

**Applicant:** Louis Levy

(PD-18) (CD-9)

**Location:** 2025 East 71<sup>st</sup> Street

**STAFF RECOMMENDATION:**

PUD-307-A was approved by the City Council in June of 2001. Elderly Housing Apartments, Extended Care Facility, Administrative Office, Dining Facilities and Accessory Uses have been approved on the Northern Development Area, which contains 8.52 acres. The Southern Development Area, which contains 11.48 acres, has been approved for existing uses and a museum as included within Use Unit 5.

This Major Amendment (PUD-307-B) proposes to add property to the PUD, which is now within PUD-287. A third Development Area would be created, which is identified as the Western Development Area. It is also proposed that the existing development standards including tract size and setbacks for the Northern Development Area be modified. The Southern Development Area would remain unchanged.

The Jewish Federation of Tulsa, Inc. and Tulsa Community Retirement and Health Care Center are proposing the expansion of their existing campus. The expansion would include elderly housing apartments and future retirement villa housing, consisting of duplex, triplex, and four-plex units.

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-307-B 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-307-B 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:

**NORTHERN DEVELOPMENT AREA**

**Land Area:** 8.58 Acres

**Minimum Building setbacks from the west boundary of the Development Area** 0 FT

All other requirements of PUD-307-A, as amended, shall apply.

**SOUTHERN DEVELOPMENT AREA**

All requirements of PUD-307-A, as amended, shall apply.

**WESTERN DEVELOPMENT AREA**

**Land Area:** 7.40 Acres

**Permitted Uses:**

Single-Family Dwellings, Duplex-Dwellings, Multifamily Dwellings, Clubhouse, Elderly Housing Apartments

**Maximum Number of Dwelling Units:** 40

**Maximum Building Height:** Two stories

**Minimum Building Setbacks:**

From the Development Use Line 0 ft.

From east boundary of the Development Area 20 ft.

From north boundary of the Development Area 20 ft.

From centerline of South Utica Place 35 ft.

**Parking:**

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

**Minimum Livability Space:** 400 SF/DU

**Landscaping:**

All landscaping shall comply with the requirements of the Tulsa Zoning Code

**Other Bulk and Area Requirements:**

As established within the RM-2 district

3. Primary access to the PUD shall be from East 71<sup>st</sup> Street with emergency access to South Utica Avenue. All access shall be approved by the Public Works Department.
4. All requirements of PUD-307-A shall apply unless modified above.

**Development Services Comments/TAC Meeting, October 16, 2003.**

**PUD 307-B, 2025 E. 71<sup>st</sup> Street.**

Water – Access to the water main is available. Water system to be designed per City of Tulsa standards.

Stormwater – Site is adjacent to the Joe Creek Improved Channel. Collect all runoff onsite and pipe it to the adjacent public drainage system. Additional penetrations into the channel will not be allowed. The developer may pay fees-in-lieu of providing on-site detention. If water off-site drainage flows onto this site, it is considered to be public drainage or storm sewer easement.

Wastewater – Access to the wastewater main is available. Wastewater system to be designed per City of Tulsa standards.

Transportation – No comment.

**Mr. Westervelt out at 3:20 p.m.**

**Mr. Midget in at 3:20 p.m.**

**Applicant's Comments:**

**Louis Levy**, 5314 South Yale, Tulsa, Oklahoma 74135, stated that he is representing the Jewish Federation of Tulsa on a project that would create about 7.5 acres of retirement duplexes immediately adjacent to their campus on East 71<sup>st</sup> Street and immediately east of Joe Creek where it intersects with South 71<sup>st</sup> Street.

Mr. Levy indicated that he is in agreement with the staff recommendation and requested the Planning Commission to approve the PUD as recommended by staff.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Collins, Coutant, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Harmon, Horner, Ledford, Westervelt "absent") to recommend **APPROVAL** of the Major Amendment for PUD-307-B per staff recommendation.

**Legal Description for PUD-307-B:**

Planned Unit Development on the following described property: Lots 7, 8, and 9, Block 1, South Utica Place Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and Lot 1, Block 1, Camp Shalom Amended Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located north and east of the northeast corner of East 71<sup>st</sup> Street South and South Utica Avenue, Tulsa, Oklahoma, **From OM/PUD-287 and OM/PUD-307-A (Office Medium Intensity District and Office Medium Intensity District/Planned Unit Development [PUD-307-A]) To OM/PUD-307-B (Office Medium Intensity District/Planned Unit Development [PUD-307-B]).**

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**Application No.:** PUD-582-4

**MINOR AMENDMENT**

**Applicant:** Joe O'Brien

(PD-18) (CD-9)

**Location:** 2727 East 66<sup>th</sup> Place

**STAFF RECOMMENDATION:**

The applicant is requesting a Minor Amendment to reduce the minimum required rear yard on Lot 4, Block 1, Balmoral Addition (2727 East 66<sup>th</sup> Place) from 20 feet to 13 feet.

PUD-582 was approved by the City Council in February 1998. Single-family residential uses were permitted on approximately 5.9 acres located north of the northwest corner of East 67<sup>th</sup> Street and South Birmingham.

The rear yard of the subject tract is abutted on the north by a private golf course. Staff finds that the request is minor in nature and does not substantially alter the character of the development. Therefore, staff recommends **APPROVAL** of the request.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Carnes, Collins, Coutant, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Harmon, Horner, Ledford, Westervelt "absent") to **APPROVE** the minor amendment for PUD-582-4 per staff recommendation.

\*\*\*\*\*

**Application No.: PUD-405-K-2**

**MINOR AMENDMENT**

**Applicant:** Roy D. Johnsen

(PD-18) (CD-8)

**Location:** South and west of southwest corner East 92<sup>nd</sup> Street and South 78<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting a Minor Amendment to reduce the minimum livability space per dwelling unit per lot from 4,000 square feet to 3,000 square feet and to reduce the setback for garages fronting a public street from 25 feet to 20 feet.

PUD-405-K was approved by the City Council in May, 2002. The PUD permits detached single-family dwellings on approximately 30.94 acres located south and west of the southwest corner of East 92<sup>nd</sup> Street and South 78<sup>th</sup> East Avenue. The underlying zoning for the PUD is CO.

Staff finds that the request is minor in nature and does not substantially alter the character of the development. Therefore, staff recommends **APPROVAL** of the request.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Carnes, Collins, Coutant, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Harmon, Horner, Ledford, Westervelt "absent") to **APPROVE** the minor amendment for PUD-405-K-2 per staff recommendation.

\*\*\*\*\*

Mr. Westervelt in at 3:22 p.m.

Application No.: PUD-639-A-2

MINOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-6) (CD-9)

Location: Northwest corner of East 22<sup>nd</sup> Street and South Boston

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment on Tract 1 of PUD-639-A to reduce the minimum yard requirement from the centerline of South Boston Avenue from 40 feet to 35 feet.

PUD -639-A consists of approximately 2.58 acres (net) located at the southeast corner of East 21<sup>st</sup> Street and South Main. The PUD was approved by the City Council in March 2003 permitting a mixed use development including single-family detached dwellings, condominium dwellings and office and related space.

Tract 1 consists of approximately 1.10 acres (net) located along the north side of East 22<sup>nd</sup> Street between Main and Boston. The permitted uses on Tract 1 are single-family dwellings as included within Use Unit 6.

Staff finds that the request is minor in nature and does not substantially alter the character of the development. Therefore, staff recommends **APPROVAL** of the request.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Collins, Coutant, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Horner, Ledford, "absent") to **APPROVE** the minor amendment for PUD-639-A-2 per staff recommendation.

\*\*\*\*\*

Mr. Westervelt out at 3:24 p.m.

Application No.: PUD-587-7

MINOR AMENDMENT

Applicant: Mark Elkhoury

(PD-18) (CD-8)

Location: West of southwest corner of East 81<sup>st</sup> and South Yale

**STAFF RECOMMENDATION:**

The applicant is proposing to split Tract 1 of Development Area A; reduce the minimum arterial frontage on one of the lots from 150 feet to 0 feet; and increase the maximum building height on one of the lots from one story not exceeding 25 feet to two stories not exceeding 27 feet.

The following uses have been approved for Development Area A:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios, including drive-in bank facilities; 12, Entertainment Establishments and Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; and uses customarily accessory to permitted principal uses.

Tract 1 of Lot 2 was created by minor amendment PUD-587-2. Tract 1 contains 2.063 acres and has been allocated a maximum building floor area of 26,000 square feet. All other requirements of PUD-587 as amended applied. The applicant is proposing to create two tracts. Tract 1a would consist of the northern 1.359 acres of the undivided tract. A maximum building height of two stories not to exceed 27 feet and a maximum building floor area of 17,000 SF is proposed for Tract 1a. Tract 1b would consist of the southern 0.704 acres of the undivided tract. The minimum arterial frontage of a lot would be reduced from 150 feet to 0 feet and a maximum building floor area of 9,000 SF is being proposed for Tract 1b.

Staff finds that the request is minor in nature and does not substantially alter the character of the development. Therefore, staff recommends **APPROVAL** of the request subject to the following conditions:

1. Requirements of PUD-587 as amended shall apply unless modified below.
2. Development Standards:

Tract 1a of Lot 2

Land Area: 1.359 Acres  
Maximum Building Floor Area: 17,000 SF  
Maximum Building Height: Two stories not exceeding 27 FT  
Minimum Arterial Frontage of a Lot: 150 FT

Tract 1b of Lot 2

Land Area: 0.704 Acres  
Maximum Building Floor Area: 9,000 SF  
Maximum Building Height: One story not exceeding 25 FT  
Maximum Arterial Frontage of a Lot: 0 FT

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Collins, Coutant, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Harmon, Horner, Ledford, Westervelt "absent") to recommend **APPROVAL** of the minor amendment for PUD-587-7 per staff recommendation.

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**Application No.:** PUD-682-1

**MINOR AMENDMENT**

**Applicant:** R. L. Reynolds

(PD-17) (CD-6)

**Location:** West of southwest corner of East Admiral Place and South 165<sup>th</sup>  
East Avenue

**STAFF RECOMMENDATION:**

The applicant is proposing a minor amendment to correct the land area calculations for Development Area A and Development Area B of PUD-682 in order to reflect the actual amount of land contained in such development areas.

PUD-682 was approved by the City Council in July 2003. The PUD permits an auto wash, truck wash and mini-storage on approximately 4.4 acres located west of the southwest corner of East Admiral Place and South 165<sup>th</sup> East Avenue. The following land area was approved:

**DEVELOPMENT AREA A**

**Land Area:**

Net	1.673 Acres	72,867 SF
Gross	2.646 Acres	115,260 SF

**DEVELOPMENT AREA B**

**Land Area:**

Net	1.32 Acres	57,526 SF
Gross	1.75 Acres	76,297 SF

The following land area is proposed:

**DEVELOPMENT AREA A**

**Land Area:**

Net	3.496 Acres	152,296 SF
Gross	3.933 Acres	171,303 SF

**DEVELOPMENT AREA B**

**Land Area:**

Net	2.000 Acres	87,133 SF
Gross	2.217 Acres	96,566 SF

Staff finds the request to be minor in nature. Therefore, staff recommends **APPROVAL** of the request.

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

There were no interested parties wishing to speak.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET** TMAPC voted 7-0-0 (Bayles, Carnes, Collins, Coutant, Hill, Jackson, Midget, "aye"; no "nays"; none "abstaining"; Harmon, Horner, Ledford, Westervelt "absent") to **APPROVE** the minor amendment for PUD-682-1 per staff recommendation.

**RELATED ITEMS:**

**Application No.:** PUD-682

**DETAIL SITE PLAN**

**Applicant:** Susan Torbett

(PD-17) (CD-6)

**Location:** West of southwest corner of East Admiral Place and South 165<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a car wash and a truck wash. The proposed uses, auto wash as included within Use Unit 17, and truck wash as included within Use Unit 23, are in conformance with development standards.

The proposed car wash and truck wash structures and facilities comply with all development standards regarding maximum height permitted, building setbacks and minimum street yard requirements. No parking is required nor is any proposed. Proposed/existing lighting is in conformance with PUD development standards and the Zoning Code, and proposed screening is in compliance with standards as approved by City Council on July 17, 2003.

Staff recommends **APPROVAL** of PUD-682 detail site plan as proposed.

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

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

There were no interested parties wishing to speak.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET** TMAPC voted 7-0-0 (Bayles, Carnes, Collins, Coutant, Hill, Jackson, Midget, "aye"; no "nays"; none "abstaining"; Harmon, Horner, Ledford, Westervelt "absent") to **APPROVE** the detail site plan for PUD-682 per staff recommendation.

**RELATED ITEM:**

**Application No.: AC-071**

**ALTERNATIVE COMPLIANCE  
LANDSCAPE PLAN**

**Applicant:** Susan Torbett

(PD-17) (CD-6)

**Location:** West of southwest corner of East Admiral Place and South 165<sup>th</sup>  
East Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting approval of an alternative compliance landscape plan for a car wash and truck wash. Section 1002.C.1 of the Zoning Code requires that one tree be provided for each 1500 square feet, or fraction thereof, of street yard. A total of 13 trees are required for the street yard of this site, four trees are proposed. The eastern half of the street frontage is separated from main uses by a drainage ditch. The applicant proposes placing four trees in the street yard that is in front of the truck and car wash uses and not placing any trees east of the drainage ditch. To compensate for this reduction in street yard trees, the applicant proposes to plant an additional 13 trees on the interior of the site for a total of 17 trees. A mix of redbud (ornamental/small) trees and ash (canopy/large) trees are proposed. The ash trees must be a minimum of eight feet in height per Section 1002.C.6.c. of the Zoning Code.

With the additional screening provided by the trees on the interior of the site and no uses being located east of the drainage ditch, the proposed landscape plan, although not meeting the technical requirements of the Zoning Code, is equivalent to or better than the requirements.

Staff recommends **APPROVAL** of the alternative compliance landscape plan on condition that the proposed ash (canopy/large) trees be a minimum eight feet in height.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET** TMAPC voted 7-0-0 (Bayles, Carnes, Collins, Coutant, Hill, Jackson, Midget, "aye"; no "nays"; none "abstaining"; Harmon, Horner, Ledford, Westervelt "absent") to **APPROVE** the alternative compliance landscape plan for AC-07, subject to the condition that the proposed ash (canopy/large) trees be a minimum eight feet in height per staff recommendation.



**Applicant's Comments:**

**Dan Alaback**, 2202 East 49<sup>th</sup> Street, Tulsa, Oklahoma 74105, stated that he is in agreement with the staff recommendation. However, it is of his opinion that staff had already approved the lighting after he submitted additional information since the application had been made.

Mr. Dunlap stated that he has not received that information, but the staff recommendation is subject to that approval and staff can make that determination.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HILL** TMAPC voted 7-0-0 (Bayles, Carnes, Collins, Coutant, Hill, Jackson, Midget, "aye"; no "nays"; none "abstaining"; Harmon, Horner, Ledford, Westervelt "absent") to **APPROVE** the detail site plan and corridor site plan for PUD-663/Z-6327-SP-2, subject to condition of an approved lighting plan in compliance with development standards as recommended by staff.

\* \* \* \* \*

**Commissioners' Comments:**

Mr. Midget requested that the modular homes issue be scheduled for a worksession on December 3, 2003.

\* \* \* \* \*

There being no further business, the Chair declared the meeting adjourned at 3:30 p.m.

Date Approved:

Dec 17, 2003



Chairman

ATTEST.   
Secretary

