

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2366

Wednesday, January 21, 2004, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------|-----------------------|----------------------|-----------------------|
| Bayles | | Alberty | Romig, Legal |
| Carnes | | Chronister | |
| Coutant | | Dunlap | |
| Harmon | | Fernandez | |
| Hill | | Huntsinger | |
| Horner | | Matthews | |
| Jackson | | | |
| Ledford | | | |
| Midget | | | |
| Miller | | | |
| Westervelt | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, January 21, 2004 at 10:15 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

Minutes:

Approval of the minutes of December 3, 2003, Meeting No. 2363

On **MOTION** of **CARNES** the TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of December 3, 2003, Meeting No. 2363.

Minutes:

Approval of the minutes of December 17, 2003, Meeting No. 2364

On **MOTION** of **HILL** the TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of June 4, 2003, Meeting No. 2346.

REPORTS:

Director's Report:

Mr. Alberty reported on the TMAPC receipts and upcoming cases on the City Council agenda.

SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- L-19619 – David Lekse** (9409) (PD 17) (CD 6)
14303 East 21st Street
- L-19627 – Sack & Associates** (8320) (PD 18) (CD 2)
98th and Riverside Drive
- L-19630 – Michael DeCarlo** (8310) (PD 18) (CD 8)
7652 South Kingston Place
- L-19634 – Sack & Associates** (9430) (PD 18) (CD 6)
10727 East 51st Street
- L-19636 – John Burden** (2407) (PD 14) (County)
11154 East 176th Street North
- L-19639 – City of Tulsa** (9431) (PD 18) (CD 5)
5950 South Garnett Road
- L-19640 – Harden & Associates** (9431) (PD 18) (CD 5)
11244 East 55th Place
- L-19641 – Riggs, Abney, Neal** (8407) (PD 18) (CD 8)
7949 South 101st East Avenue
- L-19642 – Robert Draper** (1331) (PD 24) (County)
1706 East 75th Street North

STAFF RECOMMENDATION:

Mr. Alberty stated that all these lot-splits are in order and staff recommends **APPROVAL**.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Midget, "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

FINAL PLAT:

Tall Grass Office Park- PUD-579-A (8407)

(PD 18) (CD 8)

Southwest corner of East 79th Street South and South
101st East Avenue

STAFF RECOMMENDATION:

This plat consists of 12 lots, one block, on 7.5 acres.

All release letters have been received for this final plat and staff recommends **APPROVAL** of the final plat for Tall Grass Office Park.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON** TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Hill, Harmon, Horner, Jackson, Ledford, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the final plat for Tall Grass Office Park per staff recommendation.

Crosstown Mini-Storage – RM-1, BOA-18441 (0335)

(PD 16) (CD 3)

North of Easton Street and I-244, west of Memorial

Mr. Ledford announced that he would be abstaining from this application.

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 2.01 acres.

All release letters have been received for this final plat and staff recommends **APPROVAL** of the final plat for Crosstown Mini-Storage.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON** TMAPC voted 9-0-1 (Bayles, Carnes, Coutant, Hill, Harmon, Horner, Jackson, Miller, Westervelt "aye"; no "nays"; Ledford "abstaining"; Midget "absent") to **APPROVE** the final plat for Crosstown Mini-Storage per staff recommendation.

PLAT WAIVER:

Z-6921 – CBD

(PD 1) (CD 4)

816 and 818 East 3rd Street

STAFF RECOMMENDATION:

The platting requirement is triggered by Z-6921 which rezones the site from IM to CBD zoning.

Staff recommends **APPROVAL** of the plat waiver because of the existing structures, and the existing platted property in the downtown area.

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

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

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

| | | |
|--|--|---|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan? | | X |
| 5. Will restrictive covenants be filed by separate instrument? | | X |
| 6. Infrastructure requirements: | | |
| a) Water | | |
| i. Is a main line water extension required? | | X |
| ii. Is an internal system or fire line required? | | X |
| iii. Are additional easements required? | | X |

| | YES | NO |
|---|-----|----|
| b) Sanitary Sewer | | |
| i. Is a main line extension required? | | X |
| ii. Is an internal system required? | | X |
| iii. Are additional easements required? | | X |
| c) Storm Sewer | | |
| i. Is a P.F.P.I. required? | | X |
| ii. Is an overland drainage easement required? | | X |
| iii. Is on-site detention required? | | X |
| iv. Are additional easements required? | | X |
| 7. Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | | X |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | | X |
| 8. Change of Access | | |
| a) Are revisions to existing access locations necessary? | | X |
| 9. Is the property in a P.U.D.? | | X |
| a) If yes, was plat recorded for the original P.U.D.? | | |
| 10. Is this a Major Amendment to a P.U.D.? | | X |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | | |
| 11. Are mutual access easements needed to assure adequate access to the site? | | X |
| 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | | X |

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON** TMAPC voted 10-0-0 (Bayles, Carnes, Coutant, Hill, Harmon, Horner, Jackson, Ledford, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the plat waiver for Z-6921 per staff recommendation.

ZONING PUBLIC HEARING

Application No.: Z-6923/PUD-696 **AG to CS/PUD**

Applicant: Roy D. Johnsen (PD-18) (CD-2)

Location: South of southwest corner of East 91st Street and south Delaware

STAFF RECOMMENDATION FOR Z-6923:

Z-6674/PUD-306-G March 1999: Approval was granted for a zoning application on a 2.58 acre tract located on the east side of the relocated South Delaware Avenue and Riverside Parkway, from AG to CS. All concurred in approval of the zoning change and for a major amendment to PUD-306-B which added the 2.58-acre tract to the Development Area E of PUD-306-B resulting in a 25.7-acre parcel approved for a retail commercial center.

BOA-18347 March 1999: The Board of Adjustment approved a special exception to allow outdoor fruit sales for three years and a special exception of the required hard surface parking to permit a gravel parking area on the subject property.

BOA-17347 April 1996: The Board of Adjustment approved a special exception to allow an open air vending business for produce for three years, a variance to allow a sign and a special exception of the required hard surface parking for the open air business on the subject property.

Z-6522 February 1996: All concurred in approval of a request to rezone a tract located along S. Delaware Avenue and Vensel Creek Channel, north of the Creek Turnpike right-of-way, for an ice hockey arena, from RM-1 and RS-3 to CO.

Z-6178/PUD-306-B February 1995: In September 1987, the Tulsa City Commission approved the rezoning of five acres located on both sides of 95th Street South, from RM-1 and RS-3 to CS. Publication of the ordinance was withheld until February 1995 at which time the right-of-way of Riverside Parkway Extension was established and a proper legal description had been prepared.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, contains a vacant single-family dwelling and accessory buildings, and is zoned AG. Existing arterial access is in place from South Delaware Avenue.

STREETS:

| Exist. Access | MSHP Design. | MSHP R/W | Exist. # Lanes |
|-----------------------|---------------------|-----------------|-----------------------|
| South Delaware Avenue | Secondary arterial | 100' | 4 lanes |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The property is abutted on the north by vacant land, zoned AG; to the east by vacant property, zoned AG; to the south by an apartment complex, zoned OL/PUD-563 and a single-family dwelling, zoned AG; and to the west by an apartment complex, zoned OL/PUD-563.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific land use. According to the Zoning Matrix, the requested CS/PUD is **not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the existing development and trends in the area, staff recommends **APPROVAL** of CS zoning for Z-6923, less the west 200', which is recommended for OL zoning, and provided that the accompanying PUD-696 or some version of it is approved as well. Staff notes that this parcel is surrounded by and defined by heavily-traveled roadways (91st Street, Delaware and Riverside), which has occurred since the existing plan designation was approved. With those access enhancements, it is unlikely that this property will be developed at the low intensity designation specified by the plan.

Staff notes that if the TMAPC deems it appropriate to recommend approval of this application, staff should be directed to review the District Plan for possible amendments. In this case, staff has begun that review and will present proposed plan amendments in the near future.

Mr. Midget in at 1:41 p.m.

RELATED ITEM:

STAFF RECOMMENDATION FOR PUD-696:

The PUD proposes the development of a retail center on the west side of Delaware Avenue commencing approximately 660 feet south of East 91st Street South and extending south along Delaware Avenue a distance of 660 feet. The site comprises ten acres gross to the centerline of Delaware Avenue. The Major Street and Highway Plan designates Delaware Avenue as a secondary arterial street and it is presently improved to Major Street Plan standards as a five-lane thoroughfare with a center turning lane.

The subject property is located within a triangular-shaped corridor between Riverside Parkway and Delaware Avenue, extending south from 91st Street approximately 2200 feet to the point of intersection of Riverside Parkway and South Delaware. The arterial streets, 91st Street, Riverside Parkway, and Delaware Avenue are improved to Major Street Plan standards and the Creek Turnpike interchange with Riverside Parkway is located approximately 1600 feet to the south.

Within the corridor substantial acreages (including the subject property) remain undeveloped and located within an AG Agriculture District. There exists one rural homestead which is located south of the subject property. Recent development includes the Crown Woods Apartments at 91st and Riverside Parkway, which abuts the west boundary of the subject property. Commercial zoning has been approved and commercial development exists at the southeast and southwest corners of 91st and Delaware. On the east side of Delaware across from the subject property and extending south are a Wal-Mart Neighborhood Market and the Riverside Market retail center anchored by Kohl's department store. At the southern end of the corridor (approximately 200 feet south of the subject property and extending to the intersection of Riverside Parkway and Delaware), commercial zoning has been approved and includes a QuikTrip convenience grocery and a Bank of Oklahoma branch facility.

The subject tract is zoned AG and concurrently an application (Z-6923) has been filed to rezone the tract to CS. Because of the existing development and trends in the area (see above) staff can support commercial zoning to accommodate the applicant's proposal.

If Z-6923 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-696 as modified by staff, to be: (1) consistent with the Comprehensive Plan, if amended as recommended by staff; (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-696 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:**

Net Land Area: 9.013 acres 392,595 sq. ft.

Permitted Uses:

As permitted by right within a CS District, excluding uses included within Use Unit 12A Adult Entertainment Establishments.

Maximum Building Floor Area: 112,742 sq. ft.

Maximum Building Height: 40 ft.

Minimum Building Setbacks:

| | |
|------------------------------------|---------|
| From centerline of Delaware Avenue | 135 ft. |
| From north boundary | 25 ft. |
| From west boundary | 35 ft. |
| From south boundary | 35 ft. |

Parking Ratio:

As provided within the applicable use unit

Minimum Landscaped Area: 10% of net lot area

Building Design Limitations:

The exterior surfacing of all exterior building walls shall be masonry.

Signs shall be limited to:

(a) wall or canopy signs not exceeding 1.5 square feet of display surface area per lineal foot of the main building wall to which affixed, provided, however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed and no wall signs shall be affixed to the west building walls, and

~~(b) one ground sign to be located along the Delaware Avenue frontage not exceeding 25 feet in height and 300 square feet of display surface area.~~ One ground sign to be located along the Delaware Avenue frontage not exceeding 35 feet in height and 230 square feet of display surface area, provided however the permitted ground sign shall be setback from Delaware one-foot for each foot of height exceeding 25 feet and one ground sign to be located along the Delaware Avenue frontage not exceeding 25 feet in height and 75 square feet of display surface area.

3. Landscaping and Screening:

Landscaping throughout the project shall meet or exceed the requirements of the landscape chapter of the Tulsa Zoning Code. A landscaped area not less than ten feet in width and a screening fence not less than six feet in height shall be constructed and maintained along the common boundary of the subject property and the adjoining Crown Woods apartment project, (PUD – 563). Screening shall extend along the entire south boundary if the abutting property is used for residential purposes.

4. Transfer of Allocated Floor Area:

Allocated floor area may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area is to be allocated, provided, however, the allocation shall not exceed 10% of the initial allocation to the lot to which the transfer of floor area or is to be made.

5. Private and public vehicular and pedestrian circulation shall be reviewed during detail site plan review. Mutual access shall be provided to abutting properties to the north and south of the PUD. All access shall be approved by TMAPC, the Fire Department and Public Works.

6. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

7. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
8. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
9. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
10. 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.
11. 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 or building-mounted light shall exceed 25 feet in height.
12. 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.
13. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
15. 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.

16. 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.

TAC Comments:

Z-6923/PUD 696, South of Southwest corner of East 91st & South Delaware

Water –No comments.

Stormwater –Confirm that the 100-year drainage system exists downstream.

Wastewater -Sanitary sewer service must be provided.

Transportation –No comments.

Traffic -No comments.

RECORDING TAPE WAS INAUDIBLE.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, cited the history of the subject property. He described the surrounding properties and streets. He explained that there are two issues he would like to discuss. The first issue is that the landowner to the west would like a condition that the building façade materials that are used on the front be the same materials used on the back of the building. The second issue deals with signage. There are 660 feet of frontage on Delaware and the applicant is proposing two signs on Delaware, one at 230 SF and the other at 75 SF. The 230 SF signs would be 35 feet in height in order to have readable letters at a distance and have clearance at the bottom.

INTERESTED PARTIES:

Pat Thomas, 3106 East 87th Place, Tulsa, Oklahoma 74137, requested a clarification of the difference in zoning regarding OL versus CS. She further requested information regarding the height of the building and access points.

In response to Ms. Thomas, Mr. Dunlap stated that the applicant did request CS zoning, but staff is recommending CS and OL rather than allowing CS on the entire tract. He explained that the PUD would allow the amount of CS zoning for the applicant's proposal. He explained that the OL zoning that is being recommended by staff is a less intense zoning than the CS. The maximum height is 40 feet, which would allow a two-story building. The exact access points would have to be approved during the platting process and reviewed during detail site plan. No access points are proposed to the west. The lighting standard that is in all PUDs is being proposed in this application. Mr. Dunlap read the lighting standard and explained that staff is recommending a maximum of 25 feet in height for the light standards.

Melinda Bennett, 2623 West 68th Place, Tulsa, Oklahoma 74132, expressed concerns regarding the drainage and stormwater issues and privacy fencing.

Mr. Jackson informed Ms. Bennett that the Planning Commission cannot address stormwater issues and that it would be dealt with during the platting process by City of Tulsa Public Works and Development Department.

Mr. Dunlap read the staff recommendation regarding fencing and landscaping.

Ms. Bennett stated that she would like to keep the integrity of the neighborhood and was concerned about the privacy fencing.

Applicant's Rebuttal:

Mr. Johnsen requested that his client be allowed to remove the south screening fence if the residential use ever ceases. He stated that it has come to his attention that the Home Depot sign is 40 feet in height with 230 SF of display surface, which is in the subject area.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Johnsen what type of building materials the screening fence would be. In response, Mr. Johnsen stated that it would be made of wood.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted 11-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of CS zoning for Z-6923, less the west 200', which is recommended for OL zoning, and provided that the accompanying PUD-696 or some version of it is approved as well per staff recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted 11-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of PUD-696, subject to a privacy fence being built on the south side of the subject property, which shall be removed if the residential use changes to commercial, subject to the building façade on the front and back being of the same building material per staff recommendation and as modified by the Planning Commission.

Legal Description for Z-6923:

A TRACT OF LAND THAT IS PART OF THE SOUTH HALF (S/2) OF THE EAST TWENTY (20) ACRES OF LOT ONE (1), SECTION TWENTY (20), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID S/2 OF THE EAST 20 ACRES OF LOT 1; THENCE SOUTH 88°41'41" WEST ALONG THE SOUTHERLY LINE OF

SAID S/2, FOR A DISTANCE OF 90.00 FEET TO A POINT ON THE PRESENT WESTERLY RIGHT-OF-WAY LINE OF SOUTH DELAWARE AVENUE, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88°41'41" WEST ALONG SAID SOUTHERLY LINE, FOR A DISTANCE OF 370.17 FEET TO A POINT; THENCE NORTH 1°03'49" WEST AND PARALLEL WITH THE WESTERLY LINE OF THE S/2, FOR A DISTANCE OF 660.57 FEET TO A POINT ON THE NORTHERLY LINE OF THE S/2; THENCE NORTH 88°39'20" EAST ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 410.10 FEET TO A POINT ON SAID RIGHT-OF-WAY LINE; THENCE ALONG THE RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE COURSES: SOUTH 1°04'12" EAST AND PARALLEL WITH THE EASTERLY LINE OF THE S/2, FOR A DISTANCE OF 290.00 FEET; THENCE SOUTH 10°16'44" WEST FOR A DISTANCE OF 203.27 FEET TO A POINT; THENCE SOUTH 1°04'12" EAST AND PARALLEL WITH SAID EASTERLY LINE, FOR A DISTANCE OF 171.72 FEET TO THE POINT OF BEGINNING; **From AG (Agriculture District) to CS (Commercial Shopping Center District);**

and A TRACT OF LAND THAT IS THE WEST TWO-HUNDRED (200) FEET OF THE SOUTH HALF (S/2) OF THE EAST TWENTY (20) ACRES OF LOT ONE (1), SECTION TWENTY (20), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID S/2 OF THE EAST 20 ACRES OF LOT 1; THENCE SOUTH 88°41'41" WEST ALONG THE SOUTHERLY LINE OF SAID S/2, FOR A DISTANCE OF 460.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88°41'41" WEST ALONG SAID SOUTHERLY LINE, FOR A DISTANCE OF 200.00 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF THE S/2; THENCE NORTH 1°03'49" WEST ALONG THE WESTERLY LINE OF THE S/2, FOR A DISTANCE OF 660.43 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF THE S/2; THENCE NORTH 88°39'20" EAST ALONG THE NORTHERLY LINE OF THE S/2, FOR A DISTANCE OF 200.00 FEET TO A POINT; THENCE SOUTH 1°03'49" EAST AND PARALLEL WITH SAID WESTERLY LINE, FOR A DISTANCE OF 660.57 FEET TO THE POINT OF BEGINNING; **to From: AG (Agriculture District) To: OL (Office Low Intensity District).**

Legal Description for PUD-696:

A TRACT OF LAND THAT IS PART OF THE SOUTH HALF (S/2) OF THE EAST TWENTY (20) ACRES OF LOT ONE (1), SECTION TWENTY (20), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID S/2 OF THE EAST 20 ACRES OF LOT 1; THENCE SOUTH 88°41'41" WEST ALONG THE SOUTHERLY LINE OF SAID S/2, FOR A DISTANCE OF 90.00 FEET TO A POINT ON THE PRESENT WESTERLY RIGHT-OF-WAY LINE OF SOUTH DELAWARE AVENUE, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88°41'41" WEST ALONG SAID SOUTHERLY LINE, FOR A DISTANCE OF 540.17 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF THE S/2; THENCE NORTH 1°03'49" WEST ALONG THE WESTERLY LINE OF THE S/2, FOR A DISTANCE OF 660.43 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF THE S/2; THENCE NORTH 88°39'20" EAST ALONG THE NORTHERLY LINE OF THE S/2, FOR A DISTANCE OF 610.10 FEET TO A POINT ON SAID RIGHT-OF-WAY LINE; THENCE ALONG THE RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE COURSES: SOUTH 1°04'12" EAST AND PARALLEL WITH THE EASTERLY LINE OF THE S/2, FOR A DISTANCE OF 290.00 FEET; THENCE SOUTH 10°16'44" WEST FOR A DISTANCE OF 203.27 FEET TO A POINT; THENCE SOUTH 1°04'12" EAST AND PARALLEL WITH SAID EASTERLY LINE, FOR A DISTANCE OF 171.72 FEET TO THE POINT OF BEGINNING; **From AG (Agriculture District) To CS/OL/PUD (Commercial Shopping Center District/Office Low Intensity District/Planned Unit Development).**

Application No.: Z-6924

RS-3 to OL

Applicant: A.L. Smith

(PD-18) (CD-9)

Location: Southeast corner of East 51st Street and South Atlanta Avenue

STAFF RECOMMENDATION:

Z-6675/PUD-513-A March 1999: Approval was granted for a request to rezone a 1.8-acre tract located east of the southeast corner of East 51st Street and South Delaware Avenue from RS-2 to RM-2 and be added to the adjoining PUD-513. The proposed use was for offices and expansion of the existing mini-storage within PUD-513.

PUD-482-A October 1997: Approval was granted for a major amendment to change the uses permitted in PUD-482 from a 39-unit motel to two development areas with the first area allowing a three-story elderly retirement housing and life-care facility and the second development area permitting office use. This property is located south of the southeast corner of East 51st Street and South Lewis Avenue.

Z-6448/PUD-513 July 1994: A request to rezone a 2.7-acre tract located east of the southeast corner of East 51st Street and South Delaware Avenue from RS-2 to CS/RM-1/PUD. Staff recommended denial of the request as it was not compatible with the Comprehensive Plan. TMAPC and City Council recommended approval of the request subject to amended development standards to allow offices and mini-storage.

PUD-373-A January 1992: PUD-373 as approved in 1985 on a 5.3 acre tract located south of the southeast corner of East 51st Street and South Lewis Avenue to allow a three-story office building. In 1992 approval was granted to abandon PUD-373 and rezone the property to PUD-482 for motel use.

AREA DESCRIPTION:

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

STREETS:

| Exist. Access | MSHP Design. | MSHP R/W | Exist. # Lanes |
|------------------------------------|---------------------|-----------------|-----------------------|
| East 51 st Street South | Secondary arterial | 100' | 4 lanes |
| South Atlanta Avenue | Residential | 50' | 2 lanes |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The property directly north of and across East 51st Street from the subject tract is zoned OM and contains a multi-story office building; the subject property is abutted on the east by a duplex, zoned RS-3; farther to the east by an office use, zoned OL; on the south by duplexes and single-family dwellings, zoned RS-2; and on the west by an office building, zoned OL. The area fronts a secondary arterial and appears to be in transition from low intensity residential uses to office and related activities.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use. Based on the Zoning Matrix, the requested OL **may be found** to be in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, surrounding uses and trends in the area, staff can support the requested zoning and therefore recommends **APPROVAL** of OL zoning for Z-6924.

ADDITIONAL NOTES: The TMAPC should be aware that this rezoning may be creating a nonconforming use, in that the applicant may not be able to conform to the parking, screening and landscaping requirements that are mandatory under the Office zoning category, and that may necessitate his/her applying to the Board of Adjustment for relief. The applicant would also be required to adhere to the code's signage requirements.

According to staff's estimations, the applicant may be required to provide 11 parking spaces, none of which may be in the right-of-way. He/she must also screen the property on the sides adjacent to residential properties. Landscaping and signage requirements are as contained in the Code.

Ms. Matthews indicated that the Comprehensive Plan does indicate that OL zoning may be found in accord with the Plan. Ms. Matthews indicated that an interested party has requested a continuance.

INTERESTED PARTIES:

Donnita Weinkauff-Wynn, 5100 South Atlanta, Tulsa, Oklahoma 74105, stated that her brother requested the continuance. She explained that her family didn't receive enough information about this application prior to today's meeting and would like more time to look into this issue.

John Randolph, 5248 South Atlanta Avenue, Tulsa, Oklahoma 74105, stated that he would like a two-week continuance in order to further investigate the application and the proposed uses.

Applicant's Comments:

Rabon Martin, 15 East 6th Street, Tulsa, Oklahoma 74013, stated that his client would like to go forward this application. He informed the Planning Commission that the neighborhood was concerned about a bail bonds use being in the proposed office and it will not be located at the subject site. The applicant has recently relocated. He stated that Harvard Equity will be located in the subject building and it is a buyer of mortgages. Mr. Martin reminded the Planning Commission that the use was not before the Planning Commission today and that this is strictly a zoning request.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Martin if his client would agree to a continuance. In response, Mr. Martin stated that his client needs the rezoning and would like to be heard today.

Mr. Carnes suggested that the Planning Commission act on this today.

Commissioner Miller stated she would like to hear this application today because there are many residents present and it is difficult for them to get off work to attend another meeting in the future.

Mr. Westervelt reminded the Planning Commission that it is their policy to grant a continuance.

Mr. Midget stated that he agrees with Mr. Westervelt that a continuance should be granted in order to allow the neighbors to meet with the applicant.

Ms. Bayles stated that she has ex parte communication on this case. She stated that out of courtesy, the Planning Commission usually grants a continuance.

Mr. Harmon stated that continuing this case would not solve anything if it remains a straight zoning application. Unless the applicant volunteers to file a PUD, then there are no restrictions allowed on zoning cases.

Mr. Martin stated that he is not offering to file a PUD.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-5-0 (Carnes, Coutant, Harmon, Horner, Jackson, Miller "aye"; Bayles, Hill, Ledford, Midget, Westervelt "nays"; none "abstaining"; none "absent") to recommend **DENY** the request to continue this application.

Case Z-6924 will be heard.

Applicant's Comments:

Mr. Martin stated that the neighbors are upset because they were afraid that a bail bonds office would be moving in. There were fears that an oversized sign advertising the bail bonds would be allowed and that is not possible due to the zoning laws. The bail bonds company has relocated, although it could be allowed in the OL district.

Chairman Jackson explained the rules regarding time for interested parties to and rebuttal.

INTERESTED PARTIES:

John Randolph, 5248 South Atlanta Avenue, Tulsa, Oklahoma 74105, stated that the bail bonds company is currently operating on the subject site. He investigated and found that Harvard Equity is not licensed to do business in Oklahoma. He expressed concerns that the applicant would go before the Board of Adjustment requesting a variance for the signage. The bail bonds company is located at the end property of a residential neighborhood and is an inappropriate use. He explained that the clients of the subject site drive through the neighborhood in order to go south. This would be a nonconforming use if it is allowed to be OL and it would be happening in a stable neighborhood. He requested that the Planning Commission deny this request or require a PUD to be filed with the rezoning.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Randolph if the bail bonds office is currently existing and operating and if it is has he noticed more traffic in the subject area. In response, Mr. Randolph stated that it is currently operating and that bail bonds companies serve criminals who would be coming into his neighborhood.

Mr. Harmon asked Mr. Randolph if he is against the OL zoning or against bail bonds use. In response, Mr. Randolph stated that the subject property should remain residential if possible. He admitted that eventually the subject property would be changed to OL, but he could not support OL without a PUD for some type of controls to protect the neighborhood. Mr. Randolph stated that the applicant has made erroneous claims and the residents have been threatened.

INTERESTED PARTIES:

Tim Armer, 5328 South Columbia Avenue, Tulsa, Oklahoma 74105, stated that he is representing the Lewis Crest Neighborhood Association. He indicated that the neighborhood association opposes this application and requested the audience opposing to stand up. He stated that this proposal would disrupt the character of the neighborhood. The previous changes of zoning other than residential have been done with an accompanying PUD, which allowed protections and conditions for the neighborhood. The OM and OL zoning that is currently present predates 1992. OL zoning is intrusive and it may create a nonconforming use due to the parking and screening requirements.

Mr. Armer stated that the applicant is currently operating in violation of the Zoning Code. Neighborhood Inspections is waiting for the outcome of today's hearing before acting on this violation.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Armer if the neighborhood would be in favor of a PUD with OL uses and restrictions. In response, Mr. Armer stated that he would oppose OL zoning, but would be willing to work with a PUD; however, if the PUD is not forthcoming, he would prefer the subject property to remain residential.

INTERESTED PARTIES OPPOSING Z-6924:

Charles Reed, 1034 East 32nd Place, Tulsa, Oklahoma 74105, **Lonnie Davis**, 5220 South Atlanta Avenue, Tulsa, Oklahoma 74105; **David Tate**, 5100 South Atlanta Avenue, Tulsa, Oklahoma 74105; **David Crank**, 5239 South Atlanta Avenue, Tulsa, Oklahoma 74105; **Jack Kelly**, 5212 South Birmingham Place, Tulsa, Oklahoma 74105; **Marilyn Revell**, (Owner of properties at 5109, 5111, 5115, 5117 South Atlanta, Tulsa, Oklahoma 74105 and former owner of the subject property) 5000 Misty Glen Circle, Oklahoma City, Oklahoma 73142; **Mike Birdsray**, 2432 East 51st Street, Tulsa, Oklahoma 74105.

COMMENTS OF INTERESTED PARTIES OPPOSING Z-6924:

Other properties in the subject area that allow businesses have larger lots and are able to accommodate parking and screening; fear that the insufficient parking would overflow onto the street and into the neighborhood; require a PUD or deny the entire application; converting duplexes into offices and businesses is not economically feasible and lowers the property value of the existing residential neighborhood; the subject application is at the beginning of the neighborhood of Lewis Crest, which is a stable neighborhood; the applicant has threatened the neighborhood with lawsuits if they did not withdraw their letters of protest; Girl Scouts of America has a facility in the subject area and a bail bonds office would bring a criminal element into the area.

TMAPC COMMENTS:

Ms. Hill asked Ms. Revell if she was contacted by Mr. Smith regarding a possible law suit. In response, Ms. Revell stated that she was told to rescind her letter or she would be sued.

City Councilor Neal stated that she appreciated the Planning Commission for their time on this application. She expressed concerns for the integrity of the neighborhood if OL was allowed.

Applicant's Rebuttal:

Mr. Martin stated that ABC Bail Bonds rented another office and has moved out of the subject property. He indicated that there is not legitimate reason for denial and the focus should not be on the bail bonds company. Regarding over-sized signs, Zoning Code would prevent that from happening. He cited various properties that have been converted to OL uses within the subject area and along 15th Street (Cherry Street). Mr. Martin concluded that not all people seeking a bail bond are criminals, and in fact, many are innocent people.

Mr. Westervelt stated that he would be willing to move for denial, finding that the OL would create a nonconforming lot and noting that a PUD would allow flexibility with regard to the usage, parking, signage, etc.; however, the applicant is not willing to file a PUD.

Commissioner Miller stated that she felt it important to have the hearing today due to the volume of attendance.

Mr. Carnes stated that a continuance would not have changed anything, since the applicant was not willing to file a PUD with restrictions.

TMAPC Action; 11 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 11-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **DENIAL** of the OL zoning for Z-6924.

SURROUNDING AREA:

The property directly north and across East 27TH Place from the subject tract is an Office Depot retail business and accessory parking, zoned CH/OL/PK/PUD-621; to the east are single-family dwellings, zoned RS-3; to the south is an apartment complex, zoned RS-3; and to the west is a bicycle shop, zoned OL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Residential land use. According to the Zoning Matrix, the requested OL zoning is **not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on surrounding non-residential uses and the fact that this property fronts onto the side of the Office Depot store and parking lot, it seems unreasonable to expect reuse as single-family residential. Moreover, the remainder of the block appears to be in transition to office and related uses. Staff can support the requested OL for Z-6925 and therefore recommends **APPROVAL**.

If the TMAPC recommends approval for this case, they should also direct staff to prepare appropriate amendments to the District Plan, perhaps involving the entire block on which the subject property is located.

Applicant's Comments:

Debi Douthit, 11621 North 126th, Collinsville, Oklahoma 74021, representing the property owner, stated that she is in agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 11-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** OL zoning for Z-6925 per staff recommendation.

Legal Description for Z-6925:

Lot 6, Block 9, Kirkmoore Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located east of the southeast corner of East 27th Place South and South Harvard Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To OL (Office Low Intensity District).**

Application No.: PUD-697

RS-3/RM-2 to PUD

Applicant: Charles E. Norman

(PD-6) (CD-4)

Location: Southeast corner of East 13th Street and South Utica Avenue

STAFF RECOMMENDATION:

Hillcrest Medical Center has contracted with the City of Tulsa to purchase parts of two surplus lots in the RM-2 residential multifamily zoning district on the east side of South Utica Avenue between East 13th Street and East 13th Place. Approximately one-half of the area of the two lots has been utilized for right-of-way for the widening of South Utica Avenue. Hillcrest Medical Center owns two vacant lots immediately on the east of the City lots.

Hillcrest Medical Center proposes to utilize the partial lots being purchased from the City along with the two lots owned by Hillcrest for private parking with electronically controlled access. The site, utilities and existing trees are shown on Exhibit C.

The use of the proposed restricted off-street parking would be limited to medical staff members employed within the William H. Bell Medical Park within Development Area A of PUD-432-D and E. The Bell II Medical Office Building is located at the northwest corner of East 13th Street and South Utica Avenue directly across from the proposed parking area.

The proposed private parking site plan is shown on Exhibit A and would provide 31 parking spaces with a one-way entrance from East 13th Place and a one-way exit to East 13th Street.

The parking plan preserves or relocates almost all of the existing trees on the property. The private parking, landscape, screening and lighting plan is shown on Exhibit B and maintains a minimum 20-foot wide parking area setback from the east boundary of the site.

A six-foot high screening fence is being proposed along the east boundary adjacent to two single-family residences, with the fence ending at the front yard setback of the two dwelling units. Approximately 25 existing trees would be retained within the east boundary setback and twelve redbud trees would be transplanted from the proposed parking area to the landscaped parking setback area.

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-697 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-697 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:**

Land Area: 0.4604 (net acres) 20,057 SF

Permitted Uses:

Private electronically controlled off-street parking restricted for use only by medical staff members located within the William H. Bell Medical Park within Development Area A of Planned Unit Development No. 432-D and E.

No buildings or structures shall be permitted.

Minimum Parking Area Setbacks:

From the east boundary 20 FT

From the south right-of-way line of East 13th Street 20 FT

From the north right-of-way line of East 13th Place 10 FT

From the east right-of-way line of South Utica Avenue 5 FT

Minimum Landscaped Open Space: 9,000 SF/45%

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 or building-mounted light shall exceed eight feet in height, within the east 20 feet of PUD or ten feet in height within the remainder of the PUD.
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. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, traffic engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
13. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

TAC Comments:

PLANNED UNIT DEVELOPMENTS FOR REVIEW:

PUD 697, Southeast corner of East 13th and South Utica

Water – No comments.

Stormwater –PFPI required. Collect runoff onsite and pipe to public system.

May pay fees-in-lieu of providing onsite detention.

Wastewater –Need a minimum 15 foot easement over the existing 8" sanitary sewer line. Also, the existing line needs to be inspected to determine if it can withstand the operation of heavy equipment over it. Co-ordinate with Underground Collections for scheduling of the inspection.

Transportation –Traffic better equipped to enter off 13th rather than 13th Place.

Differing plan views of parking layout.

Traffic –No comments.

General -No comments.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he is in agreement with staff's recommendation. He indicated that there was an interested party present; however, he was unable to stay for the entire meeting. He explained that he discussed this application with the interested party and he was satisfied with the proposal.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted 11-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of PUD-697 per staff recommendation.

Legal Description for PUD-697:

Lot 11 and Lot 14, Block 14, Resubdivision of Block 6, and Lots 1, 2, 3, or Block 4, Terrace Drive Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and a tract of land that is part of Lots 12 and 13, Block 14, of Resubdivision of Block 6, and Lots 1, 2, 3, of Block 4, Terrace Drive Addition, an addition to the City of Tulsa, Tulsa County,

Oklahoma, according to the recorded plat thereof, said tract of land being more particularly described as follows, to-wit: Beginning at a point that is the Northeast corner of said Lot 12, thence due South along the Easterly line of said Lots 12 and 13 for 269.72' to the Southeast corner of said Lot 13; thence N 52°41'40" W for 31.84'; thence due North and parallel with the Easterly line of Lots 12, and 13 for 244.79'; thence N 44°56'47" E for 8.13' to a point on the northerly line of said Lot 12; thence S 89°40'00" E along said Northerly line for 19.58' to the Point of Beginning of said tract of land, and located on the southeast corner of East 13th Street South and South Utica Avenue, Tulsa, Oklahoma, **From RS-3/RM-2 (Residential Single-family High Density District/Residential Multifamily Medium Density District) To RS-3/RM-2/PUD (Residential Single-family High Density District/Residential Multifamily Medium Density District/Planned Unit Development).**

Application No.: PUD-698

RS-3 to PUD

Applicant: Roy Johnsen

(PD-6) (CD-9)

Location: Southeast corner of East 32nd Street and South Peoria

STAFF RECOMMENDATION:

The PUD consists of 1.46 acres located at the southwest corner of South Peoria and East 32nd Street. The tract has 140 feet of frontage on South Peoria and extends west along 32nd Street a distance of 270 feet. The west boundary is adjoining a single-family lot and the south boundary is irregular in shape and is substantially bordered by Crow Creek.

The subject tract contains the administrative offices and facilities of the Boy Scouts of America. Properties to the west and north are developed as single-family neighborhoods of varying density. Properties immediately on the south side of Crow Creek are developed for office use and transition into the Brookside retail area.

The concept of this infill project is the redevelopment of the tract to create seven lots designed for single-family detached dwellings. A common architectural theme is proposed and each residence is planned to be built along a predetermined side-lot line established to provide privacy to the adjoining resident and to achieve a more useful aggregate of yard space. Design consideration will be given to individual lot identity and privacy by arrangement of courtyards and privacy walls.

The infrastructure of streets and utilities is in place and access to each lot will be derived from 32nd Street. Design consideration is proposed to minimize the loss of existing mature trees along Crow Creek and it is intended that the drainageway be maintained in its current condition and serve as a project amenity.

The proposed residential use and density are permitted by the existing underlying RS-3 zoning and no change is proposed.

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-698 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-698 subject to the following conditions:

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

2. **Development Standards:**

Gross Land Area: 1.46 acres

Permitted Uses:

Detached single family residences and customary accessory uses

Maximum Number of Dwelling Units: ~~Seven~~Six

Minimum Lot Area: 5040 SF

Minimum Lot Width: 36 45 FT

Maximum Building Height:

Two stories, not to exceed 35 ft.

Minimum Required Yards:

From centerline of Peoria 40 FT

From centerline of 32nd Street 55 FT

| | |
|-----------------------------|--------|
| From west boundary of PUD | 10 FT |
| From south boundary of PUD | 10 FT* |
| From interior side lot line | 5 FT |

*No building shall be located within the Crow Creek floodplain.

Minimum Livability Space per Lot: 2,400 SF

Minimum Livability Space per PUD:

Within the PUD, livability space for the residential development area shall be provided in an aggregate amount of not less than the amount of livability space required by the RS-3 zoning district (Subsection 403.A) for conventional development of a comparable number of dwelling units. Required livability space shall be provided on the lot containing the dwelling unit or units on which computed, or in common areas. Common livability space shall be designed and located so as to be accessible to the dwelling units it is intended to serve. Provisions for the ownership and maintenance of common livability space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Subsection 1107.F.

Other Bulk and Area Requirements:

As provided within an RS-3 District.

Off-street parking:

Within each lot, not fewer than two off-street spaces shall be provided.

3. The Department of Public Works and Development 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.
4. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.

5. 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.
6. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
7. 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.

TAC Comments:

PUD 698, Southwest corner of East 32nd Street and South Peoria

Water – A two-inch main line may not be able to supply the demand for this project. A water main extension may be needed.

Stormwater – If there is a 100-year drainage system from the site to the Arkansas River, then all runoff may be collected onsite and piped to said system. Crow Creek FEMA Floodplain plus an additional 20-foot above 100-year WSE must be in a reserve.

Wastewater – Need 17.5' utility easement on west boundary. No taps will be allowed on the existing eighteen-inch main in East 32nd Street. Therefore, a main line extension will be required to serve the proposed plat.

Traffic – Require a sidewalk along Peoria. Require increasing the zero-foot building setback along Peoria to allow for future utility needs behind the 35 FT urban arterial right-of-way.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing Pat Fox, stated that the subject site is on the edge of an established neighborhood and is currently being used in a non-residential fashion. The subject property has been the administrative office for the Boy Scouts of America and their thrift store.

Mr. Johnsen described the proposed development and density. He pointed out the differences between the present use and the proposed use. Mr. Johnsen submitted a revised conceptual plan (Exhibit B-1). He indicated that after listening to the neighborhood's comments about too many driveways facing the street, his client revised the conceptual site plan.

INTERESTED PARTIES:

Robert Pinney, 1326 East 32nd Place, Tulsa, Oklahoma 74105, representing Brookside Neighborhood Association, stated that the neighborhood association met regarding this application and discussed the number of driveways, lot widths, and the issues regarding the creek. He indicated that there was a majority who

voted to support the PUD subject to a revised site plan reducing the number of units. He stated that he called Mr. Johnsen about this and explained that the majority of the members would like the number of units reduced and to have larger lots. He indicated that the neighborhood described the site plan as looking like mobile home lots.

INTERESTED PARTIES OPPOSING PUD-698:

Joan Godlove, 3179 South Madison, Tulsa, Oklahoma 74105, (Submitted a District 6 Plan Exhibit B-2 and photographs Exhibit B-4); **Judy Epperson**, 3120 Woodward, Tulsa, Oklahoma 74105; **Bill Mickey**, 1238 East 31st Court, Tulsa, Oklahoma 74105 (Submitted photographs Exhibit B-4); **Dan Safranek**, 3240 South Owasso Avenue, Tulsa, Oklahoma 74105; **Jennifer Howland**, 3171 South Madison, Tulsa, Oklahoma 74105; **Fred Gavser**, 3174 South Madison, Tulsa, Oklahoma 74105.

COMMENTS OF INTERESTED PARTIES OPPOSING PUD-698:

The lot widths are not the same as existing lots in the neighborhood; seven double door garages would be facing the street; the new idea of driveways would restrict parking; widen the lot widths to 50 feet and reduce the traffic count; no parking is allowed on the same side of the street as the project; the applicant had a sign advertising his proposal before the hearing and it appeared it was already approved; do not oppose upscale units, but prefer wider lots; recommend four units and larger lots; Crow Creek bank erosion could cause flooding in the subject area; possible five homes would be a better configuration; construction of homes will kill trees in the subject area; the proposal is not consistent with the neighborhood; this is in mid-town and do not want it to look like south Tulsa; the new proposal for the frontage is not possible because of the right-of-way.

INTERESTED PARTIES IN SUPPORT OF PUD-698:

Jim Maxey, 1240 East 32nd, Tulsa, Oklahoma 74105; **Lloyd Caldwell**, 1257 East 32nd Street, Tulsa, Oklahoma 74105; **Cheryl Ruhmann**, 1239 East 32nd Street, Tulsa, Oklahoma 74105; **Emmett Gilliam**, 1239 East 32nd Street, Tulsa, Oklahoma 74105; **Steve (last name inaudible)**, 1243 East 32nd Street, Tulsa, Oklahoma 74105.

COMMENTS OF INTERESTED PARTIES IN SUPPORT OF PUD-689:

This would be an improvement to the neighborhood; the Boy Scouts traffic is too much for the neighborhood and they are happy it is leaving the neighborhood; visited other projects of Mr. Fox's and were pleased with his work; understand that seven homes are needed in order to recoup his expenses, but six homes might be better; the interested parties opposing this project do not live on the same street of the proposal; approve of the project as it is presented today; the new revised plan solves the frontage issues and there is no way one can compare this to a trailer park; the applicant is proposing to develop property that has been utilized as non-residential and return it to residential use as it was intended.

Applicant's Rebuttal:

Mr. Johnsen stated that the people speaking against this application do not live on the street where it is proposed. The four people living directly in front of the proposal are in favor of the project. They are not happy with the Boy Scouts due to their activities and traffic. This is a classic transition for the subject property. To compare the proposal to a mobile home park is a cheap shot. RS-3 is not perceived as high intensity and one home should not be taken from the proposal in order to make the interested parties opposing this application happy.

TMAPC COMMENTS:

Mr. Midget asked Mr. Johnsen if his client would consider six units rather than seven units to make it more compatible with the neighborhood and address the off-street parking. In response, Mr. Johnsen stated that the new site plan provides two cars to park in the garage and two cars to park in the driveway, which provides four parking spaces. He further stated that seven homes would work in this infill proposal.

Pat Fox, 1850 South Boulder, Tulsa, Oklahoma 74119, stated that there is a provision for two guests to park off-street for each dwelling and two spaces in each garage as well.

Mr. Fox stated that he is not in the position to accept six units versus seven units. He explained that seven units is the right thing to do. There are beautiful trees along Crow Creek and he plans to save the trees. FEMA states the stormwater is contained totally within the banks of Crow Creek.

Mr. Harmon asked the applicant how this is compatible. In response, Mr. Fox compared this to a similar case in the Harwelden area which is being developed by Mr. Paul Coury. He stated that all of the lots are sold and under construction. This proposal is a good transition between different zoning in the subject area. Larger lots do not work in today's market; most people want large homes on small lots.

Mr. Johnsen stated that the proposal is compatible with the neighborhood and the only difference is the lot sizes. He gave an example where this has worked in the Maple Ridge area.

Mr. Jackson asked what the Boy Scout property is zoned currently. In response Mr. Johnsen stated that the property is currently zoned RS-3 and the Boy Scouts were able to use the property by special exception, which was granted in the 1960's. Mr. Johnsen further explained that originally the Boy Scouts were using this for their offices and then later the store came into being.

PUD-370 was approved by the City Council in 1984. Elderly housing was approved on the western portion of the PUD and a church was constructed on the eastern portion which fronts Memorial Drive. In 1997, a major amendment (PUD-370-A) was approved on the eastern portion of the PUD, which permitted a communication antenna and supporting tower as an additional use.

The subject tract is zoned RM-1 and RS-2. Concurrently, an application (Z-6922) has been made to rezone the east 330 feet of the tract to CS; the west 250 feet of the east 580 feet to OL; the west 565 feet of the east 1,145 feet to RM-1; and the balance of the tract would remain RS-2. The subject tract is abutted on the north by AG-zoned property. Abutting on the south is a tract zoned CS, OL, RS-3/PUD-619. The front portion of this southern tract is developed as a bank with drive-through facilities and the PUD permits commercial and office uses along the entire south boundary of the subject tract. The subject tract is abutted on the west by single-family uses, zoned RS-1. To the east of the subject tract, across South Memorial Drive and within the city limits of Bixby are commercial uses zoned CS. Based on the Comprehensive Plan and existing and proposed uses in the area staff can support the proposed zoning provided an appropriate PUD is also approved.

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-370-B as modified by staff, to be: (1) consistent with the Comprehensive Plan; ~~if amended as recommended by staff~~; (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-370-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:**

Net Land Area: 9.01 Acres

Permitted Uses:

Communication Antenna and supporting structure only as included within Use Unit 4; and those uses included within Use Unit 11, Offices, Studios, and Support Services; Use Unit 12, Eating Establishments, other than Drive-Ins; Use Unit 13, Convenience Goods and Services;

and use Unit 14, Shopping Goods and Services. Commercial Uses shall be limited to the East 420 feet of the site as measured from the center line of South Memorial Drive.

Reserve Areas shall be used for storm water detention and open space for the Office Park.

Maximum Height of Communication Tower: 100 FT

Type of Communication Tower Permitted: Monopole

Minimum Setback for Communication Tower:

From north, south and west boundaries of Lot 1, Block 1, Trinity Addition Amended 110 FT

Maximum Number of Communication Towers: One

Maximum Commercial Building Floor Area: 54,450 SF

Maximum Office Building Floor Area: 107,285 SF

Maximum Land Coverage of Buildings: 35%

Minimum Building Setbacks:

From west property line of South Memorial Drive 50 FT

From west boundary of PUD 80 FT

From south boundary of PUD 20 FT

From north boundary of PUD 20 FT

Maximum Building Height:

Commercial Buildings One story

Office Buildings

Two stories not to exceed 36 FT; there shall be no windows on the second story of the west-facing walls on the westernmost lots.

Minimum Landscaped Area:

Commercial Lots 10% of Net Lot Area

Office Lots

15% of Net Lot Area

Signs:

Signs shall comply with Section 1103B.2.a. and b. of the Tulsa Zoning Code

Landscaping and Screening:

All landscaping shall meet or exceed the requirements of the Landscape and PUD chapters of the Tulsa Zoning Code. An eight-foot high screening wall or fence shall be erected and maintained along the west, and a six-foot high or higher screening wall or fence shall be erected and maintained along the south and north boundaries of the PUD that abut a residential district or development. This requirement may be waived by TMAPC if the abutting R district is developed or used for office or commercial use in an adjacent PUD.

Other Bulk and Area Requirements:

Commercial Lots

As established within a CS district.

Office Lots

As established within an OL district.

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 or building-mounted light shall exceed 15 feet in height.
9. The Department of Public Works and Development 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. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
11. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
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.

16. Private and public vehicular and pedestrian circulation shall be reviewed during detail site plan review. All access shall be approved by TMAPC, the Fire Department and Public Works.
17. Office Buildings shall be residential in nature.

Applicant's Comments:

John W. Moody, 1924 South Utica, Suite 700, Tulsa, Oklahoma 74104, representing Keith Jones, stated that in 1984, Trinity Presbyterian Church was approved to build a 96 dwelling unit facility for elderly housing. Mr. Moody cited the surrounding zoning and development.

Mr. Moody stated that the site is located on South Memorial, a major highway and a commercial primary arterial street, which carries a significant amount of traffic, and is ideally located for a small retail center and general offices. The design concept for South Memorial Office and Retail Park is governed by the shape of the property and the topography. As the site is significantly longer than it is wide, it can only be utilized as a linear development with a private 34-foot wide street. A bridge will be required over the proposed drainage area. The development may eventually be divided into lots as shown so that there can be individual ownership of the offices and retail buildings. An owners association would be formed for the maintenance of the private road easement.

Mr. Moody stated that there would not be an access point to 106th Street. He commented that this is a good plan with low intensity, and he agrees with staff's recommendation.

INTERESTED PARTIES:

Alyne Eiland, 7515 East 106th Street, Tulsa, Oklahoma 74133, stated that she lives in Bridle Trails Estates, which abuts to the subject property. She explained that she wouldn't want a multifamily development next to her neighborhood. She would prefer that the office buildings remain one story with a privacy fence higher than the proposed six feet. She expressed concerns about the floodplain.

Ms. Eiland stated that she did not have time to schedule a neighborhood meeting prior to today's meeting. She indicated that she would like have notice of any further proposals for the subject property.

Mr. Dunlap explained why the applicant chose to request RM-1 rather than OL zoning. He indicated that Mr. Moody was trying to get the least intense zoning that would allow the development. RM-1 would allow office uses by exception and this would create the most restrictive and least intensity of zoning on the subject property.

Mr. Westervelt and Commissioner Miller out at 4:43.

Tony Brost, 7757 East 106th Street, Tulsa, Oklahoma 74133, stated that he did not want 106th Street to connect to this proposal.

Joyce Sanborn, 7744 East 106th Street, Tulsa, Oklahoma 74133, stated that she wouldn't want two-story buildings next to her property. The second-story office building tenants would be able to look into her home. She would like an eight-foot privacy fence with 20-foot trees to block views. Ms. Sanborn questioned the setback from the property line.

Mr. Harmon informed Ms. Sanborn that the building would be set back 80 feet from the west boundary.

INAUDIBLE, 7743 East 106th Street, Tulsa, Oklahoma 74133, stated that all of the homes near this development are single-story residences and he requested that the office building on the west end be one story. **INAUDIBLE**.

Mr. Jackson stated that any water on the subject site would have to be detained on that site. Stormwater Management would deal with this during the platting process.

Applicant's Rebuttal:

Mr. Moody stated that he would be in agreement with an eight-foot high wall along the west boundary line. He explained that the development would be residential in character (old-world style). The landscape plan would indicate preserving as many trees as possible along the west boundary. He explained that he attempted to apply for districts that would be least intrusive. The current PUD on the subject property would allow 96 units.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Moody if his client would agree to a one-story building on the west boundary. In response, Mr. Moody asked his client to speak to this request.

Keith Jones, 205 Redwood Circle, Broken Arrow, Oklahoma 74011, stated that this proposal is only a concept plan. He explained that he doesn't know what use this would be until he has a tenant or buyer. He stated that the neighbors to the west would only see roof tops even if they were two stories.

TMAPC COMMENTS:

Mr. Midget asked Mr. Jones if he would restrict windows on the second story facing the western boundary. In response, Mr. Jones answered affirmatively.

Mr. Ledford raised questions regarding the access points. He asked to hear or see some comments from the TAC Committee.

Mr. Dunlap stated that when the PUD to the south was filed, there was discussion about the extension regarding 106th Street and it was required in the PUD to the south that the collector street be provided to the south and would not be required in the subject PUD. When the development to the south is developed, it will tie in to the south stub street and it would eliminate the tie to the west.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted 7-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Miller, Westervelt "absent") to recommend **APPROVAL** of RS-2/RM-1/OL/CS zoning for Z-6922 per staff recommendation and recommend **APPROVAL** of PUD-370-B per staff recommendation and as modified: an eight-foot privacy fence on the western boundary, restrict windows on the second story of the west-facing walls of the westernmost lots and the office buildings shall be residential in character. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

Legal Description for Z-6922:

The West 565' of the East 1,145' of the S/2, S/2 SE/4, NE/4 of Section 26, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, containing 4.28 acres, more or less, **From RS-2/PUD (Residential Single-family Medium Density District/Planned Unit Development) To RM-1/PUD (Residential Multifamily Low Intensity District/Planned Unit Development);**

And the proposed zoning change (Z-6922) on the following described property: The West 250' of the East 580' of the S/2, S/2, SE/4, NE/4, Section 26, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, containing 1.89 acres, more or less, **From RM-1/RS-2/PUD (Residential Multifamily Low Intensity District/Residential Single-family Medium Density District/Planned Unit Development To OL/PUD (Office Low Intensity District/Planned Unit Development);**

and the proposed zoning change (Z-6922) on the following described property: The East 330' feet of the S/2, S/2, SE/4, NE/4 of Section 26, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, containing 2.5 acres, more or less. **From RM-1/PUD (Residential Multifamily Low Density District/Planned Unit Development) To CS/PUD (Commercial Shopping Center District/Planned Unit Development).**

Legal Description for PUD-370-A:

The West 611.85 feet of the South Half of the South Half of the Southeast Quarter of the Northeast Quarter of Section 26, Township 18 North, Range 13 East of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, less and except the West 50 feet of the North 130 feet thereof, **AND ALL of TRINITY ADDITION AMENDED**, a Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Ms. Bayles out at 5:00 p.m.

Application No.: PUD-591-A-1

MINOR AMENDMENT

Applicant: Darin Akerman

(PD-6) (CD-9)

Location: South of southwest corner of East 47th Street and South Gary

STAFF RECOMMENDATION:

The applicant is requesting a minor revision to the land area of PUD-591-A in order to facilitate a lot-split. (See attachments).

PUD-591-A was approved by the City Council in August, 2000. The PUD consists of 2.23 acres located south of the southwest corner of East 47th Street and South Gary Avenue. The PUD permits a maximum of seven single-family dwellings.

Staff finds that the requested revision to the land area of PUD-591-A does not substantially alter the approved PUD standards or 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; 6 members present:

On **MOTION** of **HORNER** TMAPC voted 6-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Coutant, Miller, Westervelt "absent") to **APPROVE** the minor amendment per staff recommendation.

Application No.: PUD-230-5

MINOR AMENDMENT

Applicant: Ted Sack

(PD-17) (CD-5)

Location: North of northeast corner of East 41st Street and South 103rd East Avenue

STAFF RECOMMENDATION:

The applicant is requesting an amendment to reallocate floor area within a portion of Development Area B of PUD-230 for a proposed lot-split. A minor amendment (PUD-230-3) was approved by TMAPC in November, 2001, which created two tracts within Development Area B. The southern tract has been developed by the Junior Achievement of Greater Tulsa and is referred to as Tract A on Exhibit B. The northern tract is the subject of this request and is referred to as Tracts B-1 and B-2 on Exhibit B. The northern tract permitted a maximum building floor area of 113,600 SF on 6.6580 acres.

The applicant requested a minor amendment to allocate floor area proportional to the area of the lot-split that has been applied for. The requested floor areas are as follows:

| | |
|----------------------------------|-------------------------------------|
| Total acreage prior to lot split | 6.6580 acres |
| Maximum permitted floor area | 113,600 SF |
| Area of Tract 'B-1' | 3.3068 acres (49.7% of total tract) |
| Requested floor area for tract | 56,459 SF (49.7% of total tract) |
| Area of Tract 'B-2' | 3.3512 acres (50.3% of total tract) |
| Requested floor area for tract | 57,141 SF (50.3% of total tract) |

The applicant does not request any other PUD standards to be changed.

Staff finds that the proposed allocation of floor area is minor in nature and therefore recommends **APPROVAL** of the request.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET** TMAPC voted 6-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Coutant, Miller, Westervelt "absent") to **APPROVE** the minor amendment for PUD-230-5 per staff recommendation.

Ms. Bayles in at 5:01 p.m.

Application No.: PUD-306-G-6

MINOR AMENDMENT

Applicant: Eric Sack

(PD-18) (CD-2)

Location: 95th Street and South Delaware

STAFF RECOMMENDATION:

The applicant is proposing to allocate floor area within Development Area B of PUD-306-G.

Maximum building floor area has been allocated within Development Area B as follows:

Original Floor Area:

| | <u>Commercial</u> | <u>Office</u> |
|--------------------|-------------------|---------------|
| Development Area B | 156,500 S.F. | 34,000 S.F. |

Existing Allocation of Floor Area (per approved minor amendments):

| | <u>Commercial</u> | <u>Office</u> |
|----------|-------------------|---------------|
| Tract A1 | 22,700 S.F. | 12,000 S.F. |
| Tract A2 | 16,800 S.F. | 12,000 S.F. |
| Tract B | 87,000 S.F. | 2,000 S.F. |
| Tract C1 | 5,750 S.F. | 4,000 S.F. |
| Tract C2 | 24,250 S.F. | 4,000 S.F. |

Proposed Allocation of Floor Area:

| | <u>Commercial</u> | <u>Office</u> |
|----------|-------------------|---------------|
| Tract A1 | 19,300 S.F. | 12,000 S.F. |

| | | |
|----------|-------------|-------------|
| Tract A2 | 16,150 S.F. | 12,000 S.F. |
| Tract B | 86,600 S.F. | 2,000 S.F. |
| Tract C1 | 10,225 S.F. | 4,000 S.F. |
| Tract C2 | 24,225 S.F. | 4,000 S.F. |

Staff finds that the proposed allocation of floor area within Development Area B of PUD-306-G is minor in nature and therefore 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 HILL TMAPC voted 7-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Miller, Westervelt "absent") to **APPROVE** the minor amendment for PUD-306-G-6 per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-603-A

DETAIL SITE PLAN

Applicant: S. Sorensen

(PD-26) (CD-8)

Location: 98th and South Memorial

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for an automobile sales lot. The proposed use, Use Unit 17, is in conformance with development standards.

The proposed buildings comply with all development standards regarding maximum floor area and height permitted. The site plan also complies with all building, parking, access drive and bulk trash container setbacks. No vehicle service doors are proposed on the building's west side.

Proposed parking lot lighting is in compliance with development standards and the Zoning Code.

The site plan meets minimum landscape requirements for street yard and internal lot area. Proposed landscaping of the west property line is in compliance with development standards and a six-foot "woodcrete" screening wall is proposed on the west property line.

Staff recommends **APPROVAL** of PUD-603-A detail site plan.

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

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 **HORNER** TMAPC voted 7-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Miller, Westervelt "absent") to **APPROVE** the detail site plan for PUD-603-A per staff recommendation.

Application No.: PUD-600-A

DETAIL SITE PLAN

Applicant: Stephen Mendenhall

(PD-18) (CD-8)

Location: 9113 South Toledo

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a two-story, 9,113 square foot medical office building. The proposed use, Use Unit 11, is in conformance with development standards.

The proposed building complies with all development standards regarding maximum floor area and height permitted, building setbacks and minimum landscaped area requirements. Screening on the east property line as required is already in place. The proposed bulk trash container is screened as required by development standards.

No parking lot lighting is proposed.

Staff recommends **APPROVAL** of PUD-600-A, Hill/Buntemeyer Medical Office Building detail site plan as proposed.

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

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 **HARMON** TMAPC voted 7-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Miller, Westervelt "absent") to **APPROVE** the detail site plan for PUD-600-A per staff recommendation.

Election of TMAPC 2004 Officers:

Mr. Horner announced the Nominating Committees' candidates for the following offices:

- Chairman – Joe Westervelt
- Secretary – Stacey Bayles
- 1st Vice Chair – Brandon Jackson
- 2nd Vice Chair – Mary Hill

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER** TMAPC voted 7-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Miller, Westervelt "absent") to **APPROVE** the TMAPC 2004 Officers: Chairman, Joe Westervelt; Secretary, Stacey Bayles; 1st Vice Chair, Brandon Jackson; 2nd Vice Chair, Mary Hill.

There being no further business, the Chair declared the meeting adjourned at 5:05 p.m.

Date Approved:

2.18.04

Leah J. Jahn

Chairman

ATTEST: *Marcy M. Bayles*

Secretary

