

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2415

Wednesday, June 15, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Dick	Alberty	Boulden, Legal
Bayles		Chronister	
Bernard		Fernandez	
Cantees		Huntsinger	
Carnes		Matthews	
Harmon			
Hill			
Horner			
Jackson			
Midget			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, June 10, 2005 at 3:30 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### Minutes:

#### **Approval of the minutes of April 20, 2005, Meeting No. 2409**

On **MOTION** of **HILL** the TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Dick, Cantees, Midget "absent") to **APPROVE** the minutes of the meeting of April, 20 2005, Meeting No. 2409.

### Minutes:

#### **Approval of the minutes of April 27, 2005, Meeting No. 2410**

On **MOTION** of **HILL** the TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Dick, Cantees, Midget "absent") to **APPROVE** the minutes of the meeting of April 27, 2005, Meeting No. 2410.

Ms. Cantees in at 1:33 p.m.

## **REPORTS:**

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

Ms. Bayles reported that the Planning Commission has received the proposed Code of Ethics revision. She encouraged the Planning Commissioners to respond as soon as possible.

### **Director's Report:**

Mr. Alberty reported that last Thursday, the City Council approved the 15<sup>th</sup> and Utica Arvest PUD amendment and approved the access to Victor with the contingency that the intersection improvements at 15<sup>th</sup> and Utica are completed. The City Council denied the removal of the HP district on the three lots that were applied for.

Mr. Alberty reported that there is one item on the City Council agenda this Thursday.

\* \* \* \* \*

Ms. Bayles stated that there are several items for continuance:

Item 9, preliminary plat for A Safe Place Storage Center received a request for continuance to June 22, 2005.

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

### **TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **CONTINUE** the preliminary plat for A Safe Place Storage Center to June 22, 2005.

\* \* \* \* \*

Item 15, PUD-718, James P. Glass, east of southeast corner of East 35<sup>th</sup> Place and South Peoria received a request for a continuance to June 22, 2005 from the neighborhood association and the applicant has agreed.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **CONTINUE** PUD-718 to June 22, 2005.

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**Mr. Midget in at 1:35 p.m.**

Item 22, Request for Reconsideration of Z-6991 – TMAPC, southwest corner of East 16<sup>th</sup> Street South and South Detroit Avenue from RS-3 to RS-3/HP.

This request was received from a member of the prevailing side of the vote held on June 1, 2005.

Ms. Bayles stated that the next possible date to hear this item in a public hearing would be August 3, 2005.

Mr. Boulden stated that there should be a motion for reconsideration and if it were approved then set the hearing date.

Ms. Bayles stated that she was noting that the first opportunity to hear this item in a public hearing would be August 3, 2005.

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **RECONSIDER** Z-6991 to be heard in public hearing on August 3, 2005.

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**SUBDIVISIONS:**

**Adoption of Resolution No. 2415:870**

Amending the Tulsa Metropolitan Area Subdivision Regulations (approved 4/6/05)

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated that the Planning Commission approved the amendments to the Subdivision Regulations on April 6, 2005. The effective date will be June 16, 2005.

**RESOLUTION NO: 2415:870**

**A RESOLUTION AMENDING THE TULSA METROPOLITAN AREA  
SUBDIVISION REGULATIONS**

**WHEREAS**, pursuant to Title 19, OSA, Section 863.9, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 30th day of August 1978, adopt Subdivision Regulations for the Tulsa Metropolitan Area, which Regulations were subsequently certified to the Board of Commissioners of Tulsa County, Oklahoma, and were filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, pursuant to the above noted Section the TMAPC is authorized to prepare, adopt and amend, as needed, in whole or in part, the above noted Regulations to guide the subdivision of land in the Tulsa Metropolitan Area; and

**WHEREAS**, a Public Hearing was held on the 6th day of April, 2005, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.9, to modify its previously adopted Tulsa Metropolitan Area Subdivision Regulations as indicated by the attached Exhibit A, made a part of this resolution.

**WHEREAS**, pursuant to the adoption of this resolution the Tulsa Metropolitan Area Subdivision Regulations shall be effective on the 16<sup>th</sup> day of June, 2005.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC, that the amendments to the Tulsa Metropolitan Area Subdivision Regulations as above set out, be and are hereby adopted.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to **ADOPT** Resolution 2415:872 amending the Subdivision Regulations effective June 16, 2005.

Mr. Alberty stated that the next step will be to certify to both the County Commission and to the City Council that the Planning Commission has adopted by resolution the revised Subdivision Regulations.

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**FINAL PLAT:**

**The Villas at Zarrow Campus – (8306)**

(PD 18) (CD 2)

East 71<sup>st</sup> Street South and South Wheeling Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 7.3 acres.

All release letters have been received and staff recommends **APPROVAL**.

**TMAPC COMMENTS:**

Mr. Ard asked about the procedure for vacating the cul-de-sac. In response, Mrs. Fernandez stated that the consultant is here and could possibly explain the procedure.

Mr. Boulden stated that he is handling the vacation of the cul-de-sac and it has not been vacated at this time. There was probably a privately financed public improvement for the relocation of the cul-de-sac that needs to be approved.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to **APPROVE** the final plat for The Villas at Zarrow Campus per staff recommendation.

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**Glendale Acres II – (7226)**

(PD 21) (County)

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

**STAFF RECOMMENDATION:**

This plat consists of 32 lots in four blocks on 40 acres.

All release letters have been received and staff recommends **APPROVAL**.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to **APPROVE** the final plat for Glendale Acres II per staff recommendation.

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**ZONING PUBLIC HEARING**

**Application No.: PUD-677-1**

**MINOR AMENDMENT**

**Applicant:** Sack & Associates

(PD-18) (CD-8)

**Location:** West of northwest corner of East 121<sup>st</sup> Street and South Sheridan

**STAFF RECOMMENDATION:**

This application is to revise the conceptual site plan for the Estates of River Oaks, including elimination of the access to the west boundary. The current PUD-677 conceptual site plan indicates a stub street extending west at approximately East 120<sup>th</sup> Street South, in the approximate location of the proposal's middle cul-de-sac. This has been reviewed by the TAC and staff has no concerns regarding the proposed amendment. Therefore, staff recommends **APPROVAL** of PUD-677-1.

**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 **MIDGET**, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to **APPROVE** the minor amendment for PUD-677-1 per staff recommendation.

**RELATED ITEM:**

**PRELIMINARY PLAT:**

**Crestwood at the River –** (8334)

(PD 26) (CD 8)

West of the northwest corner of East 121<sup>st</sup> Street South and Sheridan Road  
(Continued from June 1, 2005) (**Related to Item 5.**)

### STAFF RECOMMENDATION:

This plat consists of 27 Lots, 2 Blocks, on 13 acres.

The following issues were discussed May 19, 2005 and June 2, 2005, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RS-1/PUD 677. A map showing the Estates of River Oaks plat to the north and the connection to this proposed plat is requested due to access concerns. Originally the plat to the north was to have an emergency access only. The blocks appear to be too long. PUD standards including a 30-foot front setback must be adhered to unless a minor amendment is granted. The original concept per the PUD approval was different than the current proposal. There was considerable discussion about stub streets and access per the minutes of the PUD approval.
2. **Streets:** Sidewalks are required on City of Tulsa arterial streets. Recommend sidewalks on residential streets also. Design 40 to 50 feet of storage at the entrance from the primary arterial between the proposed keypad and the future curb line. Originally the plat to the north was to terminate with an emergency access. Has this been changed? How will these plats connect? If there are stub streets will they be from private streets to public streets? After review of the new proposals, Traffic Engineering said that the design of the two subdivisions (Crestwood and The Estates of River Oaks to the north) together allowed for proper speed control and no western stub street would be needed. Maintenance needs to be provided by the homeowners' association.
3. **Sewer:** More easements are needed. Show existing easement for the existing 48" sewer line along the south boundary of the plat. Due to the size of the line, we do not want to put a utility easement over the area that will be required for excavation for maintenance purposes. The easement between Lots 15 and 16, Block 1 and between Lots 10 and 11 and 2 and 3, Block 2 must be a minimum of 15 feet to accommodate the proposed sanitary sewer pipe. The lateral sewer main, shown as existing adjacent to the existing 48" sewer and then continuing north along the west boundary line is not shown as existing on the atlas. If it is a proposed line, then it must be properly identified. Also, it needs to be designed far enough away from the existing 48" as to not be disturbed if the 48" line needs to be uncovered for maintenance purposes. A manhole is required at the 90 degree bend at the existing 12" stub-out from the existing 48" line. Sewer will first be brought to the addition to the north (The Estates of River Oaks.)
4. **Water:** Add restrictive waterline language to covenants. All waterline crossings must meet ODEQ requirements. Show detail of tie-ends. Add fire hydrant at the entrance of each cul-de-sac. Minimum pipe size is to be six inches. Show measurement from back of curb to waterline.

5. **Storm Drainage:** Please label Reserves B and C as stormwater detention facilities. Offsite drainages onto the north end of the property must be conveyed in overland drainage easements or storm sewers. Section I.I heading preferably should read "...- Stormwater Detention Facilities." Add language to Section I. for roof drainage to street or storm sewer. Standard language for overland drainage easement will be required if any such easement is planned. Detention is improved.
6. **Utilities: ONG:** Additional easements along the streets are needed.  
  
**PSO:** Additional easements are needed.  
  
**Cox:** Additional easements are needed.
7. **Other: Fire:** Fire hydrants must be spaced properly. There are questions as to the crash gate/fire access in the addition to the north and how it connects to the proposed subdivision. A fence easement cannot be in the 17.5-foot utility easement. Show the plats together.

Staff recommends **APPROVAL** of the preliminary plat **on the condition that the related PUD minor amendments also located in this agenda are approved and** 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.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to **APPROVE** the preliminary plat for Crestwood at the River, subject to special conditions and standard conditions per staff recommendation.

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**Application No.: PUD-713-1**

**MINOR AMENDMENT**

**Applicant:** Sack & Associates

**(PD-26) (CD-8)**

**Location:** 6020 East 116<sup>th</sup> Street South

**STAFF RECOMMENDATION:**

This application is to revise the conceptual site plan to extend access to the south, eliminate one stormwater retention facility and provide for storage of some stormwater off-site in the adjacent PUD-677-1, Crestwood at the River. The preliminary plats for this PUD and for Crestwood were reviewed by the TAC on June 2 and there were no comments regarding the revisions. Staff finds the proposed amendment minor in nature and recommends **APPROVAL** of PUD-713-1.

**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 **HORNER**, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to **APPROVE** the minor amendment for PUD-713-1 per staff recommendation.

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**The Estates of River Oaks – (8334)**

**(PD 26) (CD 8)**

6020 East 116<sup>th</sup> Street (Discussion of Plat Revisions related to Crestwood at the River Plat) **(Related to Item 7.)**

**STAFF RECOMMENDATION:**

Mrs. Fernandez demonstrated how the two subdivisions, Crestwood at the River and The Estates of River Oaks, would be connected with a through-private-street and will be gated.

This item is on the agenda for discussion only and there is no action needed.

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

**MINOR SUBDIVISION PLAT:**

**Amended Plat of Retail Center I – (8629)**

(PD 22) (CD 2)

East of Southeast corner of East 101<sup>st</sup> Street South and Delaware Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 1.58 acres.

The following issues were discussed June 2, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CS.
2. **Streets:** Document right-of-way dedication on 101<sup>st</sup>. In Section IA delete the words "public works" and "general". Language is recommended stating that sidewalks are to be provided in the public right-of-way on the arterial street abutting the platted property. Show location of sidewalks. Get mutual access easement and appropriate language in the covenants.
3. **Sewer:** No comment.
4. **Water:** Additional hydrant needed to bring all parts of building line within 400-foot maximum distance from a hydrant. Fire department access needs to be provided: 275 feet on the south side of property and 100 feet on east side to bring all portions of building line to within 150 feet of fire department access.
5. **Storm Drainage:** No comment.
6. **Utilities: Cable, ONG, PSO:** Okay.
7. **Other: Fire:** See water comments.

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

**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 **HORNER**, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to **APPROVE** the minor subdivision plat for Amended Plat of Retail Center I, subject to special conditions and standard conditions per staff recommendation.

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Ms. Bayles announced that she would be abstaining from the following item.

**Arvest Midtown Amended – (9307)**

(PD 6) (CD 4)

Southeast corner of East 15<sup>th</sup> Street South and Utica Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 1.30 acres.

The following issues were discussed June 2, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 708 A. The closing of the alley was questioned. The consulting engineer and attorney for the project stated that the alley would be closed but it would be physically open. A few utilities would be located in the alleyway.
2. **Streets:** Plat shows adjacent Lot 6 of Orcutt Addition and it should be Lot 5.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities: ONG, Cable:** Okay.
7. **Other: Fire:** Recommend that FDC is located near fire line to building. Alleyway shall be designated as fire lane. Show documentation for the vacation of the alley. Need a bearing and distance from center section corner. Clarify language in covenants for the alleyway, allowing "public access".

Staff recommends **APPROVAL** of the minor subdivision 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.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**Applicant's Comments:**

**Ted Sack**, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that the plat before the Planning Commission today shows limits of no access onto Victor, as the Planning Commission had approved it, and as of last Thursday that point of access has been approved and the minor subdivision needs to be modified in order to show the point of access onto Victor. He indicated that he is in agreement with staff's recommendation.

**TMAPC COMMENTS:**

Ms. Bayles asked Mr. Sack to clarify the alleyway issue. In response, Mr. Sack stated that in order for a continuity of the project, the alleyway through 15<sup>th</sup> Street is being closed as a public way. He indicated that a mutual access easement will be granted in order to allow public access from the south to 15<sup>th</sup> Street and from 15<sup>th</sup> Street to the alleyway. He further indicated that it would be maintained as a mutual access and maintenance will be taken away from the City of Tulsa. Mr. Sack stated that the proposal is to remove the paving and repave to match the overall project. He concluded that there will be a utility easement re-granted over that area for some existing utilities.

Mr. Boulden asked Mr. Sack if an application has been made to close the alley. In response, Mr. Sack stated that the application has been made and has been through all of the utilities.

Mr. Boulden stated that a mutual access easement is usually between private parties and property owners in the area. He asked Mr. Sack if in this case there is going to be a mutual access easement with the City of Tulsa.

Mr. Sack stated it would be a mutual access easement similar to a reserve in a PUD situation. It would allow access for the public to get from 15<sup>th</sup> Street to the alleyway and vice versa. Access would be allowed and permitted through the mutual access and that is what the language of the deed of dedication states. Mr. Boulden requested a copy of the deed of dedication.

Mr. Ard asked Mr. Sack how wide the alleyway would be when it comes down to 16<sup>th</sup> Street. Mr. Sack stated that the alleyway is 20 feet wide south of the project to 16<sup>th</sup> Street and then the access point at 15<sup>th</sup> is widened out to 36 feet, which will allow one lane in and two lanes out of the access drive.

Mr. Midget asked if the cars will be allowed to turn onto Victor to the north. Mr. Sack confirmed that traffic will only be able to turn to the north onto Victor.

**INTERESTED PARTIES:**

**Susan McKee**, 1616 South Victor, Tulsa, Oklahoma 74104, requested a postponement of a vote on this matter because there is an appeal pending with the Board of Adjustment regarding the TPC's decision to deny the certificate of appropriateness (COA) for the last lot. Ms. McKee read the Zoning Code to the Planning Commission regarding appeals.

Ms. McKee asked Mr. Boulden if she was correct that an appeal pending precedes all other procedures on this lot.

Mr. Boulden stated that the appeal before the Board of Adjustment regarding the COA is regarding the action of denial of the COA. He doesn't see how proceeding on this plat furthers the denial of that COA. In this situation the appeal does not stay any action of the Planning Commission.

Mr. Alberty stated that the owners know that they can proceed at their own risk. Technically the action for the subdivision plat should follow final action by the City Council and in this event, many times it is allowed to have the PUD's and plats proceed simultaneously. However, occasionally there is a difference between what the Planning Commission recommends and in this case there is action pending. The action pending will determine what the proper use on the lot, which has been added, and until that action has been taken then technically the proper thing for the Planning Commission would be to continue this item until that action has been completed.

Mr. Boulden stated that the Planning Commission could make its recommendation and until all signatures are obtained it is not effective. There are building permits that would not be approved until the COA is approved. It would be appropriate to wait and see if it is going to be in sync with the COA or a denial.

Mr. Carnes suggested that the plat be continued.

Ms. Bayles asked Mr. Sack if he had a problem with a continuance.

Mr. Harmon asked if this only concerns one lot. Mr. Alberty stated that this is an amended plat, which includes a lot that was a part of the amended PUD. The only critical issue is the restrictive covenants and the restrictive covenants, due to a PUD, include those uses. Assuming everything goes in the applicant's favor then the plat is fine, but the applicant has already informed you that there is one amendment that will have to be made and the appropriate thing to do is to wait to secure the actual use. Once the actual use is determined, then the applicant could amend the language and the limits of no access.

Mr. Harmon stated that he would hate to hold up the project over the one lot.

Mr. Midget stated that he wouldn't like to see this project held up over one lot either, especially if the developer is well aware that he is proceeding at his own risk. An appeal would still have to be made with BOA before the applicant can actually do what he would like. The action today would not impact the appeal process.

Mr. Horner stated that this project needs to move on and let the finality of the decision come from within the City.

Ms. Bayles recognized Mr. Sack.

Mr. Sack stated that the PUD is subject to platting and the platting is not necessarily defining the use. He knows that he will have to receive a COA for the south 40 feet. If the Planning Commission were to allow this plat to move forward there is nothing wrong with that because it meets the conditions. He indicated that it will have to come back to the Planning Commission as part of the PUD for a detail site plan. The plat would have to go before the City Council and he would request that the Planning Commission approve this plat and allow him to move forward.

Mr. Harmon asked Mr. Sack how his project would be affected if he is unable to obtain a COA. Mr. Sack stated that it has not really been discussed, but he indicated that the lot would have to remain vacant if there is no COA obtained. He commented that the third lot is needed to meet the parking for the entire building, including the penthouse.

Mr. Harmon asked Mr. Sack if his client is aware of the risk if the COA is not approved. Mr. Sack answered affirmatively.

Ms. Bayles asked Mr. Alberty to repeat his recommendation to the Planning Commission concerning this item.

Mr. Alberty stated that it is not really a recommendation, but a matter of pointing out some of the technicalities. The plat should always follow final action by the City Council. The City Council has taken action, but there is still an element that has not been resolved, which is the use on the subject property that has been included as a part of this amendment. The risk is that when an engineer and an owner tries to expedite the process, and should there be a difference in what the Planning Commission recommends from what the City Council recommends, then the applicant would have to come back and revise his plat. There has already been one revision and the issue of the COA is still pending. Mr. Alberty concluded that he is not trying to tell the Planning Commission what to do, but the process does get a little convoluted when trying to expedite something and the final approvals have not been granted. It is possible that the applicant will have to come in and amend the plat and if it is approved today then it is going forward and all that is needed is the signatures. Those signatures could hold up

the plat, which he is one of the signatures needed, until this is resolved. At this particular point it is known that a particular element has to be revised and another element has to be resolved. It makes staff a little uncomfortable to proceed with this plat. This would not be something that the Planning Commission would be holding up; it is elements that have occurred outside of the Planning Commission's jurisdiction.

Ms. Bayles recognized Susan McKee

Ms. McKee stated that a detail site plan has already been approved for this site without the third lot.

Ms. Bayles asked Mr. Sack if a revised detail site plan has been presented to the City Council.

Mr. Sack stated that an amended conceptual site plan was submitted to the City Council, but a detail site plan will have to come back before the Planning Commission prior to issuance of a full building permit.

**INTERESTED PARTIES:**

**Chip Atkins**, 1638 East 17<sup>th</sup> Place, Tulsa, Oklahoma 74120, Vice President of Swan Lake Association, asked if the plat included the 40 feet that was approved by the City Council and if so where is the 40-foot setback from Victor on the map that Mr. Baker approved to match the house to the south.

Ms. Bayles stated that Mr. Sack explained that it was a conceptual site plan that was presented at City Council.

Mr. Atkins stated that the other thing that was presented at Council was the 36-foot alleyway and this is a surprise to him. There is a request for an exit onto Victor now that the alleyway is expanding to be bigger than the existing street. This is an insult to the neighborhood that something like this comes up now rather than at the City Council.

Mr. Jackson stated that he believes that Mr. Sack stated that the entrance was 36 feet, but the alleyway is 20-foot. Mr. Atkins explained that Mr. Sack stated that the alleyway would extend to 30-feet and one exit is going to be 40 feet.

Mr. Midget stated that the expansion is only at the mouth of the entrances and not the entire alleyway.

Mr. Jackson stated that it would be 36 feet on 15<sup>th</sup> Street and then it tapers to a 20-foot section. Mr. Atkins apologized for misunderstanding. Mr. Atkins requested that the Planning Commission approve this based on the BOA's and on the TPC's approval only.

**Herb Elias**, 1519 South Utica Avenue, Tulsa, Oklahoma 74104, stated that he owns the property south of the subject project. He commented that he believes that all of his questions have been answered regarding the alleyway. He stated that he wanted to make sure that at no point the Arvest property would be able to close off at their dotted line because his office uses it due to no left turn. He further stated that it was important that all of the properties between 15<sup>th</sup> and 16<sup>th</sup> have north bound access into the alleyway.

Ms. Bayles asked Mr. Elias if he is content with the proposal. In response, Mr. Elias stated that he understands that Arvest will pave the alleyway to look the same as the subject property and they will maintain it, but other parties would still have access to the alleyway.

Mr. Boulden stated that he has looked at the language in the proposed minor subdivision plat for the mutual access easement. He believes that the language needs to be worked on. The language doesn't indicate who the mutual access is with and doesn't name the other parties, which typically would be the other lot owners. This could be subject to dispute as to who the access is allowed to. Mr. Boulden stated that the City Council has indicated its approval of the rezoning of PUD-708-A, but that ordinance has not past and the ordinance will not be presented to the City Council. Legally and lawfully that zoning has not been changed until the Mayor has signed it and the ordinance is published.

Mr. Harmon asked if the risk would still be 100% with the developer. Mr. Boulden stated that it would be, but he doesn't see how any type of activity can be done on the lots that are in the HP zoning without the COA.

Mr. Ard asked if the adjacent property owner would have any risk of losing his access because he is not defined in the mutual access agreement. Mr. Boulden stated that the language doesn't indicate who has the access in mutuality with the bank and he believes that it is debatable and arguable until there is some clarifying language.

Mr. Jackson recognized Mr. Sack.

Mr. Sack stated that if there is some question regarding the language it would be acceptable to make the approval subject to the clarification of the language to satisfy Legal.

Ms. Bayles asked if the proper motion, if made, would be to approve the plat subject to limits of no access identified on Victor and clarifying the language regarding the mutual access easement. Mr. Boulden agreed.

Ms. Hill stated that she would feel more comfortable for the other property owners if the motion included that the language be clarified regarding the mutual access easement.

Ms. Bayles recognized Mr. Elias

Mr. Elias stated that he initially discussed this issue with Diane Fernandez of INCOG. He further stated that Mrs. Fernandez suggested that he attend the meeting today due to this issue and further suggested that the language be clarified to make sure the adjacent properties have access to the alleyway. He commented that he believes Arvest intends to keep the alleyway opened, but he would prefer to have it in writing and carefully articulated that the adjacent properties have access from 15<sup>th</sup> to 16<sup>th</sup> Street uninterrupted.

Ms. Hill agreed with Mr. Elias.

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to **APPROVE** the minor subdivision plat for Arvest Midtown Amended, subject to special conditions and standard conditions, subject to limits of no access identified on Victor and clarifying the language regarding the mutual access easement and satisfactory to the legal council of the Planning Commission; noting that the developer is 100 percent at risk for anything they do prior to these other amendments being approved and enacted per staff recommendation.

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## **ZONING PUBLIC HEARING**

**Application No.: Z-6992**

**RS-3 to PK**

**Applicant: Peter Cruz**

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

**Location: 3921 South Owasso**

### **STAFF RECOMMENDATION:**

**PUD-698 February 2004:** Approval was granted for a PUD, subject to modifications, on property located on the southeast corner of East 32<sup>nd</sup> Street and South Peoria Avenue, from RS-3 to RS-3 and PUD for the redevelopment of six single-family dwellings.

**Z-6886 April 2003:** All concurred in approval of a request to rezone a residential zoned lot, west of the northwest corner of East 39<sup>th</sup> Street and South Peoria Avenue and north of the subject property, from RS-3 to OL for office use.

**Z-6865 August 2001:** A request to rezone a single lot located on the northwest corner of East 32<sup>nd</sup> Street and South Peoria Avenue from RS-3 to OL was denied.

**Z-6597 August 1997:** A request to rezone a lot located west of the southwest corner of East 37<sup>th</sup> Place and South Peoria Avenue from RS-3 to PK was approved.

**PUD-535 June 1995:** A request to rezone a tract located on the southwest corner of East 39<sup>th</sup> and South Peoria Avenue between South Owasso and South Peoria and north of the subject property from CH and RS-3 to PUD and to abandon the existing PUD-491. All concurred in approval of the request subject to no parking on the north side of the buildings, no access to South Owasso or East 39<sup>th</sup> Street from the PUD within 175 feet east of the centerline of South Owasso Avenue.

**PUD-520 November 1994:** A request to abandon the existing PUD-491 on a tract located on the southwest corner of East 39<sup>th</sup> Street and South Peoria and to allow restaurant use with accessory parking on the west. TMAPC recommended approval of abandoning the PUD but the applicant withdrew the application prior to City Council action.

**PUD-491 July 1992:** All concurred in approval of a request to rezone a parcel located on the southwest corner of East 39<sup>th</sup> Street and South Peoria Avenue from RS-3 to CH to PUD to allow a mini-storage facility.

**PUD-480 April 1992:** All concurred in approval of a request to rezone a tract located east of the southeast corner of East 39<sup>th</sup> Street and South Peoria Avenue from CH, CS, and RM-2 to PUD for commercial and multifamily development.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The property is 50' x 138' in size and is located south of the southeast corner of East 39<sup>th</sup> Street and South Owasso Avenue. The property is flat, partially wooded, vacant and zoned RS-3.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Owasso Avenue	Residential	50'	2 lanes

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

**SURROUNDING AREA:** The property is adjoined by the vacant Homeland grocery, zoned CH, on the south; apartments, zoned CH and single-family residential uses, zoned RS-3 on the west; a single-family residential use, zoned



RS-3 to the north and PUD-535 (a movie rental business) farther to the north; and commercial uses zoned CH to the east.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity – Office. The subject property is also a part of the Brookside Infill Neighborhood Detailed Implementation Plan/Brookside Business District Special District. Therefore, the request **may be found** to be in accord with the District Detail Plan by virtue of its location within a Special District.

**STAFF RECOMMENDATION:**

Provisions of the Brookside Infill Neighborhood study call for adequate parking to be developed in this area. Single-family residential and apartment uses exist on the west and the lot is located on a residential street. Based on the Comprehensive Plan, development trends here and identified needs, staff can support the request but has concerns with the possibility of non-residential traffic on Owasso Avenue. Staff therefore recommends **APPROVAL** of PK rezoning for all except the western ten feet of the property for Z-6992. This will prevent traffic destined for the proposed parking lot from entering or exiting off of Owasso. Staff also points out that the remaining single-family lot to the north of the subject property might also be appropriate for PK or similar intensity zoning, should the owners/representatives choose to apply for such.

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

Ms. Bayles recognized that the Planning Commission received letters from Jacqueline Tomsovic and Barbara Snelson. Ms. Bayles read the letters.

**INTERESTED PARTIES:**

**Phil Marshall**, 4319 South Quincy Place, Tulsa, Oklahoma 74005, President of the Brookside Neighborhood Association, stated that the association approves of this rezoning to parking from RS-3. He reminded the applicant that there is a Brookside Infill Report that requires screening and fencing.

**TMAPC COMMENTS:**

Mr. Ard asked Ms. Matthews why staff is recommending that the west ten feet remain RS-3. Mr. Ard further asked if this is done assuming that there would be no access from the parking area to Owasso. In response, Ms. Matthews answered affirmatively and stated that this is done when there is a use such as parking or commercial or industrial uses. She further stated that staff usually recommends that a strip be in place where it is adjacent to a residential area.

Mr. Ard asked if the only ingress/egress would be out to Peoria. Ms. Matthews stated answered affirmatively and stated that the west property line would require screening because it would be adjacent to RS-3.

In response to Mr. Harmon, Ms. Matthews stated that PK requires a six-foot fence rather than an eight-foot fence as an interested party has requested and the PK zoning also requires ten percent of the total area to be landscaped.

Mr. Marshall commented that they may have to screen to the north as well.

Ms. Matthews stated that the applicant will have to screen to the north. She further stated that there is single-family residential zoning to the north and to the west and in this case if the western part is zoned RS-3, then it will have to be screened from the rest of the parking lot.

Mr. Harmon asked staff if the landscaping would be next to Owasso and then ten feet back there would be a screening wall on the west side. Ms. Matthews stated that conceivably yes as long as the applicant is able to get his ten percent of landscaping in the area zoned PK.

Mr. Ard asked if the screening would have to be a wall or fence and not heavily landscaped screening. In response, Ms. Matthews stated that staff recommends a screening wall or fence.

#### **INTERESTED PARTIES:**

**Barbara Snelson**, 3110 South Quaker Road, Tulsa, Oklahoma 74105, stated that she was the author of one of the letters that Ms. Bayles mentioned. She requested that ingress/egress be prohibited into the parking lot from Owasso. She stated that her neighborhood does not need the additional traffic on the street. Ms. Snelson explained that she owns the property on the north of the subject property, which is a residential piece of property and her tenant would like to remain and doesn't intend to have it converted to a parking lot.

Ms. Snelson stated that the business that fronts on Peoria has a driveway that comes from Peoria to Owasso and ingress to the parking lot could be made on Peoria. She expressed concerns with the type of business and hours that would be located on the subject property. She requested substantial screening to protect the neighbors from disturbance of noise. Ms. Snelson asked staff and the Planning Commission if they knew what type of business would be located on the subject property.

Ms. Matthews explained that the applicant is requesting PK zoning and it would be for parking only.

Ms. Snelson stated that the applicant requesting the PK zoning also purchased the property that was formerly the Palace Office Supply and he intends to open a business. There have been rumors that it would be a car lot and if they are going to operate a parking lot to sell cars that would be different than just a parking lot that serves a business that is opened from 8:00 a.m. to 5:00 p.m.

**Applicant's Comments:**

**Mick Lesley**, 6212 East 89<sup>th</sup> Street, Tulsa, Oklahoma 74136, stated that his client does own the property at 3920 South Peoria, which is immediately east and adjacent to the subject property. He believes that the ten-foot buffer addresses most of the concerns. His client understands that there will not be any access off of Owasso and the only access will be from Peoria. His client intends to comply with all of the design guidelines regarding screening requirements.

Mr. Lesley stated that currently his client has an existing lease with an exercise facility for approximately half of the building and the other half remains to be leased. He is not aware of any discussion regarding a used car facility and he doesn't believe it has ever been discussed.

**TMAPC COMMENTS:**

Mr. Jackson asked if this was a straight zoning application. In response, Mr. Midget stated that it is a straight zoning case. Mr. Jackson asked if the Planning Commission could get back to the business before them. In response, Ms. Bayles answered affirmatively.

Mr. Ard clarified for Ms. Snelson that there would not be any access onto Owasso from the subject property.

**TMAPC Action; 10 members present:**

On **MOTION** of **JACKSON**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of PK zoning for all except the western ten feet of the property for Z-6992 per staff recommendation.

**Legal Description for Z-6992:**

Lot 7, Block 1, Roberts Sub Amended, Tract 3, Brockman's Subdivision, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located south of the southeast corner of East 39<sup>th</sup> Street South and South Owasso Avenue (3921 South Owasso Avenue), Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To PK (Parking District).**

\* \* \* \* \*

**Application No.: Z-6993**

**CS to CG**

**Applicant:** Roy D. Johnsen

**(PD-5) (CD-5)**

**Location:** South of southeast corner of East 27<sup>th</sup> Street and South Memorial Drive

**STAFF RECOMMENDATION:**

**PUD-90-G June 2005:** A major amendment is pending TMAPC action requesting to increase the number of dwelling units allowed within the PUD to permit duplex units on two lots located on the northwest corner of East 24<sup>th</sup> Street and South 84<sup>th</sup> East Avenue.

**PUD-533-A April 2005:** A request for a major amendment to PUD-533, on property located north and east of the subject tract and on the north side of Skelly Drive, is pending City Council action. The request is to allow a John Deere farm implement sales within the PUD. TMAPC recommended approval subject to modifications.

**PUD-550-A September 2004:** A major amendment to PUD-550 was approved to include a hotel/motel use within PUD-550, on a 1.7-acre tract located in the southwest corner of PUD-550.

**PUD-564 and PUD-564-A May 2003:** PUD-564 was approved by the City Council in August 1997 which permitted the expansion of an existing automobile and light truck sales on the property located on the south side of Skelly Drive and east of South Memorial Drive. PUD-564-A was approved to include an eight acre tract originally the Carpenter's Union property and to permit office use for the auto and truck dealership.

**PUD-550 December 1996:** Approval was granted, subject to conditions, for the proposed mixed commercial/industrial development on a sixty-acre parcel located on the south side of East 21<sup>st</sup> Street and west of South 91<sup>st</sup> East Avenue. Limited CS uses were proposed for the north eight acres fronting East 21<sup>st</sup> Street and the U. S. Post office, postal processing and distribution facilities and light industrial (IL) uses were proposed for the remainder of the tract.

**Z-6396 May 1993:** All concurred in approval of a request to rezone a 38 acre tract located across South Memorial Drive from the subject property from OM and CS zoning to RS-3 for single-family development and a public park.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The site is developed, largely paved and contains a commercial printing business and a liquor store.

**STREETS:**

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Memorial Drive	Primary arterial	120'	4 lanes

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

**SURROUNDING AREA:**

A commercial/office strip, zoned CS, lies on the north; a mixed commercial/office development, also zoned CS, lies to the east; a restaurant use, zoned CS, lies to the south; and a single-family residential development, zoned RS-3, lies to the east.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 5 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Medium Intensity-Commercial land use. According to the Zoning Matrix, the requested CG **may be found** in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Based on existing zoning, the Comprehensive Plan and the MSHP designation (Memorial as a primary arterial), staff can support the requested CG and recommends **APPROVAL** of CG zoning for Z-6993.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, representing American Southwest Properties and Consolidated Printing Solutions, stated that this site was developed in 1960, which was the former McCartney's Grocery store. He indicated that his client is presently located on the subject property and is ready to make improvements to the property. Mr. Johnsen stated that there is some ambiguity in the Zoning Code regarding printing and off-set printing. His client would like to have the correct zoning in order to expand and do the upgrades.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **JACKSON**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of CG zoning for Z-6993 per staff recommendation.

**Legal Description for Z-6993:**

a tract of land lying in Lot 9, Block 2, Tri-Center Addition, Tulsa County, State of Oklahoma, according to the recorded plat thereof being more particularly described as follows, to-wit: Beginning at a point on the North line of said Lot 9, said point being 5.00' East of the Northwest corner of said Lot 9; thence North 89°31'17" East along the North line of said Lot 9, a distance of 477.10' to a point; thence South 02°36'20" East a distance of 573.50' to a point; thence South 48°34'30" West a distance of 114.84' to a point thence North 41°25'30" West a distance of 50'; thence South 48°34'30" West a distance of 147.47' to a point; thence North 41°09'20" West a distance of 208' to a point; thence S 79°31'13" West a distance of 133.07' to a point 5.00' East of the West line of said Lot 9; thence North 0°34'29" West parallel to the West line of said Lot 9, a distance of 572.64' to the Point of Beginning, less and except: a strip, piece or parcel of land lying in part of Lot 9, Block 2, Tri-Center Addition to the City of Tulsa, Tulsa County, State of Oklahoma, said parcel of land being described by metes and bounds as follows: Beginning at the point where the present East right-of-way line of Memorial Drive intersects the South line of said Lot 9 a distance of 5.05' Northeasterly of the Southwest corner of said Lot 9; thence North along said right-of-way line a distance of 51.76'; thence N 88°29'10" East a distance of 5.00'; thence South 01°30'50" East a distance of 51.06' to a point on the South line of said Lot 9; thence Southwesterly along said South line a distance of 5.05' to Point of Beginning, and located south of the southeast corner of East 27<sup>th</sup> Street South and South Memorial Drive, Tulsa, Oklahoma, **From CS (Commercial Shopping Center District) To CG (Commercial General District).**

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**Application No.: Z-6994**

**OL to CS**

**Applicant:** Riad Habib

**(PD-18) (CD-7)**

**Location:** West of northwest corner East 61<sup>st</sup> Street and South Mingo Road

**STAFF RECOMMENDATION:**

**PUD-390-A January 2002:** Staff recommended denial on a request for a major amendment to PUD-390 to create two development areas in the PUD and allow a bank with drive-in facilities in Area A and office uses within Area B. Upon screening, landscape and traffic modifications as recommended by staff and TMAPC the amendment was approved.

**PUD-397-B August 2000:** A major amendment was requested for PUD-397 on property located on the southeast corner of East 61<sup>st</sup> Street and South 90<sup>th</sup> East Avenue across 61<sup>st</sup> Street from the subject tract. The amendment reallocated

the Development Areas and permitted uses, allowing an existing banking facility on a portion of Development Area B further expanding that development area for additional office use. Development D-1 was approved for multifamily use with office use as an alternative. All concurred in approval of the major amendment subject to the conditions as recommended.

**Z-6672 February 1999:** Approval was granted on a request to rezone a lot located north of the northwest corner of East 61<sup>st</sup> Street and South Mingo Road from OM to IL.

**Z-6652 and Z-6653 September 1998:** A request to rezone two lots, located north of the northwest corner of East 61<sup>st</sup> Street and South Mingo Road from RS-3 to IL. Both applications were approved.

**Z-6646 August 1998:** All concurred in approval to rezone a lot located south of the southwest corner of East 58<sup>th</sup> Street and South Mingo Road from RS-3 to IL.

**Z-6600 October 1997:** All concurred in approval of a request to rezone a 1.8-acre tract located west of the northwest corner of East 61<sup>st</sup> Street South and South 92<sup>nd</sup> East Avenue from AG to OL for church use.

**PUD-397-A July 1997:** A request for a major amendment on 1.6 acres of the original PUD-397 and located on the southeast corner of East 61<sup>st</sup> Street South and South 90<sup>th</sup> East Avenue to permit a drive-in banking facility and an amendment to reallocate floor area. All concurred in approval subject to conditions.

**PUD-281 June 1982:** Approval was granted for a PUD on a 97-acre tract located south of East 61<sup>st</sup> Street and west of South Mingo Road from RM-1 and RS-3 to PUD for a residential development to include single-family, townhouses, condominiums and garden apartments. This property is located across East 61<sup>st</sup> Street from the subject tract.

#### **AREA DESCRIPTION:**

##### **SITE ANALYSIS:**

The subject property is approximately 1.6 acres in size, it is sloping, partially-wooded, vacant and is zoned OL.

##### **STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 61st Street South	Secondary arterial	100'	4 lanes

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

**SURROUNDING AREA:** The property is adjacent to a single-family residence, zoned RS-3, on the west; vacant land and a veterinary clinic, zoned CS, on the east; vacant land and single-family residences, zoned RS-3, on the north; and vacant land, zoned PUD-281/RM-1, on the south.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area part of Special District 1 – Industrial. Plan policies call for adequate infrastructure to be provided and for future industrial development to be located here. According to the Zoning Matrix, the requested CS zoning **may be found** in accord with the Plan, by virtue of its location within a special district.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and surrounding uses, staff can support the requested rezoning and recommends **APPROVAL** of CS zoning for Z-6994.

**TMAPC COMMENTS:**

Mr. Harmon stated that this application is in his neighborhood. He commented that he didn't realize that the subject property was zoned OL because currently it is a horse farm. Mr. Harmon requested the list of uses that could be allowed in CS zoning. Ms. Matthews read the list of uses allowed in CS zoning and the uses that wouldn't be allowed due to spacing requirements.

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

**INTERESTED PARTIES:**

**C.A. Warren**, 6029 S. 92<sup>nd</sup> East Avenue, Tulsa, Oklahoma 74145, stated that he doesn't have any concerns with the rezoning. He believes that it will be an improvement to his property and will improve the esthetics on 61<sup>st</sup> Street. He indicated that for the past 26 years he has been maintaining the subject property to keep the weeds down. He commented that he knew someday a building would be built on the subject property and it is time to do so and improve everything along 61<sup>st</sup> Street.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Warren if he was the developer or seller of the subject property. Mr. Warren stated that the subject property is directly behind his house and he doesn't own the subject property.

Mr. Harmon asked Mr. Warren if his home was for sale. In response, Mr. Warren answered negatively.

Mr. Midget moved to approve the CS zoning per staff recommendation and Mr. Jackson second motion.



**Kathy Portley**, 5948 South 94<sup>th</sup> East Place, submitted a hand-drawn map of the subject area indicating available spaces (Exhibit B-3). She commented that this wouldn't be a good idea because the horse farm is being used and she doesn't see any reason to take that purpose away and do something else. She commented that over a period of time it is likely to go out of business. She pointed out that there are similar existing businesses in the subject area and it is not a good idea to have the same type of business in such a small area because one would take the others business away.

**Donald Lepp**, 500 Oneok Plaza, Tulsa, Oklahoma 74103, stated that he is an attorney representing Donna Ford, 9212 East 60<sup>th</sup> Street. He explained that his client owns the property north of the subject property, Lot 11, Block 1. Ms. Ford joins ten other property owners within 300 feet of the proposal that object to the rezoning of the subject property. The property owners object to the rezoning because the rezoning to CS will destroy the OL buffer and will affect the integrity of the neighborhood.

Mr. Lepp stated that there is some CS and IL in the subject area and OL is next to the residence in order to have a buffer. He commented that simply because CS may be found in accord with the Plan by virtue of its location within a special district doesn't mean that it has to be placed there. The subject area, the layout of the land, and with the existing properties should all be considered.

Mr. Lepp pointed out that Mingo Creek runs through the subject property and it creates a natural buffer between the IL and the CS in the neighborhood. This is also a development sensitive area and the fact that it is in a development sensitive area is important because it will prevent a portion of the subject property from being developed. The proposed building would have to be on the west of the subject property and be closer to the residential area and will destroy the buffer. He stated that the neighbors are concerned about the types of uses that would be allowed with the CS zoning if the applicant were to sell his business. Computer businesses come and go on a regular basis and the concern is what the new owner would do with the property if it were rezoned to CS. Mr. Lepp suggested that the applicant come to the Planning Commission with a PUD with some controls and not rezone the subject property.

**TMAPC COMMENTS:**

Mr. Harmon stated that OL fits the subject property with the existing developments along 61<sup>st</sup> Street. He cited the surrounding businesses along 61<sup>st</sup> Street and stated that there is not a traditional retail outlet along 61<sup>st</sup> Street in the subject area. He doesn't believe that an intense retail outlet fits in the subject area. Mr. Harmon asked what the screening requirements would be if the subject property were rezoned CS.

Ms. Matthews stated that there would be a screening requirement against the residentially owned properties to the north and west.

Mr. Harmon stated that when something is rezoned you lose all control and he would agree with the previous speaker that a PUD would be something far more desirable than straight zoning.

Mr. Carnes asked if the applicant would be allowed rebuttal time. Mr. Carnes asked the applicant if he would consider coming back before the Planning Commission with a PUD.

Mr. Midget withdrew his motion. Mr. Jackson withdrew his second of the motion.

**Applicant's Rebuttal:**

**Riad Habib**, 9223 East 59<sup>th</sup> Place, Tulsa, Oklahoma 74145, stated that he would like to present his case and why he believes it should be changed. He commented that he is the President of Computer World. He explained that he has been an engineer for the last 20 years. He started his business in 1998 to provide IT and computer services to the small and medium sized companies. He indicated that he has been renting space for the last six years and would like to relocate his office to the subject property and expand his services in order to offer training and computer sales. The subject property is adjacent to his residential property (600 feet). He commented that he is a stake holder in the neighborhood and he wouldn't build something that would harm the neighborhood. He has two children and they play in the subject neighborhood and he wouldn't bring something into the neighborhood that would be detrimental. He has lived in the subject area longer than most of the people who have spoken except for Mr. Warren.

Mr. Habib stated that before he actually applied for the zoning he researched as to what could go onto the property and what zoning he would need. The CS zoning was the most restrictive commercial zoning available. It would actually allow the combination of business with the residential neighborhood and protect the welfare of the public, plus offer a way to develop the properties in accordance with something that would actually be complimentary to the neighborhood.

Mr. Habib indicated that he discussed the proposal with the three owners that surround the subject property. Mr. Fry and Mr. Warren were in support of the proposal. He stated that he also discussed the proposal with Donna Ford. Mr. Habib explained that currently with the property zoned OL the entrance to the property is in the back of East 69<sup>th</sup> Place. He currently could place the building as is and traffic would be going in and out of existing access by right. He wouldn't have to rezone to place the office on the property today. The statement that the proposal would ruin the buffer zone is not true due to the existing access from the neighborhood street. He explained that a hairdresser or insurance company could go into an office building today without rezoning, but they could not do sales. He stated that he lives in the neighborhood and he discussed the proposal with the three immediate neighbors. Two neighbors are in support, but

Ms. Ford is not because she has extended her back property onto the subject property over the last five years rent free and she doesn't want to relinquish it. Ms. Ford stated that she would like to retain the extended property in exchange for supporting the rezoning, which he did not agree with. He recently discovered that other neighbors signed a petition over the weekend because they were told that once the property was changed to CS a strip bar or adult entertainment could be placed on the subject property; however, these uses wouldn't be allowed on the subject property due to the spacing requirements. Mr. Habib cited the different uses that wouldn't be logical for the subject property that would be allowed by CS zoning.

Mr. Habib stated that he lives in the neighborhood and he feels that having his computer business will be an asset to the neighborhood. Currently the subject property is a vacant lot, which he will improve with the proposed building and he will leave the trees on the edge of the property as a buffer. In addition to the screening walls he would leave trees in the back with 20 to 30 feet in the back as a buffer without an entrance in the back. The entrance would be from the front of the property and not enter into the neighborhood. He commented that this proposal will add a buffer to the neighborhood. Sales revenue will increase in the subject area.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Habib if he has considered or understands what a PUD is. Mr. Habib stated that he understands that a PUD is a very involved process and very costly process. He explained that his proposal would be a 6,000 SF building.

Mr. Midget stated that the neighbors are concerned with what could happen twelve years from now if the applicant decided to sell the CS zoned property. Anything that may be offensive or incompatible could go in the CS zoned property by right, which may have a detrimental affect. PUD's allow more control and gives the neighbors some sense of comfort because they have more controls. He doesn't believe that the neighbors are opposed to the proposed business, but are concerned with the straight zoning and no controls. He commented that he realizes that there is not a lot of control that can be done with the proposed lot due to its size.

Mr. Habib stated that he doesn't know enough about PUD's to make a decision.

Mr. Horner stated that the applicant should investigate a PUD. It is restrictive and is a benefit to the applicant as a seller and the neighbors because they are protected from offensive establishments from moving in at a later date. Mr. Horner indicated that he would support a PUD for the proposal.

Ms. Matthews stated that Mr. Alberty suggested that there might be a viable alternative for the applicant to rezone all but the western portion to CS and leave the western portion OL to align with the property to the north.

Mr. Harmon stated that would have some viability.

Mr. Carnes stated that he believes that staff's last proposal is a cope-out because all the Planning Commission is asking for is a PUD. If the applicant is not willing to go for a PUD then he will vote against it.

Mr. Harmon stated that he believes that a PUD does work. He indicated how a PUD can work by citing the Arvest Bank and medical office, which is in a PUD along 61<sup>st</sup> Street and in the subject area. Mr. Harmon stated that he lives approximately ½ mile away from the subject site and the PUD would protect the immediate neighbors. A PUD is not that onerous and it does give some control as to what the property would be used for in the future and not just the immediate use.

Mr. Habib stated that the existing uses and the spacing would prevent undesirable uses from the going into the subject property.

Mr. Midget stated that he understands what Mr. Habib is saying regarding the spacing for adult entertainment, but a convenience store that is not well maintained and managed can be a detriment to a neighborhood. He explained that he has seen and experienced this where he lives. The Planning Commission can provide more control with a PUD and also give the applicant some flexibility.

Mr. Habib stated that there are offices within the subject area that are not well maintained and are zoned OL. The subject property is already zoned OL and he could build a building today with the OL zoning.

Ms. Hill is in agreement with the other Planning Commissioners and that the PUD is the only way to go with this.

Ms. Bayles stated that the Mingo Creek provides a huge barrier between the veterinarian office to the east that is zoned CS and the property to the west. She agrees that she would have to vote against the straight zoning and would encourage a PUD.

Ms. Bayles asked Mr. Habib if he would like to continue his zoning case and file a PUD to go along with the rezoning.

Mr. Habib requested a continuance to July 20, 2005 in order to look into a PUD.

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to **CONTINUE** Z-6994 to July 20, 2005 in order to allow the applicant to consider a PUD.

Mr. Alberty stated that the 30-day continuance would not allow Mr. Habib to file a PUD and have it advertised. The 30-day continuance is to allow Mr. Habib to make a decision and in all probability it would be continued to a later date if Mr. Habib decides to file a PUD.

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**Application No.: PUD-90-G**

**MAJOR AMENDMENT**

**Applicant:** Steve Bengé

(PD-5) (CD-5)

**Location:** Northwest corner of East 24<sup>th</sup> Street South and South 84<sup>th</sup> East Avenue.

**STAFF RECOMMENDATION:**

**PUD-550-A July 2004:** Approval was granted for a major amendment to PUD-550 to allow a hotel/motel use on a 1.7-acre tract located north and east of South Skelly Drive and South 87<sup>th</sup> East Avenue.

**Z-6559/PUD-550 November 1996:** A request to rezone a sixty-acre parcel located between I-44 and East 21<sup>st</sup> Street South, South 87<sup>th</sup> East Avenue and South 91<sup>st</sup> East Avenue, from OL and RS-3 to CS, IL and PUD for a proposed mixed use development for commercial and industrial uses and to accommodate a post office distribution center. Approval was granted for the request subject to modified conditions.

**PUD-533 June 1995:** Approval was granted for a Planned Unit Development on an 8.6-acre tract located on the north side of East 27<sup>th</sup> Street and north of East Skelly Drive for a commercial development.

**Z-5158/PUD-212 June 1978:** The Planning Commission and the Board of City Commissioners approved a request to rezone a 10.5-acre parcel from RM-1 and RS-3 to RM-2. Approval was also granted to abandon this tract from PUD-90 and rezone this tract under PUD-212 with the multifamily use continuing.

**PUD-90 (CDP16) 1967 :** A Community Development Plan for 25 acres, located on the east side of South Memorial and south of East 25<sup>th</sup> Street and including

the subject property, was approved for mixed use development; to include duplex and multifamily residential uses, commercial uses and a nursing home.

CDP-16 subsequently became PUD-90. In March 1974, minor amendments were approved restricting the number of dwelling units not to exceed 297 which included duplex and apartments. The development standards were approved at that time for bulk and area requirements.

In February 1975, in a request for a minor amendment to the original CDP-16 to allow a children's nursery; it was noted then that the total number of dwelling units was not to exceed 297 which had already been reached. This restricted further development on four remaining residential lots, which included the subject property.

#### **AREA DESCRIPTION:**

##### **SITE ANALYSIS:**

##### **STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 24 <sup>th</sup> Street South	N/A	60'	2 lanes
South 84 <sup>th</sup> East Avenue	N/A	50'	2 lanes

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

##### **SURROUNDING AREA:**

The subject property is abutted on the north, west and northeast by duplex dwellings, zoned RS-3/PUD-90, and to the south and southeast by apartments, zoned RM-2 and PUD-212.

#### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 5 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Low Intensity-Residential land use. According to the Zoning Matrix, the request **is** in accord with the Comprehensive Plan.

#### **STAFF RECOMMENDATION:**

The original PUD (CDP prior to adoption of the PUD portion of the Zoning Code) called for this area to remain as open space/passive park-type land (requested lots 5 and 16, Block 2). However, given the low intensity residential development around it and the proximity to other park land, staff can support the request for duplex development on the existing zoning. Therefore, staff recommends **APPROVAL** of PUD-90-G, pending TMAPC's approval of Development Standards for same.

## DEVELOPMENT STANDARDS

The applicable conditions of the original CDP and subsequent PUD amendments remain in effect. These are as follows.

1. Total number of dwelling units shall not exceed 52 on Lots 2-5, Block 1 and Lots 1-22, Block 2. This is based on the permitted density of RS-3 zoning on the remaining 10.8 acres. (This application does not amend requirements for Lots 16 and 17, Block 2 that remain for recreational uses only.)

## DENSITY CALCULATIONS

CDP-16 306 Dwelling Units on 25.3 Acres

### Amendments

Block 1 – Nursing Home (2 Acres)

Block 2 – Commercial (2 Acres)

21.3 Acres

275 Dwelling Units

PUD-90-A (12/16/70)

Approved 297 Dwelling Units

Restricted lots 5, 6, 16 and 17, Block 2 to recreational uses

PUD-212

10.5 Acres

Remaining area of PUD-90

10.8 Acres RS-3

Duplex area + nursing home

2. Block 1, Lots 2, 3, 4 and 5, and Block 2, Lots 1 through 22 excluding Lots 5, 6, 16 and 17 be limited to duplex units, one story in height, with a minimum of two off-street parking spaces per unit or four per duplex structure.
3. Duplexes fronting a public street shall be set back a minimum of 25' from the property line, and set back 15' if siding a public street, shall have a side yard of not less than 5' and shall have a rear yard of not less than 20% of the depth of the lot and that RM-1 development standards shall apply unless modified herein.
4. Block 4 is to be limited to residential multifamily not to exceed 253 total units and shall not exceed 35' in height or two stories, that a minimum of 1.5 off-street parking spaces shall be provided, that a 25' minimum setback adjacent to the public streets be maintained and that a 20'

setback on all other boundaries of the multifamily area be provided. [Block 4 has since been removed from PUD-90-D through PUD-212].

5. Block 3 shall be limited to related accessory convenience commercial uses, that the total floor area of all buildings shall not exceed 30,000 square feet and shall be limited to the following accessory uses: barber shop, beauty shop, laundry/cleaning pick-up, bakery, specialty shop, Laundromat, restaurant-lounge, pharmacy, convenience grocery, office and miscellaneous convenience stores and mini storage facility not to exceed 25,680 square feet.
6. Certain conditions shall apply to the mini storage facility in Block 3.
7. A four-foot masonry wall shall be constructed along the entire western boundary adjacent to Memorial Drive, excepting 25<sup>th</sup> Place, and a chain link fence shall be constructed along the south 345' of the eastern boundary and along the entire southern boundary.
8. Access to Blocks 1 and 3 shall be limited to East 25<sup>th</sup> Place, in accordance with the approved plat and the original approved CDP 16.
9. A screening wall or privacy fence a minimum of five feet in height shall be constructed along the entire eastern and northern boundaries of the property excepting the south 345' of the eastern boundary.
10. Any exterior lights shall be so arranged as not to reflect or shine directly upon any abutting single-family residential homes.
11. East 25<sup>th</sup> Place shall be developed as a residential collector street with a minimum of 60' right-of-way and a minimum of 36' of surfacing.
12. Approval shall be subject to the filing of a satisfactory subdivision plat and that no building permits shall be issued prior to its approval and filing with the County Clerk's Office.

Staff recommends five additional restrictions concerning usage of the four vacant lots that were denied development by the Board of Adjustment, a procedure for determining miscellaneous and convenience stores and business signs:

13. That Lots 16 and 17, Block 2, be limited in use to private open recreation and/or recreational facilities such as swimming pool, clubhouse, tennis courts, etc., but excluding any residential units, private night clubs or bars, or recreational uses open to the general public (i.e., not living within the boundaries of the PUD).



14. That Lots 5 and 6, Block 2, be limited in use to duplex units, one and one-half story in height, having a minimum of two off-street parking spaces per unit or four per duplex structure.
15. Miscellaneous convenience stores not listed in Item 6 shall be reviewed by the Planning Commission prior to the issuance of any building permits, in order that the Planning Commission can determine whether the intended use is related to the Planned Unit Development and serves primarily the PUD community.
16. That no free-standing commercial sign shall be permitted. Identification signs shall be limited to one nameplate of not more than 16 square feet for each establishment. Nameplates shall be attached flat against the building wall and shall not be animated, flashing or have other than indirect illumination. These restrictions are based on the underlying residential zoning and the previous Zoning Ordinance and as permitted in the present Code.
17. That a day nursery be permitted in Block 4 and be limited to the location specified in the plot plan.
18. Lot 1, Block 3 was excluded from the control of the CDP to permit a 28'6" sign at the northwest corner of the lot.

**TAC Comments for June 15, 2005:**

**Transportation:** Sidewalks are required on residential collector streets, per Subdivision Regulations.

**Mr. Midget out at 3:17 p.m.**

**TMAPC COMMENTS:**

Mr. Ard asked if the subject property is a park. In response, Ms. Matthews stated that it is not a park, but was set aside in the original PUD to be passive/open space and recreation for the neighborhood. The property has never developed as a recreation and the lots at this time are vacant.

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

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

**TMAPC COMMENTS:**

Mr. Harmon stated that this property was put aside for a reason and now it is simply voted out.

Mr. Alberty explained that the subject property was part of a CDP, which is a Community Development Project that was approved by the Board of Adjustment in 1960's. It was a very complicated procedure and there was a situation where the lots were overbuilt. Under PUD-90-D it was determined, in the 1970's, to solve the problem of the over building was to hold these four lots into a passive/recreation open space area. It has been on the books since that time; however, 30 years have past and these properties have never been developed into a recreational center. There are some encouraging signs for development in the subject area. This applicant has seen this and sees an opportunity to put some development on these properties and put them on the tax rolls. Enough time has past and it is time to solve this issue. The RS-3 density would support duplex development on the undeveloped lots. The only thing before the Planning Commission today is two lots and staff feels it is reasonable and it is time to let bygones by bygones and let development occur.

Mr. Harmon agreed with staff's recommendation since it has been over 30 years without utilization.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of the major amendment for PUD-90-G, subject to conditions per staff recommendation.

**Legal Description for PUD-90-G:**

Lots 5 and 6, Block 2, Memorial Manor Addition, and addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the northwest corner of East 24<sup>th</sup> Street South and South 84<sup>th</sup> East Avenue, Tulsa, Oklahoma, **FROM RS-3/PUD (Residential Single-family High Density District/Planned Unit Development [PUD-90-F]) TO: RS-3/PUD (Residential Single-family High Density District/Planned Unit Development [PUD-90-G])**.

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**Application No.: PUD-569-3/Z-6054-SP-3b MINOR AMENDMENT**

**Applicant:** Khoury Engineering (PD-18) (CD-8)

**Location:** 8315 South 107<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

The minor amendment proposes to add a rectory, (a single-family home), as an accessory use and proposes to amend height restrictions from 30' to 45' to accommodate a bell tower.

PUD 569 development standards permit a variety of uses, ranging from commercial (adjacent to 81<sup>st</sup> Street South) to residential and churches. Development Area 'D' allows those uses permitted as a matter of right in Use units 10, Off-Street Parking, Use Unit 11, Office and Studios, nursing homes as permitted in Use Unit 2, and assisted living facility and elderly/retirement housing as permitted in Use Unit 8. A church as permitted within Use Unit 5 was included through Minor Amendment PUD 569-2. The site is abutted on the south by single-family residential, on the west by a church (Hope Worship Center), on the north by multi-family residential and on the east by vacant land zoned AG.

Development Area 'A', restricts building height to 25'; Development Areas 'B' and 'C' restrict building height to 45', and Development Area 'E' restricts building height to 35'. The proposed bell tower is to be located on the north elevation away from adjacent residential to the south.

Staff finds that the proposed use and increase in building height will not result in any increase of incompatibility with the proximate properties so long as the height exception is limited to the bell tower only. Therefore, staff recommends **APPROVAL** of the request subject to the condition that all other standards of Development Area D (PUD 569) as amended shall remain unchanged.

**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 **HORNER**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the minor amendment for PUD-569-3/Z-6054-SP-3b per staff recommendation, subject to the condition that all other standards of Development Area D (PUD 569) as amended shall remain unchanged.

**RELATED ITEM:**

**Application No.: PUD-569/Z-6054-SP-3      DETAIL SITE PLAN**

**Applicant:** Khoury Engineering      (PD-18) (CD-8)

**Location:** 8315 South 107<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new church and rectory. The church, Use Unit 5, Community Services and Similar Uses, is in conformance with development standards. The rectory, a single-family dwelling,

is a proposed accessory use requiring TMAPC approval of minor amendment PUD 569-3, also on the June 15, 2005, TMAPC agenda.

The proposed church and rectory meet building setback requirements. The bell tower, 45' in height, exceeds height restrictions and must also be approved by TMAPC through minor amendment PUD 569-3.

The site meets minimum landscape requirements for streetyard and lot area and meets minimum parking requirements. Proposed parking lot lighting and building mounted lighting also comply with development standards.

Staff recommends **APPROVAL** of PUD-569 detail site plan contingent upon TMAPC approval of minor amendment PUD-569-3 for the rectory as an accessory use and an amendment of the height limitation from 30' to 45' for the bell tower.

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

Ms. Matthews informed the Planning Commission that this proposal will have to go before the City Council if it is recommended for approval by the Planning Commission.

**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 **HORNER**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of the detail site plan for PUD-569/Z-6054-SP-3 subject to TMAPC approval of minor amendment PUD-569-3 for the rectory as an accessory use and an amendment of the height limitation from 30' to 45' for the bell tower per staff recommendation.

**Legal Description for PUD-569/Z-6054-SP-3:**

a tract of land being a part of the NE/4 of Section 18, T-18-N, R-14-E of the IBM, City of Tulsa, Tulsa County, Oklahoma being more particularly described as follows: commencing at the northeast corner of said NE/4; thence S 89°04'29" W along the northerly line of Section 18 a distance of 1,255.01'; thence S 01°16'37" E a distance of 80' to a point on the southerly right-of-way line of East 81<sup>st</sup> Street South; thence continuing S 01°16'37" E for 675.01'; thence S 89°04'29" W a distance of 65' to a point on the easterly right-of-way line of South 107<sup>th</sup> East Avenue; thence S 01°16'37" E along said right-of-way a distance of 177.68' to the point of beginning of said tract of land; thence continuing S 01°16'37" E a distance of 482.33' to a point on the Northerly line of Block 1 of Oak Tree Center, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence S 89°04'29" W along said Northerly line a distance of 292.55' to a point on the

Easterly right-of-way line of South 107<sup>th</sup> East Avenue; thence N 01°16'37" W a distance of 133.02' to a point of curve; thence continuing along said right-of-way line on a curve to the right with a center angle of 61°23'46" and a radius of 150' for a distance of 150.73' to a point of tangency; thence N 60°07'09" E along said tangency and continuing on the said easterly right-of-way line a distance of 152.13' to a point of curve thence continuing along said right-of-way line on a curve to the left with a central angle of 61°23'46" and a radius of 155' for a distance of 166.09' to the Point of Beginning and located at 8315 South 107<sup>th</sup> East Avenue, Tulsa, Oklahoma.

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**Application No.: PUD-431-B-3**

**MINOR AMENDMENT**

**Applicant:** Roy D. Johnsen

(PD-26) (CD-8)

**Location:** Southwest corner of East 101<sup>st</sup> and South Sheridan

**STAFF RECOMMENDATION:**

This application is to amend the building setback from 175' from the centerline of East 101<sup>st</sup> Street to 150' from that centerline; to amend the development area boundaries to delineate Development Areas D1, D2 and D3; to allocate allowable floor areas among these development areas; to delineate two reserve areas and to increase the permitted access to East 101<sup>st</sup> Street from two to three points of access. Reserve Area A is a mutual access easement serving the church to the south and Reserve Area B is a stormwater facility. Under the current proposal, Development Area D1 would have two points of access, one a shared access at the northeastern boundary of D1 and the other at the northwest corner of the development area. The requested building setback would result in any development in D1 lining up with the building setback adjacent to it on the west.

Based on the following development standards and Development Area Exhibit, staff recommends **APPROVAL** of PUD-431-B-3.

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. This minor amendment (PUD-431-B-3) proposes no change in permitted uses or maximum floor area but proposes the establishment of subareas within Development Area D as depicted within the attached Development Area Exhibit and the allocation of floor area as follows:

	Land Area Net	Floor Area Allocation
Area D-1	1.6610 acres	18,000 SF

Area D-2	2.9725 acres	51,000 SF
Area D-3	0.7939 acres	13600 SF
Reserve A – entry drive	0.9173 acres	-0- SF
Reserve B – detention	<u>0.3393 acres</u>	<u>-0- SF</u>
Total	6.684 acres	82,600 SF

3. That the subareas D-2 and D-3 may be subsequently divided by approved lot-split or replatting and the floor area shall be deemed allocated based on a floor area ratio of .39.
4. That the building setback from the centerline of 101<sup>st</sup> Street be reduced from 175 feet to 150 feet.
5. That two points of access from Development Area D to 101<sup>st</sup> Street be permitted, one of which shall be the shared access point of Development Area D and Development Area C.

**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 **HORNER**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the minor amendment for PUD-431-B-3, subject to conditions per staff recommendation.

\* \* \* \* \*

**Ms. Bayles out at 3:24 p.m.**

**Application No.: PUD-360-A-11**

**MINOR AMENDMENT**

**Applicant:** Chris L. Guy

(PD-18) (CD-8)

**Location:** 8922 South Memorial

**STAFF RECOMMENDATION:**

This proposal is to include a drive-through coffee shop in the parking lot of the Homeland store at 8922 South Memorial. The building is to be located in the

parking area east of the Homeland store, but according to the application, will not result in a parking deficiency for the store.

The use appears to be compatible with existing uses on the site. The most recent PUD minor amendment here was on February 2, 2005, when PUD-360-A-10 was approved to allow for a nail salon (Use Unit 15) in one of the development areas. Staff can support this application and therefore recommends **APPROVAL** of PUD-360-A-11.

**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 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to **APPROVE** the minor amendment for PUD-360-A-11 per staff recommendation.

\*\*\*\*\*

**OTHER BUSINESS:**

**RESOLUTIONS: 2415:871 AND 2415:872:**

**STAFF RECOMMENDATION:**

Ms. Chronister stated that with the approval of the resolution for the Subdivision Regulations it allows for lot-combinations to be made where property owners can voluntarily tie their properties together. The resolutions are to create a fee schedule for lot-combinations and also amend the existing lot-split fees.

**RESOLUTION  
ADOPTING AN AMENDED FEE SCHEDULE  
FOR PROCESSING OF  
LOT-SPLIT AND LOT COMBINATION APPLICATIONS  
IN THE CITY OF TULSA**

**WHEREAS**, the Tulsa Zoning Code (Title 42, TRO) provides for the establishment of filing and processing fees for lot combination and lot-split applications, the amount of which shall be established by Resolution adopted by the Tulsa Metropolitan Area Planning Commission and approved by the Tulsa City Council; and

**WHEREAS**, the Tulsa Metropolitan Area Planning Commission, after due study and deliberation did review and adopt on June 15, 2005, the schedule of fees attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED**, pursuant to the authorization set forth in the Tulsa Zoning Code (Title 42.TRO) that the fees as shown in Exhibit A, attached hereto and made a part hereof shall be paid by persons submitting lot-split and lot combination application requests for processing, and

**BE IT FURTHER RESOLVED THAT** this Resolution shall take effect immediately upon its adoption by the Tulsa Metropolitan Area Planning Commission and the Tulsa City Council.

**RESOLUTION  
ADOPTING AN AMENDED FEE SCHEDULE  
FOR PROCESSING OF  
LOT-SPLIT AND LOT COMBINATION APPLICATION REQUESTS  
WITHIN THE UNINCORPORATED AREAS OF TULSA COUNTY**

**WHEREAS**, the Tulsa County Zoning Code provides for the establishment of filing and processing fees for processing of lot-split and lot combination application requests, the amount of which shall be established by Resolution adopted by the Tulsa Metropolitan Area Planning Commission and approved by the Tulsa County Board of Commissioners; and

**WHEREAS**, the Tulsa Metropolitan Area Planning Commission, after due study and deliberation did review and adopt on June 15, 2005, the schedule of fees attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED**, pursuant to the authorization set forth in the Tulsa County Zoning Code that the fees as shown in Exhibit A, attached hereto and made a part hereof shall be paid by persons submitting lot-split and lot combination application requests for processing within the unincorporated areas of Tulsa County, and

**BE IT FURTHER RESOLVED THAT** this Resolution shall take effect immediately upon its adoption by the Tulsa Metropolitan Area Planning Commission and the Board of County Commissioners.



## Exhibit A

### LAND DIVISION FEE SCHEDULE FOR LOT-SPLITS AND LOT COMBINATIONS

#### LOT SPLITS

**PRIOR APPROVAL** – lot splits which meet all *Subdivision Regulations* and zoning ordinances as submitted      \$100.00

Lot splits that require any waiver of the *Subdivision Regulations* and/or zoning ordinances      \$150.00

#### LOT COMBINATIONS

The voluntary act of the lot owner to combine adjoining parcels to be considered as one lot for zoning purposes      \$100.00

#### TMAPC COMMENTS:

Mr. Carnes asked what percentage the increase would be. In response, Ms. Chronister stated that this is a new creation for lot-combinations.

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

#### **TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to recommend **APPROVAL** of Resolutions 2415:871 and 2415:872 per staff recommendation.

\*\*\*\*\*

**Application No.:** PUD-660

**DETAIL SITE PLAN**

**Applicant:** John Gorman Construction

(PD-8) (CD-2)

**Location:** East of southeast corner of West 71<sup>st</sup> Street South and South Elwood

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new medical office building. The Retina Center, a Use Unit #11, Offices, Studios and Support Services, is in conformance with Development Standards.

The proposed office building complies with setback and height requirements, and meets minimum landscape requirements for streetyard and lot area. Proposed parking meets minimum Zoning Code requirements and parking lot lighting complies with development standards.

There are two points of access permitted from the site to West 71<sup>st</sup> Street South. Per Development Standards and Public Works, one of these access points must be right turn only. This restricted access and proposed traffic circulation must be indicated on the site plan. Both will be subject to approval of Traffic Engineering and the Fire Marshall. In addition, sidewalks are required along West 71<sup>st</sup> Street South and must be designated on the site plan.

Staff recommends **APPROVAL** of PUD-660 detail site plan contingent upon (1) sidewalks provided along West 71<sup>st</sup> Street South; and (2) Traffic Engineering and Fire Marshall approval of restricted access (right turn only) onto West 71<sup>st</sup> Street South and site traffic circulation.

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

**Applicant was not present.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Ard, Bernard, Cantees, Carnes, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to **APPROVE** the detail site plan for PUD-660 subject to the following conditions: (1) sidewalks provided along West 71<sup>st</sup> Street South; and (2) Traffic Engineering and Fire Marshall approval of restricted access (right turn only) onto West 71<sup>st</sup> Street South and site traffic circulation per staff recommendation.

\*\*\*\*\*

There being no further business, the Chair declared the meeting adjourned at 3:25 p.m.

Date Approved:

7/20/05

Stacey M. Bayler

Chairman

ATTEST:

Walter M. Deane

Secretary

