

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2429

Wednesday, November 2, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, October 28, 2005 at 3:00 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.

**Mr. Alberty read the public information.**

### Minutes:

#### **Approval of the minutes of October 5, 2005, Meeting No. 2426**

On **MOTION** of **HILL** the TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **APPROVE** the minutes of the meeting of October 5, 2005, Meeting No. 2426.

### **REPORTS:**

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

Ms. Bayles requested that all Planning Commissioners consider attending the upcoming TMAPC workshop that will be held on November 17, 18 and 19, 2005. RSVPs should be directed to Barbara Huntsinger as soon as possible.

**Director's Report:**

Mr. Alberty reported that the September TMAPC Receipts indicate an increase that has been occurring over the last two months. The receipts have exceeded 2003 and 2004 September receipts; however, the receipts are still behind on the year.

Mr. Alberty reported that the City Council will hear two zoning items coming up on their Thursday agenda. He further reported that there are three final plats on the City Council agenda.

Mr. Alberty encouraged all of the Planning Commissioners to attend the Planning Commission Workshop November 17, 18 and 19. He indicated that he would like a full attendance from the Planning Commission.

Mr. Alberty informed the Planning Commission that Barbara Huntsinger and Dane Matthews prepared a pamphlet called "Suggestions for Presentation before the TMAPC and Board of Adjustment", which includes contact information that the Planning Commission requested at the last meeting. These pamphlets will be available to the public. He requested the Planning Commission to look the pamphlets over and make any suggestions necessary.

Ms. Bayles requested Mr. Alberty to read the public information again. Mr. Alberty read the following public information:

In order to conduct the zoning public hearing in an orderly manner, we ask that you follow these rules:

- 1) The Commission will first hear from the Staff for an explanation of the proposed zoning change, the physical facts of the property under application and the surrounding property, followed by the presentation of the Staff recommendation.
- 2) The Commission will then hear the applicant's presentation not to exceed 20 minutes for Zoning; 30 minutes for a PUD or joint Zoning/PUD.
- 3) Next, the Commission will hear from any interested parties or Protestants, and may direct that a time limit per speaker be imposed. **THOSE WISHING TO SPEAK MUST USE THE SIGN-IN SHEET.**
- 4) Finally, the Commission will hear the applicant's rebuttal, if any, not to exceed 10 minutes.

During the hearing, the Commission may ask questions of the applicant or interested parties.

In the room are representatives of the Legal Department and the INCOG staff. We do have a taping system; therefore, please direct all of your comments into the microphone. Also our proceedings are broadcast live on TGOV Cable Channel 24. **PLEASE STATE YOUR NAME AND ADDRESS IF YOU CHOOSE TO SPEAK.**

\* \* \* \* \*

**SUBDIVISIONS:**

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

**L-19900 – James Greenway** (9321)

(PD 6) (CD 7)

4016 South Yale

**STAFF RECOMMENDATION:**

This lot-split is in order and staff recommends **APPROVAL**.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **RATIFY** lot-split L-19900, given prior approval, finding it in accordance with Subdivision Regulations as recommended by staff.

\* \* \* \* \*

**FINAL PLAT:**

**Jandebeur Industrial Addition (formerly known as Barton Industrial 2<sup>nd</sup> Addition) – (0322)**

2700 North Sheridan Road

(PD 16) (CD 3)

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 2.57 acres.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HILL**, TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Bernard, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner, "absent") to **APPROVE** the final plat for Jandebeur Industrial Addition (formerly known as Barton Industrial 2<sup>nd</sup> Addition) per staff recommendation.

\* \* \* \* \*

**PRELIMINARY PLAT:**

**Kum & Go Creek Turnpike** – (0813)

(PD 26) (CD 2)

Southwest corner of Riverside Parkway and Creek Turnpike

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on 2.7 acres.

The following issues were discussed October 6, 2005 and October 20, 2005 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned CS. The plat was continued for further review and Fish and Wildlife, and RiverParks comments from the October 6, 2005 meeting. Especially of concern were the trail easement and a required setback along the Arkansas River. A revised plat was distributed at the October 20, 2005 TAC meeting showing the 50-foot setback as requested by RiverParks authority and US Fish and Wildlife.
2. **Streets:** In limits of no access paragraph, change "Riverside Parkway" to South Delaware Avenue. Both access points may need minor modification and will be subject to the approval of the Traffic Engineer upon review of the PFPI. The existing guardrail will prevent the immediate use of the access proposed for Lot 2. No objection to a future right turn only access with the ultimate widening of the six-lane parkway. PFPI will be required to modify the signalized intersection (mast arm, standard and crosswalk, etc.) and the driveway width and alignment with the on/off ramps. The south access may be required to abut the joint property line to deter U-turns at the end of the median.
3. **Sewer:** No comment.
4. **Water:** Cut in a tee rather than using a tapping sleeve and valve.

5. **Storm Drainage:** The depth and diameter of the storm sewer outlet pipe being used will determine the required width of the SD/E (stormwater drainage easement), located near the west boundary of the common line between Lots 1 and 2. Modify the trail easement to eliminate the severe angle adjacent to the corner of the building.
6. **Utilities: PSO, ONG, and Cable:** Additional easements may be necessary.
7. **Other: Fire:** Plat needs to be redimensioned. Correct conflicting bearings. Use South Delaware Avenue instead of Riverside Parkway. Modify the trail easement to eliminate the severe angle adjacent to the corner of the building. Suggest running the easement n/s and parallel to the building to the southwest corner then parallel to the 17 degree property line.

Staff can recommend **APPROVAL** of the Preliminary 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.
2. The 50-foot setback from the top of bank must be shown on the plat as a no construction area except for the trail easement to be located within the eastern 25 feet of the 50-foot setback. Landscaping plans should be shown from the top of bank.
3. Fuel tanks should be placed at least 100 feet from the river bank per US Fish and Wildlife recommendations.
4. Stormwater and potential fuel spills should be directed towards an onsite detention pond, away from the river. The applicant has suggested the use of oil/water separators to filter fuel and sediments and these will require approval through the Stormwater Department of Development Services. These facilities should be located outside and directed away from the trail easement.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**TMAPC COMMENTS:**

Mr. Midget asked if the applicant is aware and concurs with these special conditions that have been set out.

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

**INTERESTED PARTIES:**

**Greg Jennings**, 2260 South Troost Avenue, Tulsa, Oklahoma 74114, stated that he would love to talk about how the stormwater drainage and the oil and gas would run off, but that is inappropriate for this body. He would love to talk about how the zoning and the use on the subject property is wrong, but the zoning is already in place that is necessary for this use. Down the road, everyone will look at this proposal and realize it was a mistake to have this particular entity on the subject property. As a Planning Commission and City, we have failed to update the Comprehensive Plan so that something like this could not be allowed 100 feet within the river and to be in agreement with the Arkansas River Master Plan because this does not fit. Unfortunately, the Planning Commission is in a position that there is nothing that can be done about it and that is a tragedy.

**TMAPC COMMENTS:**

Mr. Ard stated that he read the letter from the Department of Interior and they specifically requested a 50-foot wildlife buffer, but Kum-n-Go's letter stated that they would have a 25-foot forested buffer and a 50-foot construction setback. Does staff believe what they are providing is what the Department of Interior has requested. In response, Mrs. Fernandez answered affirmatively. Mrs. Fernandez stated that typically it is started with a 100-foot setback and the developer originally asked for a 50-foot setback and is also going to ask for a further lessening of that setback to the north on the King's Landing project (30-foot setback). She met with Fish and Wildlife and they believe that the 50-foot setback, including within that a 25-foot no-construction zone will allow eagles to nest properly and this is appropriate. Within the 50-foot setback, the trail would be appropriate. Staff is looking at a minimum of 50-setback as things develop farther from the subject property to the south along the River and farther north to the other communities.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Bernard, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner, "absent") to **APPROVE** the preliminary plat for Kum & Go Creek Turnpike, subject to special conditions and standard conditions per staff recommendation.

\* \* \* \* \*



**PLAT WAIVERS:**

**Z-6965**

(PD 18) (CD 6)

Southeast corner of East 48<sup>th</sup> Street and Mingo Road

**STAFF RECOMMENDATION:**

The platting requirement was triggered by a rezoning to IL.

**Staff provides the following information from TAC at their October 20, 2005 meeting:**

**ZONING:**

TMAPC Staff: The plat waiver is for property zoned IL.

**STREETS:**

The lack of the full 50 feet of right-of-way dedication on South Mingo, a secondary arterial, is a failure to comply with the Major Street and Highway Plan. Answers to questions number 1, 2, 4 and 8 are not favorable. Dedication of the north 75 feet of arterial right-of-way is recommended. The south 2/3 appears to be unplatted. Adjacent property to the south and east are not platted. Recommend Limits of No Access restrictions along Mingo Road.

**SEWER:**

A Sanitary Sewer Mainline Extension, with a minimum of 15-foot wide easement, will be required in order to provide service to this property. We will require a 17.5 foot perimeter easement along the south boundary line, and may also need additional easement along the east boundary line. Anything less than 17.5 feet will need approval from the Engineering Design Division of Public Works.

**WATER:**

Services must be obtained from the existing twelve-inch water main on the west side of Mingo Road.

**STORM DRAIN:**

Drainage from the southern, area proposed for development, portion of this property must be conveyed and connected to the adjacent public drainage systems. This will require a PFPI project, and possibly overland drainage easements and other additional easements as required.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff recommends **Denial** of the plat waiver requested.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?	X	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?	X	
ii. Is an internal system required?		X
iii. Are additional easements required?	X	
c) Storm Sewer		
i. Is a P.F.P.I. required?	X	
ii. Is an Overland Drainage Easement required?	X	
iii. Is on site detention required?		X
iv. Are additional easements required?	X	
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?	X	
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		
10. Is this a Major Amendment to a P.U.D.?		X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		
11. Are mutual access easements needed to assure adequate access to the site?		X

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

\*These may be required after further review by Public Works.

**Applicant was not present.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Bernard, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner, "absent") to **DENIAL** the of plat waiver for Z-6965 per staff recommendation.

\* \* \* \* \*

**CBOA-2177**

(County)

North of the northeast corner of 149<sup>th</sup> West Avenue and 17<sup>th</sup> Street

**STAFF RECOMMENDATION:**

This County Board of Adjustment case was recently approved for a monopole cell tower. This triggered the platting requirement.

It is the TMAPC's policy to waive the platting requirement for antennas and supporting structures under Use Unit 4, Public Protection and Utility Facilities.

Staff administratively waived formal TAC review and recommends **APPROVAL** of the plat waiver.

**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 **MIDGET**, TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Bernard, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner, "absent") to **APPROVE** the plat waiver for CBOA-2177 per staff recommendation.

## **COMPREHENSIVE PLAN PUBLIC HEARING**

### **Consider Adoption of the 6<sup>th</sup> Street Infill Plan Map and Text as Amendments to the District 4 Detail Plan, An Adopted Part of the Comprehensive Plan for The Tulsa Metropolitan Area. (Resolution)**

Ms. Bayles stated that there are several interested parties wishing to speak on this item and she would like to keep the public hearing portion of this item to 30 minutes. She requested that interested parties not to repeat the speaker before them and each speaker will have three minutes to speak on this item.

#### **STAFF RECOMMENDATION:**

Ms. Matthews stated that the Planning Commission has received a tour of the subject area and two briefings. Staff for the Urban Development Department is present and will have some comments.

Ms. Matthews stated that the proposed plan changes that staff has developed are to the District 4 Plan, as part of the Comprehensive Plan and also to adopt the 6<sup>th</sup> Street Infill Plan itself as part of the Comprehensive Plan. Part of the changes involve a caveat that would be a policy for the District 4 Plan that would explain that the Planning Commission is not responsible for all of the changes or all of the implementations that is involved in this plan, but simply endorsing it as worthy to be implemented and pursued in the future.

Ms. Matthews stated that staff understands that this Plan has the support of the neighborhood, businesses and institutions in the subject area. There may be a question regarding a street closing and the Urban Development staff will probably address this issue. Ms. Matthews explained that the street closing issue is separate from the adoption of this plan. The street closing is for a small area and not for the whole district.

Staff recommends **APPROVAL** of changes to the District 4 Plan and the 6<sup>th</sup> Street Infill Plan. Part of the amendments to the District 4 Plan include changing the designation of what was once an industrial special district to include this special district as the 6<sup>th</sup> Street Corridor.

#### **TMAPC COMMENTS:**

Ms. Bayles thanked staff for their recommendation.

**RESOLUTION NO.: 2429:873**

**A RESOLUTION ADOPTING  
THE SIXTH STREET INFILL PLAN,  
A PART OF THE DETAIL PLAN FOR PLANNING DISTRICT 4, A PART OF  
THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, a public hearing was held on the 2<sup>ND</sup> day of November, 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 863.7, to adopt the 6<sup>th</sup> Street Infill Plan, a part of the District Four Plan Map and Text, both parts of the Comprehensive Plan of the Tulsa Metropolitan Area, as contained in the attached Plan maps and text.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC that the 6<sup>th</sup> Street Infill Plan Map and Text, as attached and made a part hereof, be and are hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**RELATED ITEM:**

**Consider Amending the District 4 Plan Map and Text, a Part of the Comprehensive Plan for the Tulsa Metropolitan Area, to reflect adoption of the 6<sup>th</sup> Street Infill Plan. (Resolution.)**

**RESOLUTION NO.: 2429:874**

**A RESOLUTION AMENDING  
THE DISTRICT FOUR PLAN MAP AND TEXT,  
A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 23rd day of January, 1980 this Commission, by Resolution No. 1294:516, did adopt the District Four Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a Public Hearing was held on the 2nd day of November, 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 863.7, to modify its previously adopted District Four Plan Map and Text as follows.

Plan Map: Change the designation of the Special District – Industrial Area and the remainder of the area lying within the boundaries of the MLK Jr. Expressway/11<sup>th</sup> Street/eastern leg of the IDL/Utica to Special District 1 – 6<sup>th</sup> Street (Pearl District) Infill Plan area, with proposed developments as indicated on Attachment A (attached and made a part hereof).

Plan Text: As indicated on Attachment B (attached and made a part hereof).

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendments to the District Four Plan Map and Text, as above set out, be and are hereby adopted as part of the District Four Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**Applicant's Comments:**

**Theron Warlick**, Planner for the City of Tulsa, 111 South Greenwood, stated that he is present to speak briefly about the 6<sup>th</sup> Street Infill Plan. He requested that he be allowed to make a statement about an unrelated case before the City Council.

Mr. Warlick stated that there is a case in process right now with the City Council that proposes the closing of a street within the 6<sup>th</sup> Street Plan study area. As the 6<sup>th</sup> Street Plan is currently undergoing review and is not yet approved, it is his opinion that the Plan does not apply to this pending street closing case, and further, that it would be inappropriate for a person to cite or reference this plan, regardless of this Plan's status regarding that pending street closing case. This is a prior event and it is currently in process, so it would be wrong to use the Plan in arguing or deciding that case.

Mr. Warlick stated that he is here to speak about the 6<sup>th</sup> Street Infill Plan and let the Planning Commission hear from some of the interested parties within the subject area. Mr. Warlick read the vision statement.

**INTERESTED PARTIES:**

**Councilor Baker**, District 4, recognized the hours over a number of years that have been put into this process. As Ms. Matthews pointed, it is a plan upon which policy decisions will be made affecting the implementation. A good example of another such plan is the Kendall-Whittier Plan.

Councilor Baker stated that Mr. Warlick has already mentioned the issue of the street closing and from his prospective he can assure everyone that this will be decided on the merits of the street closing. He would hope that the Planning Commission would move this forward and send the plan to the City Council for adoption.

**TMAPC COMMENTS:**

Mr. Harmon asked Councilor Baker what type of comments his constituents have made to him concerning the Plan. In response, Councilor Baker stated that there is a broad expectation and anticipation of the adoption of this Plan and it being the vehicle to start the revitalization and improvements to move forward with the Capital Improvement plan. It is strongly supported and there have been many hours and a lot of work into this plan.

**INTERESTED PARTIES:**

**Robert Hefley**, 508 South Troost, Tulsa, Oklahoma 74120, stated that he started his business in 1979. He indicated that he moved to 5<sup>th</sup> and Troost and built a building in 1984. He commented that he believes in the area and thought that it had hit the bottom and had no way to go but up. He started an active membership in the Business Owners Midway Industrial Association and INCOG came out to speak to them many times to assured them that the vision of the William Center downtown was once only a dream but in time that vision became a reality. They also spoke about how there was going to be a university built, which became UCAT and someday another convention center would probably be built. He commented that the neighborhood saw UCAT happen and saw the property being acquired for future development of that area.

Mr. Hefley spoke about the flooding issues and that Elm Creek was the last to be addressed regarding flooding. He is very excited about what is going on at Central Park, but there is much more needed.

Mr. Hefley stated that over the years, the subject area has been become a safer community. He indicated that there is a strong core in the community supporting this plan and they are excited to see this happen.

Mr. Harmon asked Mr. Hefley what type of business he owns. Mr. Hefley stated that he has an electrical contracting business. He has twelve employees and three live in the subject area. Mr. Hefley indicated that he recently moved to the midtown area of Tulsa.

**Mike Callahan**, 1109 East 6<sup>th</sup> Street, Tulsa, Oklahoma 74120, Commander of VFW 577, stated that the VFW has been at this site for 85 years. The VFW supports the neighborhood and supports this project. Mr. Callahan stated that the VFW supports the street closing, but it has nothing to do with this issue before the Planning Commission today.

**Christine Booth**, 702 South Utica, Tulsa, Oklahoma 74104, recognized the staff members and members of the task force who have worked on this plan over the past few years. She indicated her support of this Plan.

**Rebecca Bryant**, 1303 South Houston, Tulsa, Oklahoma 74127, President of Tulsa Now, stated that she is here to speak in favor of this project. She sees this as a product of five years of neighborhood planning to create a more dense and pedestrian-friendly urban environment. This plan also addresses the important safety issue of flood control. The Tulsa Now Board hopes that the Planning Commission votes in favor of this project.

**Walt Prater**, 13847 East 29<sup>th</sup> Place, Tulsa, Oklahoma 74134, stated that he supports this project and recognized Mr. Warlick and his team for the work they have done. He commented that he has seen a revitalization of the Cherry Street area, Brookside area, and now sees the rewards the TU area is providing for the City. The 6<sup>th</sup> Street area is in the middle and he believes it will link these two areas of the City together. The reduction of a substantial number of homes that are substandard due to age, deterioration and flooding problems will be remedied through this plan. This plan will reduce unlawful activities that some of these areas have provided. Young families will have new opportunities to raise their children and enjoy the benefits that the older citizens can provide. He believes that this plan will encourage future development.

**Jamie Jamison**, 706 South Owasso, 74120, stated that this plan has taken many hours to develop. Mr. Jamison spoke in favor of the 6<sup>th</sup> Street Infill plan. Mr. Jamison cited the different entities, associations, City staff and INCOG staff who worked on the Plan.

**Susan McKee**, 1616 South Victor, 74104, President of Coalition for Historic Neighborhoods, requested that the Planning Commission approve the 6<sup>th</sup> Street Infill Plan.

**Milford Carter**, 1228 East 5<sup>th</sup>, 74120, Pastor of Sanctuary of Evangelistic Church, located 5<sup>th</sup> and Peoria, stated that he moved to his present location in 1991. He indicated that his church cleaned up his present area. In 2000, he was



invited to a meeting with Theron Warlick and Pat Treadway to discuss changing the subject area, which he readily accepted. This was before the new development in the subject area and the Third Penny Sales Tax. Pastor Carter expressed his support of the 6<sup>th</sup> Street Infill Plan.

**TMAPC COMMENTS:**

Mr. Harmon asked Pastor Carter if he has a long-term commitment to the subject area. In response, Pastor Carter stated that he has acquired a number of lots in the area and he has a long-term commitment to redevelop the entire area. His present facility is a little over 50,000 SF with 31 classrooms and can handle the growth plans for the immediate future.

**Charles Norman**, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, representing the Indian Health Care Resource Center, stated that the facility was constructed on the site of the old Longfellow School, which was vacant for 30 years. Mr. Norman submitted photographs of the facility before and after (Exhibit A-1). He indicated that the Center was dedicated in 1999 and has been successful and serves a population of over 15,000 persons and has provided over 100,000 separate services to that population base in the last 12 months. Mr. Norman cited some of the services provided by the Center.

Mr. Norman stated that the Center is dedicated and committed to the subject area. Expansion of the subject facility was recognized early and began acquiring properties to the west of Owasso (75% of the block). The remainder of the block is owned by the Veteran's of Foreign Wars (VFW) and the center purchased property from them. Mr. Norman showed photographs of the properties that the Center has acquired (Exhibit A-1).

Mr. Norman indicated that his client has been in the process of developing a new Master Plan. He stated that he has applied to close the alley within the block to the west and Owasso Avenue. Mr. Norman submitted site plans for the facility (Exhibit A-2). He indicated that the application before the City Council is to vacate the east/west alley over to Norfolk and Owasso Avenue from 5<sup>th</sup> Place to 6<sup>th</sup> Street. He indicated that 5<sup>th</sup> Place is a 36-foot wide street that was planned as a collector street many years ago.

Mr. Norman expressed concerns with some of the policy statements of the 6<sup>th</sup> Street Infill Plan. His concern is with the statement that the existing street pattern should be used and should be maintained and the existing alleyways. This is in conflict with the joint application of the VFW and the Center's long-range plan. He explained that the application to close the alleyway has been pending for about six months because of efforts by Jamie Jamison and Pastor Carter. He stated that he has tried to work this out with them for a long time and they have opposition to closing Owasso based on the concepts that are included in the 6<sup>th</sup> Street Infill Plan. He requested that the Planning Commission consider some

changes. He indicated that the Center needs parking in order for their clients to be served at the Center.

Mr. Norman read from Section 16.9 of the Plan where it states that the Task Force recognizes that there should be some changes to the grid to accommodate parks, ponds and paths. He requested that the following be added to 16.9: and institutional uses that serve the area. Mr. Norman stated Section 16.9.2.1 (alleys) would cause a problem for the Center's Long-Range Plan, which doesn't contemplate maintaining a public alley and his client would have to replat the property when it is ready for development and the perimeter easements. Mr. Norman pointed out that Section 16.9.1 states that the grid network of streets and sidewalks should be retained and he suggested that there should be a reference area except as provided in the preceding section that he mentioned.

Mr. Norman stated that he has not wanted to have any disputes with Pastor Carter and his church. He has written a letter to Pastor Carter with the approval of the Board of Trustees of the IHCRC offering to preserve a pedestrian access along the west side of the clinic facility for access for the children to access the park. He indicated that he also offered to make the IHCRC's parking area a shared use for the Church and for events at Central Park. The Center is an anchor and part of District 4, but he doesn't want to be confronted by a document that has been approved by the Planning Commission as a policy guideline when he is attempting to accomplish the Center's own goals, which he believes has support throughout the community.

Mr. Norman pointed out projects in the subject area where street closings were needed to create a campus setting. He stated that Mr. Jamison's project required the vacation of all of the old grid street patterns. These changes are necessary and appropriate in many instances and he doesn't want the Center to be in the position of being confronted with a document that is intended to be followed without making these comments and asking for the qualifications for the other kinds of uses that are also desirable in neighborhoods.

In response to Ms. Bayles, Mr. Norman pointed out the area he has requested to be closed. He explained that the Center has approximately 180 employees and with the expansion it could be as many as 300 employees. There will be a lot of pedestrian traffic back and forth. He reminded the Planning Commission that his clients cooperated with everyone by not having any driveways on Peoria or 6<sup>th</sup> Street over to Owasso.

Ms. Bayles asked Mr. Norman how many patients the Center treats. Mr. Norman stated that there are 15,000. A low month would be 6,000 services provided and a high month would be 10,000. These are patient trips to the facility and in the past twelve months the Center has provided over 100,000. Mr. Norman cited the various services the Center provides. He indicated that the patients come from every single zip code within the City of Tulsa and the facility is not affiliated with

any single tribe. Services are provided to all members of tribes that are recognized by the Federal Government.

Ms. Bayles asked Mr. Norman if the Center treats patients from the Eastern Oklahoma area and not just exclusively for Tulsa. Mr. Norman stated that this is the only facility of its kind and it treats patients as far away as Durant, Muskogee, and McAlester.

Ms. Bayles asked Mr. Norman if this is the only street closing that is anticipated to complete the Master Plan for the Indian Health Care Center. Mr. Norman stated that this is the only street closing. Mr. Norman further stated that nothing has been contemplated to expand beyond this facility. There would have to be a satellite facility at some other location because at some point it simply cannot accommodate that kind of flow. He commented that people complained and predicted that the people utilizing the facility would be undesirable and inappropriate for the use of the park; however, none of that has ever occurred since the day the facility was opened. He stated that he is proud to be a part of being involved with this resource that has been a credit to the neighborhood and a participant.

Ms. Bayles asked Mr. Norman if his request is to add language to 16.9, page 69 of the current plan, to read that the 6<sup>th</sup> Street Task Force acknowledges that some changes to the grid will be required to accommodate parks, ponds, paths and institutional uses and this will perhaps involve the closing of some streets, and introduction of a few new curb or lineal streets. Ms. Bayles asked Mr. Norman if he had any other changes requested. In response, Mr. Norman stated that the only other changes are the ones that follow up on that in Section 16.9.1 "...wherever possible the existing grid network should be retained except as referred to in 16.9." The other suggested change would be with respect to alleys.

Ms. Bayles asked Mr. Norman if this is absolutely necessary, given the fact that the word "should" is directory rather than "shall" being mandatory. Mr. Norman stated that if this is adopted, all of the policies that are set forth will be the future guide to public decisions with respect to all of the matters that are included. The word "should" is stronger than "might be" or "may". He doesn't want to be in conflict with a plan that has received so much attention and so much thought. He has demonstrated his client's commitment to this neighborhood and will continue to do so.

Mr. Midget asked Mr. Norman if the plan states "where possible" or is he suggesting "where possible". Mr. Norman stated that it currently states "wherever possible". Mr. Norman stated that the Center could live without that street, but they prefer not to because it would make it a campus-like setting if it were closed. Mr. Norman reminded the Planning Commission that closing of streets has been the key to other institutions in the District 4 area. He has represented the University of Tulsa and there have been a dozen streets closed

by individual actions. He represented Hillcrest Hospital and they have closed a number of streets in that area to accomplish the same thing, efficiency of movement and a campus-like setting.

Mr. Jackson asked Mr. Norman if he agreed to provide adequate pedestrian pathways through the parking lot in order for the neighborhood to access the park. In response, Mr. Norman referred to the letter he submitted to the City Council and the church stating that adequate pedestrian pathways would be provided by dedicating a public pedestrian access on the east side of Owasso. He commented that it isn't the pedestrians that his clients are concerned about, but the conflict between pedestrians and vehicles as a through street.

Mr. Harmon stated that the Planning Commission doesn't have the authority to close streets. Mr. Harmon asked Mr. Norman if he would have the legal right to request a street closing after this plan is adopted, just as he does before it is adopted. Mr. Norman stated that he would, but he believes it would be measured by the policies and components of the District 4 Plan. He explained that when he has asked for street closings for the University of Tulsa, the TU Master Plan has been referenced because it is a part of the District 4 Plan and that is why he is concerned about this plan being adopted today.

Mr. Harmon stated that he is a little nervous about adding new language to a document that has taken approximately six years in developing and doing it at the eleventh hour. He appreciates what the Health Center has done and he appreciates the presentation, but he is hesitant to start making amendments at the eleventh hour. Mr. Norman stated that that is the purpose of a public hearing is to consider appropriate modifications. Mr. Norman further stated that he has not participated in the earlier things and perhaps he should have, because the only two people he knows who have opposed the closing of Owasso is Mr. Jamison and Pastor Carter. He explained that he has waited a number of months for the convenience of both sides to try to come together and it simply hasn't been possible to do so. He doesn't wish to be confronted with a document saying that the street pattern should be maintained and alleys kept opened when he goes to the City Council. He is not attempting to delay the adoption of the plan in any way and not attempting to keep this from proceeding appropriately.

Mr. Ard asked Mr. Norman if his appeal for the street and alley closure is already ahead of the game, as far as being in front of the City Council in comparison of when this document would come up in front of the City Council if it were to be approved today. In response, Mr. Norman stated that he doesn't like to play technical considerations or timing considerations. He believes that when something has been given this much thought and has had a public hearing with the support that has been received, it is going to be considered whether it has been formerly adopted or not. There has been a request that his application be continued and he has agreed to that request and it is very likely that this plan

could catch up with the street closing application. He believes that everyone should be forthright in the issues being dealt with.

Mr. Boulden asked Mr. Norman what he is driving at because the word "institution" could include prisons, etc. Mr. Boulden suggested modifiers such as "existing community service institutions uses". Mr. Norman stated that this would work and he is not limited to a specific phrase. Mr. Norman further stated that his concern is that it only addresses parks and ponds at this point. Mr. Norman indicated that he would be agreeable to whatever language Legal thought would be appropriate to include institutions.

**Wayne Sharp**, 507 South Quaker Avenue, 74120, owner of Sharp Typesetting and Graphics, stated that he is in support of this proposal. He commented that he is anticipating that on the horizon that there will be development help for the subject area. He encouraged the Planning Commission to adopt this plan and it is over due in his opinion to have this type of plan in place. Mr. Sharp described the new businesses and existing businesses that have remodeled their buildings.

**Lesla McNulty**, 3607 South Trenton, 74105, stated that she was the designer for the Village at Central Park and the Central Park Senior Center that is now under construction. This plan is a vital component of the downtown revitalization because the linkages to the surrounding neighborhoods are vital. This proposed plan is an urban redevelopment project in its truest sense because it follows many of the smart growth principles. Because of the flood control issues, there is an opportunity to create a vital urban neighborhood. With the detention ponds there is the opportunity to build parks, pathways and higher density housing. Ms. McNulty requested that the Planning Commission move this proposal forward.

Ms. McNulty stated that she would like to touch on some of Mr. Norman's requests. As the designer of the Village at Central Park she would like to clarify that the existing streets were vacated when this project was done, but that was in order to allow higher densities for the housing. She emphasized that the streets were put back on a slightly different grid and alleys were introduced into that project. In the wording of the proposal the Task Force was trying to establish guidelines for the build-back of an urban neighborhood. The intent was to not make this a suburban-type neighborhood. The Task Force is not trying to say that this is the only way it can be done and she would like to restrict language, if possible, that would limit any kind of development. Perhaps the language Mr. Norman suggested for institutional uses should be more general because there are instances where the established grid would need to be looked at. Ms. McNulty requested that the Planning Commission move the proposal forward.

Mr. Midget asked Ms. McNulty when the smart growth conference was held. In response, Ms. McNulty stated that they started in 1996 and two other conferences were held after. Mr. Midget stated that he remembers that there were three pilot programs as a result of the conference and 6<sup>th</sup> Street was one of

the pilot programs. Ms. McNulty stated that the 6<sup>th</sup> Street Task Force was established to do this study as part of the recommendations of the Infill Development Task Force.

Mr. Midget asked Ms. McNulty if she sees the Indian Health Center as one campus facility as opposed to an institution stuck in the middle of a neighborhood. Ms. McNulty stated that she does see it as a campus and one project and she would hate to see semantics on this one project delay the forward progress of the amendments. She believes that each project within this District, which is quite large, can be and should be allowed to be looked at individually.

Ms. McNulty restated that "institutional uses" could be residential uses, there are all kinds of uses that might require revisiting the street grid and it is not just limited to one. She thinks that the wording in the proposal itself is to be a guideline and meant to be used in that way.

**Bill Vogle**, 521 South Troost, 74120, owner of Southern Mill Work, stated that he has seen the devastating effects of flood problems in the subject area. The project at 6<sup>th</sup> and Peoria is really the first part of a long-range plan for the subject area. It was primarily the result of efforts of the members of the 6<sup>th</sup> Street Task Force. Several people are present today because they are concerned about changes being made to what has been a long and comprehensive work product by a large number of people. This program has been put together without the benefit of attorneys and he would sincerely appreciate the Planning Commission's assistance in maintaining the integrity of the package as presented. This is a vision and a concept not an engineering schematic. There are pictures in the Plan that show nightclubs with people having a lot of activities and fun, which may or may not happen, but it isn't a mandatory part of that Plan anymore than the word "should" is indicative of something that absolutely must take place or must not take place. Mr. Vogle requested the Planning Commission to support this plan as presented.

**Milford Carter, Jr.**, 1228 East 5<sup>th</sup> Street, 74120, stated that what is at issue here today is actually the neighborhood and flood control, not necessarily the closing of a street. The closing of the street is a separate issue that has already gone before the City Council and not at the table at this present time. To bring the street closing up at this particular time shows a gross lack of integrity on the part of the process.

Mr. Carter stated that basically this plan is about revitalizing a corridor, which is the 6<sup>th</sup> Street area. This plan will attract more families to the subject area and more businesses will come back. He commented that what is at issue is flood control and this subject area is one of the last remaining areas in the City that actually lacks the adequate flood control that is necessary. Adequate flood control would help to invite more businesses into the subject area.

### **TMAPC COMMENTS:**

Ms. Bayles stated that she would have to agree with Mr. Norman. She believes that he truly represented his client today and their best interest. This is the sole purpose for the public hearing (being able to vent the concerns that could not be raised in terms of a worksession).

Ms. Bayles asked for staff comments and from Theron Warlick. She indicated that Mr. Harmon has been keeping track of the comments made today and she will have him direct the concerns relative to the language and providing flexibility on the part of the developers and property owners.

Mr. Harmon stated that the goal is to make this a vibrant plan that is viable and one that people will look to when they start to develop in the subject area. However, there should be enough flexibility to where people will want to come to the subject area.

Mr. Harmon read the last sentence on page 62, paragraph 16.5: "It is recommended that new development should utilize existing lots, streets and alleyways and design should complement the existing architecture". He suggested that the same sentence should be changed to: "It is recommended that new development should utilize existing lots, streets and alleyways whenever and wherever possible and design should complement the existing architecture".

Mr. Harmon read the following Sections and suggested the following changes: second paragraph on page 69, paragraph 16.9: "The 6<sup>th</sup> Street Task Force acknowledges that some changes to the grid will be required to accommodate new parks, ponds and paths and that this will perhaps involve the closing of some streets and introduction of a few new curbalinear streets". He suggested the following changes: The 6<sup>th</sup> Street Task Force acknowledges that some changes to the grid ~~will be~~ may be required to accommodate new parks, ponds, paths and community institutional uses and that this could ~~will~~ perhaps involve the closing of some streets and introduction of a few new curbalinear streets". Page 70, paragraph 16.9.1.1.1.: "whenever possible the existing grid of network of streets and sidewalks should be retained." He suggested the following changes: "whenever and wherever possible the existing grid network of streets and sidewalks should be retained." Page 71, paragraph 16.9.2.1.1.: "Existing alleys should be retained and alleys are strongly encouraged in new developments." He suggested the following changes: "Whenever and wherever possible existing alleys should be retained and alleys are strongly encouraged in new developments." Mr. Harmon summarized stating that this adds some flexibility to the Plan without really changing the document significantly.

Mr. Boulden stated that he believes that the comments are appropriate if this is what the Commission would like to do.

Ms. Matthews stated that she would not presume to speak for the Task Force that developed this Plan. From a planning standpoint she would not have a problem with the changes suggested. Everyone knows that a plan is a guideline and is adopted by resolution and not by ordinance. If the suggested changes give the plan a different dimension and add to it, then staff could support that. Ms. Matthews concluded that she would defer to any comments the Task Force might want to make.

Theron Warlick stated that Mr. Norman said that this is a guide and much of the wording in the plan is very lenient. With regards to the recommended changes by the Planning Commission, he couldn't speak for the Task Force. The suggestion for 16.9 was offered for some public improvements, specifically some flood control parks, ponds and paths. He suggested that to include a private institution in this is stating something different. Private institutions that have a long-range vision in this neighborhood have the means to come in and help them in this plan and have those changes reflected in the plan as written. He believes that the wording is flexible enough in these other sections as written to allow for the flexibility any particular development might need to receive a fair hearing.

Mr. Harmon stated that the wording that he suggested simply softens it a little bit.

Mr. Midget stated that he concurs with Mr. Harmon with the wording. He believes that it adds some flexibility to it. Twelve years from now a citizen could be before the Planning Commission stating that these are the words and this is what the plan states and it really doesn't have the flexibility that was intended as it is today. By changing the wording it would provide the kind of flexibility that future Planning Commissions and future residents of the area can really develop the area in the way that is desired. He explained that he has history with these types of situations and he states this with all sincerity. He commented that the wording that Mr. Harmon has suggested would get everyone where they would like to go and he is not intending to take issue with the Task Force or the staff.

Mr. Carnes stated that everyone who spoke today would like to see this move forward as soon as possible. Therefore, he would make a motion that this be moved onto City Council with the changes that Mr. Harmon made. Mr. Harmon seconded the motion.

Mr. Ard congratulated the Task Force and staff for their hard work.

Mr. Harmon stated that he believes that this will be a great plan and he sees this as being one of the best infill plans that Tulsa has come up with so far.

Ms. Bayles stated that in her opinion this plan emphasizes that a community's connectivity is not only physical (based on its street grid), but is intensely personal. The value of the professional planners and the volunteer citizen



planners can not be overstated today. Mention has been made of the neighborhood "string of pearls" and she can't help thinking of Peoria in of itself as a string of pearls anchored by 32<sup>nd</sup> on the north and 36<sup>th</sup> on the south. We are seeing enhanced street improvements moving toward the center. With that there will not be anything short of a major arterial that will again be vibrant and serve citizens. The value of the subject plan has been affirmed by today's speakers in a way that unifies the district street and development patterns and will hopefully enhance its overall appeal today, tomorrow and for the future. She concluded by stating that she would be supporting Mr. Carnes's motion to approve the adoption of this plan and moving the resolution forward subject to the changes suggested by the Planning Commission today.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to recommend **APPROVAL** of the adoption of the 6<sup>th</sup> Street Infill Plan and text amendments to the District 4 Detail Plan as amended by the Planning Commission.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to recommend **APPROVAL** of the adoption of the District 4 Plan Map and Text, A part of the Comprehensive Plan for the Tulsa Metropolitan Area, to reflect adoption of the 6<sup>th</sup> Street Infill Plan as amended by the Planning Commission.

\* \* \* \* \*

**Ms. Bayles out at 3:17 p.m.**

**ZONING PUBLIC HEARING**

**Application No.: CZ-368**

**AG TO RE**

**Applicant:** J.R. Donelson

(County)

**Location:** East of the northeast corner East 181<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

**CZ-253/PUD-612 August 1999:** A request to rezone the subject property from AG to RS for residential development for 26 lots and private streets was recommended by TMAPC for denial. TMAPC felt the RS zoning to be in excess of density and the approval of private streets could set a precedent for

substandard streets in the area. The proposed PUD was not consistent with the Tulsa County Zoning Code and therefore did not meet the guidelines for development.

#### **AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately fifty acres and is located east of the northeast corner East 181<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue. The property is gently rolling, wooded, zoned AG and vacant.

#### **STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 181 <sup>st</sup> Street South	Secondary arterial	100'	2 lanes

**UTILITIES:** Bixby municipal water lines are available along East 181<sup>st</sup> Street South but there is no public sewer system available in this area.

#### **SURROUNDING AREA:**

The property is abutted on the north; west and east by vacant property, zoned AG and to the south by single-family homes that are within the Bixby City limits.

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

The subject property is not within any adopted district plans. The Development Guidelines, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, provide for evaluation of the existing conditions, land uses, existing zoning and site characteristics for the goals and objectives of areas that have not been specifically defined for redevelopment. The proposal meets the Guidelines' definition of low intensity land use and is in accord with those provisions.

#### **STAFF RECOMMENDATION:**

The Zoning Code for Tulsa County allows one dwelling unit per approximate one-half acre in RE zoning. The residential development immediately to the south of this proposed development appears to be platted in smaller lots than RE standards. Staff can support the requested RE zoning, finding that this density would be a suitable transition between the development to the south and the large-lot residential and vacant/agricultural properties to the east, west and north. Therefore, staff recommends **APPROVAL** of RE zoning for CZ-368.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **JACKSON**, TMAPC voted **7-0-0** (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Dick, Horner "absent") to recommend **APPROVAL** of the RE zoning for CZ-368 per staff recommendation.

**Legal Description for CZ-368:**

The Northeast Quarter of the Southwest Quarter (NE/4, SW/4) of Section 34, T-17-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof; and the East 10 acres of the Southeast Quarter of the Southwest Quarter (SE/4, SW/4) of Section 34, T-17-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, containing 50 acres more or less, and located east of the northeast corner of East 181<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue, Tulsa, Oklahoma  
**From** AG (Agriculture District) **To** RE (Residential Single-family – Estate District).

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**Application No.: Z-7005**

**AG to RS-3**

**Applicant:** Robert J. Nichols

(PD-26) (CD-2)

**Location:** South of the southeast corner of East 103<sup>rd</sup> Street and South Delaware Avenue

**STAFF RECOMMENDATION:**

**Z-6982/PUD-714 March 2005:** Approval was granted on a request to rezone the subject property from AG to RS-3/PUD for residential development.

**Z-6867/PUD-667 October 2002:** A zoning application and Planned Unit Development were approved subject to modifications recommended by staff for a 46-acre tract located south of the 11000 block of South Riverside Parkway on both sides of Riverside Parkway from AG to RS-1/PUD for a single-family development.

**Z-6829/PUD-655 September 2001:** A request to rezone approximately 86.5 acres located on the east side of Delaware Avenue south of the subject property and south of East 111<sup>th</sup> Street, from AG to RS-1 and RS-3. Staff and TMAPC recommended approval of the proposed RS-1 zoning for a single-family development with gated, private streets and recommended approval of RS-3 zoning on the subject tract for single-family development subject to modifications reducing the number of dwelling units and requiring strict limitations of the grade on the private streets. City Council concurred in approval per TMAPC recommendation. An ordinance was never published.

**Z-6390 March 1993:** Approval was granted for a request to rezone an eleven-acre tract that was a wrap-around for the CS parcel located in the southeast corner of East 101<sup>st</sup> Street and South Delaware. The request was to rezone the parcel from RM-0 to RS-3.

**Z-6352 March 1992:** The request to rezone a six-acre tract located on the east side of South Delaware at approximately East 109<sup>th</sup> Street South from AG to CG for a landscape business was denied.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 37.2 acres in size, sloping, partially-wooded, vacant, and zoned AG/RS-3/PUD.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Delaware Avenue	Parkway	150'	2 lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the north, and northwest by single-family residential development zoned RS-3; to the east by single-family development, zoned RS-1; to the south by public soccer fields and scattered single-family homes and agricultural uses, zoned AG; and to the west by the Arkansas River, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 26 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity – Development Sensitive. The requested and existing RS-3/PUD are in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

The requested RS-3 zoning is in accord with the Comprehensive Plan and staff recommends **APPROVAL** of RS-3 zoning for Z-7005.

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

**INTERESTED PARTIES:**

**Greg Jennings**, 2260 South Troost, Tulsa, Oklahoma 74114, stated that his only comment is that 103<sup>rd</sup> connects to the development, but there is a gate at the connection. He asked if the residents should have access to Florence. Mr. Jennings asked what the point of having a stub street is if there is a gate.

**TMAPC COMMENTS:**

Mr. Jackson explained that Riverview is a private-gated community. He requested staff to explain to Mr. Jennings how TAC looks at this and about the crash gate.

Mr. Jennings stated that it is not a crash gate, but a gate that will only allow the residents in River Walk through. The residents at Delaware Pointe will not be able to go east.

Mr. Jackson stated that it is a private neighborhood and not public.

Mr. Jennings asked what was the point making the developer put in a stub street if the access is only essentially one way.

Mr. Jackson stated that the access is for the people in the neighborhood and emergency services. The developer chose to develop a private-gated community, which is allowed and as long as the developer has emergency ingress/egress then it is allowed.

Mr. Jackson explained that stub streets are for connectivity and also they are for emergency services. The developer is providing the route for emergency services, even though it is gated and it does have connectivity (although it is one-sided).

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Dick, Horner "absent") to recommend **APPROVAL** of the RS-3 zoning for Z-7005 per staff recommendation.

**Legal Description for Z-7005:**

A tract of land that is part of Government Lot 4 and a part of the Southeast Quarter of the Northeast Quarter of Section 29, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government survey thereof, said tract of land being more particularly described as follows, to-wit: Starting at a point that is the Northeast corner of said Government Lot 4, said point also being the Southeast corner of Block 3 of Delaware Pointe, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; thence S 89°45'48" W along the Northerly line of Government Lot 4 and the Southerly line of said Block 3 for 1,091.61' to a point on the easterly right-of-way line of South Delaware Avenue; thence S 33°58'20" E along said Right-of-Way line for 684.12'; thence N 89°45'48" E and parallel with the Northerly line of Government Lot 4 for 282.64' to the Point of Beginning of said tract of land; thence N 26°04'43" W for 45.58'; thence N 89°45'48" E and parallel with the Northerly line of Government Lot 4 for 750.99'; thence S 06°39'27" E for 41.28'; thence S 89°45'48" W for 735.74' to the Point of Beginning of said tract of land containing .700 acres more or less and located south and east of the southeast corner of East 103<sup>rd</sup> Street South and South Delaware Avenue, Tulsa, Oklahoma, **From** AG (Agriculture District) **To** RS-3 (Residential Single-family High Density District)

**RELATED ITEM:**

**Application No.:** PUD-714-A

**MAJOR AMENDMENT**

**Applicant:** Robert J. Nichols

(PD-26) (CD-2)

**Location:** South of the southeast corner East 103<sup>rd</sup> Street and South Delaware Avenue

**STAFF RECOMMENDATION:**

The purpose of the major amendment to PUD-714 is to add to the PUD a small tract of land abutting the south boundary. A corresponding zoning request, Z-7005, seeks to rezone the .70-acre parcel from AG to RS-3. With the addition of the small tract, PUD-714-A will comprise approximately 38.17 acres.

The amendment proposes to retain the original development concept which is designed to provide residential lots for individually designed homes per development standards and RS-3 single family zoning district requirements. Primary access to Riverwalk Estates will be from South Delaware Avenue and 101<sup>st</sup> Street South with connection to a stubbed collector street immediately to the west. Riverwalk Estates is to be compatible with the residential environment of surrounding neighborhood subdivisions including private streets, decorative screening and controlled access gated entry.

Subsequent to approval of PUD-714, the preliminary plat for Riverview Park Estates was approved by TMAPC on September 21, 2005. This plat encompasses the area included in PUD 714-A, including the additional .70 acre tract, and is comprised of 129 lots in six blocks and Reserves A, B, C and D.

Pending approval of the requested RS-3 zoning and based upon the proposed development standards as modified by staff, staff finds PUD 714-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD 714-A subject to the following conditions:

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

Area:

Gross: 38.1666 AC

Permitted Uses:

Those uses included as a matter of right in Use Unit 6, Single Family Dwelling, including customary accessory uses such as parking and landscaped areas and security gate houses.

Minimum Land Area per Dwelling Unit: 8400 SF

Maximum Number of Lots: 129 Lots

Minimum Lot Area: 6900 SF

Maximum Building Height: 35 FT

Minimum Livability Space per Dwelling Unit: 4000 SF

Off-Street Parking:

Two enclosed off-street parking spaces per dwelling unit and at least two additional off-street parking spaces per dwelling unit.

Minimum Yards:

Front:

From public street right-of-way 25 FT  
From private street right-of-way 25 FT

Side:

One side 5 FT  
Other side 5 FT

Rear: 20 FT

Private Streets:

Minimum width: 26 FT

All base and paving materials shall be of a quality and thickness that meet the City of Tulsa standards for minor residential public streets.

Entry Identification Signs:

South Delaware Avenue

Maximum display surface area: 48 SF

101<sup>st</sup> Street South 48 SF

#### Landscape and Screening Concept:

The northeastern part of the Riverwalk Estates site is wooded with a number of mature trees with diameters of more than 12 inches. The planning and landscaping objectives are to preserve as many trees as possible, recognizing the need for grading and partial clearing of the property for residential development.

The streets within Riverwalk Estates will be constructed according to City of Tulsa standards to provide an attractive access for residents, guests and services along with some on-street parking.

The landscape and screening concept for Riverwalk Estates features a decorative masonry and wood wall along the South Delaware Avenue frontage. The entryways at South Delaware Avenue and 101<sup>st</sup> Street South will be landscaped and provide an inviting and impressive entrance.

The street frontage landscape, the South Delaware Avenue screening fence, will be maintained by the Riverwalk Estates Homeowners Association.

No landscaping and/or walls shall be permitted in any public right-of-way.

#### Sidewalks:

Sidewalks are required on both sides of residential streets, whether private or public, and shall be in accordance with the design standards of the subdivision regulations and Public Works.

#### Gated Entries and Perimeter Walls:

Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, traffic engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses. No gated entry, guardhouse and/or wall shall be located in a public right-of-way.

#### Pedestrian Access to Torchia-Oliver Park:

A minimum of two pedestrian accesses no less than 12' in width each shall be provided to Torchia-Oliver Tract Park.

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



2. No sign permits shall be issued for erection of an entry sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards. No sign shall be located in a public right-of-way.
3. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and service on a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
4. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
5. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process that are approved by the TMAPC.
6. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD and to force proper maintenance of private streets within PUD 714-A needed to access PUD 714-A.
7. Access shall be provided and maintained from PUD 714-A via private streets (Reserve A) to the unplatted tract north of Block 5 per Concept Illustration Exhibit 'A'.
8. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

**TAC Comments from 10/20/05:**

**General** – No comment.

**Water** - No comment.

**Fire** – No comment.

**Stormwater** – Many drainage issues will be involved with the development of this area.

**Transportation** - Explicit language providing for sidewalks is recommended.

**Traffic** – Parkway R/W shall be a minimum of 75 feet for Delaware. Due to the number of units a high capacity gated entry should be designed and submitted for detailed delivery truck turnarounds and visitor parking. Recommend a 10 foot sidewalk easement or additional width of street reserves for both sides of all

private residential streets per new Subdivision Regulations. Provide language to create a Homeowners Association to adequately fund the maintenance of Private Streets, gates and other common areas, etc. Include adequate language to address the private access to/ from the unplatted tract north of Block 5 via Reserve "A".

**GIS** – No comment.

**County Engineer** – No comment.

**Applicant's Comments:**

**Robert Nichols**, 601 South Boulder, 74119, stated that in concept he is in agreement with the staff recommendation. He commented that the points of pedestrian access going into Torchia-Oliver Park have been recommended to be 12 feet and the comment just made by Ms. Matthews was ten feet. He requested that this issue be left up to the TAC consideration at the time that the plat is approved. This is a conceptual layout and could be modified at the time of approval of the plat.

Mr. Nichols stated that regarding the point of vehicular access on the stub street, the gates in the conceptual plan would be located in such a manner that anyone coming out of Delaware Pointe headed to the east would have access to the street in order to go to the south and wind through the addition to South Delaware Avenue. It is not only for the immediate residents, but Delaware Pointe also would have access. It is accurate that the Delaware Pointe residents wouldn't be able to go north, but it is still subject to site approval by TAC.

Mr. Carnes stated that he doesn't see any reason not to allow TAC determining the pedestrian access.

Ms. Matthews stated that it is up to the Planning Commission and staff has already made their recommendation, which was ten feet wide. However, it can be taken back to TAC if it is subdivided.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Dick, Horner "absent") to recommend **APPROVAL** of the major amendment for PUD-714-A per staff recommendation, subject to allowing TAC recommend the width of the pedestrian access during the platting process at the final plat.

**Legal Description for PUD-714-A:**

A tract of land that is part of the E/2, NE/4 and part of Government Lot 4 in Section 29, T-18-N, R-13-E, of the IBM, City of Tulsa, Tulsa County Oklahoma, more particularly described as follows, to-wit: Starting at the Northeast corner of the NE/4 of said Section 29; thence S 00°08'40" E along the Easterly line of said NE/4 for 837.06' to the Point of Beginning of said tract of land, said point being 176.40' Southerly of the Northerly line of the S/2, NE/4, NE/4; thence continuing

S 00°08'40" E along said Easterly line for 701.27' to a point, said point being 217' Southerly of the Northerly line of the SE/4 of the NE/4; thence S 89°45'48" W and parallel with said Northerly line for 1,093.27'; thence S 18°23'35" E for 178.61'; thence S 06°39'27" E for 183.35'; thence S 89°45'48" W and parallel with the Northerly line of Government Lot 4 for 1,018.38' to a point on the Easterly Right-of-Way line of South Delaware Avenue; thence N 33°58'20" W along said Right-of-Way line for 684.12' to a Point on the Northerly line of Government Lot 4 and the Westerly extension of the Southerly line of Block 3 of Delaware Pointe, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence N 89°45'48" E along said Northerly line of Government Lot 4 and Southerly line of said Block 3 for 1,091.61' to a point that is the Northeast corner of Government Lot 4 and the Southeast corner of said Block 3; thence N 00°09'19" W along the Westerly line of the SW/4, NE/4, NE/4 and the Easterly line of Blocks 2 and 3 of said Delaware Pointe for 659.98' to a point that is the Northwest corner of the SW/4, NE/4, NE/4; thence N 89°44'01" E along the Southerly line of said Block 2 and the Northerly line of the S/2, NE/4, NE/4 for 700.40' Thence S 00°17'45" E and parallel with the most Easterly line of Block 2 of Delaware Pointe for 176.40'; thence N 89°44'01" E and parallel with the Northerly line of the S/2, NE/4, NE/4 for 623.42' to the Point of Beginning of said tract of land, containing 38.16 acres more or less and located south of the southeast corner of East 103<sup>rd</sup> Street South and South Delaware Avenue, Tulsa, Oklahoma, **FROM RS-3/PUD (Residential Single-family High Density District/Planned Unit Development [PUD-714]) TO: RS-3/PUD (Residential Single-family High Density District/Planned Unit Development [PUD-714-A]).**

\* \* \* \* \*

**Application No.: Z-7006**

**RS-3 to RS-4**

**Applicant:** Roy D. Johnsen

(PD-17) (CD-6)

**Location:** South of the southeast corner East 41<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue (Lynn Lane)

**STAFF RECOMMENDATION:**

**Z-6999 September 2005:** All concurred in approval of a request to rezone a ninety-acre tract abutting the subject property on the east from RS-3, AG, OL and CS to RS-4 for single-family development.

**Z-6972/PUD-712 February 2005:** All concurred in approval a request to rezone approximately eight acres in a wrap-around configuration located north and west of the northwest corner of East 51<sup>st</sup> Street and South 193<sup>rd</sup> East Avenue from RM-0 to OL. Approval was also granted for a PUD on the entire northwest corner of this intersection to allow retail development with a proposed mini-storage facility around the commercial corner.

**Z-6970 February 2005:** All concurred in approval of a request to rezone a ten-acre tract located south of the southwest corner of East 49<sup>th</sup> Street and South 177<sup>th</sup> East Avenue and south of the subject property, from AG to RS-3.

**PUD-711 February 2005:** Approval was granted for a gated single-family development for 38 lots. The property is located west of the northwest corner of East 51<sup>st</sup> Street and South 177<sup>th</sup> East Avenue.

**Z-6945 August 2004:** Approval was granted for RS-3 zoning from AG on a 126.5-acre tract located north and east of the northeast corner of East 51<sup>st</sup> Street and South 177<sup>th</sup> East Avenue.

**Z-6913 October 2003:** A request to rezone 11.6 acres, located west of the northwest corner of East 51<sup>st</sup> Street and South Lynn Lane (South 177<sup>th</sup> East Avenue) from AG to RS-4. Staff recommended denial on the grounds there were no other zoning and development patterns in the area with RS-4 zoning. Staff recommended the applicant re-submit the application along with a Planned Unit Development.

**Z-6911 September 2003:** Approval was granted to rezone 160 acres located east of the northeast corner of East 51<sup>st</sup> Street South and South 161 East Avenue from AG to RS-3 for single-family development.0

**Z-6834 October 2001:** The TMAPC and City Council approved a request to rezone an eighty-acre tract adjoining the subject property at the southwest corner, from AG to RS-3.

**Z-6816 June 2001:** All concurred in approval of a request to rezone an eleven-acre tract located north and east of the northeast corner of East 41<sup>st</sup> Street and South 177<sup>th</sup> East Avenue from RM-0 and RS-3 to AG and RS-3 for residential and agricultural uses.

**Z-6500 September 1995:** The TMAPC and City Council approved rezoning from AG to RS-4 on a property north of East 51<sup>st</sup> Street between Lynn Lane (South 177<sup>th</sup> East Avenue) and South 193<sup>rd</sup> East Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 80 acres in size, flat, non-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 177 <sup>th</sup> East Avenue	Secondary arterial	100'	2 lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the north; south and east by vacant land, zoned RS-3 and RS-4, and to the west by single-family dwellings, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity-No Specific land use. According to the Zoning Matrix, the requested RS-4 is in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, surrounding land uses and intensities and trends in the area, staff can support the requested rezoning. Therefore, staff recommends **APPROVAL** of RS-4 for Z-7006.

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

**INTERESTED PARTIES:**

**Marold Lohrenz**, 4516 South 177<sup>th</sup> East Avenue, Tulsa, Oklahoma 74134, stated that he is concerned about changing this zoning from RS-3 to RS-4. Mr. Lohrenz cited the surrounding zoning pattern. He commented that RS-3 is uniform along Lynn Lane and changing the subject property would interrupt it and there is a substantial area along the length of Lynn Lane that would be at a different level. He expressed concerns with the additional density, pricing affects, and the increased traffic. He pointed out that recent RS-4 zoning had been rejected in some of the surrounding areas. He believes it would be consistent to have RS-3 along the corridor. Mr. Lohrenz requested that the zoning not be approved.

**TMAPC COMMENTS:**

Mr. Jackson asked staff to explain the difference between RS-3 and RS-4 in regard to the minimum lot-width and density.

Mr. Alberty stated that the difference between the minimum lot widths would be ten feet. RS-3 requires 60 feet minimum lot width and RS-4 permits 50 feet minimum lot width. The density per acre, which is not normally achieved, is approximately 1 1/3 units per acre greater for the RS-4 (RS-3=5.1 units per acre and RS-4=6.4 units per acre).

Mr. Lohrenz stated that the higher density and smaller lots would cause the houses to be less expensive and that seems to be inconsistent with the flow of things in the subject area.

**Applicant's Rebuttal:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, representing the proposed developers of the 80 acres in question, stated that the section from 41<sup>st</sup> to 51<sup>st</sup> is under development now. His clients own the RS-4 to the east, which is abutting, as well as the RS-4 to the south. Both RS-4 zonings have been approved by the Planning Commission in recent years as appropriate density for this section.

Mr. Johnsen explained that the subject property and all of the properties to the immediate south and to the east have gone together to develop a lift station and force main so that this section can develop. It will be consistent throughout this proposal of single-family detached dwellings. The developers are finding their markets with the lot-width of 58 feet. The actual size of the lot doesn't get close to what RS-4 would theoretically permit. All of the developers on these properties are significant residential buildings in Tulsa and Broken Arrow.

Mr. Johnsen stated that the plan recognizes that single-family is fundamentally consistent with single-family and if one looks at the plan and the matrix, the RS-4 is a detached single-family district and considered to be compatible with other single-family areas. The RS-3 and the development to the west are on the other side of the arterial street. There are no abutting properties objecting to this proposal. The property is capable of developing in an RS-4 district and will not adversely impact any of the interested parties. He requested the Planning Commission approve the RS-4 as it has been approved to the east, north and south of the subject property.

**TMAPC COMMENTS:**

Mr. Bernard asked Mr. Johnsen if the developers to the south were also involved with the subject development. In response, Mr. Johnsen stated that the developers to the south are developing accord to RS-3, but they are signing the partnership agreement with the other owners to develop the lift station and the force main for the sewer system.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Dick, Horner "absent") to recommend **APPROVAL** of the RS-4 zoning for Z-7006 per staff recommendation.

**Legal Description for Z-7006:**

The S/2, NW/4, Section 25, T-19-N, R-14-E, Tulsa County, State of Oklahoma, and located south of the southeast corner East 41<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue, Tulsa, Oklahoma, **From: RS-3 (Residential Single-family High Density District) To: RS-4 (Residential Single-family Highest Density District).**

**Application No.: PUD-684-A**

**MAJOR AMENDMENT**

**Applicant:** Roy Johnsen

(PD-18) (CD-2)

**Location:** East of southeast corner East 81<sup>st</sup> Street and South Riverside Parkway

**STAFF RECOMMENDATION:**

**PUD-105/PUD-105-A/PUD-684 July 2003:** All concurred in approval of a request to abandon PUD-105 and PUD-105-A on the subject property. The new PUD, (PUD-684), was approved to replace the abandoned Planned Unit Development included changes of physical facts, land use and proposed commercial uses on the property.

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

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

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

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 11.65 acres in size, is gently sloping and wooded, with an open drainage area and easement running from Yorktown Avenue south to a wet detention pond. There is a vacant convenience store that fronts East 81<sup>st</sup> Street and remainder of the subject property is vacant. The underlying zoning is CS and RM-1.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 81 <sup>st</sup> Street South	Secondary arterial	100'	4 lanes
South Yorktown Avenue			2 lanes

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

**SURROUNDING AREA:** The subject tract is somewhat wedge shape; to the north of the convenience store on the north end of the property, across East 81<sup>st</sup> Street is a Wal-Mart retail business, zoned CS; to the north and west of the central portion of the wedge is vacant property with the Fred Creek Channel bordering the west, zoned RM-1/PUD-684. Bordering the property to the east is a shopping center, zoned CS, and to the south are multifamily dwellings, zoned RM-1/PUD-684.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity – Special District 6 – Office and Commercial Area and within the Riverside Corridor. The Comprehensive Plan also reflects a development sensitive running from north to south along the east edge of Fred Creek Channel.

**STAFF RECOMMENDATION:**

The purpose of the proposed major amendment to PUD 684 is to redevelop Development Area C for commercial and mini-storage use and redevelop a portion of Development Area D for mini-storage. The 11.65 gross acres tract proposed for amendment is part of PUD 684 (55.62 acres located at the southeast corner of Riverside Parkway and 81<sup>st</sup> Street South and extending east along 81<sup>st</sup> Street to Yorktown Avenue) which was affirmatively recommended by TMAPC on June 18, 2003 and approved by City Council on June 30, 2003.

The site proposed for amendment is situated within Development Area C (net.0.92 acres) which is located at the southwest corner of 81<sup>st</sup> and Yorktown and contains a now unoccupied convenience grocery. Development Area D (net 10.14 acres) is located south of Development area C and was approved for multifamily development and is currently undeveloped. Properties to the east of the site are developed for commercial purposes. Properties adjoining Development Area C and located west of Yorktown are approved for development for commercial purposes. The west boundary of Development Area D adjoins Fred Creek Channel and the property adjoining the south boundary of Development Area D are approved for multifamily purposes or have been developed as multifamily.

The applicant proposes to redevelop Development Area C for retail commercial and mini-storage uses (second story climate controlled) and that 2.41 net acres of Development Area D be designated as Development Area D-1 and developed for mini-storage use and that the remaining 7.73 net acres of Development Area D be designated as Development Area D-2 and developed for multifamily use as originally approved. Exhibits A, B-1, B-2 and C provide the Conceptual Site Plan, Proposed Development Areas, Development Areas as Approved per PUD 684, and Existing Zoning, respectively.



The existing underlying zoning of CS and RM-1 permits the proposed uses and intensity of use of PUD 684-A, therefore, no change in the underlying zoning is proposed.

The underlying Zoning of Development Area C (CS) and Development Area D (RM-1) permitted the allocation of intensity (PUD 684) without any transfer from other development areas and permits the proposed intensity of development of PUD 684-A. Mini-storage is permitted by Special Exception in CS zoning districts. Proposed floor area and other bulk and area requirements conform to CS zoning.

Section 404.I. of the Zoning Code permits Mini-storage by Special Exception in RM-1 districts. The applicant's proposal generally complies with the requirements of Section 404.I with the following exceptions: (1) code limits building height to 12 feet; applicant proposes 26' height, (2) setback from Yorktown per code is 35'; applicant proposes 20' setback, (3) setback from east boundary per code is minimum 5'; applicant proposes 0' setback, and (4) the code prohibits open air storage in the RM-1 district ; applicant proposes open air parking/storage of vehicles, including boats, trailers and recreational vehicles limited to interior location.

With sufficient screening and landscaping in conjunction with preservation of the open drainage easement located adjacent to the proposed mini-storage acting as additional buffer to future multi-family uses; and based upon the proposed Development Standards as modified by staff, staff finds PUD 684-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD 684-A subject to the following conditions:

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

**DEVELOPMENT AREA C:**

NET LAND AREA: .92 acres

PERMITTED USES:

As permitted by right within CS and UU#16, Mini-Storage

MAXIMUM FLOOR AREA: .50

MAXIMUM BUILDING HEIGHT: 40 ft. (2 stories)

MINIMUM BUILDING SETBACKS:

From 81 <sup>st</sup> Street right-of-way	50 ft.
From Yorktown right-of-way	20 ft.
From west boundary	10 ft.
From south boundary	10 ft.

MINIMUM LANDSCAPED AREA: 10% of net lot area

PARKING RATIO:

As provided within the applicable use unit

OTHER BULK AND AREA REQUIREMENTS:

As provided within a CS District

LIGHTING:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be designed to prevent the light producing elements and the polished light reflecting elements of exterior lighting fixtures from being visible to a person standing within an adjacent residential area or street right-of-way. A maximum height for exterior lighting standards and building mounted lights of 25 feet in height is permitted subject to qualification per application of the Kennebunkport Formula.

SCREENING:

A minimum six-foot high screening fence shall be required along the west and south boundaries of Development Area C if ~~adjacent uses in Development Area B are developed for Multifamily~~ If, at the time of redevelopment, there is multifamily existing then a screening fence would be required.

SIGNAGE:

Signage in Development Area C shall be limited to:

- (1) One ground sign to be located along the 81<sup>st</sup> Street frontage not exceeding 25 feet in height and a display surface area of 160 square feet, and may include identification of the mini-storage to be located within Development Area D-1.
- (2) Wall signs not exceeding two (2) square feet of display surface are per lineal foot of building wall to which attached and the length of a wall sign shall not exceed 75% of the tenant space.

**SITE PLAN REVIEW:**

Existing buildings and improvements: buildings, private streets, parking areas and other improvements existing on June 18, 2003 within Development Area C shall remain subject to the Zoning Code requirements existing as of the date of construction. All redevelopment within Development Area C shall comply with the Development Standards of PUD-684-A and shall require TMAPC detail site plan review; however, staff review is permitted if revisions to the existing building do not include construction of additional floor area.

**DEVELOPMENT AREA D-1:**

NET LAND AREA:	2.41 acres
PERMITTED USES:	Mini-Storage
MAXIMUM FLOOR AREA:	40,000 sq. ft.
MAXIMUM BUILDING HEIGHT:	26 ft.
MINIMUM BUILDING SETBACKS:	
From Yorktown right-of-way	20 ft.
From west boundary	10 ft.
From south boundary	10 ft.
From east boundary	0 ft.
PARKING RATIO:	
As provided within the applicable use unit.	
MINIMUM LANDSCAPED AREA:	
10% of net lot area	

**DESIGN REQUIREMENTS:**

The west wall of mini-storage buildings within 100 feet of the westerly boundary and the north wall of the north easternmost mini-storage building and the north wall of the north westernmost mini-storage building shall have an exterior masonry finish and shall contain no windows or doors.

**OPEN AIR STORAGE:**

Open air parking/storage of vehicles, including boats, trailers and recreational vehicles shall be limited to an interior location.

**LIGHTING:**

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be designed to prevent the light producing elements and the polished light reflecting elements of exterior lighting fixtures from being visible to a person standing within an adjacent residential area or street right-of-way. A maximum height for exterior lighting standards and building mounted lights of 25 feet in height is permitted subject to qualification per application of the Kennebunkport Formula.

**LANDSCAPING AND SCREENING:**

A minimum ten-foot landscaped buffer shall be required along the north, west and south boundaries of Development Area D-1. In addition, a wood screening fence with masonry columns and not less than six feet in height shall be maintained along the north, west and south boundaries of the paved area of Development Area D-1, provided however that the masonry exterior walls of the mini-storage buildings located along the paved perimeter shall serve as part of the required screening fence.

**SIGNAGE:**

Within Development Area D-1 (mini-storage), signs shall be limited to one monument sign located at the principal entrance not exceeding 64 square feet of display surface area and not exceeding 12 feet in height.

**DEVELOPMENT AREA D-2:**

NET LAND AREA: 7.73 acres

**PERMITTED USES:**

Multifamily dwellings and similar uses as set forth within Use Unit 8, and customary accessory uses.

MAXIMUM NUMBER OF DWELLING UNITS: 198 DU's

MINIMUM LIVABILITY SPACE PER DWELLING UNITS\*: 600 sq. ft.

MAXIMUM BUILDING HEIGHT 42 ft.

MAXIMUM STORIES: Three

**MINIMUM BUILDING SETBACKS:**

From interior public/private collector 20 ft.

From other development area boundaries

10 ft.

**OTHER BULK AND AREA REQUIREMENTS:**

As established within RM-1 district

\*Livability space as defined by the Tulsa Zoning Code is open space not allocated to parking or drives.

**SIGNAGE:**

Within Development Area D-2 (multifamily), signs shall comply with the provisions of an RM-1 District.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to occupancy or at the soonest appropriate planting time. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. Compliance with these standards and with the City of Tulsa Zoning Code

must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.

9. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required Stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
10. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.
14. Transfer of floor area or dwelling units from one Development Area to another is permitted by minor amendment subject to Section 1107.H.3 and Section 1107.H.4 of the Tulsa Zoning Code.

**TAC Comments from 10/20/05:**

**General** - No comment.

**Water** - No comment.

**Fire** – No comment.

**Stormwater** – No comment.

**Wastewater** – Sanitary Sewer access must be provided for all proposed lots within the PUD at the time of development.

**Transportation** – No comment.

**Traffic** – No comment.

**GIS** – No comment.

**County Engineer** – No comment.

**TMAPC COMMENTS:**

Mr. Bernard stated that the proposal actually crosses the street and accesses back into the apartment community. He asked if the street access would change or be altered by the proposal.

Mr. Johnsen stated that there is no change in the street system.

Mr. Ard asked if the commercial building fronting 81<sup>st</sup> Street (the old Quik-Trip building) would become a two-story building. In response, Mr. Johnsen stated that the building would be taken down and is already zoned CS, which allows two-story buildings.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, stated that he agrees with the staff recommendation with two points of clarification. 1.) In Development Area C (the old Quik-Trip property) in PUD-684 two years ago there was a provision in recognition that there were existing improvements, which was that the existing provisions, should be permitted based on the zoning that existed at the time they were constructed. He commented that he believes that staff is stating this, but they took out some language that he had. He would like to add to Development C the following language: Existing buildings and improvements: buildings, private streets, parking areas and other improvements existing on June 18, 2003 within Development Area C shall remain subject to the Zoning Code requirements existing as of the date of construction.

Mr. Johnsen stated that the second point is in Development Area C as well. Mr. Johnsen read the screening requirement as recommended by staff. He commented that the problem with this requirement is one of timing. If the subject property is redeveloped, then there would be no need for screening because the adjoining property would develop commercial. He stated that he believes that the staff is trying to state that "...if at the time of redevelopment". He explained that the building will be destroyed and a new facility built. At the time of redevelopment there isn't any multifamily south and west in Area B and a screening requirement is not needed or helpful. He requested that he not be required to install the screening fence and at some point if multifamily does develop, then they will know going in that the subject property is a combined retail and upper-level mini-storage next door and then make the decision to build apartments and do their own screening. He explained that it is difficult to go back and build the screening fence several years later. He requested that the language be modified as follows: "If, at the time of redevelopment, there is multifamily existing then a screening fence would be required." He commented that he doesn't believe the screening fence will ever be needed because the adjacent property is sold and is authorized for commercial use, which is what he expects to happen.

Staff indicated that they do not have any problems with the modifications.

There were no interested parties wishing to speak.

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Dick, Horner "absent") to recommend **APPROVAL** of the major amendment for PUD-684-A per staff recommendation, subject to the modifications presented by the applicant. (Language with a strike-through has been deleted and language with an underline has been added.)

**Legal Description for PUD-684-A:**

A tract of land that is part of Lot 1, Block 1, all of Lots 3, 5, and part of Lots 4 and 6, Block 2, and part of the platted rights-of-way of South Yorktown Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof (Plat No. 3337), said tracts being more particularly described as follows: Beginning at the Northeast corner of said Lot 1, Block 1, thence S 89°42'04" E along the present Southerly right-of-way line of East 81<sup>st</sup> Street South, for a distance of 30.00' to a point on the centerline of said South Yorktown Avenue; thence S 0°00'11" W along said centerline for a distance of 154.25' to a point; thence S 89°59'49" E and perpendicular to the Northeasterly line of said Lot 3, for a distance of 30.00' to a point said point being the Northeast corner of Lot 3; thence S 0°00'11" W along the Easterly line of said Lots 3 & 4 for a distance of 745.90' to a point, said point being the Southwest corner of Lot 2 of said Block 2; thence S 89°42'04" E along the Southerly line of said Lot 2, Block 2, for a distance of 125.36' to a point, said point being the Northwest corner of Lot 7, Block 2; thence S 0°00'11" W along the Westerly line of said Lot 7, Block 2, for a distance of 384.95' to a point, said point being the Southwest corner of Lot 7, Block 2; thence S 11°27'54" E and perpendicular to the centerline of said East 83<sup>rd</sup> Street South, for a distance of 30.00' to a point on said centerline; thence Southwesterly along said centerline, along a 118.37' radius curve to the left, having an initial tangent bearing of S 78°32'06" W, a central angle of 16°40'10", for an arc distance of 34.44' to a point; thence N 28°08'04" W and perpendicular to the centerline, for a distance of 30.00' to a point on the Southerly line of said Lot 4, Block 2; thence N 24°14'29" W for a distance of 30.34' to a point thence N 42°55'17" W for a distance of 18.62' to a point; thence S 90°00'00" W for a distance of 199.69' to a point on the Easterly line of said Lot 6, Block 2; thence N 0°00'00" E along said Easterly line, for a distance of 214.73' to a point; thence N 42°55'17" W for a distance of 140.94' to a point; thence N 90°05'5"W, for a distance of 22.28' to a point on the Northerly line of Lot 6, Block 2; thence S 90°00'00" West along said Northerly line, for a distance of 218.65' to a point; thence N 0°00'00" E for a distance of 120.00' to a point; thence S 90°00'00" W for a distance of 301.73' to a point; thence N 11°10'38" E for a distance of 64.89' to a point; thence N 78°49'22" W for a distance 17.10' to a point; thence N 11°27'34" E for a distance of 240.68' to a point; thence S 89°42'04" E and parallel with the Northerly line of said Block 1, for a distance of 101.94' to a point



on the Southerly line of said Lot 1, Block 1; thence N 64°44'25" E along said Southerly line, for a distance of 201.00' to a point; thence S 25°15'35" E and perpendicular to the centerline of said South Yorktown Avenue, for a distance of 30.00' to a point on said centerline; thence N 64°44'25" E along the centerline for a distance of 330.91' to a point of curvature; thence continuing along the centerline, along a 157.77' radius curve to the left, having a central angle of 47°53'32", for an arc distance of 131.87' to a point that is 200.00' Southerly of, as measured perpendicular to, the Northerly line of Lot 1, Block 1; thence N 89°42'04" W and parallel with the Northerly line of said Block 1, for a distance of 223.23' to a point; thence N 0°00'11" E for a distance of 200.00' to a point on said Northerly line; thence S 89°42'04" E along the Northerly line for a distance of 200.00' to the Point of Beginning, and located in the southeast corner of East 81<sup>st</sup> Street and South Riverside Parkway, Tulsa, Oklahoma, **from RM-1/CS/PUD (Residential Multifamily Low Density District/Commercial Shopping Center District/Planned Unit Development [PUD-684]) to RM-1/CS/PUD (Residential Multifamily Low Density District/Commercial Shopping Center District/Planned Unit Development [PUD-684-A]).**

\* \* \* \* \*

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

Date Approved:

1/4/06

Stacy M. Bayles

Chairman

ATTEST:

[Signature]

Secretary

