

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2446

Wednesday, May 17, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ard	Bayles	Alberty	Boulden, Legal
Bernard		Chronister	
Cantees		Huntsinger	
Carnes		Matthews	
Collins			
Harmon			
Hill			
Jackson			
Midget			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 11, 2006 at 3:45 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 Bernard called the meeting to order at 1:30 p.m.

Chairman Bernard read the rules and procedures for the TMAPC meeting.

### **Minutes:**

#### **Approval of the minutes of April 19, 2006 Meeting No. 2443**

On **MOTION** of **CARNES**, the TMAPC voted 7-0-0 (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to **APPROVE** the minutes of the meeting of April 19, 2006, Meeting No. 2443.

**Minutes:**

**Approval of the minutes of April 26, 2006, Meeting No. 2444**

On **MOTION** of HILL the TMAPC voted 7-0-0 (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to **APPROVE** the minutes of the meeting of April 26, 2006, Meeting No. 2444.

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**Mr. Midget in at 1:34 p.m.**

**REPORTS:**

**Chairman's Report:**

Mr. Bernard reported that he has talked with Mr. Alberty and there have been, from time to time, Planning Commissioners who have made requests to staff on specific issues. Mr. Bernard further reported that Mr. Alberty would like to assure the Planning Commission that staff does want to provide services for the Planning Commissioners, but he requests that it comes through the meeting as a whole and that we as a group direct staff. Mr. Bernard concluded that if the Planning Commissioners do have anything to request, please wait until the last agenda item "**Commissioners' Comments**" to present that request.

**Worksession Report:**

Mr. Bernard reported that there will be a worksession next week with the OU presentation for the 15<sup>th</sup> and Lewis, Midtown Redux study that Commissioner Bayles wanted presented. Staff will be making a recommendation as well.

**Director's Report:**

Mr. Alberty reported on the TMAPC receipts for the month of April 2006. He indicated that the receipts are up, which increases the staff's workflow.

Mr. Alberty requested a poll of how many Planning Commissioners would be interested in an East Tulsa bus tour. He indicated that the tour would be on May 31, which is a non-meeting day. Urban Development has agreed to organize a meeting and tour from 10:00 a.m. to 1:00 p.m. and would include lunch.

Mr. Alberty recognized Dr. Larry Wofford as the newest member to the Planning Commission. Mr. Alberty stated that he will be a great contribution to the Planning Commission.

Mr. Alberty reported that Mr. Bob Gardner's, former Deputy Director of INCOG, wife passed away last night. The funeral services will be held this Friday.

Ms. Hill asked Mr. Alberty if this is the first time for the TMAPC receipts to be up. In response, Mr. Alberty stated that last month and in August 2005 there were

increases. There is a trend showing that there is an increase and the largest increase has been in the BOA applications.

Ms. Hill stated that this is good news and she is glad that people want to do business with Tulsa again.

Mr. Bernard asked Mr. Alberty if the June date for the evening session ever got confirmed. In response, Mr. Alberty stated that it had not and it will be on the next worksession for discussion.

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Mr. Bernard welcomed Mr. Wofford to the Planning Commission.

**SUBDIVISIONS:**

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

**L-19959 – Michael Cho** (7408) (County)

East of southeast corner East 132<sup>nd</sup> Street and 121<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

The proposal is to split a two-acre parcel into two tracts as shown on the exhibit. Both resulting tracts meet the RS zoning bulk and area requirements. A waiver of the Subdivision Regulations would be required to approve the lot-split because Tract B would have more than three side lot lines.

The Technical Advisory Committee had no concerns regarding this lot-split. Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of *Subdivision Regulations* and of the lot-split.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bernard, Carnes, Hill, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins "absent") to **APPROVE** the lot-split for waiver of Subdivision Regulations and lot-split for L-19959 per staff recommendation.

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

**L-19957 – Christopher Broyles** (8308)

(PD 18) (CD 9)

2812 East 71<sup>st</sup> Street

**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, Bernard, Carnes, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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**FINAL PLAT:**

**Stargate Challenge Course Complex -** (0331)

(PD 2) (CD 1)

Northeast corner of Jasper Street and Peoria Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 4.55 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 **MIDGET**, TMAPC voted 8-0-0 (Ard, Bernard, Carnes, Hill, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins "absent") to **APPROVE** the final plat for Stargate Challenge Course Complex per staff recommendation.

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**Commissioner Collins in at 1:41 p.m.**

**Kingsbury III – (8323)**

(PD 18) (CD 8)

South of East 91<sup>st</sup> Street South, East of Sheridan Road

**STAFF RECOMMENDATION:**

This plat consists of seven lots in one block on 3.29 acres.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 8-0-1 (Ard, Bernard, Carnes, Hill, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; Collins "abstaining"; Bayles, Cantees "absent") to **APPROVE** the final plat for Kingsbury III per staff recommendation.

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**Commissioner Cantees in at 1:43 p.m.**

**PRELIMINARY PLAT:**

**Trinity Restoration – (8324)**

(PD 26) (CD 8)

South side of Creek Expressway, East of Memorial Drive

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 2.5 acres.

The following issues were discussed May 4, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD 411-C/CO-Z-5842-SP-1. Access is to be provided by a separate instrument dedication of a mutual access easement along the western plat boundary. East 98<sup>th</sup> Street will end in a cul-de-sac. The mutual access easements and cul-de-sac right-of-way dedications will need to be accomplished before the final plat is approved. Show the 30-foot landscaped buffer setback for the east 30 feet of the site. Transportation Planning: The subject property is adjacent to an existing trail (Mingo Trail). Per Subdivision Regulations (Section 4.3.3) recommend a 15-foot easement along subject property's east boundary to allow pedestrian access to trail.

2. **Streets:** Show that cul-de-sac right-of-way at south end will be dedicated by separate instrument. Discuss need for requesting waiver of access requirement due to accessibility only through mutual access easement.
3. **Sewer:** No comment.
4. **Water:** Show distances and bearings on water line easements. On the west side of the non-platted property eliminate the overlapping of the 24-foot mutual access easement and 15-foot restricted waterline easement by moving the restricted waterline easement to the west.
5. **Storm Drainage:** There must be survey tie distances and bearings from the point of beginning of the plat to the nearest point on the proposed 15-foot storm sewer easement, which diagonals across the lot from north to south. There must also be distances and bearings shown on the plat for all bounding lines of this easement.
6. **Utilities: PSO, ONG, Cable, Telephone:** PSO requests a 17.5-foot utility easement along the west boundary of the property.
7. **Other: Fire:** 508.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6.; 508.5.1 where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet. GIS: Another basis of bearing is needed. Plat # 4896 did not have a basis of bearing on it. This plat will require the form in Appendix D of the Subdivision Regulations and a bearing and distance from the nearest section corner to the point of beginning. Show bearings and distances on storm and water easements.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below.

#### **Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

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

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

**TMAPC COMMENTS:**

Mr. Bernard asked if the jogging path issue was resolved. In response, Mr. Alberty stated that this went before TAC and the applicant didn't have any comments so he assumes that the applicant is accepting the resolution of the Planning Commission.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Ard, Bernard, Cantees, Carnes, Collins, Hill, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; "abstaining"; Bayles "absent") to **APPROVE** the preliminary plat for Trinity Restoration, subject to special conditions and standard conditions per staff recommendation.

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**MINOR SUBDIVISION PLATS:**

**Parkside** – (9307)

(PD 4) (CD 4)

East 12<sup>th</sup> Street and South Trenton Avenue

**STAFF RECOMMENDATION:**

This plat consists of four lots, two blocks, on three acres.

The following issues were discussed April 20, 2006 and May 4, 2006 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned under PUD-728. All PUD requirements must be followed.
2. **Streets:** Traffic and Transportation reviewed latest revisions with engineer on 5/1/06. Conceptual improvements plan was not included with latest submitted revisions; the information on the conceptual plan is often necessary to determine the existing and proposed utility easements required to be shown on the face of plat. Recommend either continuance with resubmittal including revised conceptual improvements plan, or approval as a preliminary plat on condition that the draft final plat submittal includes the conceptual improvements plan. Original plat and street right-of-way

dedication issues from previous TAC have been addressed.

3. **Sewer:** Easement must be provided for the existing sanitary sewer line crossing Block 1. If you provide a sanitary sewer easement for the existing line, then applicant must include language for it in the covenants. If new construction will negatively impact the existing sanitary sewer, the rehabilitation costs must be paid by the developer.
4. **Water:** Show existing 12-inch water main along the south side of East 12<sup>th</sup> Street. Label with increased clarity the existing six-inch water line along the east side of South Trenton Avenue.
5. **Storm Drainage:** The separate instrument storm sewer easements for both existing 30 inch RCP storm sewers in Block 1 must be shown with their type, width, and filed book and page numbers on the face of plat. Show all existing storm sewers.
6. **Utilities: PSO, ONG, Cable, Telephone:** Okay.
7. **Other: Fire:** Check distance on hydrants.

Staff recommends **APPROVAL** of a preliminary plat for this subdivision and not a minor subdivision plat per submittal subject to the TAC comments and special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)

16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Ms. Chronister reiterated the options of approving this as a preliminary plat or to continue this item for a re-submittal of a revised conceptual improvements plan.

Mr. Harmon asked if this property is a replat. In response, Ms. Chronister answered affirmatively.

Mr. Jackson recognized the applicant.

**Applicant's Comments:**

**Micah Seamers**, Craft & Tull Associates, 220 East 8<sup>th</sup>, 74103, responded to Mr. Jackson and stated that they would like to proceed with a preliminary plat.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Ard, Bernard, Cantees, Carnes, Collins, Hill, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; "abstaining"; Bayles "absent") to **APPROVE** the preliminary plat for Parkside, subject to special conditions and standard conditions per staff recommendation.

**CONTINUED ZONING PUBLIC HEARING:**

**Application No.: PUD-725**

**Applicant:** J.R. Donelson/Advent Development Co. County

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

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to June 21, 2006.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nay"; none "abstaining"; Bayles "absent") to **CONTINUE** PUD-725 to June 17, 2006.

**TMAPC COMMENTS:**

Mr. Carnes stated that the Planning Commission will not be meeting on June 17 and suggested the date be changed to June 7 or June 21.

Ms. Matthews indicated that the date should be set for June 21, 2006.

**TMAPC Action; 10 members present:**

On amended **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nay"; none "abstaining"; Bayles "absent") to **CONTINUE** PUD-725 to June 21, 2006.

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**Application No.: CZ-375/PUD-731**

**AG to CG/PUD**

**Applicant:** Jeffrey Levinson

County

**Location:** Northeast corner East 151<sup>st</sup> Street and South Lewis Avenue

**STAFF RECOMMENDATION:**

Applicant has requested a continuance to June 7, 2006.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HILL**, TMAPC voted **10-0-0** (Ard, Bernard, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nay"; none "abstaining"; Bayles "absent") to **CONTINUE** CZ-375 and PUD-731 to June 7, 2006.

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**ZONING PUBLIC HEARING**

**Application No.: PUD-93-C MAJOR AMENDMENT)**

**Applicant:** Tulsa Engineering & Planning (PD-18) (CD-7)

**Location:** Northwest corner East 61<sup>st</sup> Street and South Memorial

**STAFF RECOMMENDATION:**

**PUD-93-A/Z-4026 November 1971:** The TMAPC approved a request for rezoning from RS-3/PUD to CS/PUD and a major amendment to PUD-93 for varied dwelling types and accessory facilities and located as the subject property.

**PUD-93-B July 1972:** The TMAPC voted unanimously to allow PUD-93-B to be withdrawn from public hearing on the subject property.

**PUD-93 September 1970:** The TMAPC approved a Planned Unit Development for a 27+ acre tract zoned RM-2/RS-3, for single-family residences, duplexes and apartments and located as the subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 32.166± acres in size and is located northwest of the northwest corner of East 61<sup>st</sup> Street South and South Memorial Drive. The property is developed as multifamily and is zoned RS-3/RM-2/CS/PUD.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Memorial Drive	Primary Arterial	120'	5-lanes
South 80 <sup>th</sup> Avenue East	Residential	50'	2-lanes

East 59 <sup>th</sup> Place	Residential	50'	2-lanes
East 59 <sup>th</sup> Street	Residential	50'	2-lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the east by some commercial and multi family uses zoned CS; on the north by single family homes, zoned RS-3; on the south by commercial uses, zoned CH; and on the west by single family homes, zoned RS-3.

**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 Medium Intensity-Residential land use (southeast quarter) and Low Intensity-Residential land use (on the remainder). According to the Zoning Matrix, the requested zoning is in accord with the Plan.

**STAFF RECOMMENDATION:**

The Falls, PUD-93, is a fully developed multifamily development located north and west of the northwest corner of East 61<sup>st</sup> Street South and South Memorial Drive. Access to the residential development can be achieved from South Memorial Drive via East 60<sup>th</sup> Street or East 58<sup>th</sup> Street to South 80<sup>th</sup> East Avenue, all public streets. Access can also be achieved from East 61<sup>st</sup> Street through a series of “unofficial” (not covered by access easements) drives through an abutting residential complex to the south. The proposed amendment to PUD 93 is to allow the existing public streets, East 59<sup>th</sup> Street South and East 59<sup>th</sup> Place South, to be closed by City of Tulsa ordinance and to allow these public streets to become private; and to allow for future gating of the private streets. All future maintenance of the private streets is to be by the property owner(s).

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD 93-C as modified by staff to be: (1) consistent with the Comprehensive Plan; 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 93-C 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:

**Private Streets:**

East 59<sup>th</sup> Street and East 59<sup>th</sup> Place shall be private streets.

**Sidewalks:**

Sidewalks are required on all residential streets, whether public or private, residential collectors and arterials.

**Gated Entries:**

A gated entry shall be permitted at the access from South 80<sup>th</sup> East Avenue.

3. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including security gates and guard houses.
4. The City shall inspect all private streets and certify that they meet City standards' prior to any building permits being issued on lots accessed by those streets. The developer shall pay the same inspection fee to the City as would be paid for inspection of public streets.
5. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
6. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
7. 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 guardhouses.
8. Except as above modified, the development standards of PUD 93 as amended, shall remain applicable.

**TAC Comments from May 4, 2006:**

**General** – No comments.

**Water** – If the streets become vacated then a 20' restrictive waterline easement will be required.

**Fire – International** Fire Code Section 503.6 Security Gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation.

The security gates and the emergency operation shall be maintained operational at all times.

**Stormwater** – Easements for the existing Storm Sewer System must be retained, if the Public Street Rights-of-Way are vacated.

**Wastewater** – No comments.

**Transportation** – No comments.

**Traffic** – No objection to the isolated, private street. Gate design is subject to the approval of Fire & Traffic. A mutual access easement may be required due to the subdivided lots.

**GIS** – No comments.

**County Engineer** – No comments.

**MSHP:** Memorial Drive designated as primary arterial (ROW = 150'). Request sidewalks along Memorial Drive.

**LRTP:** South Memorial Drive, between 51<sup>st</sup> Street South and 61<sup>st</sup> Street South, planned six lanes. On 61<sup>st</sup> Street South, between Sheridan Road and Memorial Drive, existing four lanes.

**TMP:** No comments

**Transit:** Currently, Tulsa Transit operates an existing route on Memorial Drive, between 51<sup>st</sup> Street South and 61<sup>st</sup> Street South. According to MTTA future plans, this location will continue to be served by transit routes.

**Applicant's Comments:**

**Jerry Ledford, Jr.,** 6737 South 85th East Avenue, Tulsa, OK 74133, stated that The Falls is an existing apartment complex that was developed in the 1970s. He explained that he is requesting that the streets be closed and in the future he will process a closure and vacation action through the City. This is a fully developed apartment complex and in the future there will be a gate across East 80<sup>th</sup> Street.

Mr. Ledford stated that one of the items is the request for sidewalks along the collector streets and the internal private streets and he requested that this be waived due to internal sidewalks that are already developed with apartments and drives already along the subject area. There are severe topographic challenges with this property. He is in agreement with the balance of the conditions.

**TMAPC COMMENTS:**

Mr. Jackson asked Mr. Ledford if the owner wants to make this a gated multifamily complex. Mr. Ledford stated that there is currently an existing gated access and the request to gate the other access is in order to take over the street

and provide maintenance on the streets, especially the ring-road. The owner is planning to make the complex more upscale in the future.

Mr. Carnes asked staff if they had any objections to deleting the sidewalk requirement since the owner is planning to do his own maintenance. In response, Ms. Matthews stated that if they have internal sidewalks then that is great, but staff's concern is extending some way to walk along the street on Memorial. It is not a large area, but the link along Memorial will eventually have a sidewalk.

Mr. Ledford stated that he would be in agreement with sidewalks with the one stretch along Memorial (150').

**INTERESTED PARTIES:**

**Bill Cooper**, 8015 East 58<sup>th</sup> Place, 74145, stated that he is across the street from this facility. He thought there was going to be some commercial activity and what the projection is as far as the evaluation of the adjacent residential property.

Mr. Bernard stated that there is nothing before the Planning Commission regarding commercial development on the subject property. The applicant wants to do some additional maintenance.

**Geneva J. Duggan**, 5931 South 76<sup>th</sup> East Avenue, 74145, stated that she lives on the west side of the subject property. She asked if there would be any fencing involved.

Mr. Bernard stated that they are proposing to put up gates, but no fencing.

Mr. Ledford confirmed Mr. Bernard's statement.

**TMAPC COMMENTS:**

Mr. Ard asked if the street closure would be at the entrance to The Falls off of 80<sup>th</sup> Street. Ms. Matthews answered affirmatively.

Mr. Ard asked if the 80<sup>th</sup> Street, which is a loop, would still be opened from 58<sup>th</sup> down to 60<sup>th</sup> and would that be a private street or public street. In response, Ms. Matthews stated that everything that is gated and shown in gray would be the private street.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles "absent") to recommend **APPROVAL** the major amendment for PUD-93-C per staff recommendation, subject to the sidewalk being on the Memorial side.

**Legal Description for PUD-93-C:**

A part of the S/2 of the SE/4 of Section 35, T-19-N, R-13-E of the Indian Meridian, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beginning at the NE corner of the S/2 of the SE/4 of Section 35, T-19-N, R-13-E, Tulsa County, Oklahoma, said point being 1,321.47 feet north of the SE corner of said Section 35; Thence N 89°46'53" W a distance of 1,320.37 feet to a point, said point being the NW corner of the S/2 of the SE/4 of Section 35; Thence S 00°00'17" W a distance of 145.00 feet to a point; Thence S 24°03'56" W a distance of 375.60 feet to a point; Thence S 07°48'41" W a distance of 193.24 feet to a point; Thence S 24°49'38" E a distance of 427.13 feet to a point; Thence N 00°00'17" E a distance of 76.37 feet to a point; Thence S 89°46'01" E a distance of 1,060.46 feet to a point; Said point being 260.00 feet west of the east line of Section 35; Thence due north and parallel to the east line of Section 35 a distance of 865.00 feet to a point; Thence S 89°46'01" E a distance of 260.00 feet to a point on the east line of said Section 35; Thence due north along the east line of Section 35 a distance of 126.00 feet to the point of beginning, and containing 27.003 acres, more or less. And being approximately located NW of the NW corner of 61<sup>st</sup> Street and Memorial Drive. **FROM RS-3/RM-2/CS/PUD (Residential Single Family District/Residential Multi Family District/Commercial Shopping Center District/Planned Unit Development [PUD-93]) TO RS-3/RM-2/CS/PUD (Residential Single Family District/Residential Multi Family District/ Commercial Shopping Center District/Planned Unit Development [PUD-93-C]).**

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**Application No.: Z-7024**

**AG to CO**

**Applicant:** Tulsa Engineering & Planning

(PD-18) (CD-8)

**Location:** South of the southwest corner East 81<sup>st</sup> Street and South Garnett Road

**STAFF RECOMMENDATION:**

**PUD-716/Z-6989 July 2005:** All concurred in approval for a request to rezone a 9.37± acre tract of land and a Planned Unit Development from CO to CS/PUD for commercial development and approved per staff recommendation.

**PUD-666 August 2002:** Approval was granted for a Planned Unit Development on a ten-acre tract located on the northwest corner of East 81<sup>st</sup> Street and South 113<sup>th</sup> East Avenue from RM-0 and CS to PUD for commercial development.

**PUD-663 June 2002:** A request to rezone a 26-acre tract located north and west of the subject property on the north side of East 81<sup>st</sup> Street, from CO to

CO/PUD-663. The PUD was approved for a recreation and sporting goods store, boat sales, and other retail and office uses.

**PUD-569-A/Z-6054-SP-5 November 1999:** The TMAPC denied the request for a major amendment to PUD-569 and a Corridor Site Plan for an outdoor advertising sign in Development area C. The applicant appealed the decision of the TMAPC to the City Council and upon review approved the application.

**PUD-569/Z-6054-SP-3 December 1997:** All concurred in approval of a request for a corridor site plan and Planned Unit Development on a 30.7-acre tract abutting the subject property on the west for a mixed use development.

**Z-6054 July 1985:** All concurred in approval of CO zoning on a 137-acre tract that included the subject property and located in the southeast corner of East 81<sup>st</sup> Street and Mingo Valley Expressway.

**BOA-9717 November 3, 1977:** The Board of Adjustment approved a Special Exception to allow a mobile home in an AG District for a period of 3 years located on the subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 20± acres in size and is located south of the southwest corner East 81st Street and South Garnett Road. The property is vacant and is zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 81 <sup>st</sup> Street	Secondary Arterial	100'	2 lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the east by mixed commercial/office uses, zoned R-1 in Broken Arrow; on the north by vacant and large-lot residential land, zoned CO and PUD-716; on the south by single-family residentially used land, zoned CO; and on the west by residential and mixed uses, zoned PUD-569-A. To the southeast is Golf World, zoned PUD-117 in Broken Arrow.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Corridor. According to the Zoning Matrix, the requested CO is in accord with the District Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and other uses in the area, staff can support the requested rezoning and recommends **APPROVAL** of CO zoning for Z-7024.

**TMAPC COMMENTS:**

Mr. Ard stated that there are continuous issues with CO zoning, CO site plans and moving through the whole process. He commented that no one seems to like this type of process and he questioned if there is another zoning that could be recommended that might be easier to deal with down the road. Usually CO site plans are contentious and it is interesting to him that CO is still being recommended when it is such a difficult process to get through.

Ms. Matthews stated that she believes that most of the problems occur when the property has CO and PUD overlaid. At this point it does become difficult to sort out what is what. Staff is working through the Zoning Code amendments to simplify it and to separate them. The applicant is asking for CO zoning only today and he will have to submit a corridor site plan that the Planning Commission will review. Staff is working toward a solution.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles "absent") to recommend **APPROVAL** the CO zoning for Z-7024 per staff recommendation.

**Legal Description for Z-7024:**

Lot 9, Block 1, Golden Valley addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma. **From AG (Agriculture District) To CO (Corridor District).**

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**Application No.:** CZ-376

**AG to RE**

**Applicant:** Intrinsic Development, LLC County

**Location:** North of northwest corner East 136<sup>th</sup> Street North and North Mingo Road.

**STAFF RECOMMENDATION:**

**CBOA-2087 March 16, 2004:** The County Board of Adjustment approved a variance of the land area per dwelling unit from 2.1 to one acre to permit two dwelling units on property abutting the subject property to the east.

**CBOA-1660 July 20, 1999:** The County Board of Adjustment approved a variance to allow two dwelling units on one lot of record on property abutting the subject property to the south.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 20.68± acres in size; the property is vacant and zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
North Mingo Road	Secondary arterial	100'	- lanes

**UTILITIES:** The subject tract has no water and sewer.

**SURROUNDING AREA:** The subject tract is abutted on the north by mostly vacant and some residential, zoned AG; to the east by mostly vacant and some residential, zoned AG; to the west by single family homes, zoned AG-R, to the south by mostly vacant and some residential, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Collinsville Comprehensive Plan designates this area as Rural Residential. The requested RE is in accord with that designation.

**STAFF RECOMMENDATION:**

Based on the Collinsville Comprehensive Plan and existing development in the area, staff can support the requested rezoning and recommends **APPROVAL** of RE zoning for CZ-376.

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

**INTERESTED PARTIES:**

**James Fletcher**, 13808 North 97<sup>th</sup> East Avenue, Collinsville, 74021, stated that the subject property is north of his property. His home is 250 feet from the highway. Mr. Fletcher indicated that he moved to his present home one year ago from California. He thought that everyone had to have 2.5 acres when he purchased his home. Now everyone is trying to change the rules that he had to follow when he purchased his home. He expressed concerns that a home could

be within ten feet of his property line and that there would be approximately 40 houses next to his property.

**Marilyn Hardacre**, 14324 North 100<sup>th</sup> East Avenue, Collinsville, 74021, stated that the subject area is rural and this proposal would change the look of the area. She further stated that traffic is already an issue and more houses will cause more traffic, which would be detrimental to the subject area. She moved to the subject area to live in the country and not a City.

Ms. Hills asked how many houses could be allowed on the subject property under a residential zoning other than RE zoning. In response, Ms. Matthews stated that RS would be the next zoning up and it would allow five houses per acre. With RE it would allow 40 houses with the acreage the applicant has applied for. The applicant would be allowed two homes per acre under RE zoning and five homes per acre under RS.

Mr. Bernard stated that there are 20.6 gross acres and he asked if there would be streets factored in. In response, Ms. Matthews stated that the streets would have to be netted out and they may be able to have 35 or 36 homes. The lot frontage minimum is 150 feet under RE.

Mr. Bernard read concerns for Windy Purliss who was unable to attend. Her concerns were as follows: density, drainage and significant erosion in the subject area.

**Clint Cash**, 13925 North 97<sup>th</sup> E. Avenue, Collinsville, 74021, stated that traffic is bad in the subject area and he thought everyone would have to have 2.5 acres. He is concerned about everyone's safety in the subject area. He moved into the subject area to live in the country. The subject site is basically a drainageway and it is not a good site for houses.

**TMAPC COMMENTS:**

Mr. Jackson stated that the County Engineer would address the drainage issues; however, there can't be any more water runoff than he is currently experiencing. In response, Mr. Cash stated that his lot is higher than the subject property, but he is concerned about it.

Mr. Jackson asked staff to explain to the interested parties the background of zoning and how AG is a holding pattern until development starts moving into the subject area; how zoning is an organic instrument that changes over time.

Mr. Alberty stated that Mr. Jackson summarized it well, but he will reiterate that it is the current philosophy in planning, especially for these rural areas that are zoned AG. The planning philosophy has been that if someone wants to develop property, as long as it is within a residential category, they could seek zoning that was appropriate to their proposed density. Zoning is the first step and the

subsequent approvals would have to be through the subdivision process. There are issues that may dictate whether or not the lots are half acres or if they have to be larger. RE zoning is considered appropriate in the County and in the subject areas. RS zoning would probably be accommodated, too, if it could be serviced by sanitary sewer. The County and DEQ agencies are requiring a minimum of 25,000 SF as a minimum lot size. The RE zoning would allow the applicant to consider half-acre lots, and once the streets are taken out, there would be fewer than 40 homes.

**Applicant's Comments:**

**Robbie Neece**, 3300 Heritage Drive, Claremore, Oklahoma 74019, stated that he submitted a sketch plat and it has approximately 30 to 31 lots. His intention for the square footage would be a minimum of 1,800 SF. He intends to build a nice subdivision that should improve the property value for the surrounding properties.

**TMAPC COMMENTS:**

Mr. Harmon stated that he believes that RE zoning is not unrealistic for this tract of land. He appreciates the concerns of the neighbors, but the zoning instrument is a viable instrument that changes from time to time. Mr. Harmon indicated that he would make a motion to approve RE zoning.

Mr. Ard stated that he would disagree in this case. He understands new development trends and it strikes him that all the development around the subject area has larger acreage single-family home sites. He knows that there is a need for development in new areas he doesn't believe he can support this motion. This is too many homes in this location at this time. Mr. Ard concluded that it would be great if there was another category that would allow one-acre or two-acre lots and he would feel more comfortable with it. This proposal has too much density for his comfort level at this time.

Mr. Midget stated that he would be supporting this application because he feels that RE is appropriate for the area. He can appreciate Commissioner Ard's comments about the timing, but he believes that if it is appropriate tomorrow, then it is appropriate today.

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-2-1** (Bernard, Carnes, Harmon, Hill, Jackson, Midget, Wofford "aye"; Ard, Cantees "nays"; Collins "abstaining"; Bayles "absent") to recommend **APPROVAL** of RE zoning for CZ-376 per staff recommendation.

Mr. Bernard informed the applicant and interested parties that this case would be before the Board of County Commissioners and they would be allowed to present their case again before a final decision is made.

(Later in the minutes: Mr. Bernard stated that he has a question for Legal. He explained that on Item No. 13, CZ-376, he was calling for the vote and asked for all in favor and he raised his hand and did not intend to. He indicated that he meant to vote against this application. He asked Legal if it is too late to revote on the subject application. Mr. Boulden stated that there should be a motion to reconsider.)

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles "absent") to **RECONSIDER** CZ-376 to allow Commissioner Bernard to properly record his vote.

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted **6-3-1** (Carnes, Harmon, Hill, Jackson, Midget, Wofford "aye"; Ard, Bernard, Cantees "nays"; Collins "abstaining"; Bayles "absent") to recommend **APPROVAL** RE zoning for CZ-376 per staff recommendation.

**Legal Description for CZ-376:**

A tract of land located in the East half of the Southeast Quarter (E/2 SE/4) of Section 25, Township 22 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to wit: Commencing at the Southeast corner of the said Section 25; thence North 00°01'21" West along the East line of said Section 25 a distance of 1320.00' to the Point of Beginning; thence continuing N 00°01'21" West 692.49'; thence South 89°56'53" West 1318.72' to a point on the West line of said E/2 SE/4; thence South 00°01'19" East along said West line 693.54'; thence North 89°54' 08" East 1318.15' to the Point of Beginning, Tulsa County, State of Oklahoma. **From** AG (Agriculture District) **To** RE (Residential Single Family Estates District).

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**Application No.: Z-7025**

**RM-1 to IM**

**Applicant:** John W. Moody

(PD-3) (CD-3)

**Location:** Southwest corner East Latimer and North Delaware

**STAFF RECOMMENDATION:**

**Z-6154 May 1987:** All concurred in approval of a request for rezoning a tract of land from RS-3 to IM located northeast of subject property.

**Z-5036 February 1979:** All concurred in approval of rezoning a tract of land from RS-3 to IL, located northeast of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .86± acres in size and is located at the southwest corner of East Latimer Street and North Delaware Avenue. The property is vacant and is zoned RM-1.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East Latimer Street	Residential	50'	2 lanes
North Delaware Avenue	Residential	50'	2 lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant land and a vacant and boarded up single-family residence, zoned RM-1; on the north by industrial land and a truck/trailer parking lot, zoned IM; on the south by single-family residences (some apparently vacant), zoned RM-1; and on the west by industrial uses and related parking, zoned IM. The area to the north and west of the subject property is generally an industrial development, with related parking and commercial mixed uses.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 3 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Low Intensity – Residential land use. According to the Zoning Matrix, the requested IM **is not** in accord with the District Plan. Immediately to the north and west of this site, however, is Special District 2-Industrial in Planning District 3.

**STAFF RECOMMENDATION:**

The area is adjacent to an older, established industrial area near Dawson Road and the railroad tracks. The residential area in which the subject property is located appears to be in transition. The requested rezoning is reportedly for expansion of one of the existing industries in the area and lies adjacent to that industry. The industrial zoning, if granted, will necessitate a replat, screening and setbacks from residentially-zoned properties. For these reasons, staff can support the rezoning and recommends **APPROVAL** of IM zoning for Z-7025.

If the TMAPC deems it appropriate to recommend approval of IM zoning for this case, they should direct staff to prepare plan map amendments to reflect this change.

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

**INTERESTED PARTIES:**

**Judith Jones**, 1036 North Delaware Place, 74110, expressed concerns with the traffic on Latimer. She explained that a portion of Latimer is narrow and she is concerned that traffic will increase with this rezoning.

**TMAPC COMMENTS:**

Mr. Jackson asked if Latimer Place designated as a residential street. In response, Ms. Matthews stated that they are residential streets with 50' right-of-way. Some of it is not improved in the industrial area, particularly to the west. Ms. Matthews concluded that at some point if the applicant makes some improvements to the property itself, for their own use, they would want to approach the City about improving the streets. Latimer does go through to Harvard.

Mr. Ard asked Mr. Moody to explain what his client intends to do with the property and how traffic will flow.

**Applicant's Rebuttal:**

**John W. Moody**, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74119, representing Sawyer Manufacturing, stated that his client owns the subject property and owns a pipeline equipment business. This proposal is for future expansion of the plant. Presently their access is through Columbia and with the expansion the majority of the access will continue through Columbia, but there will be some access on Latimer.

**TMAPC COMMENTS:**

Mr. Jackson stated that if this is an expansion then the traffic the existing business has currently will be the same as in the future. In response, Mr. Moody answered affirmatively.

Ms. Matthews stated that because of the industrial zoning requirements, the applicant will have to screen and meet some setbacks against the residentially-designated area.

Mr. Jackson recognized Ms. Jones.

Mr. Jackson explained to Ms. Jones that the existing owner is expanding and it will be the same traffic that is there currently. Ms. Jones agreed, but still expressed concerns regarding traffic in the subject area. Mr. Jackson explained to her that the applicant is not going to produce any more traffic than already exists. He suggested that Ms. Jones discuss these issues with her Councilor or the Mayor's Office. Mr. Jackson informed her that Roscoe Turner is the Councilor in her district. He recommended she call the Mayor's Action Line to contact him.

Ms. Hill stated that Ms. Jones should understand that the applicant will have to meet screening and setbacks between the neighborhood and the subject property.

Mr. Harmon stated that industrial zoning is appropriate for the subject area. He is disappointed in the infrastructure because it is a heavy industrial area and the infrastructure does not support it as it should. Hopefully, the City will look at this and improve the infrastructure to accommodate the industrial development.

Mr. Ard stated that he would like to add to Mr. Harmon's comments. Latimer is a two-lane street to the east. It is the main point of access to the industrial area for east-bound traffic. It is a deteriorating and narrow road. There are some very nice homes in the subject area and he believes that as long there is screening, he believes this application is appropriate. However, he hopes that the applicant would try to push his traffic to the west and not back through the neighborhood.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles "absent") to recommend **APPROVAL** IM zoning for Z-7025 per staff recommendation.

**Legal Description for Z-7025:**

Lot 5, Block 1, Portland Place Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma. **From RM-1 (Residential Multi Family District) To IM (Industrial Moderate District).**

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**Application No.:** PUD-628-A/Z-6467-SP-5

**MAJOR AMENDMENT**

**Applicant:** Mason M. Griffin/Verizon Wireless

(PD-18 ) (CD-8)

**Location:** 9796 East 93<sup>rd</sup> Street South

**STAFF RECOMMENDATION:**

**Z-6910-SP-1 December 2003:** All concurred for approval of the proposed Corridor Site plan on a 4.5+ acre tract for a 4-story bank and office building located east of the southeast corner of East 91<sup>st</sup> Street and South Mingo Road.

**Z-6910 October 2003:** All concurred in rezoning a 4.5+ acre tract from AG to CO on property located east of the southeast corner of East 91<sup>st</sup> Street and South Mingo Road, for office and bank use.

**PUD-268-C/Z-6863 August 2002:** All concurred in rezoning a 2.46+ acre tract from PUD/RS-3 to PUD/OL and a major amendment to PUD-268-A, per staff recommendation for a 3 building office park located on the south side of East 91<sup>st</sup> Street South approximately ¼ mile west of Mingo Road.

**PUD-628/Z-6467-SP-4 March 2000:** Approval was granted for a PUD/corridor site plan on a 15.8-acre tract located in the northeast corner of South Mingo Road and the Mingo Valley Expressway and the subject property, for a proposed assisted living, elderly and retirement facility. Office uses were approved on the southern end of the tract that had originally been approved for a golf pro shop and teaching building.

**PUD-506/Z-6747 (Abandon) February 2000:** All concurred in approval of a request to abandon PUD-506 and to rezone a 99.6-acre from CS, CO, RM-0 and RS-3 and PUD-506 to CO zoning. The property is located in the southwest corner of East 91<sup>st</sup> Street and South Garnett Road and east of the subject tract. A large portion of the original PUD-506 was found to be within the area proposed for the Broken Arrow Loop, leaving 99.6 acres of the original 158.2 acres within PUD-506.

**PUD-597/Z-6667 January 1999:** All concurred in approval of a request for rezoning and a planned unit development from AG to OL/PUD for an office park on a 6.1+ acre tract located on the northwest corner of South Mingo Road and Highway 169 per staff recommendation.

**BOA-18480 August 1999:** The Board of Adjustment denied a request for a variance of the required 1,200' spacing between outdoor advertising signs to 940' to relocate an existing outdoor billboard sign, on property located in the northeast corner of South Mingo Road and the Mingo Valley Expressway.

**PUD-268-B June 1997:** All concurred in approval of a request for a major amendment on a portion of the original PUD-221 to allow medical and general office use on that portion of the PUD previously approved for multifamily development and located south of the southwest corner of East 9100 Street South and South Mingo Road.

**PUD-364-C September 1996:** All concurred in approval of a major amendment to a PUD to add a children's nursery use per conditions set by the TMAPC and City Council for approval of the future site plan.

**Z-6538/Z-6538-SP-1 July 1996:** All concurred in approval of a request to rezone a 3.4-acre tract located on the east side of Mingo Road and south of East 91<sup>st</sup>

Street from AG to CO. Approval was also granted for a Corridor Site Plan for an inline hockey facility.

**Z-6503 October 1995:** All concurred to approve a request to rezone a 10+ acre property located south of the southwest corner of East 91<sup>st</sup> Street South and South Highway 169, from AG to CO.

**Z-6467/Z-6467-SP-1 January 1995:** All concurred in approval of a request to rezone the subject property from AG and CO to CO. Approval was also granted for a Detail Corridor Site Plan to allow a golf center with driving range, practice and instruction facilities.

**BOA-16848 November 1994:** The Board of Adjustment approved a variance to permit new buildings with a maximum of 12,000 SF within 125' of the centerline of South Mingo Road; a variance to permit the existing residence within 70' of the centerline of South Mingo Road; and a variance to permit access to a corridor development from Mingo Road and located north of the subject property.

**PUD-506/Z-6433 February 1994:** Approval was granted to rezone 158.2-acre tract located in the southwest corner of East 91<sup>st</sup> Street and South Garnett Road from AG to CS, CO, RM-0 and RS-3 with a PUD overlay for a mixed use development.

**PUD-268/Z-5618 October 1981:** Staff and TMAPC recommended denial of a request to rezone 15 acres from RS-3 to RM-2 and recommended approval of RM-1/PUD on property located in the southwest corner of East 91<sup>st</sup> Street South and South Mingo Road and including the subject tract.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1200± square feet in size and is located on a portion of the property at 9796 East 93<sup>rd</sup> Street South, Lot 3, Block 1, Cedar Ridge Park Subdivision. The entire lot, including the subject tract, is vacant and is zoned CO/PUD.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 93 <sup>rd</sup> Street South	Residential	50'	2 lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the north by vacant property, zoned CO/PUD-628; and to east and south is the Mingo Valley

Expressway, zoned AG and on the west by medical offices and beyond the offices are single-family homes, zoned RM-1/PUD-268 and PUD-268-B.

**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 – No Specific Land Use and Corridor, According to the Zoning Matrix, the requested zoning is in accord with the Plan.

**STAFF RECOMMENDATION:**

The applicant is requesting an amendment to PUD-628 to permit a 160-foot high telecommunications tower and related ground equipment, telecommunications antennas and other ancillary equipment on a leased tract in the southeast corner of Lot 3, Block 1, Cedar Ridge Park Subdivision. Access from East 93<sup>rd</sup> Street South through Lot 3 to the 30' x 40' leased tract is to be by an existing 15-foot wide mutual access easement along the north boundary of Lot 3 and proposed new 15-foot wide access utility easement located adjacent to or within the existing overland drainage easement. The remainder of Lot 3 may still be developed for office use in accordance with standards of PUD-628.

The site is proximate to U.S. Highway 169. The proposed telecommunication tower height will blend with existing highway and turnpike light poles.

Staff finds PUD-628-A/Z-6467-SP-5 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 and Corridor Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-628-A/Z-6467-SP-5 subject to the following conditions:

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

**PERMITTED USES:**

In addition to those uses permitted per PUD-628/Z-6467-SP-4, Antenna and Supporting Structure as provided within Use Unit 4, Public Protection and Utility Facilities.

**MAXIMUM HEIGHT:**

160 FT

**SETBACKS:**

From east boundary of Lot 3, Block 1:

60.0 FT

From south boundary of Lot 3, Block 1: 17.5 FT

**USE CONDITIONS:**

As provided per Section 1204.C, Public Protection and Utility Facilities/ Use Conditions, and other applicable sections of the Zoning Code.

**ACCESS:**

Access from East 93<sup>rd</sup> Street South shall be by existing and new mutual access easements. A 24 foot wide paved access drive is recommended in the existing 30-foot wide mutual access easement between Lots 2 and 3, Block 1. Exact location of the access easement relative to the overland drainage easement shall be subject to approval of the City of Tulsa.

3. 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.
4. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all structures, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
6. Except as above modified, the development standards of PUD 628 as amended, shall remain applicable.

**TAC Comments from May 4, 2006:**

**General** – No comments.

**Water** – Water is available.

**Fire** – No comments.

**Stormwater** – No comments.

**Wastewater** – No comments.

**Transportation** – No comments.

**Traffic** – Recommend a 24 ft driveway within the public R/W due to the proposed 30 ft Access Easement and in anticipation of future use by the two adjoining lots

GIS – No comments.

County Engineer – No comments.

**MSHP:** No comments.

**LRTP:** No comments.

**TMP:** Subject property is in proximity of proposed Haikey Creek Trail. Encourage a minimum setback of 35 feet from creek bank.

**Transit:** No comments.

**TMAPC COMMENTS:**

Mr. Bernard stated that the height seems to be extremely high and he questioned if this unusual. In response, Ms. Matthews stated that there have been several at that height and several have gone to the Board of Adjustment at this height.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Suite 200, 74114, stated that he is in agreement with staff's recommendation. He explained that the reason for the height of the tower is because it is in a low place.

**TMAPC COMMENTS:**

Mr. Jackson asked if the tower would be owned solely by the service provider or will they sell it. In response, Mr. Reynolds stated that it would be available for collocation.

Mr. Bernard asked if the antennas would be inside the tower or outside the tower. In response, Mr. Reynolds stated that the antennas would be on the outside and this will enable more providers to collocate on it.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bernard, Cantees, Carnes, Collins, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles "absent") to recommend **APPROVAL** the major amendment for PUD-628-A/Z-6467-SP-5, subject to conditions per staff recommendation.

**Legal Description for PUD-628-A/Z-6467-SP-5:**

Being a tract of land situated in Government Lot 1, NW 1/4 Section 19, Township 18 North, Range 14 East of the Indian Base and Meridian according to the U.S. Government Survey thereof, City of Tulsa, Tulsa County, State of Oklahoma, also being a portion of Lot 3, Block 1 of Cedar Ridge Park Subdivision, as recorded in Plat No. 5497, Page 1, Plat Records, Tulsa County, Oklahoma, and



**STAFF RECOMMENDATION:**

Permitted signage per PUD-579-A/Z-6333-SP-2 as amended by PUD-579-A-2 (approved by TMAPC 2/02/05) provides the following:

1. Permit wall signs not to exceed three square feet of display surface area per lineal foot of the building wall to which affixed;
2. Permit the wall signage for the east, southeast and south-facing upper-level walls to be aggregated for the single southeast-facing wall sign;
3. Permit ground signs with an aggregate display surface area of one square foot for each lineal foot of street frontage on East 79<sup>th</sup> Street.
4. Permit one ground sign at the major entrance to the hospital with a maximum of 160 square feet of display surface area and 12 feet in height;
5. Permit at the two secondary driveway entrances to the hospital one ground identification directional sign with a maximum display surface area of eight square feet and a maximum height of eight feet.

PUD-579-A-2 was based upon recognition that PUD-579-A did not establish signage provisions for a major hospital although the major amendment allowed a hospital use; approval was granted with a proviso that any requests for additional signage of any type be processed through a minor amendment to the PUD. Per this amendment, ground signage was permitted on and limited to East 79<sup>th</sup> Street South frontage.

The current proposed minor amendment to PUD-579-A and minor amendment to corridor site plan Z-6333-SP-2a is for the purpose of constructing a 50-foot high advertising (ground) sign with 636 square feet of display surface area, 160 square feet of which would be a L.E.D. message center, 25 feet from the right-of-way of Highway 169. To qualify as an on-premises sign, the applicant will combine part of Lot 4 and all of Lot 5, Block 1, Tall Grass, pending approval of PUD 579-A-9/ Z-6333-SP-2a. Total frontage on U.S. Highway 169 for the combined lots would then be 424 feet.

The Zoning Code, Section 1103.B.2, Accessory Uses Permitted in a Planned Unit Development/ Signs, requires that business signs comply with the use conditions per Sections 1221.D.1, 1221.D.3 and 1221.D.4. These sections limit signage as follows:

- Maximum 50 feet in height if abutting a street which is designated as a freeway on the Major Street and Highway Plan and if setback a minimum of 25 feet;
- Signage is not permitted to exceed an aggregate display surface area of two square feet per lineal foot of major street frontage if only one such sign is erected and shall not exceed one square foot per lineal foot of major street frontage if more than one such sign is erected.

- No ground sign shall contain more than two sides, nor shall the total display surface area for each side exceed 500 square feet.

In conjunction with use conditions for signage within PUDs, the Zoning Code also limits signage within Corridor Site Plans. Section 802.B, Accessory Uses Permitted in a Corridor District/Accessory Use Conditions, requires that business signs comply with the use conditions per Sections 1221.C and 1221.D. Applicable sections not covered above are provided as follows:

- Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall not exceed an illumination of seventy foot candles measured at a two foot distance.
- Only one side of a double-faced sign shall be included in the computation of display surface area.
- A sign permitted as a business sign shall not thereafter be changed to an outdoor advertising sign without a permit for such use; nor shall a sign permitted as an outdoor advertising sign be changed to a business sign without a permit for such use.

(Note: Section 1221.C.8. limits the number of ground signs permitted in CS, CG, CH, CBD, SR, IM and IH districts. Limits are not provided in CO districts since signage is regulated per the approved corridor site plan.)

Proximate ground signage similar to what the applicant is requesting can be found on the TCC campus, located at the southwest corner of Highway 169 and East 81<sup>st</sup> Street South. This sign is 50 feet high with a display surface area of 672 square feet. Both the St. Francis Heart Hospital and South Crest Hospital, located (respectively) on the northeast and northwest corner of Highway 169 and East 91<sup>st</sup> Street South, use outdoor advertising signs to call attention to their sites.

Staff recognizes the precedent for ground signs along U.S. Highway 169 for campus-type uses and, balancing this with the above noted regulations and sufficient frontage, recommends **APPROVAL** of **PUD-579-A-9/Z-6333-SP-2a**, to provide for additional signage within Development Area B subject to the following conditions:

1. One ground sign not to exceed 50 feet in height and 500 square feet in display surface is permitted adjacent to U.S. Highway 169 frontage; minimum setback from U.S. Highway 169 right-of-way shall be 25 feet;
2. No additional ground signage permitted within Development Area B;
3. Approval subject to filing of a lot combination of the north 466.12 feet of Lot 4, Block 1, Tall Grass and Lot 5, Block 1, Tall Grass.

**Applicant's Comments:**

**Charles Norman**, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, representing Cancer Treatment Centers, stated that this application is subject to the voluntary combination of the property where the hospital itself is located and on it an additional eight-acre tract that was purchased for future expansion of the hospital.

Mr. Norman cited the location of the existing buildings and the history of the purchase of properties. He stated that he is proposing to voluntarily combine two lots, which would provide for frontage on the expressway and be considered a business sign, not an outdoor advertising sign. The message board will be limited to information about the Cancer Treatment Center Hospital.

Mr. Norman stated that he has a misunderstanding or perhaps a disagreement with the staff's interpretation that this can be handled as a minor amendment to provide for a sign of the same size as had previously been permitted for Tulsa Community College, SouthCrest Hospital and the Saint Francis Heart Hospital on the east side of the expressway. All of these signs are 672 SF and he provided this information to the staff as part of the subject application. Due to the disagreement on what area is permitted, the staff is recommending that this be limited to a maximum of 500 SF and if the hospital wanted to propose a larger sign or the same sign as filed it would require a major amendment to the corridor site plan and require going to the City Council. Rather than arguing a technical matter, he requests that the Planning Commission approve this as recommended and if he is unable to redesign the sign or reduce it in scope to the satisfaction of the sign inspector, then he may come back with a major amendment to have a billboard. His client has never intended to have anything like a billboard on the subject property.

Mr. Norman stated that the bulk of the sign that he had proposed was 475 feet and is a repeat of the logo that the Planning Commission had previously approved on the face of the building, which is 1,000 feet from the expressway. The LED message board is intended to promote different kinds of cancer treatment weeks and classes, which will be 160 SF, and he is reviewing this calculation with Jim Garriott, Sign Inspector, because a portion of the LED sign is structural.

Mr. Norman requested that the Planning Commission clarify, by the motion, the staff's formal recommendation that "no more signs within Development Area B" really only means that Lot 5 and the north 400 feet of Lot 4, because there is considerable more area within the original site plan that is also within Development Area B.

Mr. Norman concluded that the LED is 1/3 less than the size of the overall sign.

Mr. Bernard asked if the sign is the same as a billboard sign. In response, Mr. Norman stated that the dimensions are different from a billboard, but it is 672 SF.

Mr. Bernard asked Mr. Norman if he is in agreement with the staff recommendation.

Mr. Norman stated that he is not in agreement, but he is willing to attempt to design the sign within the staff's guidelines. If that is not possible, then he will be back with a major amendment to the PUD. He requested that the Planning Commission approve the minor amendment per staff recommendation and noting his own difference of opinion of staff's interpretation. Mr. Norman indicated that the hospital is trying to get some State signage on the expressway for the exit.

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

Mr. Midget stated that he likes the sign that has been submitted and he hopes that the applicant can make it work because it looks a lot better than a billboard. He appreciates Mr. Norman's willingness to attempt to make this work.

Mr. Norman stated that with the notation that the two parcels are being combined, which staff is in agreement with, he will attempt to comply.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Ard, Bernard, Cantees, Carnes, Collins, Hill, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; "abstaining"; Bayles "absent") to **APPROVE** the minor amendment for PUD-579-A-9/Z-6333-SP-2a to provide for additional signage within Development Area B subject to the following conditions: 1) One ground sign not to exceed 50 feet in height and 500 square feet in display surface is permitted adjacent to U.S. Highway 169 frontage; minimum setback from U.S. Highway 169 right-of-way shall be 25 feet; 2) No additional ground signage permitted within Development Area B; 3) Approval subject to filing of a lot combination of the north 466.12 feet of Lot 4, Block 1, Tall Grass and Lot 5, Block 1, Tall Grass per staff recommendation.

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**OTHER BUSINESS:**

**Application No.:** PUD-260-B

**DETAIL SITE PLAN**

**Applicant:** Danny R. Mitchell

(PD-18 ) (CD-7)

**Location:** Southwest corner East 71<sup>st</sup> Street and South Yale Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 9,069.12 square foot one-story retail center. The existing bank building will be demolished. The proposed use, Use Unit 14, Shopping Goods and Services, is in conformance with Development Standards of PUD 260-B.

The proposed building is in conformance with maximum permitted floor area and building height and meets minimum building setback requirements. Proposed parking complies with development standards and the zoning code. The site also complies with minimum landscaped open space and streetyard requirements. No building-mounted lighting is proposed. Existing and proposed parking lot lighting is in conformance with development standards and the zoning code per application of the Kennebunkport Formula.

Access to the site from East 71<sup>st</sup> Street South is via an existing drive. The westernmost driveway of the former bank aligned slightly to the east of the of the main access drive from 71<sup>st</sup> Street South so as to avoid straight-on circulation. The current site plan aligns a one-way drive further west such that it will conflict with inbound traffic from East 71<sup>st</sup> Street South. Staff recommends that this drive be offset as was previously done by the bank to avoid the potential conflict. Sidewalks are required to be maintained along East 71<sup>st</sup> Street South and must be indicated on the site and landscape plans.

Therefore, staff recommends **APPROVAL** of **PUD-260-B** subject moving the westernmost one-way drive so that it is off-set from the East 71<sup>st</sup> Street access.

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

**The applicant was not present.**

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Ard, Bernard, Cantees, Carnes, Collins, Hill, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; "abstaining"; Bayles "absent") to **APPROVE** the detail site plan for PUD-260-B, subject to moving the westernmost one-way drive so that it is off-set from the East 71<sup>st</sup> Street access per staff recommendation.

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There being no further business, the Chair declared the meeting adjourned at 2:45 p.m.

Date Approved:

11-7-06



Chairman

ATTEST:



Secretary