

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2473

Wednesday, March 7, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------|-----------------------|----------------------|-----------------------|
| Ard | Midget | Alberty | Boulden, Legal |
| Bayles | Miller | Fernandez | |
| Cantees | | Huntsinger | |
| Cantrell | | Matthews | |
| Carnes | | | |
| Harmon | | | |
| Shivel | | | |
| Wofford | | | |

The amended notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, March 6, 2007 at 9:42 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Ard called the meeting to order at 1:32 p.m.

Mr. Ard read the opening statement and rules of conduct for the TMAPC meeting.

REPORTS:

Chairman's Report:

Mr. Ard reported that he met with the City Council on Tuesday and Mr. Harmon attended as well. The City Council wanted to open a dialogue and initiate some communication between the City Council and the Planning Commission. He believes the meeting went well and hopefully it will be the start of a good relationship.

Director's Report:

Mr. Alberty reported on the River Corridor zoning. He cited the process outline that will be released as soon as he has the opportunity to meet with the Mayor and her staff to get their input. Mr. Ard indicated that he would be working in great detail with staff and the Mayor's office as well. Mr. Ard requested that if any of the Planning Commission members would like to work on this to let him know.

Mr. Alberty reported on the Board of County Commissioners agenda and City Council agenda.

Mr. Alberty stated that he would like to address another issue regarding advertising and noticing Planning Commission business. In addition to the 300-foot radius for zoning applications, staff typically posts all of the agendas on the website and that is available to the public. In addition, the agendas are posted in the INCOG office, City of Tulsa and in the County Commission. There are 39 subscribers requesting information, and agendas are sent to them each week. Over 268 Homeowners Association members are emailed agendas and information. There are over 416 names who represent Homeowner Associations registered with the Mayor's office and they receive notice when there is an application within their boundaries. Each City Councilor receives notice when there is an application in their district. Mr. Alberty concluded that he can truthfully say that staff is doing everything possible, without hand delivery of notices to residents. Whether the residents, subscribers and City Councilors read these notices and emails is beyond staff's responsibility. All of these emails and mailouts require a considerable amount of staff time to research and prepare the information. Mr. Ard thanked Mr. Alberty and stated that he believes the Planning Commission realizes this. Mr. Ard stated that there has been a lot of concern about communication among the Planning Commission, City Council, neighborhoods and the various boards. Mr. Ard indicated that he would like to do whatever is possible to make it better.

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Minutes:

Approval of the minutes of February 21, 2007 Meeting No. 2471

On **MOTION** of **HARMON**, the TMAPC voted 7-0-1 (Ard, Cantees, Cantrell, Carnes, Harmon, Shivel, Wofford "aye"; no "nays"; Bayles "abstaining"; Midget, Miller "absent") to **APPROVE** the minutes of the meeting of February 21, 2007, Meeting No. 2471.

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CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

- a. **Ridgewood Hollow – (8328)/Final Plat** (PD-26) (CD-8)
10305 South Louisville Avenue

STAFF RECOMMENDATION:

This plat consists of 12 lots in one block on five acres.

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

- c. **First Amended Deed of Dedication and Restrictive Covenants Montereau in Warren Woods**

TMAPC COMMENTS:

The Planning Commission considered the consent agenda and removed Item 7.b. from the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget, Miller "absent") to **APPROVE** the consent agenda Items 7.a. and 7.c. per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

PUD-575-3/Z-6611-SP-1a MINOR AMENDMENT/CORRIDOR SITE PLAN

Applicant: Sack & Associates, Inc. (PD-18c) (CD-7)

Location: Northeast corner East 79th Street South and South Mingo Road (Minor Amendment for the purpose of splitting an unplatted tract in Development Area A.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-575-3/Z-6611-SP-1a for the purpose of splitting an unplatted tract in Development Area 'A'. The applicant proposes to create two tracts from the existing unplatted 11.2564 acres. Tract

'A', with frontage on Mingo and East 79th Street South, is to be 9.92564 acres; Tract 'B', with 223.39 feet of frontage on East 79th Street, is to be 2.0000 acres.

PUD/Corridor Site Plan standards currently permit a maximum of 30 multifamily dwelling units per acre of lot area. Accordingly, this amendment proposes to allocate 276 multifamily dwelling units to Tract 'A' and 60 multi-family dwelling units to Tract 'B'.

It is unusual for property within a PUD/Corridor to be subdivided by lot-split as the zoning code requires property to be platted upon approval of the PUD/Corridor Site Plan. In this case, right-of-way for East 79th Street South has been dedicated by separate instrument and improvements have recently been completed, so the resulting lots have frontage on improved right-of-way. However, this aberration from standard procedure should not be construed as policy. No further lot-splits should be granted within this PUD/Corridor Site Plan as platting is the appropriate vehicle for subdivision of tracts within such developments. Therefore, staff recommends **APPROVAL** of PUD-575-3/Z-6611-SP-1a as proposed, subject to there being no further lot-splits of unplatte land permitted within PUD-575-3/Z-6611-SP-1.

TMAPC COMMENTS:

Mr. Ard expressed concerns that this would be setting a precedent. The proper procedure for this application is to be platted before the lot-split. In response, Ms. Matthews agreed. Ms. Matthews stated that because the street that is in front of the subject property is improved proves that the applicant has access and this is not a major enough issue to bring up at this point, but no more lot-splits can be done. This is a unique situation and the correct way to split the property is through subdivision.

Mr. Ard asked if this item is only unique because the improved street is in place. In response, Ms. Matthews answered affirmatively. Mr. Ard asked what would happen if the developer in this case comes back and asks for another lot-split. In response, Ms. Matthews stated that it would be denied.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that this may seem backwards, but in reality the process is quite normal in the way parcels develop, *per se*. If someone comes in and purchases a piece of property, then he or she knows that it is subject to the PUD and to platting. The underlying property owner doesn't want to plat the property because he doesn't want to take on the role of the developer. If this were five acres of land it would not require a lot-split and he wouldn't be before the Planning Commission. In order for the applicant to plat this subject property he would need to own it first, and in order to own it he needs a lot-split to make a legal tract. He wouldn't have a problem with a statement on the deed that the subject property or that the property owner is aware that the subject tract is conditioned on being platted and

the conditions of the underlying PUD. Mr. Sack concluded that he believes the public and the City are fully protected because it is subject to a plat and subject to the conditions of the PUD.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget, Miller "absent") to **APPROVE** the minor amendment and corridor site plan for PUD-575-3/Z-6611-SP-1a per staff recommendation, subject to verbiage that the subject tract is conditioned on being platted and the conditions of the underlying PUD and subject to there being no further lot-splits of unplatte land permitted within PUD-575-3/Z-6611-SP-1.

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PUBLIC HEARING

Application No.: Z-7045

AG TO RS-3/CS

Applicant: Tulsa Engineering & Planning (PD-17) (CD-6)

Location: Southeast corner of East 11th Street and South 161st East Avenue

STAFF RECOMMENDATION:

Z-6671 February 1999: All concurred in approval of a rezoning of a tract of land lying one-half mile northeast of the subject site from RS-3 to AG.

BOA-14627 October 22, 1987: The Board of Adjustment approved a Use Variance to allow for a 1500 square foot accessory building for storage of personal items and electrical materials; per plan submitted; and subject to the Home Occupation Guidelines a set forth in the Code.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 140 acres in size and is located at the southeast corner of East 11th Street and South 161st East Avenue. The property appears to be vacant, partially wooded, gently rolling and zoned AG. According to a sign on the east boundary of the property, it is the site of a former horseback riding stable. A house, pole-barn shelter and several accessory buildings remain on the site. A ravine or drainage way crosses the property from approximately east to west, and there appears to be a pond in the interior of the property.

STREETS:

| Exist. Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|--------------------------------|--------------------|----------|----------------|
| East 11 th Street | Secondary arterial | 100' | Two |
| South 161 st Avenue | Secondary arterial | 100' | Two |

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

SURROUNDING AREA: The subject tract is abutted on all sides by agricultural land, open space and large-lot single-family development. A pasture with horses lies across East 11th Street to the north zoned CS, OL and RS-3. Staff notes that this property in this configuration was apparently zoned prior to the adoption of the current zoning map in 1970.

The properties to the west are vacant or large-lot single-family residential and zoned RS-3. Properties to the east and southeast are zoned AG and are in agricultural, vacant or in single-family residential, large-lot uses. On the southwestern boundary of the site is a parcel zoned RD, but is apparently not in that use. It appeared to be large-lot residential/agricultural.

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 being Medium Intensity-No Specific land use for the five-acre node at the intersection and the remainder as Low Intensity-No Specific land use. According to the Zoning Matrix, the requested RS-3/CS zoning is in accord with the Plan, so long as the CS is contained within the five-acre node.

STAFF RECOMMENDATION:

Based on existing physical facts and surrounding land uses, staff can support the requested RS-3/CS zoning. The five acres of CS are supported, if located at the intersection of East 11th Street and South 161st East Avenue, where it would be across 11th Street and facing into the existing CS zoning to the north. Staff recommends the inclusion of a 100' wide buffer of OL zoning to wrap around the CS zoning on the south and east, separating the CS and adjacent residential zoning, which staff is recommending to be RS-3. Therefore, staff recommends **APPROVAL** of RS-3/OL/CS zoning for Z-7045, with five acres of CS at the corner and the remainder RS-3, per attached case exhibit, provided that the TMAPC deems the accompanying PUD-737 or some variation of it to be acceptable.

TMAPC COMMENTS:

Mr. Ard asked if the applicant and interested parties met to discuss these issues. In response, Ms. Matthews stated that she would defer to the applicant.

Applicant's Comments:

Jerry Ledford, Jr., Tulsa Engineering and Planning, 6737 South 85th East Avenue, Tulsa, OK 74133, representing Mr. Brashear (owner) and Mr. Ramsey (developer), stated that he would like to discuss the zoning and PUD together.

Mr. Ledford stated that he did attend a neighborhood meeting. There were several interested parties present with parties for and against the proposal. A subsequent meeting was held at Ms. Boggs's residence with their legal counsel, Stephen Gray. He indicated that at the second meeting he presented a land use plan and agreed to modify the zoning to RS-3 with a PUD overlay. There is still a difference of opinion regarding density and use.

Mr. Ledford cited the history of the tract and indicated that it is a 140-acre parcel. He indicated the abutting zoning districts and zoning in the subject area. Mr. Ledford described the topography of the subject property. He indicated where the J&M lift station would be located, which was started by former City Councilor Jim Mautino to help bring sanitary sewer to this area for future development. Those plans have been prepared and are on the drawing board. The developer has agreed to a payback agreement to help fund the lift station by phases of the development. The public is putting in the infrastructure and then the private developer is helping fund the lift station. The J&M lift station has opened up the subject area for development. There is scattered single-family residential use on larger lots in the subject area due to there being no sanitary sewer in the subject area. In order to have an orderly development, as proposed, sanitary sewer has to be brought to the area. Mr. Ledford indicated the three drainage areas in the subject area.

Mr. Ledford presented a conceptual land plan (Exhibit A-4) and described the proposed development. There will be three detention facilities that will be wet amenities/ponds. The west detention pond will be a buffer between the proposed development and the future proposed residential to the south. Mr. Ledford indicated his agreement with the OL buffer between the CS node and the residential. Mr. Ledford stated that the underlying zoning that is before the Planning Commission is for RS-3 and the maximum density allowed in an RS-3 zoning would be 700 units and RS-2 would be around 543. The proposal has limited this to 600 units, which are between an R-2 and RS-3 classification when looking at densities. The minimum lot size is 5,500 SF and minimum lot frontage of 50 feet. Open space for the proposal is 18 acres. He suggests that the collector street be east/west and that it be located in the southern 1/3rd of the subject property, which would closer to what would be the 15th Street corridor. This would allow future development and in the future to access the collector.

Mr. Ledford stated that the PUD will require a homeowners association with assessments that will have dues to maintain the open space, the detention ponds, the linear open space, etc. There will be covenants that allow for an orderly development. The proposal will be developed in phases and Phase I is

considered Parcel 1. Parcel 1 would build both detention facilities and be close to the lift station. Parcel 1 is approximately 42 acres. He indicated that he is in agreement with the sidewalks during the course of development on both 11th Street and 161st Street and internally within the subdivision. Mr. Ledford submitted a list of neighbors who are supportive of this proposal (Exhibit A-1).

TMAPC COMMENTS:

Mr. Ard asked when the lift station would be constructed. In response, Mr. Ledford stated that it is not under construction; however, final plans have been approved and are waiting on the final decision from this developer if he will be moving forward.

Mr. Ard asked if the developer would be involved with a public/private funding. In response, Mr. Ledford stated that the public is putting it in and as the developer develops parcels, there will be a payback agreement.

Mr. Wofford asked if Phase I would include the commercial and the residential uses. In response, Mr. Ledford stated that Phase I would be residential use located in the northeast corner.

In response to Ms. Cantrell, Mr. Ledford stated that the development drives commercial and commercial is viable in the subject area and should be planned for in the future.

In response to Ms. Cantrell, Mr. Ledford stated that the concept plan has 543 units proposed.

Mr. Ard reminded the interested parties that they have five minutes to speak and if someone before them has already made the point, please do not repeat. He further reminded the interested parties that the Planning Commission doesn't deal with stormwater management.

INTERESTED PARTIES OPPOSING Z-7045/PUD-737:

Debbie Waid, 14677 East 11th Place, 74108; **Jeff Erb**, 15520 E. 11th Street, 74108; **Kevin & Christy Boggs**, 1127 South 157th E. Ave., 74108, **Dorothy Hoddy**, 1512 South 173rd East Avenue, 74108; **Charlotte Kerk/Klea Myers**, 17401 E. 11th, 74108; **Chris Turner**, 17102 East 11th Street, 74108; **Linda Bevins**, 17310 East 11th Street, 74108.

COMMENTS OF INTERESTED PARTIES OPPOSING Z-7045/PUD-737:

Chose the subject area to have large lots and rural living; hoped that when development occurred it would complement the neighborhoods and be something great; proposal wouldn't benefit existing neighbors; surrounding streets are too narrow and in disrepair; heavy traffic on 11th and 161st Streets and this proposal would impact the traffic more; this doesn't set the right precedent; not opposed to development, but this proposal is too dense, which lowers

property values to existing homeowners who have larger homes; infrastructure is not addressed in this proposal; this proposal doesn't seem to address any large scale comprehensive plan that will meet the needs of all the community; moved to the area to live in the country; would prefer to see an attractive development that complements what is already existing and that the surrounding infrastructure be developed; this proposal is too specific and not comprehensive enough; the proposed homes are 12,000 SF to 14,000 SF, however, surrounding homes are 2,000 SF and up; existing larger homes have dramatically improved the subject area and retained almost all of the trees; approximately 200 people attended the first meeting and they were hostile toward the developer; people move into the subject area on large acreage to have space and not have crammed in subdivisions; existing homeowners are on septic systems and the proposed lift station will not provide sewer for the existing homeowners; approximately 100 people attended the second meeting; petition of approximately 50 people was submitted by Ms. Boggs (Exhibit A-2); do not want five to seven homes per acre; would prefer to see RS-1 or RE with a PUD overlay; do not want a bunch of siding homes that look like cracker boxes; Mr. Boggs stated that the District Councilor has not returned any of his calls or emails; Mr. Boggs further stated that Mr. Brashear wouldn't sell his land to the surrounding neighbors because he had it listed with a realtor; Mr. Boggs submitted photographs (Exhibit A-3); the proposal would impact the health, safety and wellbeing of the neighborhood; the proposal would impact the Fire Station at 11th and 145th Streets; 3rd Penny Sales Tax improvements were deferred in the district, which would have improved the roads in the subject area; Ms. Myers stated that her mother owns 20 acres and is known for being the water provider, but she doesn't earn any profit from it (however she said it did put shoes and clothing on her and her siblings when she was younger); all of the people who have lived in the subject area for their entire life will be passed up to bring City water to the subject property. Ms. Myers explained that her mother sells water to the surrounding neighbors and they put it in their wells; one of the gentlemen who purchases water from her mother lives at 145th East Avenue and 11th Street across from Tulsa Teachers Credit Union because his well has a hole in it; Ms. Myers presently lives in Rose Dew and she can't tell how many times she has held guns to people's heads; Ms. Myers explained that she has to pull out the guns every so often and stick up for her land and her property; the subject area needs to develop and economic development is needed in Tulsa; the mini-mansions are needed in the subject area; rooftops didn't help keep Eastland Mall alive; develop East Tulsa in the manor that would be pleasing to Tulsa, beneficial to Tulsa financially and benefit the people that have moved there; existing streets are congested and narrow with ditches on both sides.

INTERESTED PARTIES IN SUPPORT OF Z-7045/PUD-737:

Joe Stelo, 17117 East 11th Street, 74108 and **Wayne Spencer**, 16701 East 11th Street, 74108.

COMMENTS OF INTERESTED PARTIES IN SUPPORT OF Z-7045/PUD-737:

Mr. Stelo stated that with this development, perhaps the dumping of trash in the subject area would no longer happen; rooftops would bring wider streets. He discussed the sewer lines with Stacey White (SP?) and she stated that everyone would benefit from the sewer lines being brought into the subject area; Mr. Stelo indicated that Mr. Boggs submitted a photograph of his home without his permission and he was never invited to a neighborhood meeting regarding the proposed development. Mr. Stelo indicated that he lives on 20 acres with a large home (4,200 SF). He believes that it is only a matter of time before development will be in the subject area and this proposal is here now. If people wanted to live on large acreages they should have purchased more land. The development is proposed and everyone should be happy about it. If it isn't developed on this corner, then it will happen on the following corner in the subject area because Tulsa is running out of land to develop. Mr. Spencer stated that he has lived in the subject area for 15 years. He further stated that when more people move into the area there will be more revenue. Once the revenue is present then the streets will be improved. He believes that water and sewer would available to the existing residents once development begins in the subject area. Mr. Spencer commented that the traffic isn't as bad as the speakers have expressed. He indicated that after 7:00 p.m. the streets are not busy at all. The City is coming to meet the subject area and it is time to develop it.

TMAPC COMMENTS:

Ms. Bayles asked Ms. Waid to clarify her letter that states "...running sewer to the subject proposal is absurd and unfair." In response, Ms. Waid stated that she is not for City sewer because she just recently installed new lateral lines, but it does seem unfair to run sewer for the one development and not the existing property owners.

Councilor Dennis Troyer, District 6, stated that he would like to thank TMAPC for coming to the City Council Committee meeting yesterday. He is sure that the communication between the two will be better.

Councilor Troyer stated that the builder of the subject project is a reputable builder and it will be quality homes. This is something that is needed in the district. Councilor Troyer cited new additions in the district. Rooftops drive retail. One end of the district has a lot of rooftops and bringing a quality addition like this to the middle of the district would bring more retail. This is one of the districts, and probably one of the most popular districts, that people are looking at for retail for the next explosion in Tulsa. Councilor Troyer indicated that he met with the applicant and developer and these will be quality homes, which is something needed within the district. Development is coming and it fits in with

the Comprehensive Plan and with Route 66. This would be a prize for Route 66 as it develops. He believes that Mr. Brashear considered other offers through the years and he took his neighbors into consideration by refusing some of the other offers that he has had. This developer has given land to schools when developing and does a quality job. This proposal will be a big addition to the district. He understands that Tulsa Public Schools is looking for a location to build another elementary to relieve Sandburg Elementary.

Councilor Troyer stated that the sewer lift station is two years out and this goes along with the developer. By the time one phase is done it will be approximately two years. Utilities will be in and Public Works is predicting two years.

TMAPC COMMENTS:

Mr. Ard stated that he is concern that this is a fairly dense project with consideration with surrounding developments and the street. Mr. Ard asked Councilor Troyer how he fits this in with his district. In response, Councilor Troyer compared this to other areas within the district that have been developed in the same way.

Mr. Ard asked Councilor Troyer if he could add anything to the issue of water and sewer. In response, Councilor Troyer stated that he has met with Public Works and they have given him a timeline that in two years the utilities will be in place.

Ms. Bayles stated that politically there are probably a number of differences between Councilor Troyer's philosophy and that of former Councilor Mautino, but it would seem to her that Councilor Troyer's viewpoints on this particular issue are completely parallel and consistent. She asked Councilor Troyer if this is correct. In response, Councilor Troyer stated that he doesn't understand the question.

Ms. Bayles stated that the lift station and the type of development and improvements were being discussed several years ago. Councilor Mautino was proposing for the subject area to increase the density and to improve the limited infrastructure. She knows personally that she has seen Councilor Troyer speak at Council Committee with Union Public Schools and that relationship seems to be quite solid and productive. Is there a similar relationship that he has established with the new Superintendent of Tulsa Public Schools to address these issues as well? In response, Councilor Troyer stated that he goes to the neighborhood meetings and meets with them as often as possible. The lift stations, sewer and utilities were planned several years ago as part of economic development. This is something that Tulsa has been looking at and what everyone talked about while running for City Council, Mayor, etc. He drove the new Tulsa Chamber President around the district, as well as Mr. Himelfarb, and they are excited about the possibilities of the district. They recognized that the southern part of the district is heavy with rooftops and now something is coming to the other parts of the district, moving farther north due to the lift stations.

In response to Mr. Ard, Ms. Boggs stated that when she held the first meeting, she did not ask the developer to come, but he personally called her and asked if he could come. Mr. Ard stated that, to the developer's benefit, he did attend the meeting. In response, Ms. Boggs stated that he did come and many of the people suggested that he go somewhere else because they didn't want the development. Mr. Ard asked if there was any move towards resolution. In response, Ms. Boggs answered negatively. Ms. Boggs stated that the group hired an attorney and accompanied him to see the plans and express their concerns. Ms. Boggs further stated that she felt that the developer was going to do what he wanted to do and didn't matter what the neighbors want.

Ms. Cantrell informed Ms. Boggs that the TMAPC can't tell the developer what size of homes to build or the materials he has to use. Ms. Boggs stated that the TMAPC should drive out and see the Rose Dew addition in the subject area. Ms. Boggs commented that she doesn't want that type of addition after about ten years in her back yard.

Ms. Bayles asked Ms. Hoddy when the 3rd Penny Sales Tax was deferred. In response, Ms. Hoddy stated that it was deferred in 2001. In response, Ms. Bayles asked Ms. Hoddy if she has spoken to her Councilor since that time about this particular issue to get it back on the funded list. In response, Ms. Hoddy stated that this is her issue because the roads are in disrepair.

Ms. Matthews informed the Planning Commission that a representative from Public Works is present and can answer any questions regarding the sewer lines.

Stacey White, Waste Water Design, Public Works, City of Tulsa, stated that the lift station is her project; however, she doesn't have any drawings since she wasn't prepared to speak. Ms. White cited the subject area for the lift station and indicated that it would only serve the 140 acres under application. The City of Tulsa has entered into an agreement with the developer, Chuck Ramsey, to provide sanitary sewer for the 140 acres. The City initially pays for this and the developer pays back during development of the three separate areas. Rose Dew already has a lift station and the new lift station is going to pump to Rose Dew and then the sewage will flow to the north. Rose Dew cannot take more than the 140 acres. The City has just received the funding for the design of a sanitary sewer for the Spunky Creek Basin. Ms. White indicated the area of the Spunky Creek Basin as running from 145th to the Turnpike, from 31st Street up past Admiral or possibly farther. The City is in the process of studying how best to bring sanitary sewer to that area. This project is probably to be about two years out.

TMAPC COMMENTS:

Mr. Ard asked Ms. White if she could speak to waterline extension. In response, Ms. White answered negatively.

Mr. Harmon asked Ms. White if there is funding for the sewer service to the surrounding properties that hasn't been developed at this time. In response, Ms. White stated that the funding is available and the study has begun. It is a lengthy process and due to the topography it will be a challenge. The reason the subject area hasn't been developed is because waste water is difficult to serve. Ms. White concluded that once the waste water system is built, then development will come into the subject area.

Mr. Wofford asked if there is waste water service to the west of the subject site. In response, Ms. White stated that she doesn't believe there is. Mr. Wofford asked if there are plans to have sewer to the west. In response, Ms. White answered affirmatively. Ms. White explained that it would be for all of the Tulsa City limits that has not had sewer until this time.

Ms. Cantees asked if the subject project has any impact on what is being planned in 2.5 to three years (if it were to be passed or not passed). In response, Ms. White stated that the City has already paid the engineers for the design for the lift station and force main. There are some problems with the easements. Ms. White indicated that if the project is not developed, then the City would have spent about \$100,000.00 for the design for nothing. The lift station was originally going to be in a different location, but due to former Councilor Mautino's influence it was moved to the subject location and economic development money was put together. In response, Ms. White stated that the designs are completed and are ready to go and the bid would already be awarded if the easements were available.

Mr. Ard stated that this is a concern to him that the money is already spent prior to knowing whether or not this development could even occur. He understands that this is not Ms. White's responsibility, but he is concerned about the procedure. Ms. White stated that this is special economic development and it is handled differently. Normally the developer goes out and designs the sewer, then brings the plans to the City and the City approves it. The developer would then pay for all of it and the City would inspect it and take over ownership. Because this is a special economic development, then the City is essentially loaning the developer the money in hopes that they come in and develop this area.

Mr. Ard asked if this is defined as an entitlement zone or a specific economic overlay qualification or did the City define it as a special economic development item. In response, Ms. White stated that she couldn't answer that question.

Applicant's Rebuttal:

Mr. Ledford stated that there would be 4.4 units per acre and that is the maximum density. This private developer will have spent six to seven million dollars in infrastructure development that he will then give back to the City of

Tulsa. This will extend sewer to the west and it is correct that it may not be used today, but when new lift stations are built, those are sewers that can be extended to serve those areas. Private development does help as a catalyst to improve the subject area. There is currently a 12-inch waterline on 161st Street and 11th Street. It will be extended off-site through the first phase all the way to 161st Street to the northeast corner. The 12-inch waterline main is what the developer pays for and extended along 161st Street.

TMAPC COMMENTS:

Mr. Ard asked Mr. Ledford if the developer has given any consideration to a lower density development that might fit in an RS-1 type situation. In response, Mr. Ledford stated that the figures were done and currently it is not feasible for the market. There hasn't been any new development in the subject area that is in an orderly, structured development with a homeowners association that has assessments, covenants and guidelines. This is the reason the developer is starting with Phase I because the minimums are set up to allow this development to become bigger if the market allows it. If the market dictates 2,000 SF or larger, then obviously development shifts to make that happen.

Mr. Wofford stated that there has been discussion about the size of the homes in this subdivision. What size will the homes be in the first phase? In response, Mr. Ledford stated that they will probably start in the 1200 SF to 1400 SF range and go up from there. The market will dictate the size of the homes. Mr. Ledford explained that he has tried to stay away from this issue because he doesn't believe the price of the houses or the size of houses is really a zoning issue because it starts to break down the social classes in an area. In response, Mr. Wofford stated that he believes it is good to know the size of the houses. Mr. Ledford stated that he agrees it is good to know, but the comment that he felt was hurtful was "we don't know what kind of class of people live in a \$140,000.00 house" and he doesn't believe this kind of comment is appropriate. Mr. Wofford stated that he wasn't attaching that comment to his question, but he was just asking what the size of the homes would be.

Mr. Carnes asked Mr. Ledford if he could develop this with RS-2 zoning and a PUD overlay and not set a precedent for all of the other land in the subject area. In response, Mr. Ledford stated that he believes he is already at that threshold. He reminded the Planning Commission that there is RS-3 zoning to the north, residential duplexes to the south and to the west there is RS-3. There is higher density zoning all around the subject property and he is proposing less density per acre than the surrounding zoning classifications.

In response to Ms. Cantees, Mr. Ledford stated that the minimum lot width is 5500 SF. The open space requirement or livability space per lot is based on an RS-3.

Ms. Cantrell asked Mr. Ledford if RS-2 is possible. In response, Mr. Ledford stated that he would have to discuss this with the developer. Mr. Ledford further stated that the RS-2 wouldn't be feasible to move forward.

Mr. Harmon stated that there is a market for upscale 1200 SF to 1500 SF homes. As people get older they do not have children at home and are looking to downsize that home. They also want smaller lots so that they do not have to mow, trim and keep up with a large lot. Mr. Harmon concluded that he personally feels that this physical location would have a market for these homes.

The Planning Commission requested Mr. French to approach the podium. Ms. Cantees asked Mr. French to help the Planning Commission with the traffic engineering problem.

Darryl French, Traffic Engineering, 200 Civic Center, representing the Technical Advisory Committee, stated that very typical volumes of section-line roadways have had minimal to light development over the last several decades. Basically, major arterials will follow where the city eventually obtains right-of-way through the platting process. If development doesn't happen, especially this size of development, then the City wouldn't obtain the right-of-way in order to build a wider intersection. Roadway projects will come after the right-of-way has been provided by the developer. Rooftops generate additional volume and it would justify traffic signals and additional traffic lanes. One comes before the other and if there is never any development and what does develop is in a minor rural-type setting, then the two-lane roadway that was built 50 years ago will still be adequate with some minor problems during the peak hour. The purpose for planning is that the Planning Commission decides what the zoning and density will be and eventually the City of Tulsa will ask the taxpayers if they are prepared to pay for the large capital improvement projects.

Ms. Cantees asked Mr. French how long after the additional 400 rooftops are developed it will be before the street improvements are made. In response, Mr. French stated that the taxpayers make those decisions. The subject proposal is a large area and back in 1970's and 1980's this was typical of the developments. Five hundred houses do not cause a Traffic Engineer to blink an eye. Eventually there will be a corridor with six or eight square miles of development and that is the long-range planning that should be focused on. All infrastructure follows the development and the decision is what is the appropriate density and appropriate land use.

Mr. Shivel asked if the proposal allows for expanded right-of-way. In response, Mr. French stated that the right-of-way issues would be finalized during the platting process. The standard right-of-way for both arterials has been placed in the comments of the PUD when it was in front of TAC.

Mr. Ard stated that he understands that this proposal complies with the Comprehensive Plan and there is other RS-3 property around it. He personally feels that this development is too intense for the subject location if one looks at the surrounding property development. The lots are small and do not seem to fit in with the particular area development pattern.

Mr. Shivel concurs with Mr. Ard's comments regarding density.

Ms. Cantrell stated that she would more comfortable with RS-2 and she does understand that there is RS-3 zoning around the subject property, but it is not developed as RS-3.

Ms. Cantees stated that she can appreciate Mr. French's comments, but to add 800 cars in the subject area with a two-lane road, it is inappropriate to ask the existing homeowners to take on that burden for the next four to eight years.

Mr. Carnes moved to approve the PUD with RS-2 zoning.

Mr. Ard stated that technically the item before the Planning Commission is Z-7045, which is the zoning issue and then they should vote on the PUD.

Ms. Matthews reminded the Planning Commission that staff is recommending RS-3, OL and CS zoning for Z-7045. The zoning case is addressed so that the Planning Commission can approve the RS-2 with the OL and CS if they wish.

In response to Mr. Ard, Ms. Matthews stated that if the Planning Commission approves RS-2, then the PUD would have to be rewritten.

Ms. Bayles referred to the East Tulsa studies that have been done in the past and rooftops are wanted in the subject area. She explained that she lives in one of those cracker box houses on a 50-foot frontage and 5500 SF lot and 1200 SF house. The economy of scale works well for her and one-half mile down the road is Utica Square with some substantial homes. That mix doesn't bother her personally, because it brings together people of various economic, social and ethnic characteristics. She has also heard today is the case of the "haves and have nots". The residents in the larger estate homes have no infrastructure and they have personally had to bear the expense of the infrastructure improvements that exist now. Now there is an opportunity for economic development that is going to be exclusive to a few. How this is resolved is a lower zoning and she believes that is appropriate. However, the developer will have to tell the Planning Commission if that is appropriate.

Ms. Bayles asked Mr. Ledford if the RS-2 zoning would be appropriate for his proposal.

Mr. Harmon stated that the proposal is for RS-3 zoning, but the developer has limited himself to 543 units, where the RS-2 would limit him to 541 units. Mr. Harmon asked Mr. Ledford if he could develop within the RS-2 limits.

Mr. Ledford stated that his client would be willing to limit the development to the RS-2 density of 541 units.

Mr. Shivel read the TMAPC mission statement and stated that he struggles with this proposal.

Mr. Carnes stated that RS-2 would give more neighborhood protection than if RS-3. The applicant has agreed to reduce the density from 543 to 541 units. A lot of people have tried to develop in East Tulsa and get the infrastructure. He feels good about passing this as an RS-2 with the PUD overlay.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **5-3-0** (Bayles, Cantees, Cantrell, Carnes, Harmon, "aye"; Ard, Shivel, Wofford "nays"; none "abstaining"; Midget, Miller "absent") to recommend **APPROVAL** of the RS-2/OL/CS zoning for Z-7045 as amended by the Planning Commission.

Ms. Bayles requested that Mr. Ard announce that the motion passed.

Mr. Ard announced that the vote was 5-3-0 and passed.

RELATED ITEM:

Application No.: PUD-737

AG TO RS-3/CS/PUD

Applicant: Tulsa Engineering & Planning (PD-17) (CD-6)

Location: Southeast corner of intersection of East 11th Street South and South 161st East Avenue

STAFF RECOMMENDATION:

Z-7045 December 6, 2006: A request to rezone a 140+ acre tract from AG to 135 acres to RS-4 and five acres to CS was heard by the TMAPC on December 6, 2006. The TMAPC and staff agreed to continue the case per the applicant to a further date. Applicant indicated he is considering reducing request from RS-4 to RS-3. Multiple requests for continuance were approved to be finally heard on March 7, 2007, with a related Planned Unit Development submitted on subject property.

Z-6671 February 1999: All concurred in approval of a rezoning of a tract of land lying one-half mile northeast of the subject site from RS-3 to AG.

BOA-14627 October 22, 1987: The Board of Adjustment approved a Use Variance to allow for a 1500 square foot accessory building for storage of personal items and electrical materials; per plan submitted; and subject to the Home Occupation Guidelines a set forth in the Code.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 140 acres in size and is located at the southeast corner of East 11th Street and South 161st East Avenue. The property appears to be vacant, partially wooded, gently rolling and zoned AG. According to a sign on the east boundary of the property, it is the site of a former horseback riding stable. A house, pole-barn shelter and several accessory buildings remain on the site. A ravine or drainage way crosses the property from approximately east to west, and there appears to be a pond in the interior of the property.

STREETS:

| Exist. Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|--------------------------------|--------------------|----------|----------------|
| East 11 th Street | Secondary arterial | 100' | Two |
| South 161 st Avenue | Secondary arterial | 100' | Two |

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

SURROUNDING AREA: The subject tract is abutted on all sides by agricultural land, open space and large-lot single-family development. A pasture with horses, lies across East 11th Street to the north, zoned CS, OL and RS-3. Staff notes that this property in this configuration was apparently zoned prior to the adoption of the current zoning map in 1970.

The properties to the west are vacant or large-lot single-family residential and zoned RS-3. Properties to the east and southeast are zoned AG and are in agricultural, vacant or in single-family residential, large-lot uses. On the southwestern boundary of the site is a parcel zoned RD, but is apparently not in that use. It appeared to be large-lot residential/agricultural.

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 being Medium Intensity-No Specific land use for the five-acre node at the intersection and the remainder as Low Intensity-No Specific land use. According to the Zoning Matrix, the requested CS, Commercial Shopping, and RS-3, Residential Single-Family, zoning is found to be **in accordance** with the Comprehensive Plan.

STAFF RECOMMENDATION:

PUD 737 is proposed primarily as a residential development, with a five acre commercial node on the southeast corner of East 11th Street South and South 161st East Avenue. The tract has 2,310 feet of frontage along East 11th Street South and 2,640 feet of frontage on South 161st East Avenue. Corresponding RS-3 and CS zoning are requested in support of the proposed development.

The 140-acre site is characterized by rolling terrain with a ridgeline that runs north/south along the western half of the subject property. A smaller ridgeline, or knob, is situated in the north central portion of the site along East 11th Street South. There are three drainage ways located on-site which are proposed for three wet stormwater detention facilities.

PUD 737 proposes a total of 540 single-family residential dwellings and 108,900 square feet of commercial floor area. Three access points onto East 11th Street South and two access points onto South 161st East Avenue are proposed from the residential portion of the development. All streets are to be public. Given the size and density of the proposed PUD and per the Comprehensive Plan, a collector street is recommended through the development; as is an additional stub street to the east. Sidewalks must be provided on East 11th Street South, South 161st East Avenue and on all residential streets. Careful consideration of topography and natural features is strongly recommended, with pedestrian access assured to common recreation areas.

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-737 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-737 subject to the following conditions:

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

Development Area A:

| | | |
|------------|----------------|---------------|
| LAND AREA: | 5.0 AC (gross) | 3.99 AC (net) |
|------------|----------------|---------------|

| | |
|--------------------|--------|
| MINIMUM LOT WIDTH: | 150 FT |
|--------------------|--------|

PERMITTED USES:

Those uses as permitted by right in the CS district, excluding Use Unit 12a; and excluding outdoor advertising signs, only, within Use Unit 21, Business and Outdoor Advertising Signs.

MAXIMUM PERMITTED FLOOR AREA: 108,900 SF

**MAXIMUM PERMITTED FLOOR
AREA RATIO PER LOT:** .50

MAXIMUM PERMITTED HEIGHT:

One-story not to exceed 28 feet.

MINIMUM BUILDING SETBACKS:

| | |
|-------------------------------------------------------|--------|
| From centerline of East 11 th Street South | 100 FT |
| From centerline of South 161 st East Ave. | 100 FT |
| From abutting RS District | 50 FT |

MINIMUM SETBACK FOR BULK TRASH CONTAINERS (dumpsters):

100 feet from the east boundary.

OFF-STREET PARKING:

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

MINIMUM LANDSCAPED AREA:

A minimum of 10% of the net lot area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

SCREENING AND BUFFERING:

A minimum six-foot tall masonry screening wall shall be provided along the east and south boundaries of Development Area A. A minimum 20-foot wide landscape buffer with trees shall be provided along the east boundary, design of which shall be subject to TMAPC approval at detail site plan review.

VEHICULAR ACCESS:

A maximum of two access points each onto East 11th Street South and South 161st East Avenue is permitted.

PEDESTRIAN CIRCULATION:

Sidewalks shall be provided along East 11th Street South and along South 161st East Avenue. In addition, a minimum of one designated pedestrian access (i.e. paving or striping) from each arterial street sidewalk shall be provided through the parking to the interior use(s).

LIGHTING:

No light standard or building-mounted light shall exceed 20 feet in height. All lights standards shall be hooded and directed downward. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in nearby residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

SIGNAGE:

Signage must comply with Section 1103.B.2.b of the zoning code and with the following conditions:

- (a) One ground sign per lot not to exceed a maximum of two ground signs per arterial street frontage shall be permitted. Each ground sign shall be permitted a maximum display surface area of 160 square feet and shall not exceed 25 feet in height.
- (b) Wall signs shall be permitted not to exceed two square feet of display surface area per each lineal foot of building wall to which the sign or signs are attached. No east or south-facing wall signs permitted on buildings within 150 feet of the south and east boundaries of Development Area A.
- (c) No outdoor advertising signs permitted.

Development Area B:

LAND AREA: 135.0 AC (gross) 130.38 AC (net)

PERMITTED USES:

Use Unit #6 and those uses customary and accessory thereto.

MINIMUM LAND AREA PER DWELLING UNIT: 8,400 SF

MAXIMUM PERMITTED DWELLING UNITS: 600

MINIMUM LOT AREA: 5,500 SF

MINIMUM LIVABILITY SPACE PER LOT: 2,000 SF

MINIMUM LOT FRONTOAGE: 50 FT*

**Measured as the lot width at the building line. Lot shall have at least 30 feet of street frontage.*

MINIMUM SETBACKS:

| | |
|------------------------------------|----------|
| Front Yard | 20 FT |
| Side Yard Abutting a Public Street | 15 FT** |
| Side Yard | 5 FT |
| Yard Adjacent to an Arterial | 35 FT*** |

***Garages shall be setback a minimum of 20 feet.*

****No front yards permitted on an arterial.*

MAXIMUM PERMITTED HEIGHT: 35 FT

VEHICULAR ACCESS:

Access to lots shall be provided by public streets with a maximum of three access points onto East 11th Street South and two access points onto South 161st East Avenue. A collector street with a minimum 60-foot right-of-way shall be provided through the development. An additional stub street to the east and north of the planned lift station shall be provided. No residential lot shall be permitted direct access onto an arterial.

PEDESTRIAN ACCESS:

Sidewalks shall be provided along all residential streets and along East 11th Street South and South 161st East Avenue. Pedestrian access shall be provided to all common areas unless the common area is dedicated solely for detention purposes.

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 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 non-residential 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 or will be installed within a specified period of time in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD

until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

6. 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.
7. 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.
8. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas, including any stormwater detention areas or other commonly owned structures within the PUD.
9. 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. 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.
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.

TAC comments from 2/16/07:

General: No comments.

Water: A water main extension will be required to serve the development.

Fire: Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) 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 (183 m).
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 (183 m).

Stormwater: The Stormwater Detention Facilities, as shown in Exhibit 'A', may conflict with public utility projects in this area. See Wastewater.

Wastewater: The City has completed final design of a lift station and force main that will be in the area shown as Stormwater Detention Facility on the east side, and running north from that site along the east property boundary. The Stratford Ridge project will be served by the City's project and must incorporate the City's design and easement requirements into their design.

Transportation: Sidewalk requirement on all street frontages is supported. Right-of-way dedications for the secondary arterials along section lines will include additional 8 ft on S. 161st E. Ave. for right turn bay onto E. 11th. Design stage will include evaluating sight distance for arterial access locations. *(Additional comments presented at the meeting: Additional right-of-way in excess of 50' may be necessary for 11th Street so that its ultimate construction as a five lane secondary arterial can be accomplished without additional expense to be no steeper than 4:1 (H.V.) side slopes from pavement to sidewalk. Designer shall coordinate with Engineering Services to consider ultimate design profile and cross section. Additional stub to the east and north of the planned lift station is recommended to avoid land locking future lots in the unplatte 330 foot-wide strip.*

Traffic: Recommend either a N-S or an E-W Collector St be incorporated into the Preliminary Plat for this large 140 acre development. The roadway along the northeast side of the Linear Park is long and continuous. Recommend a physical break. A 58 ft R/W for a NB Rt. Turn Bay on 161 E AV and a 30ft Intersection Radius are required by the Sub. Regs. Provide adequate separation from the existing residential intersections along 161 E AV. The portion of the PUD Text regarding Access does not match the site plan. No objection to 3 Public Streets accessing 11 ST.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

MSHP: East 11th Street South and South 161st East Avenue have an existing two lanes. A minimum 100 foot right-of-way should be maintained, and sidewalks should be included along East 11th Street South and South 161st East Avenue and on all internal streets per Subdivision Regulations.

LRTP: East 11th Street South between South 161st East Avenue and South 177th East Avenue is an existing two lane street. South 161st East Avenue between

East 11th Street South and East 21st Street South is an existing two lane street. Sidewalks should be constructed if non-existing or maintained if existing.

TMP: No Comment.

Transit: No current or future plans for this location.

Mr. Ard stated that he isn't sure the vote for the zoning case was correct. Mr. Ard requested a show of hands again for RS-2/OL/CS zoning for Z-7045.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **4-4-0** (Bayles, Cantrell, Carnes, Harmon "aye"; Ard, Cantees, Shivel, Wofford "nays"; none "abstaining"; Midget, Miller "absent") to recommend **APPROVAL** of the RS-2/OL/CS zoning for Z-7045 as amended by the Planning Commission.

Legal Description for Z-7045:

Legal Description for CS Zoning: A tract of land located in the NW/4 of Section 11, T-19-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: The north 466.69 feet of the west 466.69 feet of the NW/4 of Section 11, T-19-N, R-14-E of the Indian Meridian. **From AG (Agriculture District) to CS (Commercial Shopping Center District)**

Legal Description for OL Zoning: A tract of land located in the NW/4 of Section 11, T-19-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: The north 566.69 feet of the west 566.69 feet of the NW/4 of Section 11, T-19-N, R-14-E of the Indian Meridian; LESS and EXCEPT The north 466.69 feet of the west 466.69 feet of the NW/4 of Section 11, T-19-N, R-14-E of the Indian Meridian. **From AG (Agriculture District to OL (Office Low Intensity District)**

Legal Description for RS-2 Zoning (Revised on 04-03-2007): A tract of land located in the NW/4 of Section 11, T-19-N, R-14-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: The NW/4 of Section 11, T-19-N, R-14-E of the Indian Meridian LESS AND EXCEPT The E/2 of the E/2 of the E/2 of the NW/4 of Section 11, T-19-N, R-14-E of the Indian Meridian. ALSO LESS AND EXCEPT The north 566.69 feet of the west 566.69 feet of the NW/4 of Section 11, T-19-N, R-14-E of the Indian Meridian. **From AG (Agriculture District) to RS-2 (Residential Single-Family Medium Density District.)**

Z-7045 will be transmitted to the City Council with no recommendation.

PUD-737 Continued:

Mr. Carnes recommended that the PUD be voted and sent with the zoning case to help prevent any delays.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **2-6-0** (Carnes, Harmon, "aye"; Ard, Bayles, Cantees, Cantrell, Shivel, Wofford "nays"; none "abstaining"; Midget, Miller "absent") to recommend **APPROVAL** of PUD-737, subject to the City Council's approval of RS-2/OL/CS zoning for Z-7045.

MOTION FAILED.

After a lengthy discussion it was determined that the PUD should be continued until the zoning case Z-7045 is determined at City Council.

TMAPC Action; 8 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-1** (Ard, Cantees, Cantrell, Carnes, Midget, Shivel, Wofford "aye"; no "nays"; Harmon "abstaining"; Bayles, Miller "absent") to **CONTINUE** PUD-737 to April 4, 2007.

* * * * *

Mr. Carnes and Mr. Harmon out at 3:47 p.m.

PUBLIC HEARING

Application No.: PUD-533-B-1

MINOR AMENDMENT

Applicant: Sack & Associates, Inc.

(PD-5) (CD-5)

Location: North of the northwest corner of East 27th Street South and South 85th East Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD 533-B to allocate floor area in conjunction with a lot-split of Lot 6, Tri-Center Village (L-20058). The proposed Tracts 'B' and 'C' are located in Development Area B-2.

Existing Allocation of Floor Area:

| | |
|-----------------------------------------------------------------------|--------------|
| Maximum Building Floor Area for Development Area by Original PUD 533: | 130,000 S.F. |
|-----------------------------------------------------------------------|--------------|

Building Floor Area Allocated to **Tract A** (Grizzly Mountain

| | |
|-------------------------------------------------------------|--------------|
| Mercantile) by PUD 533-B, Development Area B-2: | 12,000 S.F. |
| Floor Area Remaining in PUD 533-B, Development Area B-2: | 118,000 S.F. |

Proposed Allocation of Floor Area:

| | |
|---------------------------------------------------------------------|---------------------|
| Maximum Building Floor Area for PUD 533-B, Development Area B-2: | 118,000 S.F. |
| Tract B (as depicted on attached Exhibit) | 3,000 S.F. |
| Tract C (as depicted on attached Exhibit) | 115,000 S.F. |

The cul-de-sac of South 85th East Avenue on which 'Tract B' has frontage is unimproved. Therefore, 'Tract B' does not have access to an improved public street and cannot practically be developed unless the South 85th East Avenue right-of-way is improved or mutual access through 'Tract C' is provided. Staff recommends **DENIAL** as proposed.

TMAPC COMMENTS:

Mr. Ard stated that he remembers this case as including the area that went north of the cul-de-sac so that wasn't going to be a problem. The applicant had identified it as storage area. In response, Ms. Matthews stated that when this was previously approved it was for the lawn and garden business.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, cited the history of the previous approval for the John Deere Lawn and Garden Tractor facility. Recently Mr. Roy Johnsen brought an amendment to the PUD to put Grizzly Mountain Furniture on the subject property. His client thought that he could facilitate the approval and not have to purchase the entire tract from the underlying property owner (John Deere Dealership). However, when the applicant tried to make the deal and give back some of the land to the property owner, that didn't work because he had a contract on the whole property and had to purchase the entire property. Now it is in escrow pending a lot-split.

Mr. Sack indicated that the street is improved and the cul-de-sac was dedicated by separate instrument, but was never improved. The owner and the potential buyer of the subject property are trying to close on the property and in order to purchase the property he has to have a lot-split. Mr. Sack offered to put a contingency on the deed showing that it is subject to plat prior to any building permit and it is subject to the underlying PUD. His client is not trying to overcome any of the requirements. Eventually his client would like to purchase all of the property where the apartments are located and vacate the street. He concluded that his client is simply trying to close on this and in order to do so he

needs a lot-split. In order to get a lot-split his client has to allocate the floor area and that is why he is before the Planning Commission today.

TMAPC COMMENTS:

Mr. Ard stated that this sounds vaguely familiar, but his problem with this proposal is effectively land-locking the other tract. He asked Mr. Sack why he didn't vacate the cul-de-sac and then the whole problem goes away. Mr. Ard commented that he can't vote for something that would land-lock property. In response, Mr. Sack stated that he looked at this and talked with the Fire Marshal about vacating the cul-de-sac and the length of the road is too long. If the apartments stay, then the Fire Marshal would like to see the cul-de-sac there. The apartments are in a state of disrepair and Mr. Sack believes that they will go away. He believes to build a cul-de-sac would be in error because it wouldn't serve anyone.

Mr. Sack stated that there are three different plats on the subject property and none of them have ever been vacated.

TMAPC Action; 6 members present:

On **MOTION** of **BAYLES**, TMAPC voted **6-0-0** (Ard, Bayles, Cantees, Cantrell, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Harmon, Midget, Miller "absent") to **DENY** the minor amendment for PUD-533-B-1 per staff recommendation.

* * * * *

Application No.: PUD-306-K

MAJOR AMENDMENT

Applicant: Charles E. Norman

(PD-26) (CD-2)

Location: East of the northeast corner of Riverside Parkway and East 101st Street South

STAFF RECOMMENDATION:

Z-6677/PUD-306-H March 1999: All concurred in approval of a request to rezone an 8.4+ tract from RM-1 to CO and a Major Amendment to PUD to permit commercial uses on property located on the southwest corner of Vensel Creek and South Riverside.

PUD-306-F March 1998: All concurred in approval of a request for a Major amendment to the PUD-306-E for a proposed multifamily residential development on 18.3 acres of land located at the northeast corner of S. Delaware Avenue and the Creek Turnpike and on the south side of Vensel Creek.

Z-6522/PUD-306-E January 1996: All concurred in approval of a request for rezoning and for a major amendment to the PUD from RM-1/RS-3/PUD to CO/PUD on 18.3 acres located at the northeast corner of S. Delaware Avenue and the Creek Turnpike and north of the subject tract. The proposal was to develop an ice sports facility.

PUD-306-D November 1995: All concurred in approval of a proposed Major Amendment to PUD on a 150' x 220' \pm square foot tract of land to add Use Unit 15 for a small storage with outdoor storage display with a condition of screening, on property located and abutting the subject property to the east.

PUD-306-C February 1995: All concurred in approval of a major amendment on approximately 57 acres of PUD-306 to allow a school use.

PUD-306 February 1983: All concurred in approval of rezoning and the proposed PUD on 273 acres which included the subject tract for a mixed use development.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.25 acres in size and is located east of northeast corner of South Delaware Avenue and East 101st Street South. The property appears to be primarily vacant, but has a cell tower and related ground equipment located at the far northeast corner. The property is zoned RM-0/CS/PUD-306.

STREETS:

| Exist. Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|-------------------------------|--------------------|----------|----------------|
| East 101 st Avenue | Secondary Arterial | 100' | 2 |

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

SURROUNDING AREA: The subject tract is abutted on the east by a landscape service business zoned RM-0/PUD 306; on the north by the Creek Turnpike zoned CS/RM-0/PUD 306; on the west by Braum's zoned CS/PUD 306; and on the south by South 101st East Avenue and a mini-storage use zoned CS.

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 being Medium Intensity. According to the Zoning Matrix, the requested development is in accord with the District Plan.

STAFF RECOMMENDATION:

River Creek Village, in which the subject property is located, was platted in 1995 and is part of Development Area "J" of PUD 306 as approved in 1983. Lot 1 at

the northeast corner of South Delaware Avenue and East 101st Street South was developed as a convenience store which was recently removed and a new building constructed for use as a bank. Lot 2 was subdivided into two tracts per minor amendment PUD 306-14. A Braum's store was built on the west half of Lot 2. A cell tower is located on the north-east portion of Lot 2, and an outdoor advertising sign has recently been approved near the north boundary of Lot 2. Lot 3 on the east boundary of River Creek Village was initially used as an equipment rental facility and is now a landscape service.

Lot 2 was subdivided into two tracts per minor amendment PUD 306-14 subject to the following conditions:

Tract A (Braum's): (*partial listing of conditions*)

Net Lot Area 74,241 SF

Maximum Building Floor Area 39,000 SF

Internal Mutual Access and Limits of No Access

Two entry drives shall be permitted corresponding to the two 40-foot accesses approved by TMAPC at their October 28, 1998 meeting modifying the Plat of Record for River Creek Village. Internal mutual access shall be provided between Tract A and B. A separate instrument, amending the recorded plat, shall be filed providing internal access and circulation between all uses within Lot 2 and all Tracts created by lot-split within Lot 2.

Tract B (subject property):

Net Lot Area 77,500 SF

Maximum Building Floor Area 41,500 SF

Maximum Building Height 2 Stories

Minimum Building Setback
From the Southern Tract Boundary 50 feet

Signage

One ground sign along the East 101st Street frontage and one ground sign along the Creek Turnpike frontage. All ground, wall and business signage shall comply with the Planned Unit Development Chapter of the Tulsa Zoning Code.

Internal Mutual Access and Limits of No Access

One entry drive shall be permitted corresponding to the 40-foot access indicated on the Plat of Record for River Creek Village. Internal mutual access shall be provided between Tracts A and B. A separate instrument, amending the recorded plat, shall be filed providing internal access and circulation between all uses within Lot 2 and all Tracts created by lot-split within Lot 2.

Development Area "J" and the restrictive covenants of River Creek village limit permitted uses to those allowed by right within the CS zoning district and customarily accessory uses. PUD 306-K proposes on the east 200 feet of Lot 2 (Tract B) a fuel facility with a small service kiosk, and an auto wash on the rear half of the parcel. The fuel service facility is a use permitted as a matter of right in the CS district; however, under Use Unit 14, a gasoline service station is limited to a one-bay car wash. Therefore, the major amendment is to add a multi-bay auto wash, only, as permitted under Use Unit 17, Automotive and Allied activities. Use Unit 17 is permitted in CS districts by special exception.

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-306-K as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of **PUD-306-K** 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:

Principal and accessory uses permitted as a matter of right in the CS - commercial shopping district and a multi-bay auto wash only as permitted under Use Unit 17, Automotive and Allied Activities.

MAXIMUM PERMITTED FLOOR AREA 41,500 SF

MAXIMUM BUILDING HEIGHT 2 Stories

MINIMUM BUILDING SETBACK
From the Southern Tract Boundary 50 feet

SIGNAGE

One ground sign shall be permitted along the East 101st Street frontage not to exceed 160 square feet of display surface area and 25 feet in height, and one outdoor advertising sign not to exceed 672 square feet of display surface area and 50 feet in height shall be permitted along the Creek Turnpike frontage.

INTERNAL MUTUAL ACCESS AND LIMITS OF NO ACCESS

~~One entry drive shall be permitted corresponding to the 40-foot access indicated on the Plat of Record for River Creek Village. Internal mutual access shall be provided between Tracts A and B of Lot 2. A separate instrument amending the recorded plat shall be filed providing internal access and circulation between all uses within Lot 2. (Mutual access currently indicated per Exhibit "B" dated 1/6/99 as part of site plan approval for Braum's, but no book or page provided.) The lot shall be permitted to have two access points to be approved by the Traffic Engineering Department in accord with the exhibits submitted 3/7/07.~~

PEDESTRIAN CIRCULATION

Sidewalks shall be provided along East 101st Street South.

LIGHTING:

No light standard or building-mounted light shall exceed 25 feet in height. All lights standards shall be hooded and directed downward. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in nearby residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

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 and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. 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.
7. 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.
8. 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.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. 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.
11. 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.
12. Except as above modified, the development standards of PUD-306 as amended, shall remain applicable.

TAC Comments from 2/15/07:

General: No comments.

Water: A 12-inch water main exists along 101st St. S. for water service connections.

Fire: Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) 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 (183 m).
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 (183 m).

Stormwater: No objection to the amendment; however, runoff from the car wash operation cannot flow to the Storm Drainage System. The remainder of the stormwater drainage from the site must be collected and piped to the Public Drainage System along 101st Street South. An approved Stormwater Pollution Prevention Plan is required prior to construction.

Wastewater: An eight-inch sanitary sewer is available along the 101st St. frontage for a service connection

Transportation: Sidewalk is shown on submittal, and the sidewalk requirement is supported.

Traffic: A Change of Access is required. Recommend widening the narrow, two-way aisle between the Car Wash Bay and the east property line. The tight, U-turn radius exiting the Auto Wash will discourage drivers from using the one-way aisle along the west property line thus adding additional traffic to the east aisle.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

MSHP: East 101st Street South is an existing two-lane street. Recommend sidewalks to be included per subdivision regulations.

LRTP: East 101st Street South between South Harvard Avenue and South Lewis Avenue is planned for four lanes. Sidewalks should be constructed if non-existing or maintained if existing.

TMP: No Comments.

Transit: No current or future plans for this location.

TMAPC COMMENTS:

In response to Mr. Ard, Ms. Matthews stated that staff is recommending one curb cut and the use of the mutual access easement for traffic flow.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, cited the history of the 1995 plat for the subject property. Mr. Norman stated that the original development was approved in 1983, which was when the Creek Turnpike was planned. There have been a number of major amendments to the PUD. The original PUD was platted into three lots and the first lot was a location of a Git-N-Go and Braum's. He indicated that his client is proposing to locate a fuel facility with a related coffee facility and add a car wash facility, which is not a use permitted in the original PUD. Mr. Norman stated that there has been a sign on the subject property for several years announcing that a fuel facility and car wash is coming.

Mr. Norman explained that Mr. Smith sold Sitton Properties all of Lot 2 and the parcel that is under application today is about 218 feet of lineal frontage and the Braum's has about 200 feet. Lot 2 originally had over 400 feet of lineal frontage on 101st Street. At the time that Sitton Properties owned the property, the Braum's store came in with a minor amendment to have a lot-split and to allocate floor area to the two parcels. As a condition of that approval (PUD-306-14) the Braum's store was permitted to have two driveways, which left on the plat one driveway in the middle of the remaining part of Lot 2 (218 feet) and one drive on the parcel for Lot 3. Mr. Norman requested that the Planning Commission set this restriction aside.

Mr. Norman submitted photographs of the subject area (Exhibit B-2) and described the surrounding properties. Mr. Norman pointed out the Braum's landscaped island within the parking area and the narrow dimension from that curb over to the curb of the landscaped island, which is approximately 20 feet. He indicated where the mutual access easement would interfere with two parking spaces and the landscaped island that is on the Braum's lot.

Mr. Norman submitted plans with a modification to the access (Exhibit B-1). Mr. Norman explained how the mutual access easement would force cars coming from the subject property to make right-turns and come into conflict with cars that are trying to come into the Braum's store from the outside. The mutual access easement would probably require the removal of two parking spaces and part of the landscaped island.

TMAPC COMMENTS:

Mr. Ard asked if the two parking spaces and island have to come out if the Planning Commission approved the staff recommendation with regard to the mutual access easement. In response, Mr. Norman stated that he believes that they would have to come out because the curb is only 20 feet.

Mr. Ard asked staff if the Planning Commission would have to include removal of the two parking spaces and the island as part of the approval or would their approval supersede Braum's approval. In response, Mr. Alberty stated that this is a confusing matter, but the mutual access easement exists. If the site plan was approved, it was either missed or was assumed that the mutual access easement was no longer needed. The point is that the subject property has access to the Braum's property through that mutual access easement. Braum's point would be that a car can get to it, whether it is convenient or not is not the issue. Mr. Norman's maps are showing is that it is not the ideal situation.

Mr. Norman stated that forcing the mutual access easement is a lawsuit in the making because the only beneficiaries of the mutual access easement are the Braum's lot and the remaining lot. Mr. Norman demonstrated the difficulties traffic would experience using the mutual access easement if it were required.

Mr. Norman suggested that his client be allowed to move the driveway eleven feet further to the east to create 45 feet of separation between the inbound driveway for Braum's and the outbound driveway from the automatic car wash and the fuel service facility. Mr. Norman indicated that Darryl French has no objection to two driveways serving the car wash and fuel service facility. Mr. Norman commented that at the Technical Advisory Committee, Mr. French stated that it might require moving this driveway slightly further to the east, which is what is being proposed. It is apparent that this will be awkward to work as the outbound lane for a fuel facility and a car wash. Mr. Norman stated that Mr. French made a point that there is an inherent difference between the traffic that goes to Braum's and the traffic that goes to the car wash. Generally, one doesn't take their kids to the car wash and then go through the mutual access easement to Braum's to eat. Mr. Norman commented that he is trying to focus on practical considerations and Mr. Smith reacquired the subject property after the Planning Commission had approved PUD-306-14, which resulted in the Braum's store having two driveways and the subject tract being limited to one.

Mr. Ard requested Mr. French to come to the podium.

Darryl French, Traffic Engineering, 200 Civic Center, stated that when recommendations are being prepared there is some technical information that is not known at the time and at a later date the issue regarding the mutual access is brought up. Minutes before the meeting, no one really had a visual clue as to where the said legal instrument, if it existed, is located physically. Traffic Engineering's position has been consistent that with 218 feet of frontage there is no objection to two access points. The final technical design will be done at the platting stage or a change of access will need to be filed. It is the Planning Commission's final decision whether the mutual access should be enforced. It appears that Braum's made no effort to maintain the mutual access easement.

Mr. Ard asked Mr. French if he has reviewed Mr. Norman's proposed access point plan. In response, Mr. French stated that he has not reviewed it because it was just handed it to him. He is not making a recommendation with specific dimensions because this is still conceptual. The issue is whether this facility needs one access point and would almost require the mutual access easement to be enforced or if two access points are acceptable from a land use standpoint.

Mr. Ard asked Mr. French if there was a standard minimum of how many access points can be on an arterial street. In response, Mr. French stated that Traffic Engineering prefers 125 feet separation from center to center.

In response to Mr. Shivel, Mr. Norman described the flow of traffic for the car wash and stated that there is a curb on the Braum's side to prevent traffic from access and Braum's has installed landscaping on the subject property.

Mr. Ard asked Mr. Norman if the Planning Commission were to approve his proposal with two access points, what he would do with the mutual access agreement. In response, Mr. Norman stated that the curb between the two properties would be maintained and they would request Braum's to release the mutual access easement. There is no desire to ever have access to the third driveway. Safety is the most important issue for this proposal. He understands that he would have to file a change in the limits of no access.

Mr. Wofford stated that the two-entrance approach seems to be the most efficient and probably the best approach in his opinion. The easement to Braum's is nothing but a headache and probably a legal headache for Mr. Norman's client. The traffic patterns will be different between the two properties.

TMAPC Action; 6 members present:

On **MOTION** of **BAYLES**, TMAPC voted **6-0-0** (Ard, Bayles, Cantees, Cantrell, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Harmon, Midget, Miller "absent") to recommend **APPROVAL** of the major amendment for PUD-306-K, subject to modifications submitted by Mr. Norman replacing with the relocation of the proposed west drive as submitted 3/7/07 (Exhibit B-1) and subject to TAC review to allow two access points.

Legal Description for PUD-306-K:

LOT 2, BLOCK 1, RIVER CREEK VILLAGE, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: LESS BEGINNING AT A POINT THAT IS THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID LOT 2, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, OF RIVER CREEK VILLAGE; THENCE ~~N 03°03'01"~~ W ALONG THE WESTERLY LINE OF LOT 2 FOR 220' TO A POINT THAT IS THE NORTHEAST CORNER OF LOT 1; THENCE ~~S 01°03'08"~~ W ALONG A SOUTHERLY LINE OF LOT 2 AND THE NORTHERLY LINE OF LOT 1 FOR 200' TO THE MOST WESTERLY SOUTHEAST CORNER OF LOT 2, SAID CORNER BEING THE NORTHWEST CORNER OF SAID LOT 1; THENCE N 01°06'03" W ALONG THE MOST WESTERLY LINE OF LOT 2 FOR 12.21'; THENCE N 39°00'57" E ALONG THE NORTHWESTERLY LINE OF LOT 2 FOR 93.14" TO THE MOST NORTHERLY NORTHWEST CORNER OF LOT 2; THENCE N 89°38'32" E ALONG THE MOST NORTHERLY LINE OF LOT 2 FOR 340.01'; THENCE S ~~06'03"~~ E FOR 297.88' TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 2; THENCE S ~~06'04"~~ W ALONG SAID SOUTHERLY LINE FOR 200' TO THE POB, **From CS/RM-0/PUD (Commercial Shopping Center District/Residential Multifamily District/Planned Unit Development [PUD-306]) To CS/RM-0/PUD (Commercial Shopping Center District/Residential Multifamily District/Planned Unit Development [PUD-306-K]).**

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Application No.: CZ-385

AG TO RS/OL/CS

Applicant: Tuttle & Associates

County

Location: Southeast corner of 86th Street North and North Harvard Avenue

STAFF RECOMMENDATION:

CZ-306 May 2002: All concurred in rezoning a property east of the subject property and east of the Cherokee Expressway from AG to CS.

CZ-296 February 2002: All concurred in approval of a request to rezone a 15+ acre tract located east of the subject property and east of the Cherokee Expressway from AG to CS.

CZ-214 July 1994: A request to rezone a 3.8-acre tract located on the northwest corner of East 86th Street North and North Yale Avenue east of the subject property and east of the Cherokee Expressway from AG to CG. The TMAPC and Board of County Commissioners approved rezoning to CS in the alternative.

CZ-174 January 1989: An application to rezone 253.7 acres with tracts located on both the east and west side of U. S. Highway 75 and south of East 76th Street North. The request was to rezone all of this property from AG to RS. Based on earlier development patterns and the lack of public utilities in the area, staff recommended denial of RS density and recommended approval of RE zoning on all the property except the west 450' of the north 660' of the westernmost tract.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 80 acres in size and is located on the southeast corner of East 86th Street North and North Harvard Avenue. The property appears to be vacant and is zoned AG. It has heavy vegetation and a varied topography. Although adjacent to floodplain areas, this property is not within any floodplain.

STREETS:

| Exist. Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|------------------------------------|--------------------|----------|----------------|
| North Harvard Avenue | Secondary arterial | 100' | 2 |
| East 86 th Street North | Primary arterial | 120' | 2 |

UTILITIES: The subject tract has no municipal water or sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by large-lot single-family residential and rural uses, zoned AG and RE; on the north by large-lot single-family residential uses, mobile homes and heavy farm equipment storage, zoned AG; on the south by large-lot residential/agricultural uses and two large water features, zoned AG; and on the west by vacant land and large-lot single-family residential uses, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The North Tulsa Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Commercial-Office Medium Intensity at the ten-acre node at the intersection of North Harvard and East 86th Street North, Medium Intensity-Residential as a wrap-around surrounding the node and Residential land use adjacent to that. According to the Zoning Matrix, the requested CS/OL/RS zoning **are** in accord with the Zoning Matrix under the following conditions. The CS **is** in accord with the Zoning Matrix for the ten acres at the corner. The OL **may be found** in accord with the Medium Intensity designation surrounding the node, and the RS **is** in accord with the Residential designation on the remainder of the site. The proposed zoning pattern, as conceptually configured, meets the criteria for a Type II Node (10 acres, 660' by 660' at a corner) according to the Metropolitan Development Guidelines.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and the Metropolitan Development Guidelines, staff can support the requested rezoning and recommends **APPROVAL** of the requested RS/OL/CS for CZ-385.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Bill Kelley, P.O. Box 9083, Sperry, 74073, stated that he owns the property adjacent to the subject property. His main interest is the size of the lots and houses that are being proposed. He commented that he has 5,000 SF homes in his development and he has been able to handpick who lives close to him. He asked what the ten acres of commercial would be. Mr. Kelley requested information about the size of the homes, lots, restrictions and if there would be sanitary sewer from the City.

Applicant's Rebuttal:

Vanessa Conn, Tuttle & Associates, stated that there will be $\frac{3}{4}$ acres lots with aerobic sanitary sewer and rural water. There will not be any city sewer provided. She doesn't know what size the homes will be. The reason there is ten acres of commercial proposed is because staff recommended that there be ten acres of commercial with an OL wrap for a buffer.

TMAPC COMMENTS:

Mr. Ard asked what the minimum lot size should be for septic systems. In response, Ms. Matthews stated that ½ acre is allowed septic systems and it has to perc in 30 minutes or less.

Mr. Ard recognized Mr. Kelley.

Mr. Ard recommended that Mr. Kelley and Ms. Conn trade information. At this stage it is introductory and probably fluid.

Mr. Kelley asked why staff would require ten acres of commercial in the country on the subject corner. In response, Ms. Matthews stated that it would be in accord with the development guidelines and would meet the criteria.

Ms. Matthews reminded the Planning Commission that this is straight zoning and not a PUD. All of Mr. Kelley's concerns would be addressed during the platting stage.

TMAPC Action; 6 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Ard, Bayles, Cantees, Cantrell, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Harmon, Midget, Miller "absent") to recommend **APPROVAL** of the RS/OL/CS zoning for CZ-385 per staff recommendation.

Legal Description for CZ-385:

A tract of land located in the NW/4 NW/4 of Section 28, T-21-N, R-13-E, Tulsa County, Oklahoma being more particularly described as follows: BEGINNING at the Northwest Corner of said Section 28, THENCE N 88°37'34" E a distance of 2488.85 feet to a point; THENCE S 01°23'15" E, a distance of 33.07 feet to a point; THENCE S 80°05'57" E, a distance of 112.17 feet to a point; THENCE N 88°37'34" E, a distance of 36.00 feet to a point; THENCE S 01°23'15" E, a distance of 1265.62 feet to a point; THENCE S 88°38'52" W, a distance of 2634.80 feet to a point; THENCE N 01°23'23" W, a distance of 1319.62 feet to the PLACE OF BEGINNING, **From AG (Agriculture District) To RS/OL/CS (Residential Single Family District/Office Low Intensity District/Commercial Shopping Center District).**

Application No.: Z-7051/PUD-696-A

OL To CS

Applicant: Lou Reynolds

(PD-18) (CD-2)

Location: South of the southeast corner of East 91st Street and South Delaware

STAFF RECOMMENDATION:

The applicant has withdrawn this case.

Commissioners' Comments:

Ms. Bayles asked Mr. Alberty about the River Corridor. In response, Mr. Alberty stated that at this point staff has prepared a process outline and it will be reviewed with the Mayor and her staff and once there is consensus then it will be made known.

Ms. Bayles asked for additional copies of the River Corridor Plan. In response, Mr. Alberty stated that it is on the website, but he believes that Ms. Huntsinger has run copies for those who requested them.

Mr. Ard asked if there is any file of information relating to river plans that have been adopted to date or river zoning issues that have been adopted to date by other communities in the Tulsa Metropolitan Area. In response, Ms. Matthews stated that there are some and they range from preserving the river in its natural state to developing it. Staff is in the process of collecting information. Mr. Ard asked if this information could be made available to the Planning Commission in some fashion or is it too overwhelming. In response, Ms. Matthews stated that it is overwhelming, but if the Planning Commission would like to view the file and see something they would like a copy of, then it could be done. Ms. Matthews stated that at some point she believes staff will be asked to pull out information that is considered good or summarize the whole file. Some of the information is out of the scope what the staff and the Planning Commission has been given.

Mr. Ard asked how the Planning Commission could know about CIP funding ahead of time. In response, Ms. Matthews suggested that possibly someone from Public Works could come to a worksession and talk about CIPs. In response, Mr. Ard stated that it really bothers him that money was spent on a speculative development that didn't get past this commission (Z-7045/PUD-737).

Ms. Matthews explained that the money spent was a special economic development grant that previous Councilor Mautino was able to secure from the City.

Mr. Wofford stated that he found it really informative to find out that there are plans on the books to get sewer to the rest of the subject area.

Mr. Ard stated that he believes a Public Works worksession would be good.

Ms. Cantees asked if someone from Public Works could be in attendance at the Planning Commission meetings to answer these types of questions. In response, Ms. Matthews stated that she believes that they feel that they have given their comments when they attend the TAC meetings, which is typically a pre-development meeting. The TAC comments are always on the staff recommendation. Ms. Cantees stated that she didn't feel that she had enough information today so do we address that or what? Ms. Cantees commented that

she doesn't believe the Planning Commission looked very confident to the public today.

Mr. Alberty stated that it is difficult to anticipate all of the questions that might come forward. Typically, when one is looking at zoning, it is separate from subdivisions, which have more information. When a subdivision plat is submitted, then that is when one gets all of the comments from Public Works. Typically, the comments do not come with zoning. The only reason Z-7045 had information with it is because there was a PUD filed with it. The PUD goes through the TAC and zoning doesn't. Typically, the Planning Commission has always bifurcated thinking with regards to zoning, which comes first and then land development. Public Works may be willing to come to a worksession and staff would be happy to request them to attend and discuss CIPs. There are three steps: first the CIP is developed, second it is funded and then third, it is literally designed and programmed when it will be constructed.

Ms. Bayles stated that politically these items are pulled for a variety of reasons. It takes political muscle to get them back on the list. That is where neighborhood and citizen advocacy is important and the relationship with their City Councilor. These issues are totally out of the Planning Commission's control.

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and citizen advocacy is important and the relationship with their City Councilor. These issues are totally out of the Planning Commission's control.

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There being no further business, the Chair declared the meeting adjourned at 4:45 p.m.

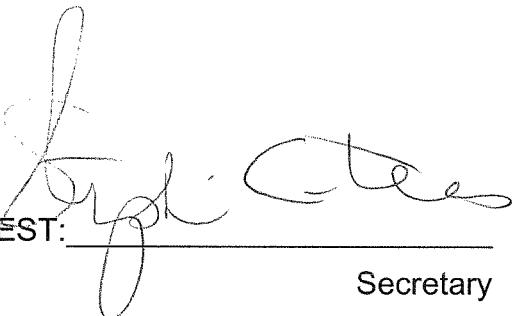
Date Approved:

3/28/07



Chairman

ATTEST:



Secretary

