

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2486

Wednesday, July 18, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ard	Harmon	Alberty	Boulden, Legal
Cantees	McArtor	Chronister	
Cantrell	Miller	Huntsinger	
Carnes	Shivel	Matthews	
Marshall		Tomlinson	
Midget			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, July 13, 2007 at 1:32 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Ard called the meeting to order at 1:37 p.m.

### REPORTS:

#### **Comprehensive Plan Report:**

Ms. Cantrell reported that the Request for Proposal (RFP) hasn't gone out at this time. The committee is waiting on some final words from the Mayor before sending out the RFP.

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

Mr. Alberty reported on the TMAPC receipts for the month of June 2007. He indicated the fiscal year ended on June 30<sup>th</sup> and the totals indicate an eight percent drop in receipts.

Mr. Alberty reported on the City Council agenda and the BOCC agendas.

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**Minutes:**

**Approval of the minutes of June 20, 2007 Meeting No. 2483**

On **MOTION** of **CARNES** the TMAPC voted 5-0-1 (Ard, Cantrell, Carnes, Marshall, Midget "aye"; no "nays"; Cantees "abstaining"; Harmon, McArtor, Miller, Shivel "absent") to **APPROVE** the minutes of the meeting of June 20, 2007, Meeting No. 2483.

**Minutes:**

**Approval of the minutes of June 27, 2007 Meeting No. 2484**

On **MOTION** of **CARNES** the TMAPC voted 5-0-1 (Cantees, Cantrell, Carnes, Marshall, Midget "aye"; no "nays"; Ard "abstaining"; Harmon, McArtor, Miller, Shivel "absent") to **APPROVE** the minutes of the meeting of June 27, 2007, Meeting No. 2484.

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

Mr. Ard reminded the Planning Commissioners that they have received some changes to staff recommendations and continuance requests.

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**CONTINUANCE REQUESTS**

**Application No.:** PUD-600-A

**DETAIL SITE PLAN**

**Applicant:** Danny Mitchell

(PD-18) (CD-8)

**Location:** 91<sup>st</sup> and Toledo Court (Lots 7 & 8, Block 4, Ashton Creek Office Park, Development Area A)

**STAFF RECOMMENDATION:**

The applicant wishes to strike this item and submit revised plans. This item didn't require noticing and a date certain has not been determined for a continuance.

**STRIKE.**

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**Application No.: Z-7059/PUD-740**

**RS-1 to RS-3/PUD**

**Applicant:** Sisemore Weisz & Associates

(PD-18b) (CD-8)

**Location:** Southwest corner of South Canton Avenue and East 93<sup>rd</sup> Street

**STAFF RECOMMENDATION:**

The applicant has requested a continuance and the applicant is present to explain the reason for a continuance.

**Applicant's Comments:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, 74103, stated that this is a difficult property and has gone through a series of site plans that have not been acceptable to the staff. He explained that access is one of the issues and the final design will change the configuration of the site plan. His client needs time to resubmit the site plans to staff for review. Mr. Johnsen requested a continuance to August 22, 2007.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Carnes, Marshall, Midget "aye"; no "nays"; none "abstaining"; Harmon, McArtor, Miller, Shivel "absent") to **CONTINUE** Z-7059/PUD-740 to August 22, 2007.

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**Application No.: Z-7063**

**RS-1 TO RS-2**

**Applicant:** Roy Johnsen

(PD-6) (CD-9)

**Location:** East of northeast corner of East Skelly Drive and South Newport Avenue

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to August 22, 2007 in order to provide sufficient time for the filing of an accompanying PUD.

**Applicant's Comments:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, 74103, stated that staff has recommended a PUD be filed with the request for rezoning to RS-2. He requested a continuance to August 22, 2007 in order to file the PUD. Mr. Johnsen indicated that he contacted Mr. Beatty, who represents interested

parties in the subject area, and advised him that he would be requesting the continuance and there was no objection.

**Interested Parties Comments:**

**Herb Beattie**, 3474 South Zunis Avenue, 74105, stated that he is in agreement with the continuance.

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Carnes, Marshall, Midget "aye"; no "nays"; none "abstaining"; Harmon, McArtor, Miller, Shivel "absent") to **CONTINUE** Z-7063 to August 22, 2007.

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**Application No.: Z-6277-SP-3a**

**CORRIDOR MINOR AMENDMENT**

**Applicant:** Dennis Blind

(PD-18) (CD-8)

**Location:** Northeast corner of East 66<sup>th</sup> Street and South 101<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting a continuance to August 1, 2007.

**Applicant's Comments:**

**Craig Heidinger**, Columbine Properties, requested a continuance to August 1, 2007.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Carnes, Marshall, Midget "aye"; no "nays"; none "abstaining"; Harmon, McArtor, Miller, Shivel "absent") to **CONTINUE** the corridor minor amendment for Z-6277-SP-3a to August 1, 2007.

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## 2. 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. **L-20074** – Gene Wilburn (7319)/Lot-Split (County)  
2310 East 151<sup>st</sup> Street South
- b. **L-20104** – Randall Packard (8406)/Lot-Split (PD 18) (CD 8)  
West of southwest corner East 61<sup>st</sup> Street and 105<sup>th</sup>  
East Avenue
- c. **PUD-711-1 – Roy Johnsen/PUD Minor Amendment** (PD-17) (CD-6)  
16714 East 50<sup>th</sup> Place South and 5033 South 168<sup>th</sup> East Avenue (Minor  
Amendment to reduce the 35-foot setback from East 51<sup>st</sup> Street South.)

### **STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-711 for the purpose of reducing the 35 foot setback from East 51<sup>st</sup> Street South. Setbacks per PUD-711 are as follow:

Front	25 FT
Side	5 FT
Rear	20 FT

A setback of 35 feet from abutting arterial streets as required per Section 403 of the zoning code has been inferred by Zoning Plans Review since the PUD is silent regarding perimeter and arterial street setbacks. Accordingly, the applicant is requesting a reduction of the 35-foot setback from East 51<sup>st</sup> Street South to 29 feet for Lot 1, Block 1 and to 22 feet for Lot 22, Block 3. The reduced setbacks as proposed do not encroach into any easements. Therefore, staff finds the amendments to be minor in nature and recommends **APPROVAL** of PUD-711-1 as proposed.

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

The Planning Commission considered the consent agenda.

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

### **TMAPC Action; 6 members present:**

On **MOTION** of **CARNES** TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Carnes, Marshall, Midget "aye"; no "nays"; none "abstaining"; Harmon, McArtor, Miller, Shivel "absent") to **APPROVE** the consent agenda Items 2.a to 2.c. per staff recommendation.

## **PUBLIC HEARING**

**Metro Place** – (9405)/Preliminary Plat

(PD 17) (CD 6)

North of East 11<sup>th</sup> Street South, West of South 129<sup>th</sup> East Avenue

### **STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 1.056 acres.

The following issues were discussed July 5, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CO-Z-7004-SP-1. All CO standards must be followed. One access is approved for the existing driveway on South 129th.
2. **Streets:** Right-of-way dedication needs recording documentation. Section II.B.9. heading should be "Pedestrian" instead of "Pedestrial". "Revise the LNA from 67 feet to 55 feet to match the proposed drive shown on the conceptual plan. Include standard language for LNA restrictions. Provide for a minimum 15-foot commercial driveway radius; intersect the right-of-way at 90 degrees.
3. **Sewer:** Property owner will be required to extend the sanitary sewer when new office space is constructed.
4. **Water:** Fire hydrant installation will be needed.
5. **Storm Drainage:** Please label "Tupelo Creek Tributary C FEMA AE Floodplain" as such. Payment of fees-in-lieu of detention has been approved for the project. Please include elevation labels for more than one contour line.
6. **Utilities: Telephone, Gas, Electric, Cable:** Okay.
7. **Other: Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

**GIS:** "Date of Preparation" is the preferred label for date identification on the face of plat. Provide the surveyors e-mail address. Include a tie from a section corner with point of commencement (poc) to a point of beginning (pob) with a metes and bounds description of the property in the legal

description.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

**Interested Parties Comments:**

**Dennis and Nancy Crayton**, 245 South 120<sup>th</sup> East Avenue, 74128, representing Western Village HOA and District 6 Community Council, stated that they would like to see some screening fencing between the subject proposal and the residences. Mr. and Mrs. Crayton expressed concerns with outside storage and expressed that they would prefer there not be any outside storage or some type of restrictions on outside storage. The neighborhood doesn't want the subject proposal to impact their quality of life and she is sure that the applicant will abide by the rules. Hopefully, this proposal will work out for all concerned. Mr. & Mrs. Crayton welcomed the applicant to the neighborhood and wished him well.

**STAFF RECOMMENDATION:**

Ms. Matthews explained the screening and outdoor storage requirements that were approved during the detail plan approval.

**Applicant's Comments:**

**Mike Marrara**, Harden & Associates, 2001 South 114<sup>th</sup> East Avenue, 74128, stated that he is in agreement with staff's recommendation. There will be detail corridor site plan following, which will reflect that his client is adhering to what has already approved for the corridor site plan.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Marrara if he has met the neighbors in the subject area. In response, Mr. Marrara stated that he personally didn't meet with the neighbors, but he does believe that his client has touched base with the immediate property owners throughout the entire process.

Mr. Ard stated that he recalls that the neighborhood was in favor of this project when it first came through and the owner had a good record of maintaining his property. He suggested that the neighborhood representatives introduce themselves to the property owner.

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Carnes, Marshall, Midget, "aye"; no "nays"; none "abstaining"; Harmon, McArtor, Miller, Shivel "absent") to **APPROVE** the preliminary plat for Metro Places, subject to special conditions and standard conditions per staff recommendation.

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**Crossroad Village – (8419)/Preliminary Plat**

(PD 18) (CD 8)

West of U.S. 169, South of East 91<sup>st</sup> Street

**STAFF RECOMMENDATION:**

This plat consists of six lots, one block, on 8.67 acres.

The following issues were discussed July 5, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CO-Z-6503-SP2. Reserve A is part of the plat. Streets are public. A trail easement needs to be shown per transportation planner along Reserve A and proposed along the Turnpike Authority easement in the future as land or easements are secured. Covenants need standard trail easement language to be approved by City Legal.
2. **Streets:** City will not accept dedication of the public streets without assurance that the public access tie to 91<sup>st</sup> Street is constructed on the adjacent proposed plat. Existing right-of-way dedications need recording documentation. Show Limits of No Access along the Mingo Valley Expressway. Delete "general" from Section I.A. Public Streets and General Utility Easements heading. Limits of No Access paragraph needs to include reference to the Mingo Valley Expressway. Dimension the Mutual Access Easement (MAE) from the lot line between Lots 1 and 6. Include standard language for the MAE including its maintenance.
3. **Sewer:** Final design will need refinements, i.e., manhole in Lot 5 needs greater separation from edge of easement; other refinements may be needed.
4. **Water:** A minimum of 20 feet of water line easement required when the proposed easement does not abut any other utility easements. Additional five feet of easement will be needed along the west 15-foot utility easement line extending out to 91<sup>st</sup> Street for the water line, unless the water line is placed in a separate 20-foot restricted water line easement.

5. **Storm Drainage:** Please add "Little Haikey Creek" to both the FEMA and City of Tulsa Regulatory Floodplain labels. For the City of Tulsa Regulatory Floodplain both existing and proposed floodplains must be shown and labeled, and a regulatory map amendment will be required. The easement for the "proposed 10' x 6' RCB" should be labeled as a "storm sewer easement". Add to the label for the "detention easement to be acquired from the Turnpike Authority" the words, "by separate instrument", and begin the label with "stormwater". Please add "stormwater" to the portion of the Reserve A label that is in parentheses. If it is the owners' intent to construct a portion of the stormwater detention facility in the FEMA floodplain, then a Certified Letter of Map Revision (CLOMR) must be approved prior to the commencement of any construction in this addition. If not, then the FEMA floodplain should be placed in a separate reserve for overland drainage. Unless a CLOMR is being done, add the reserve for the FEMA floodplain to the title for Section I.I. Please revise the language in this section by using the standard language for Reserve area and overland drainage easements for floodplain areas. Add the standard "prorata" language to section I.H.6.
6. **Utilities: Telephone, PSO, ONG, Cable:** More utility easements will be needed.
7. **Other: Fire:** No comment. Number the lots either clockwise or counterclockwise. Lot lines need to be different line style (weight and type) from plat boundary lines. Legal description should include a metes and bounds description of the combined tracts so that it replicates the final platted property boundaries shown on face of plat.

**GIS:** "Date of preparation" is the preferred label for date identification on the face of plat. Please state the "basis of bearing" on face of plat. Include a tie from a section corner of face of plat with distance and bearing to property.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

**TMAPC COMMENTS:**

Ms. Cantrell asked staff to explain the 91<sup>st</sup> Street access because it has been an issue before.

Ms. Chronister explained that she was not involved in this, but there is another plat called South Tulsa Medical Office Center that is adjacent to the west. The two developers worked together at the planning process. The subdivision plat for South Tulsa Medical Office Center has been filed, but they are not developing the property at the present time. There is a concern because the City of Tulsa doesn't want to accept the right-of-way for the street within this plat until there is an assurance that the connection to the west and north to 91<sup>st</sup> Street will be built. She understands that the developer of Crossroads Village is willing to develop and build the street connection on the South Tulsa Medical Center, but there are some legal issues to review first.

**Applicant's Comments:**

**Malek Elkhoury**, 1435 East 41<sup>st</sup> Street, 74105, stated that he is the engineer for this project and he is in agreement with the staff and TAC comments; however, there is one comment he would like to verify and potentially amend: comment number two, which discusses the acceptance of the right-of-way on the plat. Mr. Elkhoury stated that he has a copy of the filed plat for South Tulsa Medical Office Center, which shows that the right-of-way for a street has been dedicated. Since he is unable to make the adjacent property owner build the street, his client is willing to build the stub within that dedicated right-of-way to connect his road with 91<sup>st</sup> Street.

**TMAPC COMMENTS:**

Mr. Midget stated that it sounds as though the applicant is requesting that the Planning Commission approve this pending Legal's review. He doesn't see how that really changes the staff recommendation.

Mr. Boulden stated that it is his understanding that the applicant's client was willing to build on the adjoining property in the dedicated right-of-way where it shows a connection to 91<sup>st</sup> Street and street light. Since that is dedicated right-of-way, then there is no need for the abutting property owner's permission to build a public street in the public right-of-way.

Mr. French stated that the intent of the TAC comments is to not have a cul-de-sac that is isolated and sell lots that do not have a public street that goes nowhere. The desire is to build the street beyond the property line west, then turn north to 91<sup>st</sup> Street. This is a corridor and the principal access for all the lots will have to be from a corridor collector street, which is the road that leads to the traffic signal. Mr. French explained that the TAC comments are very clear and simple, but TAC is willing to go ahead with the preliminary plat. The engineer and his client are on notice that they might not get their final plat approved if he doesn't have everything in order. Mr. French further explained that once the plat

is approved and filed of record, then the lots can be sold; that is the concern and the type of protection that TAC wanted to clearly evaluate. This is simply the preliminary approval and all of the issues can be worked out before the final plat.

Ms. Cantrell stated that she remembers that the other access is too close to the expressway to be a safe exit and the street to 91<sup>st</sup> Street was needed. She remembers approving the second access, conditioned on the 91<sup>st</sup> Street access being resolved. Ms. Cantrell indicated that the first access to 91<sup>st</sup> Street was too close to U. S. Highway 169.

Mr. Elkhoury stated that the access that Ms. Cantrell is speaking of will be an access easement and not a public right-of-way. The public will be able to access 91<sup>st</sup> Street through that access easement; however, staff wanted him to provide a collector and dedicated right-of-way to divert the traffic to the street light. In order to get to the street light, he would have to go through adjacent property that he doesn't own. The right-of-way is dedicated and his client is willing to build that access to connect to the street light. He wanted to make sure that this is possible, since he doesn't own the property, so that his plat will not be held up. Mr. Elkhoury stated that he will assure the City that he is going to build, if it has to be posting a bond so that he can sell lots and move forward with the construction.

Mr. Alberty stated that the comments are not INCOG/staff comments, but rather the Technical Advisory Committee comments, which staff doesn't feel that they have the right to adjust. Mr. Alberty pointed out the word "assurance" and explained that one shouldn't get confused by the fact that the street has to be constructed prior to the plat. The City's position is that they want assurance that the street will be constructed prior to occupancy, or prior to construction. This developer and client are willing to give that assurance. He doesn't see that there is actually a problem. He reminded the Planning Commission that this is a preliminary plat today.

Mr. Boulden stated that he is comfortable with the South Tulsa Medical Office Center plat that South 101<sup>st</sup> East Avenue and its connection to East 91<sup>st</sup> Street is dedicated right-of-way to the public and by the virtue of that this applicant can build on the dedicated right-of-way with PFPI.

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Carnes, Marshall, Midget, "aye"; no "nays"; none "abstaining"; Harmon, McArtor, Miller, Shivel "absent") to **APPROVE** the preliminary plat for Crossroad Village, subject to special conditions and standard conditions per staff recommendation.

\* \* \* \* \*

East of South Peoria, South of East 71st Street South

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 1.81 acres.

The following issues were discussed July 5, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-691-A. Access needs to be per PUD conditions and traffic engineer approval. All PUD conditions must be followed and shown in the covenants.
2. **Streets:** Provide a 20-foot minimum mutual access easement from north to south extending to the north property line. Left turn access will not be feasible without an additional easement onto the adjacent property to the existing median opening. Include standard language for LNA (limits of no access) restrictions. Show recording references for the existing right-of-way dedications.
3. **Sewer:** Sanitary sewer is available for service for a one lot, one block development.
4. **Water:** Check the coverage distance of the fire hydrant from the building.
5. **Storm Drainage:** Add drainage easement to the legend if easement is to include both overland drainage and storm sewer pipe. Distances and bearings are required on the face of plat for all lines bounding the drainage easement. Include standard language for the drainage easement or overland drainage easement as appropriate.
6. **Utilities: Telephone, Electric, Gas, Cable:** Additional easements are needed.
7. **Other: Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet. Address should be 7155 South Riverside Parkway instead of 7131.

**GIS:** Include a tie from a section corner with point of commencement (poc) to the point of beginning (pob) on face of plat label point of beginning. Property dimensions need to agree with legal description. The west property line length is not in agreement with that shown on face of plat. Street right-of-way is not being dedicated, and therefore the language should be edited accordingly.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Carnes, Marshall, Midget, "aye"; no "nays"; none "abstaining"; Harmon, McArtor, Miller, Shivel "absent") to **APPROVE** the preliminary plat for TTCU Riverside Branch, subject to special conditions and standard conditions per staff recommendation.

\*\*\*\*\*

**Tulsa Hills** – (8211)/Authorization for Accelerated  
Release of Building Permit

(PD 8) (CD 2)

East of U.S. 75, between West 71st and West 81st Street  
South

**STAFF RECOMMENDATION:**

The property is zoned CO Site Plan Z-7008-SP-1. One full permit for a parking lot is requested. A preliminary plat was approved for the site on July 5, 2006. Four full permits were approved for accelerated building permits on the site on April 4, 2007.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: The project is a small part of a much larger and complex site. Final plat is being submitted

concurrently. More time may be needed to work out details not related to subject site.

**The following information was provided by the Technical Advisory Committee in its meeting July 5, 2007.**

**ZONING:**

TMAPC Staff: A full permit is requested.

**STREETS:**

Public Works, Transportation: No comment.

Public Works, Traffic: No comment.

**SEWER:**

Public Works, Waste Water: No comment.

**WATER:**

Public Works, Water: No comment.

**STORM DRAIN:**

Public Works, Storm Water: No comment.

**FIRE:**

Public Works, Fire: No comment.

**UTILITIES:**

Franchise Utilities: No comment.

The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permit for the parking lot only.

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

**Applicant's Comments:**

**Ted Sack**, 111 South Elgin Avenue, 74120, stated that he would like some clarification to make sure that this accelerated permit is for the parking lot and site work, such as accessory items that go along with a parking lot.

In response to Mr. Sack, Mr. Alberty stated that site work would be understood because one couldn't build a parking lot without the site work.

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Carnes, Marshall, Midget, "aye"; no "nays"; none "abstaining"; Harmon, McArtor, Miller, Shivel "absent") to **APPROVE** the authorization for accelerated release of building permit for Tulsa Hills for the parking lot only per staff recommendation.

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**Application No.: Z-7064**

**RS-3 TO CH**

**Applicant:** Charles Norman/QuikTrip Corporation (PD-6) (CD-9)

**Location:** Northeast corner of East Skelly Drive and South Newport Avenue

**STAFF RECOMMENDATION:**

**Z-6971 February 2005:** All concurred in approval of a request for rezoning a .20± acre tract of land from RS-3 to OL for a small office on property located on the northwest corner of East 49<sup>th</sup> Street and South Peoria Avenue.

**Z-6905 October 2003:** All concurred in approval of a request for rezoning a 114' x 170'± square foot tract of land from RS-3 OL for office use, on property located on the southeast corner of East Skelly Drive and South Madison Avenue.

**Z-6752 March 2000:** All concurred in approval of a request for rezoning a 1.33+ acre tract of land from RS-3 to RM-2 on property located west of the northwest corner of East 48th Street and South Peoria Avenue.

**BOA-10305 January 18, 1979:** The Board of Adjustment approved a Special Exception to establish off-street parking for the Camelot Inn in an RS-3 District, subject to: a 6 foot screening fence on the west and north, no access to Newport Avenue, the lighting directed inward toward the parking lot and not toward the neighboring property either to the west or the north, the fence to line up with the existing fence (not on public right-of-way), and that additional trees and landscaping be provided on property located and the subject property.

**BOA-5755 February 6, 1968:** The Board of Adjustment approved a Variance to permit extending a U-3E (Office High) use 16'6" on the west side of the building into the U-1C (RS-3) district, on property located and a part of the subject property.

**BOA-4557 February 17, 1965:** The Board of Adjustment approved permission to establish off-street parking for Camelot Inn on Lots 13-18, Block 16, Riverview Village addition subject to a five foot screening wall and landscaping to beauty be erect to keep out lights and that no access be permitted on Newport on subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.25+ acres in size and is located at the northeast corner of East Skelly Drive and South Newport Avenue. The property is the vacant Camelot Inn Hotel and is zoned RS-3.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East Skelly Drive	N/A	N/A	2 (one way)
South Peoria	Secondary arterial	100'	4

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

**SURROUNDING AREA:** The subject tract is abutted on the east by a fried chicken restaurant, possibly vacant, zoned CH; on the north by a parking lot and single-family residential uses, zoned RS-3; on the south by an expressway, zoned RS-3; farther south by commercial and office uses, zoned CH, CS and OM; and on the west by single-family residential uses, zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within the Brookside Study Area, a Special District and Consideration Area. According to the Zoning Matrix, the requested CH zoning may be found in accord with the Plan due to this location.

**STAFF RECOMMENDATION:**

Staff cannot support the requested CH zoning due to the location adjacent to single-family residential areas on two sides. There is no doubt that this property will redevelop as a commercial or office use or some combination thereof. However, single-family residential uses front the site on the west side of Newport Avenue and straight commercial zoning adjacent to it would be incompatible. Residential zoning (RS, RT, or RD)\* would be appropriate there, as would off-street parking or OL (light office) in order to protect the adjacent single-family residential neighborhood.

Staff can recommend CS on the frontage of the service road (Skelly Drive) aligning with the existing CH on the east 50' of the property, and either PK or OL on the balance of the property except for the western 5', which staff recommends

remain in RS-3 as a buffer to the existing single-family residential development and requiring screening and allowing no access to Newport.

\*Note: any residential redevelopment beyond that already residentially zoned will require additional notice and public hearing.

Ms. Matthews stated that the subject property is outlined on the aerial photo and has been in Camelot use since it was developed and it does not show as being within the Business Area Plan of the Brookside Study. The Brookside Study ends at the back lot line of the properties that front on the east side of Newport. However, those properties have been in the Camelot ownership for many years and used by the Camelot property. The Brookside Plan calls for parking to not extend beyond the blue line on the Business Area Plan, but since the subject property has been in Camelot use for many years, and with the recommendation that five feet of it be retained for residential zoning, the remainder be for parking and the safeguards are in place in the Zoning Code for landscaping, screening, etc. to protect the neighborhood.

**TMAPC COMMENTS:**

Ms. Cantrell asked staff if they knew where the I-44 expansion would take place and how much property would be taken for that. In response, Ms. Matthews stated that she doesn't have the geometrics on that, but she has heard as many as three lots deep.

Mr. Carnes stated that according to the last maps that were shown, ODOT wouldn't be taking anything at the subject property.

Mr. Ard stated that he believes that ODOT will be taking two southerly lots in the residential area adjacent to Camelot properties for right-of-way. Mr. Ard stated that he doesn't know how far west that will extend.

Mr. Marshall stated that he will be abstaining from voting on this application.

Mr. Ard explained that Mr. Marshall would have to stay in the room in order to retain a quorum.

**Applicant's Comments:**

**Charles E. Norman**, 401 South Boston Avenue, Suite 2900, Tulsa, Oklahoma 74103; stated that he has been advised by Mr. Beattie that he will be asking for a continuance, which he has agreed to. Mr. Norman submitted a plat (Exhibit A-1) that indicates to the best of his engineer's information the "take lines" adjacent to the Camelot property for the expansion of I-44. Mr. Norman described the "take line" and the properties that his client is trying to obtain.

Mr. Norman explained that he has an alternate proposal to what the staff has recommended. He indicated that he presented his alternative proposal to the

joint meeting of the Brookside Business Association and the Brookside Neighborhood Association. Mr. Norman stated that he is agreeable to continuing this matter for two weeks in order to allow more discussion with the members of the association and abutting neighbors.

Mr. Norman clarified that his client is not seeking access to Newport Avenue and it has never been their intention. He agrees with the staff recommendation to retain a five-foot barrier of RS-3 zoning, which would prohibit any access to Newport Avenue. He explained that the CH zoning that is present in the neighborhood was approved by the BOA at a time when the Board had authority to grant use variances and also to grant additional permission for parking adjacent to commercially-zoned property. This application, as filed, only includes the lots that 65' x 120' that fronts onto Newport.

**Interested Parties Comments:**

**Herb Beattie**, 3474 South Zunis Avenue, 74105, representing the Brookside Neighborhood Association, stated that he is in agreement with the continuance to August 1, 2007. Mr. Beattie stated that the blue line on the Brookside Plan is something that he doesn't want violated. The blue line has been incorporated by the Planning Commission's recommendation into the Metropolitan Area Comprehensive Plan. He explained that there needs to be a negotiation very quickly in order to fix that blue line and hopefully come to some compromise.

Ms. Matthews stated that it may be something as simple as preparing an amendment to the Brookside Plan to move the blue line over to reflect reality.

Mr. Norman stated that he would do his best to reach some acceptable compromise or solution to both parties regarding the blue line and the rezoning of property.

**John Huffines**, 256 East 46<sup>th</sup> Street, 74105, representing the Brookside Neighborhood Association, stated that he has been knocking on doors in the subject area and it would be nice to have a definite plan to present to the neighbors. Mr. Huffines stated that a continuance would be best.

**Lisa Carr**, 4946 South Newport Avenue, 74105, stated that she lives across the street from the Camelot Hotel and she is supportive of development on the northeast corner of East Skelly Drive and South Newport. However, she does not agree with expanding commercial zoning into the residential areas. Ms. Carr stated that she doesn't have any problem with the continuance, but she would not be available to return on that day. Ms. Carr listed her concerns: increase in vehicle and pedestrian traffic; possible increase in crime, litter and noise; request that the developer provide insurance that he will abide by the screening requirements set forth in the Brookside Plan to help reduce vehicle and pedestrian traffic and noise; requests that there be a stipulation to prevent any

pay phones outside of the facility because they have been linked to increased crime and loitering.

Mr. Ard stated that the Planning Commission attempts to adhere to the Brookside Plan guidelines as closely as possible. Everyone is pleased that Camelot is going to be redeveloped because it has become an eyesore and a public nuisance in its present state. QuikTrip does a really good job of maintaining their property and they are an active member of our community. Mr. Ard believes that QuikTrip will be engaged in maintaining the subject property. The Planning Commission's task is to make sure proper screening is in place and lined out.

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, TMAPC voted **5-0-1** (Ard, Cantees, Cantrell, Carnes, Midget "aye"; no "nays"; Marshall "abstaining"; Harmon, McArtor, Miller, Shivel "absent") to **CONTINUE** Z-7064 to August 1, 2007.

\*\*\*\*\*

**Application No.: Z-7065/PUD-742**

**AG TO OL/PUD**

**Applicant:** Roy Johnsen

(PD-26) (CD-8)

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

**STAFF RECOMMENDATION Z-7065:**

**PUD-739 May 2007:** All concurred in approval of a proposed Planned Unit Development for rezoning a 25± acre tract of land for single-family development permitting 43 dwelling units on property located northwest corner of West 81<sup>st</sup> Street South and South Elwood Avenue.

**Z-7052/PUD-738 May 2007:** All concurred in approval of a request for rezoning a 40± acre tract of land from AG to RS-3/RM-0/CS/PUD and a proposed Planned Unit Development for a mixed use development on property located on the southwest corner of West 71<sup>st</sup> Street and South Elwood Avenue.

**Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006:** All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center know as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio. On property located east of US Highway 75 between West 71<sup>st</sup> and West 81<sup>st</sup> Streets.

**Z-7008 March 2006:** All concurred in approval of a request to rezone a 43.6+ acre tract from AG/RS-3 to CO on property located East side of U. S. Highway 75

South between West 71<sup>st</sup> Street South and West 81<sup>st</sup> Street South for regional shopping center known as Tulsa Hills.

**Z-6966 February 2005:** Approval was granted on a request to rezone a seventy-two acre tract located on the southeast corner of West 71<sup>st</sup> Street South and U. S. Highway 75 South from AG to CO. An accompanying recommendation was to amend the District Plan map to reflect the CO rezoning, which will be done when the annual plan updates are processed.

**Z-6967 February 2005:** Approval was granted on a request to rezone the 62+ acre tract located on the northeast corner of West 81<sup>st</sup> Street South and U. S. Highway 75 South, from AG to CO.

**Z-6942 May 2004:** TMAPC and Staff concurred in denial of a request to rezone a 60+ acre tract from IL to RS-3 for a single-family subdivision on property located east of northeast corner of West 81<sup>st</sup> Street and South Elwood. The request was appeal to City Council and was denied.

**Z-6871 November 2002:** All concurred in approval of a request to rezone a 141-acre tract located on the northwest corner of West 81<sup>st</sup> Street and South Elwood Avenue, from AG to RS-3 for residential development.

**Z-6858/PUD-660 July 2002:** All concurred in approval of a request to rezone a 2.2+ acre tract from AG to CS/PUD and a Planned Unit Development for commercial uses on property located east of the southeast corner of South Elwood Avenue and West 71<sup>st</sup> Street.

**PUD-636/Z-5457-SP/Z-4825-SP October 2000:** Approval was granted, subject to conditions of the PUD, for a Planned Unit Development on a 108-acre tract located on the northwest corner of West 81<sup>st</sup> Street South and South Highway 75. The proposed uses include single-family and townhouse dwellings and commercial uses.

**Z-6679 March 1999:** All concurred in approval of a request to rezone a 9.8-acre tract located east of the southeast corner of West 81<sup>st</sup> Street and South Elwood Avenue, from AG to IL for a proposed auto sales business.

**Z-6251 August 1989:** All concurred in approval of a request to rezone three parcels containing one acre each and located south of the southwest corner of West 71<sup>st</sup> Street South and South Jackson Avenue, from RS-3 to AG.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 24 acres in size and is located south of the southeast corner of West 71<sup>st</sup> Street and South Elwood. The property appears to be vacant and is zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Elwood 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 mostly vacant, zoned IL; on the north by mostly vacant, zoned AG; on the south by large lot residential, zoned AG; and on the west by a single-family residential development, zoned RS-3 and AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates most of this area as being Low Intensity-No Specific land use. The extreme eastern edge and southeast corner appear to be designated Medium Intensity-Industrial land use, in conjunction with Jones Riverside Airport and related uses. According to the Zoning Matrix, the requested OL zoning **may be found** in accord with the Plan.

**STAFF RECOMMENDATION:**

Provided that the accompanying PUD-742 is found acceptable by the TMAPC, staff can support the requested rezoning. The OL zoning should provide a desirable transition between the IL zoning to the east/airport use and the residential to the west. Tulsa International Airport staff/Tulsa Airport Authority has been notified of this case and any comments will be forwarded to the TMAPC. Staff can recommend **APPROVAL** of OL zoning for Z-7065.

**STAFF RECOMMENDATION PUD-742:**

The applicant is requesting a PUD for a 24 acre office park anchored by the corporate offices for an energy business. The property has 825 feet of frontage on Elwood Avenue, a secondary arterial, and is abutted on the north and south by agricultural residences and on the east by industrial zoning. Jones Riverside Airport is nearby to the east and south.

Although the subject property is abutted on the north and south by large-lot agricultural residential and is proximate to residential single-family development to the west across South Elwood Avenue, the general area between and abutting U.S. Highway 75 , West 71<sup>st</sup> and 81<sup>st</sup> Streets and the Arkansas River has undergone significant change over the past five years. Tulsa Hills (Z-7008-SP-1), a mile-long commercial development adjacent to U.S. Highway 75 and between West 71<sup>st</sup> Street South and West 81<sup>st</sup> Street South, was approved for 1.5 million square feet of non-residential mixed use development. Olympia Medical Park, PUD-648-A, located on the north side of West 71<sup>st</sup> Street South adjacent to U.S. Highway 75, recently doubled the permitted floor area and

added the possibility for commercial and hotel development. 7100 Elwood Center, PUD-738, located at the southwest corner of South Elwood Avenue and West 71<sup>st</sup> Street South, was recently approved for commercial and multi-family residential development. In addition, single-family residential development is filling in areas to the south and east, including the Reserve at Stonebrook, the recently approved PUD-739.

With proper controls to mitigate potential negative impacts on adjacent and nearby residential, 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-742 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-742 subject to the following conditions:

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

NET LAND AREA: 24 AC

PERMITTED USES:

As permitted by right within an OL district. Drive-in Banking facilities may be permitted by minor amendment.

MAXIMUM FLOOR AREA RATIO PER LOT: .35

MINIMUM LOT FRONTAGE: 50 FT

MAXIMUM BUILDING HEIGHT: 2 story/ 35 FT\*

*\*Proposed height subject to FAA finding of no impact to airport operations through review of Airspace Study.*

MINIMUM BUILDING SETBACKS:

From centerline of Elwood	100 FT
From north and south PUD boundaries	75 FT
From east PUD boundary	17.5 FT
From interior street	20 FT
From interior lot lines	to be determined at detail site plan

**PARKING AND ACCESS DRIVE SETBACK:**

Parking and access drives shall be set back a minimum of 30 feet from the north and south boundaries of the PUD.

**TRASH DUMPSTER SETBACK:**

Trash dumpsters and related enclosures shall be set back a minimum of 75 feet from the north and south boundaries of the PUD.

**PARKING:**

As required per the applicable use unit of the zoning code.

**MINIMUM LANDSCAPED AREA:**

15% of net lot area

**SCREENING AND BUFFERING:**

A minimum 20-foot wide landscaped buffer and six-foot high masonry screening wall shall be required on the north and south boundaries of the PUD.

**LIGHTING:**

No light standard or building-mounted light shall exceed 20 feet in height. All light standards shall be hooded and directed downward and away from residential. 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.

**VEHICULAR AND PEDESTRIAN ACCESS AND CIRCULATION:**

A minimum of two access points to South Elwood Avenue shall be provided; or, for a cul-de-sac of less than 750 feet in length, one access to South Elwood is permitted. Access to individual lots shall be restricted to internal streets. Sidewalks shall be provided along South Elwood Avenue and on both sides of interior streets.

**SIGNS:**

Signs shall be limited to:

- a) A wall or monument sign within each lot identifying the building located therein or a tenant therein not exceeding 32 square feet in display surface area; and if a monument sign, shall not exceed four feet in height.
- b) One monument sign at the South Elwood Avenue entrance identifying the office park, not to exceed six feet in height nor 64 square feet in display surface area.
- c) Customary nameplates affixed to a building and directional signs.

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 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. An owners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
9. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
10. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.

11. 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.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. 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.
14. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
15. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

**TAC Comments from 7/5/07:**

**General:** No comments.

**Water:** A water main extension line will be needed so that each lot has access for water services.

**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 the distance requirement shall be 600 feet.

Provide two means of access. Cul-de-sacs shall not exceed seven hundred and fifty (750') feet in length, measured from the centerline of the intersecting streets to the center of the turn-around.

**Stormwater:** Exhibit A indicates one “Detention Pond” located on Lot 5, which does not appear to serve the entire platted subdivision. Multiple detentions may be required considering topography, but individual lot-by-lot detention is not allowed. Detention must be placed in reserve areas(s) and routine maintenance provided for by a Property Owners Association.

**Wastewater:** The sewer should be designed so it can be extended to adjoining properties.

**Transportation:** Right-of-way dedication on S. Elwood will need recording documentation.

**Traffic:** The tract exceeds the maximum acreage proposed in the Subdivision Regulations for private street systems. The proposed cul-de sac with a single point of access is over length at about 1200 ft. Recommend two points of access onto Elwood whether public or Private Streets. Private Streets would require approved Construction Standards including width and grade as part of the PUD Development Standards. LNA restrictions will be required along the arterial. An adequate transition will be required adjacent to L-13.

**GIS:** No comments.

**Street Addressing:** No comments.

**County Engineer:** No comments.

**MSHP:** South Elwood Avenue is a designated secondary arterial. Sidewalks are required along South Elwood Avenue and on internal streets.

**LRTP:** South Elwood Avenue between West 71<sup>st</sup> Street South and West 81<sup>st</sup> Street South is an existing two-lane road.

**TMP:** South Elwood Avenue is a designated on-street bikeway.

**Transit:** Currently, Tulsa Transit operates an existing route on South Elwood Avenue and West 71<sup>st</sup> Street South. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, Consideration for access to public transportation should be included in the development.

Ms. Tomlinson stated that she would like to amend the staff recommendation regarding screening on the north and south boundary. She explained that the screening and materials should be considered during the detail site plan review.

**TMAPC COMMENTS:**

Ms. Cantrell asked staff if it is their expectation that everything east of Elwood should be commercial or office. In response, Ms. Matthews stated that it would have to be something compatible with the airport and that would be commercial, office park and some industrial.

Ms. Cantrell stated that leaves small pockets of residential between the airport and Highway 75. In response, Ms. Matthews stated that some of those developments have come through in the last three years and they were cautioned at the time that they may be surrounded by commercial and office. This didn't seem to deter them from developing.

Mr. Ard asked staff if the subject property is within the designated flight path. In response, Ms. Matthews stated that she believes the eastern and southeastern corner is within one. Ms. Tomlinson stated that this proposal is within a zone, but it is in the traffic pattern zone, which is Zone six. Ms. Tomlinson further stated low-density residential development is permitted, and if residential use is permitted an avigational easement language should be in place. Ms. Matthews stated that the language to be included is the same as one of the other developments recently approved. Ms. Tomlinson reminded the Planning Commission that the language is reference to residentially-zoned property and the proposal is for office use.

**Applicant's Comments:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, 74103, stated that he is in agreement with the staff recommendation. He commented that the airport may have already had significant influence of development along Elwood. The property adjoining the east boundary of the subject property is zoned IL. Mr. Johnsen described surrounding properties and where the runways are located for the nearby airport. He indicated that he called the Deputy Director of the Airport Authority, Jeff Hough, and he stated that offices are the uses that he would prefer and discourages residential properties east of Elwood. The proposal is for office use and it is the most compatible non-residential use next to residential properties. Office uses are frequently used as a buffer between residential and high density uses. His client purchased the subject property because it is near an airport where he can keep his plane. The setbacks are substantially more than usual because of the existing residential homes. Mr. Johnsen stated that staff has been restrictive, but he believes it is justified under the circumstances. If the subject proposal is approved there will be a requirement for platting and the stormwater and drainage issues would be addressed at that time. There is a detention area designated on the site plan. Each lot will have a detailed site plan review. The subject property is heavily timbered and there is a lot of brush, which will provide a substantial amount of natural vegetation on both the north and south boundaries. Mr. Johnsen explained that not all of the natural vegetation can be preserved due to installing the utilities and streets. He suggested that each tract be reviewed as it is developed regarding the

determination of the sufficiency of the buffering on any common boundary with single-family property. Mr. Johnsen requested that the Planning Commission approve the staff recommendation as amended.

**Interested Parties Comments:**

**Mel Hair**, 7703 South Elwood, 74132, stated that he has three items that he would like to address: 1) concerns with stormwater drainage/runoff; 2) prefers power lines being underground versus above ground, and 3) save the older trees when installing sewer lines. Mr. Hair described the stormwater runoff that currently exists in the subject area and fears that new development will create more runoff.

**TMAPC COMMENTS:**

Mr. Ard explained to Mr. Hair that stormwater drainage/runoff would be addressed during the platting stage by Stormwater Management. He suggested that Mr. Hair stay in touch with the owner and Mr. Johnsen regarding the plans.

Ms. Cantrell asked Mr. Hair if he is against the OL use. In response, Mr. Hair stated that he is not against the OL use and believes it is the best use. He is not anti-development, jut concerned about stormwater drainage/runoff. Ms. Cantrell suggested that Mr. Hair discuss his issues with his City Councilor about existing problems.

Mr. Alberty stated that when this property is platted, the adjacent property owners will receive notification. At that time it would be helpful if Mr. Hair would relay his concerns to the Technical Advisory Committee, because this is where it will be addressed. The Planning Commission does not get into the technical aspects of the design, but they are responsible for approving a plan that has satisfied all of the requirements of the City of Tulsa. If a plat is approved it is because it has met the conditions and requirements of the City of Tulsa.

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Carnes, Marshall, Midget "aye"; no "nays"; none "abstaining"; Harmon, McArtor, Miller, Shivel "absent") to recommend **APPROVAL** OL zoning for Z-7065 and to recommend **APPROVAL** of PUD-742 per staff recommendation, subject to the screening and materials for screening along the north and south boundary be determined during detail site plan review as amended by staff.

**Legal Description for Z-7065/PUD-742:**

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (N/2 NW/4 SW/4) AND THE N/2 OF THE N/2 OF THE S/2 OF THE NW/4 OF THE SW/4 IN SECTION 12, T-18-N, R-12-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF From AG (Agriculture District) To OL/PUD (Office Low Intensity District/Planned Unit Development [PUD-742]).

**Application No.: Z-7066**

**RS-2 TO OM**

**Applicant:** Roy Johnsen

**(PD-18) (CD-2)**

**Location:** Northeast corner of East 75<sup>th</sup> Place South and South Riverside Drive

**STAFF RECOMMENDATION:**

**PUD-388-C March 2006:** All concurred in approval of a Major Amendment to PUD on a .96± acre tract of land to increase maximum floor area for building expansion for retail/restaurant use on property located on the northwest corner of East 71<sup>st</sup> Street South and South Trenton Avenue.

**Z-6908/PUD-691 October 2003:** All concurred in approval of a request to rezone a 1.81± acre tract from RS-2 to OL and a Planned Unit Development for an office development on property located south of the southeast corner of 71<sup>st</sup> Street and South Riverside.

**BOA-19563 April 22, 2003:** The Board of Adjustment approved a Special Exception to permit Use Unit 8 for a Congregate Care Retirement Facility in an RS district; a Special Exception for alternate screening along the property abutting an Residential district; and a Variance to increase the maximum building height from 35 feet to 41 feet per plan and with conditions, on property located on the northwest corner of Riverside Parkway and South Quincy Avenue.

**Z-6389/PUD-388-B February 1993:** A major amendment was filed to PUD-388-A to permit a mini-storage facility within Development Areas C and D. Approval was granted for the major amendment as well as the rezoning of the southern portion of the development area from OM to CS in order to increase the permitted floor area.

**PUD-388-A May 1991:** All concurred in approval of a major amendment to the PUD to allow for restaurant use within the southern end of the PUD, with retail and commercial development standards remaining on the northern half.

**PUD-261-D October 1997:** Approval was granted for a major amendment to allow a church and church uses on property located north and east of the northeast corner of East 71<sup>st</sup> Street and South Riverside Drive.

**PUD-128-E September 1987:** All concurred in approval for a Major Amendment to PUD-128-D to reallocate floor area, revise development areas, and redistribute uses; uses including office and retail, office, multifamily with accessory commercial and open space. On a 96± acre tract located on the southwest corner of East 71<sup>st</sup> Street and Riverside Parkway.

**PUD-357-A December 1984:** All concurred in approval for a major amendment to PUD-357 to increase commercial density located east of the southeast corner of 71<sup>st</sup> and Quincy.

**PUD-357 May 1984:** The TMAPC and City Commission approved a proposal for a commercial/office complex on 8.5 acres located south and east of the southeast corner of East 71<sup>st</sup> Street and South Quincy Avenue. This PUD combines and thereby voids the earlier PUD-279 and PUD-305.

**PUD-261-A December 1983:** All concurred in approval for the development of 18<sup>±</sup> acres located on the northeast corner of East 71<sup>st</sup> Street and South Riverside drive for office and a retail Wal-mart store.

**PUD-128-A November 1979:** All concurred in approval of a proposed Major Amendment to PUD on a 118<sup>±</sup> acre tract of land to delete a 6+ acre tract from the originally approved PUD thereby reducing the total number of dwellings in the remaining PUD; as well as modifying some of the development standards to the different development areas that have approved single-family dwellings as well as garden apartments, town homes, and duplexes on property located South of 71<sup>st</sup> Street and West of Joe Creek Channel and abutting east of subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 4.78<sup>±</sup> acres in size and is located at the northeast corner of East 75<sup>th</sup> Place & South Riverside Drive. The property appears to be a vacant single-family dwelling and is zoned RS-2.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Desig.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Riverside Drive	Parkway	150'	Varies
East 75 <sup>th</sup> Place South	N/A	N/A	N/A
South Quincy Avenue	N/A	N/A	1 (with borrow ditches and shoulders)

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

**SURROUNDING AREA:** The subject tract is abutted on the east by multifamily residential uses, zoned RM-1; on the northwest by a senior housing complex, zoned RS-2; on the north by single-family residential uses, zoned RS-4; on the south by a police substation, zoned RM-2; and on the west by Riverside Drive (Parkway), zoned RM-2.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-No Specific land

use. According to the Zoning Matrix, the requested OM zoning is **not** in accord with the Plan.

**STAFF RECOMMENDATION:**

Although the District 18 Plan does not call for OM zoning at this site, the area is clearly in transition and is unlikely to redevelop as single-family residential use. The office zoning would provide an appropriate buffer between Riverside Parkway and the residential uses to the east. Access must be from South Quincy Avenue south of East 71<sup>st</sup> Street unless other arrangements, subject to City Traffic Engineering, are made. Staff recommends **APPROVAL** of OM zoning for Z-7066.

If the TMAPC also recommends rezoning to OM for this case and the City approves it, staff should be directed to prepare map amendments to the District 18 Plan map to re-designate the entire area south of East 71<sup>st</sup> Street between Riverside Parkway and the South Rockford Avenue alignment as Medium Intensity-No Specific land use.

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Carnes, Marshall, Midget "aye"; no "nays"; none "abstaining"; Harmon, McArtor, Miller, Shivel "absent") to recommend **APPROVAL** of the OM zoning for Z-7066 per staff recommendation.

**Legal Description for Z-7066:**

Lots 7 and 8, Block 1, River Grove Subdivision, a subdivision to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof from RS-2 (Residential Single-family District) to OM (Office Medium Intensity District).

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There being no further business, the Chair declared the meeting adjourned at 3:06 p.m.

Date Approved:

8/15/07



Chairman

ATTEST:



Secretary