

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2140

Wednesday, December 17, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Dick	Almy	Linker, Legal
Carnes	Horner	Beach	Counsel
Doherty		Dunlap	
Gray		Stump	
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, December 16, 1997 at 8:40 a.m., in the Office of the City Clerk at 8:35 a.m., as well as in the office of the County Clerk at 8:34 a.m.

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

Minutes:

Approval of the minutes of December 3, 1997, Meeting No. 2138:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **APPROVE** the minutes of the meeting of December 3, 1997 Meeting No. 2138.

Reports:

Chairman's Report:

Chairman Boyle stated it is time to appoint a Nominating Committee. He appointed Mr. Horner, to serve as Chair; Mr. Carnes and Mr. Jackson to serve on the committee. The Nominating Committee will report to the Commission mid-January.

Director's Report:

Mr. Stump stated there are several PUD/zoning items scheduled for the December 18, 1997, City Council meeting. He stated Jim Dunlap would be in attendance for staff. Chairman Boyle stated he would also be in attendance.

Subdivisions:

Plat Waiver, Section 213:

Woodland Hills Church of Christ (3693)

(PD-18) (CD-7)

9119 East 61st Street South

Mr. Ledford stated he would be abstaining from this item.

Staff Recommendation:

Board of Adjustment case 17773 was a request for approval of an amended site plan and a Variance of the required front setback. The case was heard and approved by the Board on July 8, 1997 and November 25, 1997. Between the two hearings, the property was rezoned from AG to OL in case number Z-6600. The rezoning triggers the Platting Requirement.

The property is about 1.86 acres and contains an existing church. The recent BOA and zoning activity are related to a significant expansion project, which nearly quadruples the size of the building and covers most of the remainder of the site with paved parking. The 61st Street right-of-way is 50' wide north of the centerline and all utilities appear to be in place.

Beach presented the plat waiver request with no representative present.

The following issues were discussed:

French stated that Traffic Engineering would require an access control agreement.

Lee stated that the northernmost of the two water lines shown along 61st Street does not exist. The project would need a fire service extension.

Miller stated that a 17.5' utility easement would be required along the south property line along 61st Street.

There was discussion of the three basic criteria established by the Planning Commission to determine if any property should be platted:

1. The tract is not already platted.
2. It is less than 2.5 acres.
3. The proposed new construction would be substantial.

On motion of Miller, the Technical Advisory Committee voted unanimously not to support approval of the plat waiver.

Based on the failure to meet the three criteria established by the TMAPC, staff recommends denial of the plat waiver.

Applicant's Comments:

Jerry Ledford, Jr., Tulsa Engineering and Planning, 6129 South Knoxville Avenue, 74136, stated the church was previously zoned AG and was rezoned to OL and that the zoning change triggered the platting requirement.

Mr. Ledford, Jr. stated he has been in contact with the Water and Traffic Engineering Departments in regard to two items on the staff's list. He first addressed the requirement for an access control agreement. He stated when the 61st Street Widening Project began there was an existing curb cut for Woodland Hills, plus another was added. These two curb cuts are the existing curb cuts and are shown on the plat. He indicated Mr. Eshelman stated there may already be an access control agreement and he would sign-off in that regard.

In regard to water, Mr. Ledford, Jr. stated that a 12-inch water line was extended along the frontage road during the road-widening project. However, this 12-inch water line does not show on the atlas. He noted a fire hydrant was also installed at the corner of the subject property.

Mr. Ledford, Jr. stated, in regard to the 17.5' utility easement, all the ultimate right-of-way was given by the church at the time of the road-widening project. He noted all the utilities were relocated in the ultimate right-of-way. He feels there is no need for future anticipation of any additional utility easements.

Mr. Ledford, Jr. stated the subject property currently has sanitary sewer, water, and storm sewer available.

In regard to substantial construction, Mr. Ledford, Jr. stated the proposed construction is the expansion of the existing parking lot. He noted the proposed parking expansion was included on the Master Site Plan of the church.

Mr. Ledford, Jr. requested approval of the plat waiver.

TMAPC Comments:

Mr. Doherty stated he agrees with staff's recommendation since the property had not previously been platted. However, if the property had been previously platted with the appropriate dedications, would staff's recommendation be altered. Mr. Beach replied there is still substantial new construction.

Mr. Westervelt reminded staff of the new criteria list or guidelines for plat waivers and asked staff to use these guidelines on future request. Mr. Beach stated he was informed of the new guidelines just prior to the meeting and that these guidelines would be used in the future.

Mr. Doherty stated Mr. Ledford, Sr. feels every piece of property should be platted and asked Mr. Ledford, Jr. to comment. Mr. Ledford, Jr. replied he feels there is nothing to gain by platting this property.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-1-1** (Boyle, Carnes, Gray, Jackson, Midget, Pace, Westervelt "aye"; Doherty "nay"; Ledford "abstaining"; Horner, Dick "absent") to **APPROVE** the Plat Waiver for Woodland Hills Church of Christ.

Meadow Brook Congregation of Jehovah's Witnesses(1903)(PD-2) (CD-3)

Northwest corner East Apache and North Lewis

Staff Recommendation:

Board of Adjustment case 17854 was a request for approval of church and accessory uses on property zoned OL and CS. The case was heard and approved by the Board on October 28, 1997. The approval of Use Unit 2 triggered the Platting Requirement.

The property is 374' x 290' and is currently vacant. The new development would cover about 50% of the site. The proposed church building will be 44' x 90' and surrounded by paved parking. There would be two access points along Lewis Avenue. Lewis has 50' of right-of-way along the frontage of the subject tract.

Beach presented the plat waiver request with no representative present.

The following issues were discussed:

Lee stated that fire protection service would be required with one or two hydrants.

French stated that an access control agreement would be required.

Miller stated that a 17.5' utility easement would be required along Lewis Avenue.

The tract is not platted, less than 2.5 acres and the proposed new construction would be substantial.

On motion of Lee, the Technical Advisory Committee voted unanimously not to support approval of the plat waiver.

Based on the failure to meet the three criteria established by the TMAPC, staff would recommend denial of the plat waiver.

Applicant's Comments:

Dr. Eric Mikel, 909 East 36th Street North, 74106, stated he acting on behalf of the Meadow Brook Congregation for the subject plat waiver.

In regard to some of the concerns expressed in staff's recommendation, Dr. Mikel stated the contacted the Fire Marshall, Mr. Mike Walker, and there is a fire hydrant located directly across the street from the subject property.

Dr. Mikel stated he has also talked with Mr. Darrel French, Traffic Engineering Department, and indicated Mr. French feels this would not impose any problems with entering/exiting in this area since access is derived from Lewis Avenue.

Dr. Mikel stated the subject property is less than 2.5 acres and the utilities are already in place. He noted the congregation had already approved donations of a 20-foot easement to the City.

Therefore, Dr. Mikel requested approval of the plat waiver.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-1-0** (Boyle, Carnes, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; Doherty "nay"; none "abstaining"; Dick, Horner "absent") to **APPROVE** the Plat Waiver for Meadow Brook Congregation of Jehovah's Witnesses, subject to the conditions noted by the TAC.

Horton Property (2603) z-5030

(PD-16) (CD-3)

Northwest corner 69th East Avenue and East Virgin Street

The subject tract was rezoned to IL in 1981. The rezoning triggered the Platting Requirement. The new development would consist of a 180' x 70' building housing a manufacturing company. The property is approximately 530' long east and west and ranges from 96.42' on the east end to 125.13' on the west end. It is currently vacant.

The tract is not platted, less than 2.5 acres and the proposed new construction would be substantial.

Beach presented the plat waiver request with no representative present.

The following issues were discussed:

Lee stated that fire protection service might be required.

French stated that median openings would be required at driveways.

Miller stated that a 17.5' utility easement would be required along Virgin Street.

McGill stated that other utility easements might be required.

The tract is not plated, less than 2.5 acres and the proposed new construction would be substantial.

On motion of Lee, the Technical Advisory Committee voted unanimously not to support approval of the plat waiver.

Based on the failure to meet the three criteria established by the TMAPC, staff would recommend denial of the plat waiver.

Applicant's Comments:

Lou Horton, Horton Mfg., 1818 North 105th East Avenue, stated the subject tract is bordered by the Tulsa Airport Authority (TAA) on the north, which he feels will never be developed. Directly east is property acquired by TAA for the noise abatement and property to the southeast is vacant.

In regard to utilities and utility easements, Mr. Horton stated there is no other property to serve in this area. He stated the road dead-ends at his property. He noted there is a fire hydrant directly across from the subject property and that North 69th East Avenue would be their point of access for the subject property. He stated there is no plans for multiple dwellings on the property.

Therefore, Mr. Horton requested approval of the plat waiver.

TMAPC Comments:

Mr. Doherty clarified that the subject property was rezoned in 1981 and has never been platted.

Chairman Boyle asked if Mr. Horton had any objections to the conditions noted by the TAC. Mr. Horton replied the condition for fire hydrant is already met and that there is no need for a median opening since access will be from North 69th East Avenue. However, he noted that if a median opening is needed, he understands that it would be at his own expense. Mr. Horton stated he would grant the utility easements if needed.

Mr. Westervelt commented that the new plat waiver guidelines need to be reviewed and brought before the Planning Commission for consideration.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-1-0** (Boyle, Carnes, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; Doherty "nay"; none "abstaining"; Dick, Horner "absent") to **APPROVE** the Plat Waiver for Horton Property, subject to the conditions noted by the TAC.

Final Plat:

South Towne Square Extended (1884) (PD-18) (CD-8)
Southeast of the southeast east corner East 81st Street and South Mingo Road

Staff Comments:

Mr. Beach stated that the preliminary plat for South Towne Square Extended has expired and in order to approve the final plat, the preliminary plat will have to be reinstated.

Mr. Beach stated the final plat is in order and staff recommends approval.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **REINSTATE** the Preliminary Plat for South Towne Square Extended and **APPROVE** the Final Plat for South Towne Square Extended as recommended by staff.

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Sheridan Oaks Estates (1583)

(PD-18) (CD-8)

North of the northwest corner East 91st Street and South Sheridan Road

Staff Recommendation:

This subdivision received preliminary plat approval from TMAPC June 19, 1996. The preliminary plat expired after one year according to the Subdivision Regulations. Since the approval, the owner has hired a different engineer to complete the platting process. L&D Engineering submitted this plat and asked for final plat approval. Construction is well under way on this site and the current engineer said he has received approval of his plans from the utilities.

If the TAC finds that this submittal is consistent with the previously approved preliminary plat, the applicant will ask the Planning Commission for an extension of the previous approval and to consider this one for final plat approval.

Beach presented the revised plat with Roy Johnsen and John Duncan present.

The following issues were discussed:

Miller requested that the words "Private Street" appear on all such streets on the face of the plat.

Miller requested that the utility easements be separated from the overland drainage easements between Lots 12 & 13, Block 1 and between Lots 32 & 33, Block 2.

Johnsen and Duncan stated that the City required the overland drainage easement to be added at these locations.

Miller stated that there can be no obstructions to the overland flow of storm water and utility risers would be considered obstructions. This limits the usefulness of the utility easement and it has been a matter of policy that the utility easement and the overland drainage easement must be separate.

After more discussion, it was suggested that the utilities be limited to sanitary sewer and storm sewer.

Cox requested that the existing utility easements in the abutting platted areas to the west and south of this property be shown on the plat. He also requested an 11' utility easement along the west property line in Reserve Area A.

Beach read a letter of concurrence from PSO requesting additional easements as follows:

1. The east 5 feet Lot 3, Block 2
2. The west 5 feet Lot 2, Block 2
3. The west 5 feet Lot 14, Block 1
4. Across reserve Area A being a northward extension of the two 7.5' wide utility easements abutting the common lot line between Lots 8 & 9, Block 2, extending to the south lot line of Lot 6, Block 2.
5. 10 feet wide along the south boundary of Lots 6 & 7, Block 2 beginning at the westerly line of the proposed easement described in #4 above and extending to a point 10 feet east of the southwest corner Lot 7, Block 2.
6. In addition, PSO concurrence is contingent on inclusion of language in the Deed of Dedication, Section 3.1 allowing overhead electrical lines along the north perimeter of the property.

Beach relayed concerns of Southwestern Bell Telephone that there is abutting unplatted property shown on the location map south of this site but not shown on the plat and a utility easement is needed along the west boundary of Reserve Area A.

Cox expressed concern over construction specifications and maintenance of private streets and asked how wide the rights-of-way will be.

Duncan stated the streets will be built to City specifications but will be private and gated. Rights-of-way will be 30'.

Cox asked if there will be sewer or septic.

Johnsen answered - sewer.

Lee asked if James McGill with the fire department has been consulted about the gates.

Duncan answered - yes.

McCormick stated that the Deed of Dedication needs language dedicating Reserve Areas to the homeowners.

Johnsen stated that they are seeking reinstatement of the preliminary plat and final plat approval from the Planning Commission on December 10, subject to all release letters.

The Technical Advisory Committee would offer the following comments and/or recommendations:

1. Waiver of the Subdivision Regulations to permit cul-de-sacs of more than 500' in length.

2. Waiver of the Subdivision Regulations to permit a residential collector, East 86th Street South, with 50' of right-of-way (60' required by the Major Street Plan) and 26' of paving.
3. All conditions of PUD-542 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
4. The engineer should ensure that all lots meet the minimum required lot area of 22,500 square feet per the PUD conditions.
5. A letter from an attorney is required prior to the approval of the final plat that the Sheridan Oaks Estates L.L.C. is a duly formed organization and the person signing the plat for the L.L.C. is qualified to do so.
6. Only storm sewer and sanitary sewer utilities will be permitted wherever utility easements are shown combined with overland drainage easements. Such combination easements should be labeled as such.
7. Utility easements shall meet the approval of the utilities. Coordinate with Sub-surface 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.
8. The Department of Public Works (Water & Sewer) shall approve water and sanitary sewer plans prior to release of final plat. (Include language for W/S facilities in covenants.)
9. 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).
10. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
11. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
12. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
13. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
14. Street names shall be approved by the Department of Public Works and shown on plat.
15. All curve data, including corner radii, shall be shown on final plat as applicable.
16. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
17. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
18. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

19. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
 20. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat releases.)
 21. 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.
 22. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
 23. 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.)
 24. The method of water supply and plans therefore shall be approved by the City/County Health Department.
 25. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
 26. The key or location map shall be complete.
 27. 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.)
 28. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
 29. This plat has been referred to Bixby, Jenks and Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
 30. 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.)
 31. Applicant is advised to contact the U.S. Army Corps of Engineers in regards to Section 404 of the Clean Waters Act.
 32. All other Subdivision Regulations shall be met prior to release of final plat.
- On motion of Miller, the Technical Advisory Committee voted unanimously to support the applicant's request for reinstatement of the preliminary plat and approval of the final plat subject to the conditions listed above.

Staff Comments:

Mr. Beach stated that, due to issues brought out during legal review, staff is requesting a continuance to January 7, 1998, to address these issues.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **CONTINUE** the Final Plat of Sheridan Oaks Estates to January 7, 1998.

Approval of Declaration of Covenants:

PUD-108-B Woodlake Assembly of God, Inc. (PD-5) (CD-5)
South and east of East 32nd Street and South 73rd East Avenue

Staff Comments:

Mr. Dunlap presented the Declaration of Covenants for PUD-108-B Woodlake Assembly of God, Inc. He stated staff and Legal Department has reviewed the covenant and finds it in order. Therefore, staff recommends approval.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **APPROVE** the Declaration of Covenants for PUD-108-B Woodlake Assembly of God, Inc. as recommended by staff.

Lot-Splits for Waiver of Subdivision Regulations:

L-18574 Bill Seymour (2990) (PD-23) County
4517 South 249th West Avenue

Staff Recommendation:

This is a request to split the attached property into two tracts. Because of the configuration of the lots, each will have more than three side lot lines and the applicant is requesting a waiver of this requirement. Tract B will have an average

lot width of approximately 110.9', with 150' being required in the AG-R district. An application for a variance has been filed and is scheduled for the December 16, 1997, County Board meeting.

Staff recommends approval of the waiver request, if it will not have an adverse affect on the surrounding properties.

Applicant's Comments:

Vicki Phillips, Rt. 2, Box 400, Sand Springs, 74063, stated she is in agreement with staff's recommendation.

In regard to a boundary dispute, Ms. Phillips stated the property has been surveyed and it was noted a fence, which has been in place for 30 years, is located 1.5-foot on her property. She feels this is not an issue.

Interested Parties Comments:

Bruce Zickefoose, 4519 South 249th West Avenue, Sand Springs, 74063, noted for the record there is a boundary dispute that needs to be resolved prior to construction. However, He does not oppose the lot-split.

TMAPC Comments:

Chairman Boyle stated the fence does not affect the lot-split request; however, he suggested the parties meet and resolve the fence/boundary issue.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **APPROVE** the Lot-Split for Waiver of Subdivision Regulations for L-18574 as recommended by staff.

Lot-Splits for Ratification of Prior Approval:

<u>L-18558 James Smith (1082)</u> 2401 West 78 th Street	(PD-8) (CD-2)
<u>L-18559 Murrel Wilmoth (2973)</u> 2980 East 161 st Street South, Bixby	(PD-21) County
<u>L-18561 Global Properties (693)</u> 1601 East 2 nd Street	(PD-4) (CD-4)
<u>L-18570 Gospel Assembly (2713)</u> 4447 East 86 th Street North	(PD-15) County
<u>L-18577 John Tanner (1993)</u> 3750 South Xanthus Avenue	(PD-6) (CD-9)
<u>L-18578 John Bryant</u> 2631 South Florence Drive	(PD-6) (CD-9)

<u>L-18579 Lewis Narwold Trust (8833)</u>	(PD-18b) (CD-2)
7116 South College	
<u>L-18580 Daniel Keating (1793)</u>	(PD-6) (CD-9)
2522 South Birmingham Place	
<u>L-18583 Jodel Lingle (1513)</u>	(PD-15) County
Southwest corner 106 th Street North and North Sheridan Road	
<u>L-18584 Dustin Herron (213)</u>	(PD-15) County
126 th and North Memorial Drive	

Staff Comments:

Mr. Beach stated these lot-splits are in order and meet the Subdivision Regulations; therefore, staff recommends approval.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Dick, Horner “absent”) to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

Zoning Public Hearing:

Application No.: Z-6614	AG to CS
Applicant: John W. Moody	(PD-8) (CD-2)
Location: Northwest corner West 71 st Street and South Highway 75	

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Beeline Corridor.

According to the Zoning Matrix the requested CS zoning **is not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 4.73 acres in size and is located west of the northwest corner of West 71st Street and U.S. Highway 75 South. The property is sloping, non-wooded, vacant, and is zoned AG.

Surrounding Area Analysis: The subject property is abutted on the north and east by vacant property, zoned AG; to the west by a church, zoned CS; and to the south by vacant land, zoned CS.

Zoning and BOA Historical Summary: The property directly south and across West 71st Street South was zoned CS in 1995 to a depth of 660'.

Conclusion: The subject tract is abutted on the west by CS zoned property; there is CS zoning to the south across West 71st Street and U.S. Highway 75 right-of-way abuts the tract on the east. Based on these existing zoning patterns and development, staff recommends **APPROVAL** of the CS zoning for Z-6614. If the request is approved, staff recommends the Comprehensive Plan be re-evaluated at this intersection.

The applicant was not present.

Interested Parties Comments:

E. Rylander, 6905 South Union, 74109, expressed concerns with stormwater runoff and sewer systems. He stated he was denied a building permit due to the area being considered a high-risk area for septic tanks. He stated there is no sewer system available in the immediate area.

Mr. Rylander stated he is opposed to any rezoning until the issues of stormwater runoff and sewer systems are resolved.

TMAPC Comments:

Mr. Doherty stated he has concerns with several issues, including stormwater runoff and available sewer system. However, he agrees with staff that the CS is probably the best use of the property.

Ms. Pace expressed concern with it not being in accordance with the Comprehensive Plan. Mr. Stump stated the Comprehensive Plan envisioned a node at the intersection of Union and 71st Street, but did not envision the CS zoning that was previously approved at the southwest corner of Highway 75 and 71st Street. He stated, at the time of this rezoning, there was talk of having a longer, narrow node that extended between Union and U.S. Highway 75 rather than one that centered on Union and 71st Street. He stated the plan has not been amended to that effect.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to recommend **APPROVAL** of CS zoning for Z-6614 as recommended by staff.

Legal Description for Z-6614:

Commencing at the Southwest corner of the W/2, SE/4, SW/4, SW/4, Section 2, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, thence N 0°01'21" W, along the West line of said W/2, SE/4, SW/4, SW/4 a distance of 24.75' to the Point of Beginning; thence continuing N 0°01'21" W a distance of 634.91'; thence S 89°42'02" E a distance of 331.85'; thence S 0°02'01" E a distance of 584.67' to a point 75' North of the South line of Section 2; thence N 89°41'56" W and

parallel with the South line of Section 2 a distance of 208.30'; thence S 45°16'04" W a distance of 71.06' to a point 24.75' North of the South line of Section 2; thence N 89°41'56" W a distance of 73.13' to the Point of Beginning, and located west of the northwest corner of West 71st Street South and U. S. Highway 75 South, Tulsa, Oklahoma.

Application No.: Z-5457-SP-1

(PD-5) (CD-4)

Applicant: Jon Brightmire

Location: East of northeast corner West 81st Street and South Union

Presented to TMAPC: Jon Brightmire

(Corridor Site Plan for a monopole antenna and supporting structure.)

Staff Recommendation:

The applicant is requesting corridor site plan approval for a 150-foot monopole antenna and antenna supporting structure, related equipment shelter and access drive. The site is located within an undeveloped CO District one-half mile west of Hwy 75. The surrounding area is largely undeveloped with an AG District containing a single-family residence to the south being the only development in close proximity to the proposed antenna site.

Staff has reviewed the request for conformance to Corridor District and Use Unit 4 requirements and finds the site plan meets all requirements of the Code including setback from the existing and any future residential use to the south.

Staff, therefore, recommends **APPROVAL** of the Corridor Site Plan as submitted.

There were no interested parties wishing to comment.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to recommend **APPROVAL** of Corridor Site Plan Z-5457-SP-1 as recommended by staff.

Legal Description for Z-5457-SP-1:

The West Half of the Southwest Quarter, Section 11, T-18-N, R-12-E, Tulsa County, Oklahoma, less and except the right-of-way for U. S. Highway 75, and located on the northeast corner of West 81st Street South and South Union Avenue, Tulsa, Oklahoma..

Application No.: Z-6615

RS-1 to RS-3

Applicant: Larry R. Pennington

(PD-18) (CD-8)

Location: South of southwest corner East 91st Street and South Darlington

Presented to TMAPC: Larry R. Pennington

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use.

According to the Zoning Matrix the requested RS-3 zoning is in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately .54 acres in size and is located south of the southwest corner of East 91st Street South and South Darlington Avenue. The property is flat, non-wooded, contains a single-family dwelling and is zoned RS-1.

Surrounding Area Analysis: The subject tract is abutted on the north and south by single-family dwellings, zoned RS-1; to the east by single-family homes, zoned RS-3/PUD-350; and to the west by vacant property, zoned RS-1.

Zoning and BOA Historical Summary: A request in 1995 to split the subject tract into two lots with variances to meet the RS-1 Bulk and Area Requirements to construct a dwelling on the second lot, was withdrawn by the applicant. The Board of Adjustment recommended that the property be rezoned to RS-3.

Approval was granted in 1994 to rezone 17 acres, located north of the subject tract and west of Darlington, from RS-1 to RS-3.

Conclusion: Based on the Comprehensive Plan and the surrounding development, staff recommends **APPROVAL** of RS-3 from Z-6615.

Applicant's Comments:

Larry Pennington, Tuttle and Associates, 9718 East 55th Place, stated the proposal is for a two-lot, platted subdivision. He stated previous lot-splits have been completed and the allotment of lot-splits have been maximized, therefore he filed a plat.

Interested Parties Comments:

Maggie Blaze, 5304 East 90th Court, 74137, stated she is representing Bradford Place Homeowners Association. She expressed concern with maintaining the neighborhood characteristics and the RS-1 zoning.

TMAPC Comments:

Mr. Doherty clarified that there is a single-lot with a single dwelling that fronts on Darlington Avenue and that there are two other lots to the north and a large undeveloped tract to the south. Mr. Dunlap confirmed his statement.

Mr. Doherty feels the intent is to develop more than one dwelling on the lot.
Mr. Doherty asked if the intent is to retain the existing dwelling and then replat the two, irregularly shaped lots and to construct a dwelling on the new lot.
Mr. Doherty explained the zoning change in that RS-1 is residential dwellings on large lots and RS-3 is residential dwellings on small lots.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to recommend **APPROVAL** of RS-3 zoning for Z-6615 as recommended by staff.

Legal Description for Z-6615:

East 140.0' of the West 151.0' of the North 170.0' of the South 460.0' of the Northeast Quarter of the Northwest Quarter of Section 22, T-18-N, R-13-E, Tulsa County, Oklahoma, and located south of the southwest corner of East 91st Street South and South Darlington Avenue, Tulsa, Oklahoma.

Application No.: PUD-579/Z-6333-SP-1

CO to PUD

Applicant: Charles Norman

(PD-18) (CD-8)

Location: North and west of northwest corner East 81st Street and South Mingo Valley Expressway

Presented to TMAPC: Charles Norman

(A Planned Unit Development and Corridor Site Plan for multifamily development and commercial and residential uses.)

Mr. Ledford stated he would be abstaining from this item.

Staff Recommendation:

The PUD/Corridor Site Plan proposes multifamily development with a variety of dwelling types and designs on a 49.81-net-acre tract located on the north side of East 81st Street across from the Southeast Campus of Tulsa Community College. The site abuts the Mingo Valley Expressway on the east and the upper Haikey Creek floodplain on the north. The City of Tulsa has acquired the property to the north for a planned natural drainageway and floodplain with some capacity for stormwater detention. The property immediately west at the northeast corner of East 81st Street and South Mingo Road has been approved for commercial, office and multifamily development by Planned Unit Development No. 531. Planned Unit Development No. 575 and Corridor Site Plan No. Z-6611-SP-1 proposes commercial and residential uses on a 32-acre parcel located west of the north half of the subject tract (TMAPC has recommended approval of this request).

The permitted uses proposed include a mix of dwelling unit types (duplexes, townhouses and apartments) and churches, private schools and other uses that are compatible with a residential environment.

The proposed development areas will be served by a Corridor Collector Street System, which is proposed in the PUD.

Staff can generally support the proposed PUD, but has some concerns with the vague and unplanned nature of the proposal. Staff proposes modifications and additions to the applicant-proposed development standards to address these concerns.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-579 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-579, 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:

Net	8.07 Acres	351,529 SF*
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Permitted Uses:

Church, nursing home, schools, ~~duplexes~~, townhouse dwellings, multifamily dwellings and similar dwellings; and uses customarily accessory to permitted uses.

Maximum Building Height:

Multifamily residential	45 FT
Other dwellings	35 FT
Other uses	As approved by the TMAPC as part of detailed site plan review

Off-Street Parking:

As required for the applicable Use by the Tulsa Zoning Code.

Minimum Building Setbacks:

From Centerline of East 81 st Street South	100 FT
From West Boundary of PUD	
Multifamily abutting multifamily (planned or existing)	15 FT
Townhouse <u>Dwellings</u> abutting multifamily (planned or existing)	25 <u>20</u> FT
Duplexes abutting multifamily (planned or existing)	35 FT
Abutting nonresidential <u>commercial</u> uses (planned or existing)	35 FT
<u>Abutting office/bank uses</u> (planned or existing):	<u>15 FT</u>
From Other Street Right-of-way	25 FT

*The internal boundaries between Development Areas may be adjusted by a minor amendment to the Planned Unit Development approved by the Tulsa Metropolitan Area Planning Commission.

Minimum Land Area per Dwelling Unit:

Multifamily Dwellings	1,750 SF
Townhouse <u>Dwellings</u>	3,000 SF
Duplexes	4,200 SF

Other Bulk and Area Requirements:

Development Type:	
Multifamily	As established within an RM-1 District.
Townhouse <u>Dwellings</u>	As established within an RT District.
Duplexes	As established within an RD District.

Signs: As permitted in the RM-1 District.

Development Area B

Land Area:

Net 41.74 Acres 1,818,194 SF *

Permitted Uses:

Church, nursing home, schools, ~~duplexes~~, townhouse dwellings and multi-family dwellings and dwelling uses; and uses customarily accessory to permitted uses. **

Maximum Building Height:

Multifamily Dwellings	45 FT
Other Dwellings	35 FT
Other Uses	As approved by the TMAPC as part of detail site plan review

*The internal boundaries between Development Areas may be adjusted by a minor amendment to the Planned Unit Development approved by the Tulsa Metropolitan Area Planning Commission.

** Single-family dwellings maybe permitted by minor amendment.

Off-Street Parking:	As required for the applicable Use by the Tulsa Zoning Code
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Minimum Building Setbacks:

From centerline of East 81 st Street South	100 FT
From Mingo Valley Expressway Right-of-way	50 FT
From Boundaries Abutting Nonresidential commercial uses (planned or existing):	35 FT
Uses other than open space and storm water management areas (planned or existing)	35 FT
From Boundaries Abutting City of Tulsa Property Planned for a Natural Drainageway and Floodplain	15 FT
From Other Boundaries of the Development Area Abutting Multifamily (planned or existing):	
Multifamily Dwellings	15 FT
Townhouse Dwellings	25 20 FT
Duplex Dwellings	35 FT
From Collector Street Rights-of-Way	25 FT
From Other Internal Street Right-of-Way	20 FT

Minimum Land Area Per Dwelling Unit:

Multifamily	1,450 SF
Townhouse Dwellings	3,000 SF
Duplex Dwellings	4,200 SF

<u>Minimum Livability space per Dwelling Unit For Multifamily:</u>	<u>400 SF</u>
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Other Bulk and Area Requirements:

Development Type:	
Multifamily Dwellings	As established within an RM-1 District.

Townhouse Dwellings

As established within an RT District.

~~Duplex Dwellings~~

~~As established within an RD District.~~

Signs:

As permitted in the RM-1 District.

- ~~3. Due to the vague and unplanned nature of this proposal, additional development standards may be required by the TMAPC at detail site plan review.~~
- 4.3. The principal access to all development in the PUD shall be from a corridor collector street. The collector street will be in alignment with the west entry to Tulsa Community College where it intersects 81st Street South or an alternate location as approved by the Traffic Engineer and also with the collector proposed by PUD-575 to the west.
- 5.4. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and requiring parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
- 6.5. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approved 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 that development area 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.
- 7.6. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
- 8.7. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level and no bulk trash containers shall be accessed directly from a public street.
- 9.8. All parking lot lighting shall be hooded and directed downward and away from adjacent residential area. No light standard nor building-mounted light shall exceed 25 feet in height.
- 10.9. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.

~~41.10.~~A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas, in townhouse or duplex developments including any private streets and stormwater detention areas.

~~42.11.~~ All private roadways in duplex or townhouse developments shall 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 10 percent.

~~43.12.~~ No Building Permit shall be issued until the requirements of Section 1170F 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.

~~44.13.~~ Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Towers, 74103, stated he met with staff prior to the meeting and jointly have modified the conditions. He requested Mr. Stump to present to modifications.

After Mr. Stump presented the modifications, Mr. Norman pointed out the second sentence in condition no. 4. He noted the construction of the southeast leg of the Mingo Valley Expressway would require the reworking of the interchange at 81st Street. He stated there would be an on-ramp and an off-ramp located on the north side of the road and would be signaled as the main entrance to the Tulsa Community College (TCC) and that the collector street may have to be adjusted. He feels condition no. 4 should be modified to allow for the possible adjustment in the location of the collector street.

Staff Comments:

Mr. Stump presented the modifications, noting any deletions would be strikethrough type and any additions would be underline type.

Mr. Stump stated any references to duplexes would be deleted and any references to townhouse would read townhouse dwelling. He noted the modifications in Development Area A in regard to the minimum building setbacks. First, the townhouse dwellings abutting multifamily has been reduced to 20' and abutting nonresidential uses has been changed to abutting commercial uses (planned or existing) with a 35' setback and abutting office/bank uses (planned or existing) with a 15' setback. He noted there is an existing bank next to the proposed development.

Other modifications include deleting the townhouse reference under the Minimum Land Area per Dwelling Unit section. In Development Area B, Mr. Stump stated a Livability Space for Dwelling Unit: 400 SF is added, noting that figure is the average of the RM-1 and RM-2 standards. Also the minimum building setback from other boundaries of the development area abutting multifamily – townhouse dwellings is reduced to 20'. Finally, condition no. 3 would be deleted in its entirety.

There were no interested parties wishing to comment.

TMAPC Comments:

Mr. Carnes asked whether there are existing streets that access Mingo through the proposed PUD. Mr. Stump replied there are currently not any streets in the subject area that runs north/south or east/west. However, the applicant is proposing to align with the proposed collector street of the other development in this immediate area. Mr. Doherty noted this development is a part of the other development that will split the street on the lot line.

In regard to Mr. Norman's request to modify the language of condition no. 4, Mr. Stump stated staff has been in contact with Traffic Engineer in regard to the particular intersection addressed in condition no. 4. Traffic Engineer prefers aligning the collector street to the Tulsa Community College west parking entrance. He stated staff would agree to change the language of condition no. 4 to read, "it shall intersect 81st at a location which the Traffic Engineer feels is appropriate in aligning with the entrance of TCC or a location that Traffic Engineer feels is as good as." He feels this area will generate a large amount of traffic and that the Traffic Engineer needs the power to force a collector street at a particular location that he thinks is best.

Mr. Norman feels the wording should be "equal to or as good as" instead of the word "prefers". He reminded the Commission that the subject property consist of a 600' of frontage and is isolated by the two tracts to the west, the drainage area to the north and the expressway to the east. There is a lose of use of the corner of the property.

Mr. Doherty feels the 200' is more than what we have in many cases along 81st Street, if the collector is forced to the west edge of the property line, it radically alters the concept of the collector and the usage through the development. Mr. Stump stated it would still function as a collector because it is the only way out to 81st Street. It also gives an opportunity for the bank and the development to the west to tie into the collector.

Chairman Boyle feels the wording "the location of the collector street is subject to the Traffic Engineer approval" gives the Engineer the power he needs to make sure the street is located in an appropriate place. Mr. Stump feels the Traffic Engineer does not interrupt it that way.

Mr. Carnes stated he supports staff's recommendation in regard to the collector street, but he would support a continuance to allow further review of the issue.

Ms. Pace asked if staff is attempting to avoid or eliminate curb cuts or just to align the collector street with the one across the intersection. Mr. Doherty replied in the affirmative.

Mr. Doherty made a motion to approve the request as modified by staff and modifying condition no. 4 as follows: "The principal access to all development in the PUD shall be from a corridor collector street. The collector street will be in alignment with the west entry to Tulsa Community College where it intersects 81st Street South or an alternate location acceptable by Traffic Engineering and also with the collector proposed by PUD-575 to the west." Motion died for lack of second.

Mr. Carnes stated he still has concerns with access to the west. Mr. Doherty replied at this point there is no final site plan to indicate the location. Mr. Norman stated the Planning Commission would review the final plat when submitted by the applicant.

Mr. Westervelt asked whether the language proposed by Mr. Doherty would give Traffic Engineer the authority he needs to effect the final decision on the location of the collector street. Mr. Stump feels the language needs to be stronger such as "or an alternate location that Traffic Engineer is more appropriate or would best serve the area."

Mr. Doherty expressed concern with tailoring every motion or deliberation to satisfy the level of confusion that the Traffic Engineering Department has. He feels that the Traffic Engineering Department already has the authority they need to enforce a specific location of a street.

Mr. Carnes feels staff is very adamant about the issue on the location of the collector street being approved or enforced by the Traffic Engineering Department. He suggested a one-week continuance to allow time to resolve this issue.

Mr. Carnes made a motion for a one-week continuance. Mr. Norman requested the Commission to make a decision today due to contractual problems the continuance would cause. Mr. Carnes withdrew his motion.

Mr. Stump suggested "a location that is preferable by the Traffic Engineer". Mr. Doherty feels the suggestion is inappropriate. He feels the Traffic Engineer should indicate he has a problem with the location and then debate the issue. He feels it is not the Traffic Engineer's duty to design development projects. Mr. Stump feels it is appropriate for the Traffic Engineer to design the development with located within a corridor district with corridor collector streets involved.

Mr. Carnes suggested the language as follows: "or an alternate location approved by the Traffic Engineer."

TMAPC Action; 9 members present:

On **MOTION** of **GRAY**, the TMAPC voted **7-0-2** (Boyle, Carnes, Doherty, Gray, Jackson, Pace, Westervelt "aye"; no "nays"; Ledford, Midget "abstaining"; Dick, Horner "absent") to recommend **APPROVAL** of PUD-579 and Corridor Site Plan Z-6333-SP-1 as recommended by staff and modified at the Public Hearing. (Language deleted is shown as ~~strikeout type~~, language added or substituted is underline type.)

Legal Description for PUD-579/Z-6333-SP-1:

A tract of land that is part of the E/2, SW/4 Section 7, T-18-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: starting at the Southwest corner of the E/2, SW/4, Section 7; thence N 00°09'54" E along the Westerly line of the E/2, SW/4 for 73.05' to the point of beginning of said tract of land; thence continuing N 00°09'54" E along said Westerly line for 2,158.54' to a point that is 410.00' Southerly of the Northwest corner of the E/2, SW/4; thence S 89°40'54" E and parallel with the Northerly line of the E/2, SW/4; 399.29'; thence N 00°09'56" E and parallel with the Easterly line of the E/2, SW/4 for 110.00'; thence S 89°40'54" E and parallel with the Northerly line of the E/2, SW/4, for 300.00'; thence S 00°09'56" W and parallel with the Easterly line of the E/2, SW/4, for 350.00'; thence N 89°40'54" W and parallel with the Northerly line of the E/2, SW/4, for 300.00'; thence S 00°09'56" W and parallel with the Easterly line of the E/2, SW/4 for 250.00'; thence S 89°40'54" E and parallel with the Northerly line of the E/2, SW/4 for 920.00' to a point on said Easterly line, said point being 900.00' Southerly of the Northeast corner of the E/2, SW/4; said point also being on the Westerly right-of-way line of U.S. Highway 169; thence S 00°09'56" W along the Easterly line of the E/2, SW/4, and along the Westerly right-of-way line of U. S. Highway 169 for 935.25'; thence S 20°57'53" W along said right-of-way line for 293.02' to a point said point being 534.00' Northerly of the Southerly line of said Section 7 and 1604.05' Westerly of the Easterly line of the E/2, SW4, of Section 7; thence N 89°35'38" W and parallel with the Southerly line of Section 7 for 585.95' to a point that is 690.00' Westerly of the Easterly line of the E/2, SW/4; thence S 00°09'56" W and parallel with the Easterly line of the E/2, SW/4 for 459.00' to a point that is 75.00' Northerly of the Southerly line of Section 7, said point being on the Northerly right-of-way line of East 81st Street South; thence N 89°25'38" W along said right-of-way and parallel with said Southerly line for 608.99'; thence S 84°54'48" W for 20.38' to the Point of Beginning of said tract of land, and located north and west of the northwest corner of East 81st Street South and South Mingo Valley Expressway, Tulsa, Oklahoma.

Application No.: PUD-580

RS-1 to PUD

Applicant: Michael Ledford

(PD-18) (CD-8)

Location: East of southeast corner East 91st Street and South Yale Avenue

Presented to TMAPC: Jerry Ledford, Jr.

(A Planned Unit Development for single-family uses, a church facility and accessory uses.)

Mr. Ledford, Sr. stated he would be abstaining from this item.

Staff Recommendation:

The PUD proposes single-family residential uses, a church facility and accessory uses on 18 acres located east of the southeast corner of East 91st Street South and South Yale Avenue. The subject tract has 983' of frontage on East 91st Street South and is 760' deep.

Fellowship Bible Church currently conducts a church and accessory uses associated with the church on the property. The subject tract is abutted on the north and across East 91st Street South by residential dwellings, zoned RS-3; to the south and west by single-family dwellings, zoned RS-3/PUD-350; and to the east by a public park (Hunter Park), zoned AG.

Development Area A (3.3745 acres) proposes single-family residential uses. This development area would have private streets with its access derived from East 91st Street South. The church parking lot would connect with the private residential street at the north and south ends to provide for continuous traffic flow. Development Area B (14.6117 acres) proposes a church facility and accessory uses.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-580 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-580, 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:

Gross	3.3745 Acres	146,994 SF*
Net	3.2462 Acres	141,405 SF*

Permitted Uses:

Those uses permitted as a matter of right in the RS-4 district and uses customarily accessory to permitted uses; and off-street parking for uses in Area B.

Maximum Number of Dwelling Units:	30
Maximum Building Height:	
Single-family residential	35 FT
Off-Street Parking:	As required for the applicable Use by The Tulsa Zoning Code.
Minimum Parking Setbacks:	
From the south boundary of Dev. Area A:	25 FT
Minimum Building Setbacks:	
From Development Area B	0 FT
From South Boundary	25 FT
<u>If rear yard of development</u>	25 FT
<u>If side yard of development</u>	10 FT
From East 91 st Street Right-of-way	35 FT
From East Boundary	15 FT
Minimum Land Area per Dwelling Unit:	4,200 SF
Minimum Livability Space per Dwelling:	2,000 SF
Other Bulk and Area Requirements:	As required in the RS-4 district

*The internal boundaries between development areas may be adjusted by a Minor Amendment to the Fellowship Bible Church Planned Unit Development approved by the Tulsa Metropolitan Area Planning Commission.

Development Area B

Land Area:

Gross	14.6117 Acres	636,485 SF *
Net	13.9044 Acres	605,675 SF *

Permitted Uses: Church, nursing home, only; and uses customarily accessory to permitted uses such as church school, daycare center, maintenance building, counseling and church administration.

Maximum Floor Area: 151,000 SF

Maximum Building Height:	
Church and Accessory Uses	50 FT
Other Uses	As approved by the TMAPC as part of detailed site plan review

Off-Street Parking:	As required for the applicable Use by the Tulsa Zoning Code
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Minimum Building Setbacks:	
From Development Area A	0 FT
From South Boundary	75 FT**
From Centerline of East 91 st Street	100 FT
From West Boundary	75 FT**

Minimum Parking Setbacks:	
From South Boundary	25 FT
From West Boundary	25 FT

Minimum Drive Isle Setbacks:	
From South Boundary	25 FT
From West Boundary	10 FT

*The internal boundaries between development areas may be adjusted by a Minor Amendment to the Fellowship Bible Church Planned Unit development approved by the Tulsa Metropolitan Area Planning Commission.

**Single-story storage and maintenance buildings can have a setback of 50 feet.

Screening:	A six (6) feet high screening wall or fence shall be provided along the west and south boundary of Development Area B.
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3. No Zoning Clearance Permit, for other than single-family residential, shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and requiring 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 other than single-family residential, shall be submitted to the TMAPC for each development area for review and approved 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 that development area 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 within a development area of the PUD until a Detail Sign Plan for that development area 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 other than in single-family residential areas shall be screened from public view by persons standing at ground level. Bulk trash containers shall be setback at least 100' from the south and west boundaries of the PUD.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential area. No light standard nor building-mounted light shall exceed 25 feet in height and all such lights shall be set back at least 25 feet from Development Area A or the south and west boundaries of the PUD.
8. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
9. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas, including any private streets and stormwater detention areas within Development Area A.
10. All private roadways in Development Area A, serving residential development, shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street.
11. No Building Permit shall be issued until the requirements of Section 1170F 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.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Staff Comments:

Mr. Stump presented a modification to the staff recommendation. He noted the minimum building setback from the south boundary should indicate the follow: "if rear yard of development – 25 FT; if side yard of development – 10 FT."

Applicant's Comments:

Jerry Ledford, Jr., Tulsa Engineering and Planning, 6129 South Knoxville Avenue, 74136, stated he is in agreement with the modification and staff's recommendation.

There were no interested parties wishing to comment.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-1** (Boyle, Carnes, Doherty, Gray, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Dick, Horner "absent") to recommend **APPROVAL** of PUD-580 as recommended by staff and modified at the Public Hearing. (Language deleted is shown as ~~strikeout type~~, language added or substituted is underline type.)

Legal Description for PUD-580:

A part of the NE/4, NW/4, Section 22, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma according to the U. S. Government survey thereof, more particularly described as follows: Tract A: all of that part of the E/2, NE/4, NW/4, Section 22, T-18-N, R-13-E, Tulsa County, Oklahoma, described as: beginning at the Northeast corner of the NW/4, Section 22, thence South a distance of 810'; thence West a distance of 425'; thence North a distance of 810'; thence East a distance of 425' to the point of beginning, less 30' along the North line for roadway, AND Tract B: A part of the NE/4, NW/4, Section 22, T-18-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof more particularly described as follows, to-wit: beginning at a point which is 425.0' West of the Northeast corner of the NW/4, Section 22; thence South a distance of 810'; thence West a distance of 396.33'; thence North a distance of 810'; thence East a distance of 396.33' to the point of beginning, AND Tract C: a tract of land beginning 821.33' West of the Northeast corner of the NE/4, NW/4 for point of beginning; thence West 161.33'; thence South 810'; thence East 161.33'; thence North 810' to Point of beginning, all in Section 22, T-18-N, R-13-E of the IBM, Tulsa County, and located east of the southeast corner of East 91st Street South and South Yale Avenue, Tulsa, Oklahoma.

Other Business:

PUD-557 Wayne Alberty

(PD-18) (CD-8)

Southeast corner East 93rd Street and South Memorial Drive
(Detail Site Plan for an automobile dealership.)

Staff Recommendation:

The applicant is requesting detail site plan approval for a 65,309 square foot automobile dealership located on 8 acres (net). The dealership will display three brands of new and used vehicles, as well as contain dealership offices and parts/repair facilities. Major concerns raised during the April 23, 1997, approval concerned access to East 93rd Street, elevated display pads, noise from the public address system, dealership lighting and ground signage along South Memorial.

Staff has reviewed the site plan and finds that it conforms to all PUD standards as approved by the Planning Commission including area and bulk, setback, parking (display and customer), access and circulation, location of signage, east building wall materials, setbacks and location of raised vehicle pads, setback and height of display lighting, building height and total landscape area.

Staff, therefore, recommends **APPROVAL** of the detail site plan for PUD-557 as submitted with the following condition per City Council approval of May 23, 1997:

- No outside public address speaker in Area A.
- All building exteriors shall be concrete, masonry or drivet.

NOTE: Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

Applicant's Comments:

Wayne Alberty, 201 West 5th, Ste. 450, 74103, stated he would in agreement with staff's recommendation.

There were no interested parties wishing to comment.

TMAPC Comments:

Ms. Gray expressed concerns with no outside public address speaker in Area A when Area B abuts the residential area. Mr. Doherty reminded the Commission that Area A, the front portion of the development, is an automotive use and Area B, the back portion, is an apartment complex.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Ledford "absent") to **APPROVE** the Detail Site Plan for PUD-557, subject to the conditions as recommended by staff.

Z-5498-SP-2b Scott Rodenhaver

(PD-18) (CD-2)

West of South Lewis and north of 81st Street

(Minor Amendment to Detail Corridor Site Plan for the Grandview Hotel.)

Staff Recommendation:

The applicant is requesting approval of detail corridor site plan including landscaping and signage details. The Planning Commission reviewed and approved a partially developed site plan related to approval of a minor amendment (allowing an 11,200 square foot increase in building floor area) on June 25, 1997. No sign or landscape details were available during Commission review of the minor amendment at that time.

Staff has reviewed the site, sign and landscape details submitted and finds that they conform to the original and amended corridor site approvals as well as all applicable portions of the Zoning Code including quantity, height and total display area of wall and ground signage, total landscaped area, proposed landscape materials to be installed and area, bulk, access, parking and circulation requirements.

There is some uncertainty, however, relating to the height of the existing pylon (ground) sign at the northeast corner of the property along South Lewis Avenue. The applicant has expressed a desire to utilize the existing sign and substitute the name of the new hotel. Although the current sign plan indicates a 25-foot height for a Hilton sign, the applicant believes the existing sign structure is approximately 28-30 feet in height. If the existing sign structure is utilized, staff could support the increase in height over the 25-foot height indicated in the detail sign plan submitted with the application.

Staff, therefore, recommends **APPROVAL** of the detail corridor site, sign and landscape plans as submitted subject to the following conditions:

The 25-foot pylon sign shown on the submitted detail sign plan be allowed to reflect the increase height of the existing sign not to exceed 30 feet if the structure and existing sign is reused and not replaced with a totally new sign. If a new sign is installed the maximum allowed height of the pylon sign will be 25 feet.

Applicant's Comments:

Scott Rodenhaver, 201 West 5th Street, Ste. 200, 74103, stated he is in agreement with staff's recommendation.

There were no interested parties wishing to comment.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Ledford "absent") to **APPROVE** the Minor Amendment to Corridor Site Plan Z-5498-SP-2-b, subject to the conditions as recommended by staff.

PUD-128E J.D. Turner

(PD-18) (CD-2)

7570 South Riverside Drive (Helmrick Parker)
(Detail Site Plan for a restroom facility and related parking, access and walkways in Development Area E.)

Staff Recommendation:

The applicant is requesting site plan approval to allow construction of a 338 square foot restroom facility and related parking, access and walkways in Development Area E. The proposed facility is part of the continued expansion and development of River Parks facilities and Helmrick Park by the City of Tulsa Parks Department. The Commission approved a minor amendment allowing park uses within the 67.29 acres of Development Areas A-E and H on August 20, 1997.

Staff has reviewed the request and finds the proposed facility meets the bulk and area, setback, parking, circulation and landscaped area requirements outlined in the original PUD approval as amended.

Staff, therefore, recommends **APPROVAL** of the detail site plan for PUD-128-E as submitted.

NOTE: Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

There were no interested parties wishing to comment.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Horner, Ledford "absent") to **APPROVE** the Detail Site Plan PUD-128E as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 3:18 p.m.

Date Approved: January 7, 1998

[Signature]
Chairman

ATTEST: [Signature]
Secretary