

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2186

Wednesday, December 16, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle	Harmon	Beach	Romig, Legal
Carnes	Selph	Dunlap	Counsel
Hill		Huntsinger	
Horner		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 15, 1998 at 9:45 a.m., posted in the Office of the City Clerk at 9:41 a.m., as well as in the office of the County Clerk at 9:35 a.m.

After declaring a quorum present, Chairman Boyle called the meeting to order at 1:30 p.m.

### Minutes:

#### **Approval of the minutes of December 2, 1998, Meeting No. 2184:**

On **MOTION** of **WESTERVELT** the TMAPC voted **6-0-1** (Boyle, Carnes, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; Ledford "abstaining"; Harmon, Horner, Midget, Pace, Selph "absent") to **APPROVE** the minutes of the meeting of December 2, 1998 Meeting No. 2184.

### REPORTS:

#### Chairman's Report:

Mr. Boyle reported that he has asked Mr. Horner and Mr. Jackson to serve as the nominating committee for new TMAPC officer terms, which expire in January. Mr. Horner will be chairman of the committee and he anticipates their report on January 13, 1999.

**Committee Reports:**

**Policies and Procedures Committee**

Mr. Carnes reported that the scheduled Policy and Procedures Committee meeting today has been continued to January 20, 1999 at 2:00 p.m. He requested that the matter of continuations be included on the same date.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nay"; none "abstaining"; Harmon, Midget, Pace, Selph "absent") to **CONTINUE** the Policy and Procedures work session to January 20, 1999 at 2:00 p.m.

Mr. Boyle requested staff to inform Ms. Matthews about Mr. Carnes' request and include in the draft a provision regarding continuances.

**Director's Report:**

Mr. Stump stated that it is time to begin to develop the work program for the next fiscal year, which begins July 1, 1999. He indicated that the first submission to the City of Tulsa is due January 29, 1999. He explained that letters are being sent to various neighborhood groups, the City and County asking for input for the work program.

Mr. Boyle asked Mr. Stump when TMAPC will have a chance to look at the work program proposal. In response, Mr. Stump stated that the proposal will be ready for the January 20<sup>th</sup> work session.

Mr. Stump reported that the Infill Task Force had a meeting Monday, December 14, 1998. He explained that the final reports from all of the committees were submitted and they will meet again on January 14, whereupon there will be a draft consolidated document to review, with a final recommendation developed at the full Task Force meeting on January 14, 1999 at 3:00 p.m., in the INCOG larger conference room.

Mr. Boyle asked Mr. Stump if the Planning Commission will be able to see the final report after the January 14<sup>th</sup> meeting. In response, Mr. Stump stated that the report should be before the Planning Commission in the middle of February.

Mr. Stump reported that there will be two zoning items on the City Council agenda for December 17<sup>th</sup>. Mr. Boyle indicated that Ms. Hill will represent the Planning Commission at the City Council meeting.

**Ms. Pace in at 1:31 p.m.**

## SUBDIVISIONS

### LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL AND CHANGES TO THE TIE AGREEMENT:

#### L-18707 - Kenneth Ellison (2393)

(PD-5) (CD-5)

6538 East 31<sup>st</sup> Street

#### **Staff Recommendation:**

In 1974, TMAPC approved a lot-split (L-13267) on the subject tract with the condition that Tract 1 and Tract 2 could not be conveyed separately without TMAPC's approval.

This application is requesting to reverse the 1974 condition and to split Tract 1 and Tract 2. On September 8, 1998, the Tulsa Board of Adjustment approved a variance of the street frontage requirement on Tract 1, subject to Tract 2 being attached to Tract 3 (which houses the Sheridan Lanes bowling alley).

A new tie agreement for Tracts 2 and 3 was filed with the City of Tulsa in October 1998, meeting the Board of Adjustment's requirements, and thus prior approval of the lot-split application was given by staff.

The lot-split application is requesting TMAPC to approve the reversal of the 1974 tie agreement on the subject property with imposition of the new tie requirement and ratification of staff's prior approval of lot-split 18707.

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

#### **TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Midget, Selph "absent") to **APPROVE** the reversal of the 1974 tie agreement for L-18707 and **RATIFY** this lot-split given Prior Approval and changes to the tie agreement, finding them in accordance with the Subdivision Regulations.

\*\*\*\*\*

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

#### L-18650 - Dale Bass (3192)

(PD-21) (County)

7791 West 61<sup>st</sup> Street

#### L-18715 - Ricky Jones (783)

(PD-18) (CD-2)

South of the southeast corner of 73<sup>rd</sup> Street and Wheeling

#### L-18733 - J. Lyon Morehead (3093)

(PD-6) (CD-9)

2002 East 46<sup>th</sup> Street

#### L-18735 - Lee Dodge (3194)

(PD-18) (CD-5)

10818 East 55<sup>th</sup> Place

<b><u>L-18741 - Billy Deaton (3092)</u></b>	(PD-23) (County)
4136 South 78 <sup>th</sup> West Avenue	
<b><u>L-18744 Tyann Development, Inc. (3214)</u></b>	(PD-15) (County)
7300 North 117 <sup>th</sup> East Avenue	
<b><u>L-18748 Sally Park (1683)</u></b>	(PD-18) (CD-8)
4220 & 4230 East 83 <sup>rd</sup> Place	
<b><u>L-18749 Tulsa Development Authority (2402)</u></b>	(PD-2) (CD-1)
2760 North Peoria	
<b><u>L-18751 City of Tulsa (684)</u></b>	(PD-18) (CD-8)
6545 South Mingo Road	
<b><u>L-18752 Adrian Smith (1983)</u></b>	(PD-18) (CD-8)
7901 East 91 <sup>st</sup> Street	
<b><u>L-18753 Bob Martin (814)</u></b>	(PD-15) (County)
11326 North 123 <sup>rd</sup> East Avenue	
<b><u>L-18754 William C. Richards</u></b>	(PD-16) (CD-6)
620 North 145 <sup>th</sup> East Avenue	
<b><u>L-18755 City of Tulsa (2703)</u></b>	(PD-16) (CD-3)
2105 1/2 North Fulton	
<b><u>L-18757 Nancy Burns (1094)</u></b>	(PD-17) (CD-6)
15140 East 15 <sup>th</sup> Place	
<b><u>L-18759 Paul Williams (793)</u></b>	(PD-6) (CD-4)
1601 South Utica Avenue	
<b><u>L-18760 James Hale (2683)</u></b>	(PD-26) (CD-8)
7506 East 103 <sup>rd</sup> Street South	
<b><u>L-18762 Phyllis Bales (2990)</u></b>	(PD-23) (County)
25420A West 49 <sup>th</sup> Street South	
<b><u>L-18767 City of Tulsa (494)</u></b>	(PD-17) (CD-6)
Northeast corner of 11 <sup>th</sup> Street and 138 <sup>th</sup> East Avenue	
<b><u>L-18770 Roy Johnsen (378)</u></b>	(PD-17) (CD-5)
West of northwest corner of 33 <sup>rd</sup> Street and Memorial	

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Hill, Horner, Ledford, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Midget, Selph "absent") to **RATIFY** these lot-splits given Prior Approval, finding in accordance with Subdivision Regulations.

\*\*\*\*\*

**FINAL PLAT:**

**Fitzgerald Funeral Home (2183)**

(PD-18b) (CD-8)

East of South Harvard Avenue, south of East 91<sup>st</sup> Street

**Staff Recommendation:**

Mr. Beach stated that everything is in order and staff recommends approval, subject to final Legal review.

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Hill, Horner, Ledford, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Midget, Selph "absent") to **APPROVE** the Final Plat for Fitzgerald Funeral Home, subject to final Legal review as recommended by staff.

\*\*\*\*\*

**Retail Center I (2983)**

(PD-26) (CD-8)

East of southeast corner East 101<sup>st</sup> Street and South Delaware Avenue

**Staff Recommendation:**

Mr. Beach stated that everything is in order and staff recommends approval, subject to final Legal review.

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Hill, Horner, Ledford, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Midget, Selph "absent") to **APPROVE** the Final Plat for Retail Center I, subject to final Legal review as recommended by staff.

\*\*\*\*\*

**Retail Center II (2903)**

(PD-26) (CD-8)

South of southeast corner East 101<sup>st</sup> Street and South Delaware Avenue

**Staff Recommendation:**

Mr. Beach stated that everything is in order and staff recommends approval, subject to final Legal review as recommended by staff.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Hill, Horner, Ledford, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Midget, Selph "absent") to **APPROVE** the Final Plat for Retail Center II, subject to final Legal review as recommended by staff.

\*\*\*\*\*

**Mr. Midget in at 1:40 p.m.**

**PRELIMINARY PLAT:**

**Walgreens No. 5421 (3103)**

(PD-26) (CD-3)

Southwest corner East Pine Street and North Lewis Avenue

**Staff Recommendation:**

This is a subdivision of 1.54 acres into one lot in one block for commercial uses. CS zoning is pending approval by the City Council. It is intended to be developed as a retail drug store.

The following were discussed at the Technical Advisory Committee meeting on the preliminary plat:

1. Pierce, PSO, requested a 17.5' perimeter easement.
2. McCormick, Stormwater, stated that the project must be tied into the existing storm sewer.

**Staff recommends approval** of the preliminary plat subject to the following:

**Waivers of Subdivision Regulations:**

1. To allow dedication of less right-of-way than is required by the Major Street and Highway Plan.
2. To allow the scale of 1"= 40'.

**Special Requirements:** None.

**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 Department of Public Works (Water & Sewer) 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. 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.
5. 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.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. 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.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. 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.
14. 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 release.)
15. 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.

16. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
17. 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.)
18. The method of water supply and plans therefor shall be approved by the City/County Health Department.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. 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.)
22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
23. 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.)
24. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
25. If the owner is a Limited Liability Corporation (L.L.C.) a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
26. All other Subdivision Regulations shall be met prior to release of final plat.

**TMAPC COMMENTS:**

Mr. Boyle asked Mr. Beach why staff is willing to allow dedication of less than normal right-of-way. In response, Mr. Beach stated that the street that will be affected is one that is under consideration for reduction to a lesser right-of-way than what the original Major Street and Highway Plan has always required.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Hill, Horner, Ledford, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Selph "absent") to **APPROVE** the Preliminary Plat for Walgreens No. 5421, and the waiver of the subdivision regulations to allow dedication of less right-of-way than is required by the Major Street and Highway Plan and to allow the scale of 1" = 40', subject to standard conditions as recommended by staff.

\*\*\*\*\*

**PLAT WAIVER:**

**Z-6640 (3304)**

(PD-16) (CD-6)

636 North 145<sup>th</sup> East Avenue

**Staff Recommendation:**

This property was rezoned IL June 18, 1998. The rezoning triggered the platting requirement. The waiver would be temporary to allow a gravel storage yard. The property would be platted before any building permits are sought.

**Staff recommends temporary approval of the plat waiver subject to:**

Plat shall be filed prior to issuing building permits.

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC Staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

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

- |  | YES                      | NO                                  |
|--|--------------------------|-------------------------------------|
| 1) Has property previously been platted?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat?             | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input type="checkbox"/> | <input type="checkbox"/>            |

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

- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan?           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 5) Will restrictive covenants be filed by separate instrument?                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 6) Infrastructure requirements   |                                     |                                     |
| a) Water   |                                     |                                     |
| i) Is a main line water extension required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iii) Are additional easements required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Sanitary Sewer  |                                     |                                     |
| i) Is a main line extension required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Is an internal system required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iii) Are additional easements required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Storm Sewer   |                                     |                                     |
| i) Is a P.F.P.I. required?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Is an Overland Drainage Easement required?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iii) Is on-site detention required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iv) Are additional easements required?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 7) Floodplain  |                                     |                                     |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain?                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain?                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 8) Change of Access  |                                     |                                     |
| Are revisions to existing access locations necessary?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 9) Is the property in a P.U.D.?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| a) If yes, was plat recorded for the original P.U.D.?  | N/A                                 |                                     |
| 10) Is this a Major Amendment to a P.U.D.?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | N/A                                 |                                     |

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

**TMAPC COMMENTS:**

Mr. Boyle asked Mr. Beach if "temporary" means that the applicant would have to file a plat before being issued a building permit or if a specific time limit shall be set. In response, Mr. Beach stated that the applicant needs to file a plat before the issuance of a building permit. Mr. Beach explained that if the Planning Commission conditioned the

approval with the filing of the plat before issuance of a building permit, then the City would not be able to issue a permit until this is done. Mr. Boyle asked Mr. Beach if it was appropriate to place a time limit on the request. In response, Mr. Beach stated he felt that it was appropriate. Mr. Beach stated that since the applicant is seeking to install a fence and lay gravel for storage use, then there is no major effect to the surrounding area and no need for platting.

**Applicant's Comments:**

**Ted Sack**, 111 South Elgin, Tulsa, Oklahoma 74120, stated that he may need to obtain a building permit for the storage area and that is the reason for the request of a plat waiver prior to any building permit for a structure. He indicated that he is in agreement with the staff's recommendation.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Hill, Horner, Ledford, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Selph "absent") to **APPROVE** the Plat Waiver for Z-6640, subject to the plat being filed prior to issuance of building permits as recommended by staff.

\* \* \* \* \*

**Z-6654 (3094)**

(PD-18) (CD-5)

Northwest corner of East 51<sup>st</sup> Street South and South 101<sup>st</sup> East Avenue

**Staff Recommendation:**

This property was rezoned IL September 17, 1998. The rezoning triggered the platting requirement.

**Staff recommends approval of the plat waiver subject to:**

Dedication of utility easements in favor of PSO on north 10' of east 25', east 10' and south 10' of subject property.

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC Staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

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

	YES	NO
1) Has property previously been platted?	✓	✓

- 2) Are there restrictive covenants contained in a previously filed plat?
- 3) Is property adequately described by surrounding platted properties or street R/W?

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

- 4) Is right-of-way dedication required to comply with major street and highway plan?
- 5) Will restrictive covenants be filed by separate instrument?
- 6) Infrastructure requirements
- a) Water
- i) Is a main line water extension required?
- ii) Is an internal system or fire line required?
- iii) Are additional easements required?
- b) Sanitary Sewer
- i) Is a main line extension required?
- ii) Is an internal system required?
- iii) Are additional easements required?
- c) Storm Sewer
- i) Is a P.F.P.I. required?
- ii) Is an Overland Drainage Easement required?
- iii) Is on-site detention required?
- iv) Are additional easements required?
- 7) Floodplain
- a) Does the property contain a City of Tulsa (Regulatory) Floodplain?
- b) Does the property contain a F.E.M.A. (Federal) Floodplain?
- 8) Change of Access
- Are revisions to existing access locations necessary?
- 9) Is the property in a P.U.D.?
- a) If yes, was plat recorded for the original P.U.D.?    
N/A
- 10) Is this a Major Amendment to a P.U.D.?
- a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?    
N/A

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Hill, Horner, Ledford, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Selph "absent") to **APPROVE** the Plat Waiver for Z-6654 subject to dedication of utility easements in favor of PSO on north 10' of east 25', east 10' and south 10' of subject property as recommended by staff.

\*\*\*\*\*

**PUD-516-A - Roy Johnsen**

South of southeast corner East 101<sup>st</sup> Street and South Yale

**CS, OL, RS-4 to PUD-A**

(PD-26) (CD-8)

**Staff Recommendation:**

Mr. Dunlap announced that PUD-516-A has been stricken from the agenda due to an error in notification. He explained that this application will have to be re-advertised.

\*\*\*\*\*

**Continued Zoning Public Hearings:**

**Z-6665 - Mark Polumbus**

North of northeast corner East 11<sup>th</sup> Street and South 145<sup>th</sup> East Avenue

(PD-17) (CD-5)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Industrial.

According to the Comprehensive Plan the requested IL zoning **is** in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject property is approximately 20 acres in size and is located north of the northeast corner of East 11<sup>th</sup> Street South and South 145<sup>th</sup> East Avenue. The property is flat, non-wooded, vacant, and is zoned AG.

**Surrounding Area Analysis:** The subject tract is abutted on all sides by vacant property, zoned AG.

**Zoning and BOA Historical Summary:** The most recent rezoning activity in this area approved IL zoning on a 119-acre tract located on the southwest corner of East Admiral Place and S. 145<sup>th</sup> East Avenue from AG in August, 1998. There is a request pending final action by City Council on the 20 acres that abut the subject tract on the south. TMAPC has recommended approval of CS on the south 286' of the west 537' of that tract and denial of rezoning the remainder.

**Conclusion:** Based on the Comprehensive Plan Staff recommends **APPROVAL** of IL zoning for Z-6665.

**Applicant's Comments:**

**Tony Farqwhar**, 7426 South 89<sup>th</sup> East Avenue, Tulsa, Oklahoma 74133, stated that he met with the neighborhood homeowners and explained the plans for the subject property. He indicated that the owner of the subject property, engineer of the project and the developer were in attendance of the neighborhood meeting. He commented he still plans to continue with his application.

**The following represent interested parties speaking in opposition:**

**James S. Mautino**, 14628 East 12<sup>th</sup>, Tulsa, Oklahoma 74108 (submitted photos); **T. M. Oliver**, 737 South 142<sup>nd</sup> East Avenue, Tulsa, Oklahoma 74108; **Troy Rich**, 14313 East 12<sup>th</sup> Street, Tulsa, Oklahoma 74108; **Bob Johnson**, 15324 East 13<sup>th</sup>, Tulsa, Oklahoma 74108;

**Mr. Midget out at 1:53 p.m.**

**The above interested parties expressed the following concerns:**

Requested that the Comprehensive Plan move the zoning line back to 145<sup>th</sup>; one of the owners of the development is already conducting an illegal business at the location of 142<sup>nd</sup> Street, which is a neighborhood; after neighborhood meeting with owners and developers, the interested parties still felt that they did not have enough information regarding the plans for the subject property; concerns regarding who will have to pay for the sewer and water lines being installed on the subject property; concerns with blasting and damage to their homes; concerns with the esthetics of the proposed metal building; noise from the proposed operation.

**Applicant's Rebuttal:**

Tony Farqwhar stated that the owner who is presently operating in the neighborhood will be moving his operation to the proposed site. He explained that the owner manufactures parts for metal buildings. He stated that there are different facades that could be installed on the metal building. He explained that the owner indicated that he would like to build an office/warehouse development.

Mr. Farqwhar indicated that the subject property will go through the platting process and meet all of the standards. He stated that the developer will be paying for the water and sewer lines.

Mr. Farqwhar explained that he was not trying to be evasive at the neighborhood meetings, but he has not sold all of the lots at this time so he is unable to say what type of businesses will be developing.

**TMAPC COMMENTS:**

Mr. Boyle asked Mr. Farqwhar if the owner of the nonconforming use currently will not continue to operate the nonconforming use. In response, Mr. Farqwhar stated that the gentleman who is currently operating the nonconforming business is buying the lot from him and is not part of the development as a whole. Mr. Farqwhar commented that the nonconforming business is buying the subject lot in order to move it out of the neighborhood. Mr. Farqwhar stated that the owner explained to him that he will be building a large facility to perform his current business in.

**Mr. Westervelt** recognized Mr. Ruddick.

**Interested Parties:**

**Eck Ruddick**, 14673 East 11<sup>th</sup> Place, Tulsa, Oklahoma 74108, stated that he attended the neighborhood meeting. He commented that he does not trust the nonconforming business to discontinue in the neighborhood.

Mr. Ruddick stated that a business owner is supposed to apply for a variance to the Zoning Code before building a metal building in the backyard, versus building it and then looking for a new location in order to come into compliance.

**Midget in at 2:06 p.m.**

**TMAPC COMMENTS:**

Ms. Pace asked staff what the landscaping requirements will be for the subject property. In response, Mr. Stump stated that IL districts have tree requirements on the frontage and landscaping requirements in the parking lots. Ms. Pace commented that with the landscaping requirements and screening fence requirements the neighborhood will have some protection.

**Inaudible**

Mr. Carnes stated that since the Comprehensive Plan has changed lately and this is a development-sensitive area, he would only approve this application if it were a PUD.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** to **DENY** the IL zoning for Z-6665.

**Mr. Carnes' motion failed due to lack of a second.**

Ms. Pace asked staff if they had discussed the possibility of a PUD for this application. In response, Mr. Stump stated that staff has not discussed a PUD with the applicant.

Mr. Boyle stated that he has a problem with the fact that the people who own the property have not chosen to follow the zoning rules in the past. He expressed concerns regarding this application because this is a development-sensitive area. Mr. Boyle stated that this development is going toward a neighborhood and he does not have any confidence that the owner will follow the zoning rules. He concluded that it is best to leave the zoning violations to Code Enforcement, but he does take a dim view of anyone violating the rules.

**Ms. Pace recognized Mr. Farqwhar.**

**Mr. Farqwhar** stated that the development, Marco Industries, is currently located off of Mingo at 55<sup>th</sup>. He is the owner of Marco Industries and is within every zoning requirement.

Mr. Boyle stated that the problem is with the person who is currently in violation purchasing land and developing. Mr. Farqwhar stated that the owner of the nonconforming use will have to develop according to Marco Industries' development requirements as well as the Zoning Code.

Mr. Farqwhar stated that he is using Tuttle and Associates for the engineering and they are aware of the requirements. He commented that the engineer attended the neighborhood meeting.

Mr. Westervelt asked staff if the pictures of the nonconforming use could be forwarded to Code Enforcement as soon as possible. In response, Mr. Stump stated that the pictures will be forwarded to Code Enforcement.

Ms. Pace asked staff if the application was to be denied the application fees would be applied toward a PUD application. She stated that it is not reasonable to think that housing will be going into the subject area, but this is a sensitive development area. In response, Mr. Stump stated that procedurally the Commission should ask if the applicant will agree to continue his request to a date certain and file a PUD. Mr. Stump stated that the applicant will have to pay the fees for the PUD and his IL zoning request will still be active for the continued date. Mr. Stump commented that it would be helpful to the applicant if the Planning Commission explained what sort of special conditions they would like in the PUD.

Mr. Westervelt commented that staff should consider moving the industrial line back to its previous position in order to give the neighborhood some protection. He stated that case Z-6665 should be approved because the issues expressed by the interested

parties does not effect the land use decisions. He indicated that the subject area is not very feasible for residential development due to the rock.

Mr. Carnes stated that the IL zoning would be the proper use in the subject area if it meets all of the requirements that are expected in a PUD. He commented that the subject application would not be good for East Tulsa if it is allowed to be developed with straight zoning.

In response to Mr. Boyle, Mr. Stump suggested giving the applicant minimal time to develop a PUD proposal, and if he were able to apply for the PUD by January 4, 1999, it would come before the Planning Commission on February 10, 1999.

Mr. Boyle stated that if the Planning Commission continues this application to a date certain and strongly suggests that the applicant apply for a PUD in order to get his request approved, then the applicant is acting in his own peril one way or the other.

Mr. Midget stated that the Mayor's office and Councilor Justis have been concerned with the development in the subject area. He agreed with Mr. Westervelt that the zoning line should be moved back to its previous position. If this application is submitted as a PUD, then the Planning Commission has an opportunity to protect the neighborhood and apply conditions. Mr. Midget stated that he would support continuing this application and giving the applicant an opportunity to apply for a PUD.

Mr. Boyle asked Mr. Romig if the Planning Commission is acting appropriately on the subject case. In response Mr. Romig answered affirmatively.

Mr. Westervelt stated that the application is consistent with the current Comprehensive Plan and asked Mr. Romig if the Planning Commission denies the application in order to suggest the PUD, the applicant would have recourse directly to District Court. In response, Mr. Romig stated that if the Planning Commission overrules the Comprehensive Plan as though it does not exist. then the applicant would have recourse directly to the District Court. Mr. Romig stated that the applicant is entitled to the Comprehensive Plan as it exists on the day of his application.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-1-0** (Boyle, Carnes, Hill, Horner, Ledford, Jackson, Midget, Pace, "aye"; Westervelt "nay"; none "abstaining"; Harmon, Selph "absent") to **CONTINUE** Z-6665 to February 24, 1999 and encourage the developer to apply for a Planned Unit Development before the February 24<sup>th</sup> meeting.

**TMAPC COMMENTS:**

Mr. Boyle stated that the Planning Commission is not pleased with the presentation at this point and would like to see if the applicant is interested in having this zoning approved by bringing back a PUD, which gives control and protection for the neighborhoods. Hopefully the developer will continue to work with the neighborhood in the interim and on February 24<sup>th</sup> have a PUD that makes sense for everybody involved.

Mr. Boyle requested staff to consider moving the zoning line back to its previous location in the Comprehensive Plan as soon as possible.

\* \* \* \* \*

## **ZONING PUBLIC HEARING**

**Z-6669 - Charles E. Norman**

**RM-2 to CS**

West of northwest corner East Oklahoma Place and North Lewis Ave.

(PD-2) (CD-3)

### **TMAPC COMMENTS:**

Mr. Boyle announced that the Planning Commission has received a timely request for a continuance from an interested party. Mr. Boyle commented that the request is unusual and, the Planning Commission should discuss this matter before discussing the merits.

Mr. Boyle asked staff if they had a position on the continuance. In response, Mr. Stump read the policy of the Planning Commission concerning continuances. Mr. Stump stated that he has read the request for a continuance and it does not seem appropriate to continue this case for the reason stated.

### **Applicant's Comments:**

**Mr. Charles Norman**, 2900 Mid-Continent Towers, Tulsa, Oklahoma 74103, stated that he received a copy of the continuance request from Mr. Will Sanditen. He explained that Mr. Sanditen does not state specifically that he is a protestant, but is seeking time in order to urge Walgreens not to relocate to the subject property.

Mr. Norman stated that Mr. Sanditen is trying to retain a tenant who is planning to move to the new location. He indicated that a letter today from Walgreens advised Mr. Sanditen that they are committed to relocating. He stated that this is not an appropriate basis for a continuance and Mr. Sanditen's concerns are not related to the merits of this application. Mr. Norman requested the Planning Commission to deny the request for a continuance submitted by Mr. Sanditen. Mr. Norman informed the Planning Commission that he told Mr. Sanditen that he would be asking for the continuance to be denied today.

Mr. Boyle stated that after reading the continuance request he felt that the continuance was out of order because it has nothing to do with the merits of the application.

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

Mr. Midget asked staff if Mr. Sanditen explained why he would not be present for the Planning Commission. Ms. Huntsinger stated that she informed Mr. Sanditen during a phone conversation that he would need to attend today's meeting.

Mr. Norman submitted a letter from Walgreens regarding their firm commitment to the new location.

**After a lengthy discussion Mr. Boyle determined that Mr. Sanditen's request for a continuance is out of order.**

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Special District 2.

The requested CS zoning is in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject property is approximately 150' x 150' in size and is located west of the northwest corner of East Oklahoma Place and North Lewis Avenue. The property is flat, non-wooded, contains a single-family dwelling and a vacant non-conforming store, and is zoned RM-2.

**Surrounding Area Analysis:** The subject tract is abutted on the north and east by commercial businesses, zoned CS; and to the south and west by single-family dwellings, zoned RM-2.

**Zoning and BOA Historical Summary:** There has been no rezoning activity in this area.

**Conclusion:** The Comprehensive Plan designates the subject tract as being within Special District 2 and points out that commercial development would be appropriate on the west side of Lewis at the intersection of E. Pine Street to approximately a five-acre node on each side of Pine Street which would include the subject tract. Based on the Comprehensive Plan and the existing zoning and uses in this area, staff recommends **APPROVAL** of CS zoning for Z-6669.

**Applicant's Presentation:**

**Mr. Norman** stated that he is in agreement with staff's recommendation. He explained that the application's purpose is to square up the site and redevelop it for general retail uses. He commented that this will be a significant benefit as an infill project for the subject area.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Selph "absent") to recommend **APPROVAL** for the CS zoning for Z-6669 as recommended by staff.

**Legal Description for Z-6669:**

Lots 14, 15, and 16, Block 1, B. F. Jacobs' Subdivision of Lots 1, 2, 25, 26, and 27, Springdale Acre Lot Addition, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**CZ-249 - Louis Levy**

Northwest corner West 41<sup>st</sup> Street and South 129<sup>th</sup> West Avenue

**RE to CS**

(PD-23) (County)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 23 Plan, a part of the Comprehensive Plan for the City of Sand Springs, designates the subject tract as Commercial Node.

According to the Zoning Matrix the requested CS zoning **is** in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject property is approximately 1.78 acres size and is located on the northwest corner of West 41<sup>st</sup> Street South and South 129<sup>th</sup> West Avenue. The property is sloping, non-wooded, vacant, and is zoned RE.

**Surrounding Area Analysis:** The subject tract is abutted on the north by a single-family dwelling, zoned RE; to the west by vacant property, zoned RE; to the south by vacant land, zoned AG; and to the east by a vacant tract, zoned CS.

**Zoning and BOA Historical Summary:** The most recent zoning action in this area was in 1984. A request to rezone a 6.8 acre tract, located north of the subject tract approximately ¼ mile, from RE to RMH was denied.

**Conclusion:** The Sand Springs Comprehensive Plan designates this tract as being within a commercial node. Based on the existing zoning and development in this area, staff recommends **APPROVAL** of CS zoning for CZ-249.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Selph "absent") to recommend **APPROVAL** for the CS zoning for CZ-249 as recommended by staff.

**Legal Description for CZ-249:**

S 447', E/2, SE/4, SE/4, SE/4, less N 132' and less N 35.25', S 60', W 305.25', E 330', SE and less E 24.75', S 315', SE/4, and less S 24.75', W 305.25', E 330' for roads, Section 21, T-19-N, R-11-E, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Mr. Ledford announced that he will be abstaining from PUD-579-A/Z-6333-SP-2.**

**PUD-579-A/Z-6333-SP-2 - Charles Norman**

(PD-18) (CD-8)

North and west of northwest corner East 81<sup>st</sup> and Mingo Valley Expressway  
(Major Amendment)

**Staff Recommendation:**

The Tulsa City Council on January 15, 1998 approved PUD-579 and Corridor District Site Plan Z-6333-SP-1 as recommended by the Tulsa Metropolitan Area Planning Commission (TMAPC) on December 17, 1997.

The PUD and Corridor District Site Plan as approved permits townhouse dwellings, multifamily dwellings, churches, nursing homes and schools within both Development Area A and Development Area B, with somewhat higher densities within Area B.

Following discussions with the City of Tulsa Public Works Department, a tentative agreement has been reached between the property owner of the PUD and the City of Tulsa to exchange equal-sized parcels of land to adjust the floodplain boundaries along the north side of Area B which requires amendment of the legal description of the Corridor Site Plan and the PUD. The property owner proposes major amendments to the Corridor Site Plan and PUD as follows:

1. To amend the Corridor Site Plan and PUD northern boundary to reflect the proposed exchange of land with the City of Tulsa to adjust the floodplain boundaries. The exchanged parcels are identical in size and the total area of the Corridor Site Plan and the PUD remains the same;

2. To divide the property into three development areas rather than two as approved and establish new development area boundaries as shown on the Amended Development Area Map, revised Exhibit "E" attached hereto;
3. To add offices and studios, Use Unit 11, as additional permitted uses in the three development areas;
4. To add private clubs, Use Unit 2, and community centers, Use Unit 5, as additional permitted uses in Development Area A;
5. To add offices and studios, Use Unit 11, private clubs, Use Unit 2, and community centers and hospitals, Use Unit 5, as additional permitted uses in Development Area B; and
6. To establish permitted uses for new Development Area C.

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-579-A/Z-6333-SP-2A 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-A/Z-6333-SP-2 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:**

**AMENDED DEVELOPMENT AREA A**

Land Area:		
Net	6.43 Acres	280,036 SF

Permitted Uses:  
Church, nursing home, schools, private clubs as permitted in use Unit 2; community centers, as permitted in Use Unit 5; townhouse dwellings and multifamily dwellings; offices and studios as permitted in Use Unit 11; and uses customarily accessory to permitted uses.

Maximum Building Height:		
Multifamily residential		45 FT
Other dwellings		35 FT

Offices 52 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 the west boundary of the Development Area A 10 FT plus two feet of setback for every foot of building height above 15 feet.

From Collector Street right-of-way 25 FT

Minimum Land Area Per Dwelling Unit per lot:  
Multifamily dwellings 1,750 SF

Maximum Building Floor Area Ration (Offices) per lot: .50

Maximum Building Land Coverage per lot (all uses): 30%

Other Bulk and Area Requirements:

Development Type	
Multifamily	As established within an RM-1 District
Townhouse dwellings	As established within a RT District
Offices	As established within the OM District.

Signs:

Dwellings and Other Uses:	As permitted in the RM-1 District
Offices	As permitted in the OM District.

### **AMENDED DEVELOPMENT AREA B**

Land Area:  
Net 39.765 Acres 1,732,332 SF

Permitted Uses:

Church, nursing home, schools, private clubs as permitted in Use Unit 2; community centers as permitted in Use Unit 5; hospital, townhouse dwellings and multifamily dwellings and dwelling uses; offices and studios as permitted in Use Unit 11; and uses customarily accessory to permitted uses.\*

Maximum Building Height:	
Multifamily Dwellings	45 FT
Other Dwellings	35 FT
Offices	120 FT
Other Uses:	

As approved by the TMAPC as part of Detail Site Plan review.

Off-Street Parking:

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

Minimum Building Setbacks:

From the Mingo Valley Expressway right-of-way	
Dwellings	50 FT
Non-residential buildings	10 FT

From boundaries abutting City of Tulsa property planned for a natural drainageway and floodplain	15 FT
--	-------

From other boundaries of the Development Area B	
One story buildings	10 feet plus 2 feet of setback for every foot of building height above 15 feet.

Two story buildings	70 FT*
Other buildings	100 FT*

From other internal street right-of-way	25 FT
---	-------

Minimum Land Area Per Dwelling Unit per lot:	
Multifamily dwellings	1,450 SF

Minimum Livability Space per dwelling unit for Multifamily per lot:	400 SF
---	--------

Maximum Building Floor Area Ratio per lot (Offices):	.50
--	-----

Maximum Building Land Coverage per lot:	30%
---	-----

Other Bulk and Area Requirements:

Development Type	
Multifamily Dwellings	As established within the RM-1 District
Townhouse Dwellings	As established within a RT District

Offices

As established within the OM District

Signs:

Dwellings and Other Uses  
Offices

As permitted in the RM-1 District  
As permitted in the OM District

**DEVELOPMENT AREA C**

Land Area:

Net

3.61 Acres

157,399 SF

Permitted Uses:

Uses permitted as a matter of right in Use Unit 10, Off-Street Parking; 11, Offices and Studios, including drive-through banking facilities; 12, Entertainment Establishment and Eating Establishments other than drive-ins; 13, Convenience Goods and Services; and 14, Shopping Goods and Services; and uses customary to permitted principal uses.

Maximum Building Floor Area:

40,000 SF

Maximum Building Land Coverage per lot:

30%

Maximum Building Height:

30 FT

Off-Street Parking:

As required by the applicable Use Unit of the Tulsa Zoning Code.

Minimum Building Setbacks:

From the centerline of East 81 <sup>st</sup> Street South	100 FT
From the west boundary (Collector Street right-of-way)	40 FT
From the east boundary	10 FT
From the north boundary	25 FT

Minimum Lot Width:

150 FT

Landscaped Area:

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

Signs:

- A. One ground sign shall be permitted for each lot on the East 81<sup>st</sup> Street frontage with a maximum of 160 square feet of display surface area and 25 feet in height.

- B. Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

\*Single-family dwellings may be permitted by minor amendment.

3. If a Development Area is subdivided, uses and intensities of uses and development standards shall be established by Minor Amendment.
4. A lot in Development Area A or B may not contain more than one use unless approved by minor amendment. Uses within the same Use Unit in the Tulsa Zoning Code are considered the same use.
5. 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 81<sup>st</sup> Street South and also with the collector proposed by PUD-579 to the west.
6. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot or development in the case of townhouse development, 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.
7. A Detail Landscape Plan for each lot except townhouse developments shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
8. 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.
9. 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 and the appropriate location of such containers shall be established during Detail Site Plan approval.

10. All non-residential parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height.
11. The Department 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.
12. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within townhouse development in the PUD.
13. All private roadways providing access to lots 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 ten percent.
14. 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 or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
15. 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 that relate to PUD conditions.
16. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
17. 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.
18. 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 shall not be used for storage.

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

### **Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Towers, Tulsa, Oklahoma 74103, stated that he has worked out a preliminary land exchange with the City of Tulsa in order to straighten out the northern boundaries of the subject property, which is adjacent the floodplain area. He explained that the subject property was not configured in a useable form for the City of Tulsa or for the Developer.

Mr. Norman stated that he has submitted a revised concept which includes an additional use (office uses). He explained that it appears that the demand for multifamily development has been satisfied and there is an increasing demand for new office development in the suburban areas of the community. He requested the Planning Commission to approve this application as recommended by staff.

### **TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-1** (Boyle, Carnes, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Harmon, Selph "absent") to recommend **APPROVAL** for the PUD-579-A/Z-6333-SP-2 subject to conditions as recommended by staff.

### **Legal Description for PUD-579-A/Z-6333-SP-2:**

A tract of land located in the E/2, SW/4, Section 7, T-18-N, R-14-E of the IBM Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows: commencing from the southwest corner of the E/2, SW/4, Section 7, T-18-N, R-14-E; thence N 00°09'54" E along the Westerly line of the E/2, SW/4, Section 7, a distance of 73.05' to the Point of Beginning; thence continuing N 00°09'54" E along the Westerly line of the E/2, SW/4 of Section 7 a distance of 2,158.54' to a point that is 410.00' Southerly of the Northwest corner of the E/2, SW/4, Section 7; thence S 89°40'54" E and parallel with the Northerly line of the E/2, SW/4, Section 7 a distance of 620.01'; thence S 00°09'56" W and parallel with the Easterly line of the E/2, SW/4, a distance of 494.51'; thence S 89°40'54" E and parallel with the Northerly line of the E/2, SW/4, a distance of 699.28' to a point on the Easterly line of the E/2, SW/4, said point being 904.51' Southerly of the Northeast corner of the E/2, SW/4, said point also being on the Westerly right-of-way of U. S. Highway 169; thence S 00°09'56" W along the Easterly line of the E/2, SW/4 and also along the Westerly right-of-way of U. S. Highway 169 a distance of 930.74'; thence S 20°57'53" W along the Westerly right-of-way of U. S. Highway 169 a distance of 293.02' to a point that is 534.00' Northerly of the Southerly line of the E/2, SW/4, and 104.05' Westerly of the Easterly line of the E/2, SW/4 of Section 7; thence N 89°35'38" W and parallel with the Southerly line of the E/2, SW/4, Section 7 a distance of 585.95' to a point that is 690.00' Westerly of the Easterly line of the E/2, SW/4, Section 7; thence S 00°09'56" W and parallel with the Easterly line of the E/2, SW/4 of Section 7, a distance of 459.00' to a point that is 75.00' Northerly of the Southerly line of the E/2, SW/4, Section 7 said point being on the Northerly right-of-way of 81<sup>st</sup> Street South; thence N 89°35'38" W along the Northerly right-of-way of 81<sup>st</sup> Street South and parallel with the Southerly line

of the E/2, SW/4, a distance of 608.99'; thence S 84°54'48" W a distance of 20.38' to the Point of beginning.

\*\*\*\*\*

**Z-4948-SP-2 - John Moody**

(PD-8) (CD-2)

South of southwest corner West 81<sup>st</sup> Street and South Union  
(Corridor Site Plan)

**Staff Recommendation:**

The subject tract contains 4.7 acres and is located approximately one-quarter mile south of the southeast corner of West 81<sup>st</sup> Street South and South Union Avenue and is located adjacent to U.S. Highway 75. The site is located on the property of Global X-Ray Services and is zoned Corridor District. The property to the south is zoned RMH-Residential Manufactured Home District. The Creek Nation Retail Commercial Smoke Shop is also located to the south. The property to the north, east and west is zoned AG - Agricultural District.

The applicant is proposing an outdoor advertising sign to be located in the northeast corner of the subject tract. The CO zoning was placed on the tract to accommodate an existing nonresidential use. A Corridor Site Plan (Z-4948-1) was approved for the tract in 1985. One of the conditions of that approval was that there be no outdoor advertising signs or portable signs permitted.

The Comprehensive Plan states that uses in this area should be in harmony with existing and potential low intensity residential development. One of the objectives listed in the Comprehensive Plan for this area is to provide for multi-use development, which does not intrude upon or detract from nearby residential development. The plan also states that the uses of land in the Corridor abutting Union Avenue should be limited to agricultural, residential, office and community facility uses.

Staff finds the use proposed is not consistent with the Comprehensive Plan and is not in harmony with the existing and expected development of the surrounding area.

Therefore, staff recommends **DENIAL** of Z-4948-SP-2.

**Applicant's Presentation:**

**John Moody**, 7146 South Canton Avenue, Tulsa, OK 74136-6303, stated that he represents Global X-Ray, as well as Stokely Outdoor Advertising Company. He explained that the corridor zoning and the original site plan was approved in 1985 and there are a significant number of changes that have occurred in the area would justify amending the Comprehensive Plan for this area.

Mr. Moody submitted a case map and photographs indicating the changes in the subject area as an Exhibit. He indicated properties owned by Global X-Ray in the immediate area.

Mr. Moody explained that the owner of Global X-Ray owns the land immediately to the south of the 20-acre tract zoned RMH. He explained that the owner has not had any development interest for RMH and there has not been any residential development in the subject area. He stated that immediately south of the subject property is the location of the Creek Indian Nation's Smoke Shop and retail outlet, as well as a location for a community center. He indicated that the Creek Nation does plan to develop additional commercial-type uses in the future. Mr. Moody described the surrounding areas and commented why there would not be residential uses in these areas.

Mr. Moody reminded the Planning Commission that the Creek Nation is not bound by the City ordinances and they will develop their property as they determine in their best interest. He stated that residential development is not presently contemplated by the Creek Nation for their 20-acre tract, which is adjacent to the RMH tract that the owner of Global X-Ray owns. Mr. Moody commented that the current uses were not in existence when the Comprehensive Plan was adopted for the subject area.

**TMAPC COMMENTS:**

Mr. Boyle asked Mr. Moody what he wanted the Planning Commission to gain from the submitted pictures. In response, Mr. Moody stated that the pictures are to show that there isn't any residential development in the subject area and that there are non-residential uses currently existing. Mr. Moody commented that the Comprehensive Plan suggestion that the area on the east side of Union Avenue should be reserved for residential development is not up-to-date based upon the physical characteristics and changes which have occurred in the area. Mr. Moody stated that his suggestion to the Planning Commission is that if they approve this application, then the Comprehensive Plan should be amended for the portion that lies south of his client's property along US 75.

Mr. Moody submitted photographs which indicate existing outdoor advertising signs along the expressway, the Creek property.

Mr. Moody concluded by stating that the subject application is consistent with the surrounding properties and other land uses in the area. He requested that the Planning Commission approve this application for the Use Unit 21.

**TMAPC COMMENTS:**

Mr. Stump stated that there may be development south and north of the subject property that has changed, but in the immediate area staff does not feel that there has been significant development that would warrant changing the Comprehensive Plan. He further stated that the existing development does not warrant an outdoor advertising sign. He commented that an outdoor advertising sign is generally in a predominately

commercial or industrial area and staff does not feel that an outdoor advertising sign at this time is appropriate.

Mr. Boyle asked staff if they feel the same after viewing the photographs. In response, Mr. Stump stated that the aerial photograph indicates that the area south of 81<sup>st</sup> Street and the subject tract has two dwelling units with a 6,000 SF metal building and nothing else.

Mr. Moody stated that the aerial photograph shows the subject property and north of 81<sup>st</sup> Street. He indicated that CS has been approved at the intersection of 81<sup>st</sup> Street. He commented that the home near the 81<sup>st</sup> intersection will probably be removed someday in the future due to the CS development. He indicated that the second home on the aerial photograph belongs to the owner of Global X-Ray, who is the applicant. He reminded the Planning Commission that his client also owns the RMH tract and they have indicated that it probably never be developed residentially.

Mr. Carnes commented that he does not believe anyone would want to build a home between the expressway and Union.

Mr. Westervelt asked Mr. Moody how large he would envision the node of commercial at the 81<sup>st</sup> Street intersection. In response, Mr. Moody stated that he cannot predict the future development, but the present development policies would indicate a five-acre node on the corner of 81<sup>st</sup> Street. Mr. Moody stated that because of the expressway, one will probably see commercial occurring at the interchange of 81<sup>st</sup> Street, which would logically lead to most of the land along 81<sup>st</sup> Street being zoned commercially in this area. Mr. Moody stated that he cannot speak for the balance of the AG tract and to the corridor zoning, which his client owns, but he does not know of any new residential development along the west side of US 75 and east of Union Avenue.

#### **TMAPC COMMENTS:**

Mr. Boyle stated that given the fact that the nearest residential use is that owned by the owner of the subject property and there are existing signs on both sides of the expressway, it seems that it would be unfair to deny the application.

Mr. Boyle stated that he is not a fan of billboard signs and perhaps this is a good time to take a moment to remind the City Council that there needs to be some action on the proposal to revise the Billboard Ordinance.

#### **TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Selph "absent") to recommend **APPROVAL** for the Z-4948-SP-2.

#### **Legal Description for Z-4948-SP-2:**

A part of Lot 1, Block 1, High Chaparral, an Addition to Tulsa County, State of Oklahoma, according to the recorded Plat thereof, being described by metes and

bounds as follows, to-wit: Commencing at the Northwest corner of Lot 1, thence S 89°53'29" E, along the North line of Lot 1, a distance of 570.00' to the Point of Beginning; thence continuing S 89°53'29" E, along the North line of Lot 1, a distance of 404.70'; thence S 7°02'19" W a distance of 0.00'; thence on a curve to the right having a central angle of 0°56'13" and a radius of 34,227.50' a distance of 559.66'; thence N 89°53'29" W a distance of 331.58'; thence due North parallel to the West line of Lot 1, a distance of 555.00' to the Point of Beginning and containing 4.7 acres more or less.

\*\*\*\*\*

**PUD-599 - John Moody**

Southwest corner East 61<sup>st</sup> and South 104<sup>th</sup> East Avenue

**IL & OL to PUD**

(PD-18) (CD-8)

**Staff Recommendation:**

The PUD proposes automobile sales and rentals, including the detailing of automobiles for sale and rental on a 4.9-acre tract located at the southwest corner of 104<sup>th</sup> East Avenue and East 61<sup>st</sup> Street South, immediately west of the Mingo Valley Expressway. Thrifty Car Rental, Inc.'s fleet sales lot is located on a portion of the tract. The subject tract has 430 feet of frontage on East 61<sup>st</sup> Street, 287 feet of frontage on East 62<sup>nd</sup> Street and approximately 300 feet of frontage on South 104<sup>th</sup> East Avenue South. South 104<sup>th</sup> East Avenue abuts the Mingo Valley Expressway right-of-way.

The subject tract is zoned IL, OL and RS-3. The rental car operation is presently located on the IL portion of the tract. There are commercial and industrial uses zoned IL to the north across East 61<sup>st</sup> Street South. The Union 7<sup>th</sup> Grade Center, zoned RS-3, abuts the tract on the west. There is vacant OL-zoned property abutting the tract at the southeast corner, and to the south across East 62<sup>nd</sup> Street South is vacant property and an elementary school zoned RS-3.

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-599 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-599 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:**

Land Area (Gross):

4.9 acres

Permitted Uses:

Use Unit 11, offices and only automobile sales and rentals, including detailing of automobiles for sale and rental within Use Unit 17\*. Use Unit 21, outdoor advertising signs may be permitted by minor amendment.

Maximum Building Floor Area: 6,450 SF

Maximum Building Height: 2 stories

Maximum Building Setbacks:

From centerline of East 61 <sup>st</sup> Street	100 FT
From east boundary of PUD	25 FT
From southernmost boundary of PUD	100 FT
From west boundary of PUD	50 FT

\*Retail sales and detailing of automobiles shall not be conducted on the southernmost 160 feet of the PUD.

Parking Setbacks:

From the south boundary of the east 143.25 feet of the PUD	25 FT
From the east boundary of the south 264.08 feet of the PUD	25 FT
From the south boundary of PUD abutting East 62 <sup>nd</sup> Street	25 FT
From the west boundary of the PUD	25 FT

Access:

One access is permitted onto East 61<sup>st</sup> Street South and one onto 104<sup>th</sup> East Avenue. There shall be no access onto East 62<sup>nd</sup> Street.

Screening and Buffering:

A six-foot screening wall or fence shall be provided along the entire exterior boundaries of the PUD except where it abuts 61<sup>st</sup> Street or 104<sup>th</sup> East Avenue. A 25-foot wide landscaped buffer strip shall be provided immediately adjacent to and inside all required screening fences on the perimeter of the PUD.

Signs:

Two ground signs are permitted on the 61<sup>st</sup> Street frontage, which shall not exceed 25 feet in height nor 150 square feet each of display surface area. No other ground signs are permitted.

Wall signs are permitted on the north- and east-facing walls of buildings not to exceed 1 1/2 square feet of display surface area for each lineal foot of building wall to which it is attached.

3. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height.
8. The Department 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.
9. 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 that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. 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.

12. 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 shall not be used for storage. No inoperative vehicles shall be parked or stored within the PUD.

**Applicant's Presentation:**

**Mr. Moody**, 7146 South Canton Avenue, Tulsa, Oklahoma 74136-6303, stated that there are a few items that need discussion in the staff recommendation. He explained that the subject property is the site of Thrifty Car Rentals sales. He questioned the staff recommendation regarding the prohibition of an access point on East 62<sup>nd</sup> Street South. This PUD was presented to the TAC and there was discussion regarding the access point on East 62<sup>nd</sup> Street South. He indicated that the City Engineer, Traffic Engineer and TAC had no problem with the access point.

**TMAPC COMMENTS:**

Mr. Boyle asked staff what the basis for the recommendation to prohibit an access point on East 62<sup>nd</sup> Street South. In response, Mr. Stump stated that the applicant will be selling cars on the subject property and that entails a person coming to buy the car and taking the car for a test drive. Mr. Stump explained that there have been significant problems with people test driving the cars back in the neighborhoods in order to stay away from the high traffic areas.

Mr. Boyle stated that he has concerns with this type of traffic directly next to a school. He commented that does not seem to be an appropriate use. He stated that if the applicant would limit the access to 61<sup>st</sup> Street, then it would offer enough protection to be located next to the school.

**Applicant's Presentation: continued**

Mr. Moody stated that he now understands staff's concerns and some control of the access would be appropriate. He commented that he has no problem with the condition that the south 160 feet of the subject property cannot be used for automobile sales, but will allow parking of the cars. He suggested installing a gate on the 62<sup>nd</sup> Street access. He explained that the access on 62<sup>nd</sup> Street could be used for office development and it is possible that there might be more extensive office type development on the subject property. He explained that he does not want to rule out having access on 62<sup>nd</sup> Street for office traffic in the future.

Mr. Boyle asked Mr. Moody if it would be a problem if the Planning Commission were to deny access to 62<sup>nd</sup> Street as long as it is an automobile use. Mr. Moody stated that the restriction is something his client will have to live with and his client does need access on 104<sup>th</sup> and East 61<sup>st</sup> Street. Mr. Moody explained that the traffic light is west of the 7<sup>th</sup> grade center and his client would rather have access there in order to use the traffic light to turn left rather than trying to turn left on 61<sup>st</sup> Street without some sort of traffic control.

Mr. Moody stated that the other issue with the staff recommendation is the suggested six-foot screening wall along the exterior boundaries of the PUD, which would mean a six-foot high screening fence along 62<sup>nd</sup> Street. He requested that his client be allowed to have a gate on 62<sup>nd</sup> Street for emergency use only if the Planning Commission determines that public access will not be allowed on 62<sup>nd</sup> Street.

Mr. Moody stated that he neglected to add that there is an existing Use Unit 21, outdoor advertising sign, on the subject property in the northeast corner. He indicated that his client wishes to retain the existing sign and he would like to amend the text to permit Use Unit 21 to permit and retain the existing sign located on the northeast corner on the subject tract.

Mr. Stump questioned Mr. Moody regarding frontage and proposed signage. He expressed concerns that Mr. Moody may be over the limitation with the existing sign and the proposed signage. Mr. Moody suggested approving the application with staff's current recommendation and he will come back with an amendment if there is a conflict.

Mr. Westervelt asked staff why they did not want to deny access on 104<sup>th</sup> Street if they are denying it on 62<sup>nd</sup> Street. In response, Mr. Stump stated that 104<sup>th</sup> becomes the expressway frontage street and it is expected to be a busy street. Mr. Boyle asked Mr. Stump if by allowing 104<sup>th</sup> to have an access drive, it will allow the test-drives to be brought back into the neighborhood. In response, Mr. Stump stated that it could happen, but 104<sup>th</sup> is a higher classification of street and is intended for higher traffic, therefore staff didn't feel that it was reasonable to deny access. Mr. Stump explained that 62<sup>nd</sup> Street is classified as a minor residential street.

Mr. Stump stated that the Planning Commission needs to specifically state that the applicant can add a outdoor advertising sign use by minor amendment. Mr. Stump stated that the staff recommendation will remain as it is with an additional footnote under the permitted uses that outdoor advertising signs may be permitted by minor amendment. Mr. Stump further stated that staff would not have a problem with a screening fence-style gate on 62<sup>nd</sup> Street for emergency access or office access in the future.

**Interested Parties:**

**Mike Myers**, 4619 East 93<sup>rd</sup> Place, Tulsa, Oklahoma 74137, stated that his company owns Mingo Valley Trade Center, which is approximately due north of the subject property. He explained that he is very familiar with the traffic pattern in the subject area and it would make sense to allow the applicant to have access on to 62<sup>nd</sup> Street in order to use the traffic light on 61<sup>st</sup> Street. He commented that by using the back of the lot for storage of automobiles, it will not create a need for access on 62<sup>nd</sup> to do test drives.

**TMAPC COMMENTS:**

Ms. Pace stated that currently the applicant has the exact type of access by using 105<sup>th</sup> Street in order to get to the traffic light. She explained that the Zoning Code prohibits being a commercial use across the street from a residentially zoned neighborhood. She

stated that she is opposed to a crash gate because it would be opened more often than needed.

Ms. Pace stated that she supports staff's recommendation and there should not be an access on 62<sup>nd</sup> Street.

**TMAPC Action; 9 members present:**

On **MOTION** of **PACE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Selph "absent") to recommend **APPROVAL** for the PUD-599; adding that outdoor advertising signs may be permitted by minor amendment, subject to conditions as recommended by staff. (Language deleted by TMAPC is shown as ~~strikeout~~, language added or substituted by TMAPC is underlined.)

**Legal Description for PUD-599:**

Lot 4, 5, and 6, Block 1, Union Gardens, less and except the South 264.08' of Lot 4, Block 1, Union Gardens, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**PUD-598 - Greg Weisz**

West of southwest corner East 47<sup>th</sup> Place South  
And South Birmingham

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

(PD-6) (CD-9)

**Staff Recommendation:**

The PUD proposes three single-family dwellings on 1.30 acres located approximately 750' east of South Lewis Avenue on the south side of East 47<sup>th</sup> Place South. The tract has 185.77' of frontage on 47<sup>th</sup> Place. The proposed development would have a single roadway providing access from East 47<sup>th</sup> Place South. The property is zoned RS-1 and there are single-family homes, zoned RS-1 to the north, south, east and west.

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-598 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-598 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:**

Land Area (Gross):		1.523 acres
(Net):	56,438 SF	1.296 acres
Permitted Uses:	Use Unit 6, Detached single-family residences	
Maximum Number of Dwellings:		3
Minimum Lot Area:		13,000 SF
Minimum Lot Width:		95 FT
Minimum Required Yard:		
Front (Measured from private street right-of-way)		20 FT
Abutting west boundary of PUD		<del>25</del> 30 FT
Abutting south boundary of PUD		10 FT
<u>Abutting East 47<sup>th</sup> Place</u>		<u>30 FT</u>
Minimum Parking Spaces per Lot:		
Enclosed		2
Open Off-Street		2
Other Bulk and Area Requirements per Lot:		As provided within an RS-1 district.

3. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly-owned structures within the PUD.
4. All private roadways shall be a minimum of 18' in width and have a minimum right-of-way width of 22 feet. The driving surface of the private roadway shall be set back at least five feet from the east boundary of the PUD and 100' from the west boundary of the PUD.
5. 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 that relate to PUD conditions.
6. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

7. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC prior to issuance of a building permit.
8. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.

**Applicant's Presentation:**

**Darrin Akerman**, Sisemore and Weisz & Associates, 1602 South Main Street, Tulsa, Oklahoma 74119 stated that there will be a total of three homes on site and each lot will be well beyond the RS-1 zoning. He commented that the development will be a nice development with a landscaped area at the entrance of Atlanta Avenue. There will not be a gate, but a drive in a private roadway fashion.

Mr. Akerman stated that there was a concern about privacy from a property owner south and west of the back lot. He indicated that the concerned property owner is approximately 100 feet beyond the south property line of the proposal. He explained that for a home to be developed on Lot 3, it will add an additional 25 to 30 feet with a total distance of 125 to 150 feet to the south. He stated that the concerned property owner did express a desire to have some mitigation regarding second-story windows overlooking his backyard area. The developer is willing to work out some sort of language to satisfy the concerned property owners.

**Interested Parties:**

**Richard Carpenter**, 2477 East 49<sup>th</sup> Street, Tulsa, Oklahoma 74105, stated that he is the homeowner to the south of the subject project and is satisfied with the developer's willingness to work out his issues and concerns.

Mr. Boyle asked Mr. Carpenter if he is satisfied that he can work out an appropriate agreement with the developer. In response, Mr. Carpenter answered affirmatively.

**Interested Parties:**

**Don Rubottom**, 2450 East 47<sup>th</sup> Place, Tulsa, Oklahoma 74105, stated that his home is immediately west of the subject property. He expressed concerns regarding adequate setbacks and drainage. He explained that an area of some 20 to 30 feet drains to the west and he would like the developer to assure him that there would be some modifications so that the drainage will drain toward the center of the proposed development.

**Pam Dyer**, 2440 East 47<sup>th</sup> Place, Tulsa, Oklahoma 74105, stated that she lives west of the subject property. She explained that she lives in area with four houses that share a common drive, which comes out to East 47<sup>th</sup> Place. She expressed concerns with drainage coming through her back yard. She requested information regarding the square footage of the proposed homes.

**Rita Sullivan**, 2442 East 47<sup>th</sup> Place, Tulsa, Oklahoma 74105, stated she would like more information regarding the proposed homes. She requested the square footage of the homes. She also expressed concerns with drainage. Ms. Sullivan informed the Planning Commission that the City recently resurfaced the streets in her addition and expressed concerns that the developers might be bringing large trucks and traffic on the resurfaced streets.

**Jim Bishop**, 4736 South Atlanta Place, Tulsa, Oklahoma 74105, stated that he lives in the Oaks Addition, which is contiguous to the east of the proposed PUD. He commented that he has lived in the subject area for 18 years. He stated that the proposed development is responsible and consistent with the area. Mr. Bishop indicated that his neighborhood has no objections with the proposal.

**Applicant's Rebuttal:**

**Darrin Akerman** stated that the setback from 47<sup>th</sup> Street will be 25 feet and is in addition to the 25 feet from the center of the street so there will be a minimum of a 50-foot setback and could possibly go as far as a 70-foot setback.

Mr. Akerman indicated that he has contacted Stormwater Management regarding the drainage issues. He stated that he received a letter from Stormwater Management, which states that a fee-in-lieu will be appropriate for the site rather than an on-site detention pond. During a TAC meeting it was stated that a stormsewer pipe will need to be in place and attached to a 60 inch City of Tulsa stormsewer line in the Oaks Addition.

Mr. Akerman stated that the home sizes will be either 2500 SF or 2200 SF as a minimum. The home sizes could be up to 4000 or 4200 SF. He explained that the lots are desirable for 2500 SF and the lots themselves could sell for as much as \$160,000.

**TMAPC COMMENTS:**

Mr. Boyle asked staff if the size of the homes is part of the zoning requirements. In response, Mr. Stump stated that size of homes is not regulated. Mr. Boyle commented that the zoning requirements regulate the size of the lot and these lots are set up within the same criteria as the subject area.

Mr. Stump stated that staff agreed to the setbacks as Mr. Akerman proposed, which is RM-1 and is a 35-foot setback from the right-of-way of 47<sup>th</sup> Place. In response, Mr. Akerman stated he did make a mistake and it is a 35-foot setback, which will be a 60-foot setback total.

Mr. Stump stated that the conceptual plan is indicating a 25-foot setback and it should be 35 feet. He requested the applicant to verify which setback they intend. In response, Mr. Akerman stated that the 25-foot setback was used in the conceptual plan and he will need to confer with the developers.

**Ms. Pace recognized Mr. Rubottom.**

Mr. Rubottom stated that he understands the issue of the storm sewers; however, the storm sewer will only drain the east side of the property and he is still concerned with the west side of the property.

Mr. Westervelt informed Mr. Rubottom that the Planning Commission deals with land use issues and the stormwater drainage issues will be handled during the platting. He suggested that if the interested parties are concerned with the drainage, they should contact the Department of Stormwater Management.

**Applicant's Rebuttal: Continued**

Mr. Akerman indicated that the setback will be 30 feet and that will make it a total of 55 feet for the setback.

Mr. Boyle asked staff if they were agreeable to the 30-foot setback. In response, Mr. Stump stated that a 30-foot setback would be reasonably compatible with the surrounding development.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Selph "absent") to recommend **APPROVAL** for the PUD-598 as amended and recommended by staff. (Language deleted by TMAPC is shown as strikeout, language added or substituted by TMAPC is underlined.)

**Legal Description for PUD-598:**

The E/2, S/2, S/2, NW/4, SW/4 of Section 29, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, less and except the East 373' and the West 100' thereof.

\*\*\*\*\*

**Z-6670 - Jeff Levinson**

West of southwest corner East 91<sup>st</sup> Street and South Yale

**AG to OL & RS-3**

(PD-18) (CD-8)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

**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 OL zoning **may be found** in accordance with the Plan Map and RS-3 zoning **is** in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject property is approximately 34 acres in size and is located west of the southwest corner of East 91<sup>st</sup> Street South and South Yale Avenue. The property is sloping, partially wooded, contains one single-family dwelling, and is zoned AG.

**Surrounding Area Analysis:** The subject tract is abutted on the north across E. 91<sup>st</sup> Street South by single-family dwellings, to the east by condominiums, zoned RS-3/PUD-275; to the south by vacant property zoned AG and owned by the Turnpike Authority; and to the west by a cemetery zoned AG.

**Zoning and BOA Historical Summary:** A cemetery was approved by the Board of Adjustment in 1995 and a two-acre tract located west of the subject tract and fronting on E. 91<sup>st</sup> Street South was approved for OL zoning to allow for a funeral home.

**Conclusion:** The Comprehensive Plan designates this area as Low Intensity – No Specific Land Use which is compatible with the request for RS-3. The requested OL zoning may be found in accordance with the Plan Map. Staff, therefore, recommends **APPROVAL** of RS-3 zoning for Z-6670 and recommends **APPROVAL** of OL zoning for Z-6670 if the accompanying PUD is approved.

**AND**

**PUD-600 - Jeffrey Levinson**

West of southwest corner East 91<sup>st</sup> Street and South Yale

**AG to OL/RS-3/PUD**

(PD-18) (CD-8)

**Staff Recommendation:**

The PUD proposes offices and residential townhouse uses on 34 acres (gross) located west of the southwest corner of East 91<sup>st</sup> Street South and South Yale Avenue. There is a single-family subdivision (Thousand Oaks), zoned RS-2, to the north of the tract, across East 91<sup>st</sup> Street South. PUD-275 is to the east with condominiums adjacent to the proposed office area and single-family homes abutting the proposed townhouses. A 100' wide high-voltage power line easement runs along the east boundary of the PUD. There are cemeteries to the north and west of proposed Area B. The Creek Turnpike borders the entire south boundary. There are approximately three acres of floodplain that extends through the center of Area A. Related zoning case Z-6670 is requesting a change from AG to OL and RS-3.

Access to the PUD would be from 91<sup>st</sup> Street South. Area A would be served by a publicly-dedicated street that runs from 91<sup>st</sup> Street to the gated entrance of Area B. Private streets are proposed from Area B, and an emergency access extending from the northwest corner of Area B to 91<sup>st</sup> Street South is also being proposed.

Development Area A would allow office uses with a maximum floor area of 140,000 SF on 13.50 acres (gross). This would include the approximately three acres of floodplain. Development Area B would allow residential townhouses with a maximum of 123 dwelling units on 20.5 acres.

If Z-6670 is approved and the property is rezoned to OL and RS-3, 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-600 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-600 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):	13.50 acres
Permitted Uses:	As permitted by right within an OL district.
Maximum Floor Area:	140,000 SF*
Maximum Floor Area Ratio per Lot:	.30
Maximum Building Height	two story not to exceed 45 FT**
Minimum Frontage Per Lot:	50 FT
Minimum Building Setbacks:	
From centerline of 91 <sup>st</sup> Street	100 FT
From centerline of non-arterial street	55 FT
From the east boundary of Area A	100 FT
From the west boundary of Area A	20 FT
From the south boundary of Area A	20 FT
Minimum Access Drives Setbacks:	
From the east and south boundaries of Area A	30 FT

Minimum Off-Street Parking Setbacks:  
From the east and south boundaries of Area A 15 FT

Signs:  
Shall comply with the requirements of Section 1103.B.2 of the Zoning Code.

Maximum Access Points onto 91<sup>st</sup> Street: 1

\*If Development Area A is subdivided, floor area shall be allocated by Minor Amendment or the subdivision plat.

\*\*within 100' of Development Area B buildings are limited to one story.

### **DEVELOPMENT AREA B**

Land Area (gross): 20.50 acres

Permitted Uses: Use Unit 7a Townhouse Dwelling

Maximum number of dwelling units: 123

Minimum Building Setback from east boundary of Development Area B: 100 FT

Minimum Off-Street Parking and Access drive setback from east boundary of Development Area B: 80 FT

Other bulk and area requirements per lot:  
As provided within a RT district.

#### Access:

A publicly-dedicated residential collector street with sidewalk on both sides of the street shall extend from 91<sup>st</sup> Street South to the gated entrance to Area B where the public street will end with a minimum of a 38-foot radius paved cul-de-sac. Area B will have private streets and shall include a private roadway meeting the standard contained in condition number twelve extending from the street system in the northwest corner of Area B to 91<sup>st</sup> Street South.

3. A landscaped area of not less than 15 feet in width and a six-foot screening wall or fence shall be provided along the east and south boundaries of Development Area A and along the east boundary of Development Area B. Landscaping throughout the PUD shall meet the requirements of the landscape chapter of the Tulsa Zoning Code. No structures other than parking or access drives shall be permitted in the east 100' of the PUD; also, no bulk trash containers shall be permitted in the east 100' of the PUD.

2. There shall be no development in the regulatory floodplain.
3. No Zoning Clearance Permit shall be issued for a lot within Development Area A of 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. No zoning clearance permit shall be issued for a lot within Development Area B of the PUD until that lot can be served by the private roadway system and emergency access drive meeting the standards of this PUD.
4. A Detail Landscape Plan for each lot in Development Area A shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards. All signs shall comply with the requirements of Section 1103.B.2 of the Tulsa Zoning Code.
6. All trash, mechanical and equipment areas in Development Area A shall be screened from public view by persons standing at ground level.
7. All non-residential parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height. All non-residential lights shall be set back at least 50 feet from Development Area B and the east boundary of the PUD. Parking lot lighting in Area B shall be set back at least 100' from the east boundary of the PUD.
8. The Department 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.
9. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all residential private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.

10. All private roadways shall be a minimum of ~~26'~~ 24' in width, measured ~~face-to-face-of curb or toe-to-toe-of-mountable-curb~~ back-to-back of mountable curbs. 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. The minimum private roadway right-of-way width shall be 30'.
11. 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 or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
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 that relate to PUD conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. Entry gates or guard houses, if proposed, must receive Detail Site Plan approval from TMAPC prior to issuance of a building permit. The gate system and the stacking shall be reviewed by the Traffic Engineer prior to Detail Site Plan approval
15. 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.
16. 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 shall not be used for storage.

**Applicant's Presentation:**

**Jeffrey Levinson**, 35 East 18<sup>th</sup> Street, Tulsa, Oklahoma, 74119, stated that he has met with the Homeowners' Association and they seem pleased that the subject property is going to be developed. He indicated that his client agrees with the staff's recommendation except for one issue. Mr. Levinson submitted a revised development plan, which indicates the one access that staff disagrees with.

**TMAPC COMMENTS:**

Mr. Carnes asked Mr. Levinson if his client is willing to have a private street on the west side. Mr. Levinson stated that he plans to provide an emergency access on the west side. He explained that through Development Area A there is 36-foot wide collector street and at the end of the collector street there is a 38-foot radius for a turn-around. The area directly east of the turn around will remain opened in order to prevent any

congestion. He commented that when he attended the TAC meeting he spoke with the Fire Marshall and he didn't express any concern with the west side access.

Mr. Levinson stated that staff has recommended that the emergency access be a private street measuring 26 feet with 30 feet of right-of-way. He indicated that his client plans to do this in Development Area B. He explained that the strip marked "emergency access only" is not an easement that his client owns, but a 24-foot strip. He commented that because of the topography there are not many development options regarding the access. He stated that the accesses into the townhomes will be double-gated and a large open area has been provided at the base to prevent congestion.

Mr. Westervelt asked Mr. Levinson how he was going to get across the creek with his paving, where will the gates will be located and if the emergency access is located behind the townhouse units. In response, Mr. Levinson stated that the concept plan is subject to change. Mr. Levinson explained that the concept is called a "Dallas style" with alleyways in the back. Mr. Levinson stated that on the main collector street in Development Area A there is a 30-foot corrugated pipe over the main floodplain. Mr. Levinson explained that his client plans to install double 6 x 8 box culverts.

Mr. Ledford stated that he recalls that anything over 300 feet requires a radius of 45 feet for a turn-around. He commented that this is a Fire Marshall requirement. In response, Mr. Stump stated that the TAC minutes indicated that the Fire Marshall requested at least a 38-foot radius on the cul-de-sac on the south end of the collector street.

**Interested Parties:**

**Mike Myers**, 4619 East 93<sup>rd</sup> Place, Tulsa, Oklahoma 74137, stated that the Homeowners' Association has reviewed and discussed the proposal. He indicated that the Homeowners' Association decided that the proposal was a good idea and a good use for the subject property.

**TMAPC COMMENTS:**

Mr. Boyle asked staff if there is a way that the Planning Commission could require that the applicant make the emergency access a street that is not so wide. He commented that the recommendation is to require the applicant to make the access point larger than the street it is accessing. In response, Mr. Stump stated that a 16-foot collector is being connected to 18-foot street. He explained that staff is recommending the larger street because staff is assuming that it will become a four- to five-lane arterial street. It appears that the applicant only has 25 feet of right-of-way and a 24-foot street prohibiting parking will give two 12-foot travel lanes, which are comfortable travel lanes.

Mr. Levinson stated that his client has 24 feet of right-of-way, not 25 feet right-of-way. Mr. Boyle asked Mr. Levinson if he could acquire an additional foot of easement in order to have 25 feet right-of-way. In response, Mr. Levinson stated that his client has tried to acquire more easement but has not been successful. In response, Mr. Stump stated that he would accept back-of-curb to back of curb as being 24 feet.

Mr. Westervelt asked Mr. Levinson where the gate for the emergency access will be located. In response, Mr. Levinson stated that the gate can be installed where the Planning Commission would suggest. He explained that his client owns the access and the gate can be installed anywhere along the emergency access.

Mr. Boyle recognized Mr. Lester Midel, 9113 F South Urbana, Tulsa, Oklahoma 74137, stated that widening East 91<sup>st</sup> Street is not in the near future. He commented that 91<sup>st</sup> Street is congested and there is a school in the subject area. He stated that currently there are no office buildings or construction between Harvard and Yale and this would open it up. He commented that he objects to the office proposal and is in favor of the residential unit.

Mr. Carnes stated that he would suggest a continuation until the street issues are worked out or denial of this case.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** to recommend **CONTINUANCE** of case Z-6670/PUD-600 to January 6, 1999 at 1:30 p.m.

**TMAPC COMMENTS:**

Mr. Boyle stated that he is not in favor of continuing this case. He commented that he would be inclined to approve the proposal with staff's recommendation that the street be a 24 feet back-of-curb to back-of-curb street.

Mr. Carnes withdrew his motion.

Ms. Hill withdrew her second.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Selph "absent") to recommend **APPROVAL** for the Z-6670/PUD-600, subject to the modified recommendation by staff. (Language deleted by TMAPC is shown as ~~strikeout~~, language added or substituted by TMAPC is underlined.)

**Legal Description for Z-6670/PUD-600:**

Tract A: the West 25' of the NW/4, NE/4; and the East 505' of the E/2, NW/4, NE/4, less and except the West 100' of the North 100' and the South 110' of the East 210' thereof, Section 21, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, From: AG (Agriculture District) To: OL (Office Low Intensity District) and Tract B: The N/2, SW/4, NE/4; and the South 110' of the East 210' of the E/2, NW/4, NE/4, of Section 21, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, From: AG (Agriculture District) to RS-3 (Residential Single-family High Density District).

\*\*\*\*\*

**Z-6671 - Guy D. Jones**

West of northwest corner East 11<sup>th</sup> Street and South 117<sup>th</sup> East Avenue

**RS-3 TO AG**  
(PD-17) (CD-6)

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use, development sensitive on the north 1,000’.

According to the Zoning Matrix the requested AG zoning **is** in accordance with the Plan Map.

Staff Comments:

**Site Analysis:** The subject property is approximately ten acres in size and is located west of the northwest corner of East 11<sup>th</sup> Street and South 177<sup>th</sup> East Avenue. The property is sloping, partially wooded, contains a single-family dwelling and accessory buildings, and is zoned RS-3.

**Surrounding Area Analysis:** The subject tract is abutted on the north and east by vacant property, zoned AG; to the west by a riding stable and farm, zoned AG; and to the south across East 11<sup>th</sup> Street by a single-family dwelling, riding stable and farm, zoned RS-1 and AG.

**Zoning and BOA Historical Summary:** The subject tract was approved for RS-3 zoning in 1981 and in 1987 was approved for agricultural uses and a 1,500 square foot accessory building for storage.

**Conclusion:** Based on the Comprehensive Plan, the surrounding zoning and uses, staff recommends **APPROVAL** of AG zoning for Z-6671.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Selph "absent") to recommend **APPROVAL** for the AG zoning for Z-6671 as recommended by staff.

**Legal Description for Z-6671**

The S/2, W/2, W/2, SW/4, SE/4, of Section 2, T-19-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma according to the U. S. Government survey thereof; and the N/2, W/2, W/2, SW/4, SE/4, of Section 2, T-19-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof

\*\*\*\*\*

## **OTHER BUSINESS:**

### **Pud-530 - James E. Graber**

(PD-6) (CD-4)

20<sup>th</sup> and South Lewis  
(Detail Site Plan)

#### **Staff Recommendation:**

The applicant is requesting Detail Site Plan approval to construct a new 37,117 square foot "Y" facility on a 2.43-acre site (gross area). The site consists of a previous YWCA, former residential lots, and a portion of 20<sup>th</sup> Street South (which has been closed).

Staff reviewed the proposal for conformance to the PUD Development Standards approved in 1995; conditions of a Plat Waiver approved in 1996; and, a Minor Amendment approved in 1997.

Staff finds conformance to bulk, area, height, setback, parking access, circulation, site screening, window limitations, total landscaped area, landscaped buffering and exterior lighting standards. Staff also finds conformance to one of the four conditions established by the granting of the Plat Waiver requiring approval by Public Works of the design of the "T" turn around at the end of 20<sup>th</sup> Street South.

The applicant has represented to staff that substantial effort was made to inform and seek acceptance of both the site and landscape plans from residents of the area immediately north and west of the site.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-530 subject to meeting the remaining three conditions outlined in the approval of Plat Waiver:

1. Grading and/or drainage plan approval by Public Works during the permit process.
2. Access control agreement (if required) by Public Works/Traffic during the permit process.
3. Utility extensions and or/easements if required by Public Works during the permit process.

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

#### **Applicant's Comments:**

Jim Graber, representing the "Y", stated that he has submitted all of the paperwork required to the City of Tulsa and the appropriate departments. He indicated that he has applied for his building permit and the City of Tulsa has granted a temporary permit to the contractor who is removing existing foundations.

Mr. Graber stated that he is in agreement with the staff's recommendation.

**Interested Parties:**

**Mary Waller**, 2219 East 19<sup>th</sup> Street, stated that she lives north of the subject property two blocks to the west. She explained that when she looks out her front window she will see the northern and western wall of the proposed "Y". Ms. Waller expressed the following concerns: Would like guarantees in writing that the facility will live up to the historic, PUD, City, aesthetic and good neighbor standards; parking problems, signage or barrier methods to deter their negative impact on safety and traffic on residential blocks; aesthetic solid-brick wall on the second floor western exposure; flyers to remind patrons to use their south parking lot instead of the neighborhood streets; requests numerous signage along northern face of YWCA property and at door to child care center reminding patrons that parking in the neighborhood is not permitted; need to ban two-way parking on 19<sup>th</sup> Street; a barrier wall or fence to compliment the site on far south of YWCA main parking lot; vigilant enforcement of illegal parking; requests two to four planter boxes made of brick along the northern fence; reintroduce windows to the northern one-half of the wall or design shutters compatible to the design of the building.

**Greg Guerrero**, 2223 East 20<sup>th</sup> Street, stated that he has visited with the developer and agrees with the plans. He expressed concern with the possibility of windows being installed, which would face the back of his home. He explained that with the elevation of the building dormer windows would not be a problem, but if there are windows at eye level or above, then he is opposed.

**Applicant's Rebuttal:**

Mr. Graber stated that there have been meetings regarding the proposal for two years and it has been through a PUD and modified PUD. He explained that the window issue was part of the original PUD and the neighborhood requested that there be no windows on the second floor of the west side and therefore it was designed without windows. He stated that in order to have light in the second floor there will be dormer windows installed in the roof. He commented that the dormer windows were a condition of the PUD, and as it stands today it cannot be changed.

Mr. Graber stated that there are no entrances to the building on the north (19<sup>th</sup> Street). He indicated that there is one entrance east of Lewis, which is for the day care facility, and all other entrances are through the south where a large parking lot is located. He stated that a condition of the PUD is that 20<sup>th</sup> Street will be have a "T" at the end of the street and it will control traffic.

Mr. Graber stated that the landscaping plan for the subject property has been through the City of Tulsa for the building permit. He explained that there will be more trees on the north and a low retaining wall. He commented that he expressed to Ms. Waller that as the building progressed there may be a possibility to address plants on the north side. He stated that maintenance of the planters would be extensive.

Mr. Graber indicated that the proposal meets the parking requirement and there will be a large parking lot on the south side of the building. He commented that he cannot control the people south of the subject property from parking in the neighborhood. He explained that there will be a curb across the parking lot to block the adjoining property.

Mr. Graber concluded that the proposal has gone through the Preservation Commission and requests that the project be approved.

**Mr. Boyle recognized Ms. Waller.** Mr. Boyle requested that Ms. Waller not repeat anything she has already stated.

Ms. Waller stated that she does not mean to be repetitious, but there were several of her concerns that were not addressed. She commented that she is not hearing anyone address her concerns that the western side will remain a solid brick wall. She stated that she is not hearing any concrete suggestions about amending the window issue.

Mr. Westervelt stated that when the first application came before the Planning Commission there was a large group of individuals and the window issue was a very important issue. He indicated that the group of individuals did not want to have windows on the west side of the building. He stated that the applicant has gone through great lengths and through the HP process, which is very attentive to detail and they are satisfied with the proposal. In response, Ms. Waller stated she understands the process that the applicant has gone through. She commented that the west side of the building looks like an alley.

Mr. Boyle informed Ms. Waller that the Planning Commission does not have control over the esthetics and it is not part of their function.

Ms. Waller stated that the applicant has a contract maintenance crew that takes care of the lawn and could take care of planter boxes.

Mr. Graber stated that he did not address the shutter suggestion because the President of the YWCA was present at the last meeting when this suggestion was first raised. He indicated that the President of the YWCA was interested and very positive regarding installing shutters, because the YWCA is not happy with a solid brick wall on the west side. He explained that the shutter issue will have to be brought before the Board of the YWCA before it can be committed to. He stated that he is not opposed to planting flowers, but that is something that will also have to be brought before the Board of the YWCA.

Ms. Pace stated that during the HP process the north wall was discussed extensively. She explained that one of the suggestions was to break the long wall look with articulation, which has been done. In response, Mr. Graber stated that the brick was pulled out to give the appearance of windows so that it wouldn't be a flat brick wall. Ms. Pace stated that there will be trees planted as well.

Ms. Pace suggested that the Planning Commission accept the PUD and if the wall continues to look institutional, then at that time they may want to look at some dummy shutters.

Ms. Pace suggested that the Board of the YWCA should investigate the planting of flowers and the dummy shutter issues at a different time.

**TMAPC Action; 9 members present:**

On **MOTION** of **PACE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Selph "absent") to **APPROVE** the Detail Site Plan for PUD-530 as presented.

**TMAPC COMMENTS:**

Mr. Boyle stated that the subject area is an excellent example of a community coming together to take care of neighborhood and developer concerns.

\*\*\*\*\*

There being no further business, the Chairman declared the meeting adjourned at 4:25 p.m.

Date approved: 1-20-99

  
Chairman

ATTEST:   
Secretary

