

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2198

Wednesday, March 24, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle		Beach	Swiney, Legal
Carnes		Huntsinger	Counsel
Dick		Matthews	
Harmon		Stump	
Hill			
Horner			
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, March 22, 1999 at 10:17 a.m., posted in the Office of the City Clerk at 10:07 a.m., as well as in the office of the County Clerk at 10:05 a.m.

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

Mr. Boyle announced that due to the full agenda and a large number of people present, the speakers' time will be limited. Interested parties will be limited to three minutes and presenters will be given 15 minutes. He explained that Mr. Westervelt will keep track of the time and he will give the speaker a red light at the end of their time, which means to cease speaking. Mr. Boyle informed the interested parties that if they could combine some of their comments with those of other representatives in their area, it would be appreciated and time would be lenient for those who combine their comments.

Mr. Boyle stated that a few items will be considered out of order today in order to accommodate schedules.

Minutes:

Approval of the minutes of March 3, 1999, Meeting No. 2195:

On **MOTION** of **HORNER** the TMAPC voted **9-0-1** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of March 3, 1999 Meeting No. 2195.

Approval of the minutes of March 10, 1999, Meeting No. 2196:

On **MOTION** of **WESTERVELT** the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of March 10, 1999 Meeting No. 2196.

Approval of the minutes of March 17, 1999, Meeting No. 2197:

On **MOTION** of **HORNER** the TMAPC voted **9-0-1** (Boyle, Carnes, Dick, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Hill "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of March 17, 1999 Meeting No. 2197.

REPORTS:

Chairman's Report:

Mr. Boyle reported that Item No. 9; Crown Woods (PUD-563) has been stricken from today's agenda.

Committee Reports:

Comprehensive Plan Committee

Mr. Ledford reported that the committee did have a meeting last week. He stated that the committee discussed the new site plan changes for the TU Master Plan, which will be coming forward to the TMAPC soon.

Director's Report:

Mr. Stump stated that there are a few items on the City Council agenda; however, they are not controversial. He informed the TMAPC that staff has scheduled a public hearing for April 14th to consider changes to the Comprehensive Plan as it relates the Major Street and Highway Plan in order to add the Urban Arterial Streets, as well as other housekeeping items. He indicated that the Infill Task Force briefing will be held on April 7th, 1999.

SUBDIVISIONS

CHANGE OF ACCESS ON RECORDED PLAT:

Lot 4, Block 1, - Memorial Oaks Addition

South side East 21st Street, east of South Memorial Drive

Staff Recommendation:

Mr. Beach stated that the Traffic Engineer has reviewed the proposal and finds it acceptable. Staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the Change of Access on Recorded Plat for Lot 4, Block 1, Memorial Oaks Addition as recommended by staff.

Lots 1 & 3, - Interchange Center

Northwest corner East 31st Court and South Memorial Drive

Staff Recommendation:

Mr. Beach stated that the Traffic Engineer has reviewed the proposal and finds it acceptable. Staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the Change of Access on Recorded Plat for Lot 1 & 3, Interchange Center as recommended by staff.

FINAL PLAT:

Southbay (1483)

(PD-18) (CD-8)

East of the southeast corner East 81st Street and South Sheridan Road

Staff Recommendation:

Mr. Beach stated that everything is in order for this plat and staff recommends approval subject to final legal review.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; " Midget absent") to **APPROVE** the Final Plat for Southbay, subject to final legal review as recommended by staff.

Crown Woods (PUD-563) (2083)

(PD-18) (CD-2)

Southeast corner of East 91st Street and South Riverside Parkway

Stricken from the agenda.

Midget in at 1:38 p.m.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Stump if the TMAPC should consider Mr. Sack's three items that are related all at the same time. Mr. Stump recommended that TMAPC consider Z-6673 (Plat Waiver), Z-6673-SP-1 (Corridor Site Plan) and AC-47 (Alternative Landscaping Compliance) at the same time.

Continued Zoning Public Hearings:

Z-6673-SP-1 - Ted Sack

(PD-18) (CD-8)

6336 South 105th East Avenue
(Corridor Site Plan)

Staff Recommendation:

The applicant is requesting Detail Corridor Site Plan approval for a 4.56-acre tract containing a 75,000-square-foot recreational vehicle storage and self-storage facility providing enclosed spaces for both recreational vehicles and traditional mini-storage. Although the proposed storage structures are similar to a mini-storage facility, the Code categorizes the recreational vehicle (truck) storage as Warehousing, NEC (not elsewhere classified). Staff notes that the Corridor District requires a 200-foot setback from the centerline of an abutting arterial, street or service road for commercial buildings and a 100-foot setback for warehouse uses. The Corridor Site Plan conforms to these requirements.

Staff has examined the Detail Site, Sign and Landscape Plans and finds conformance to the requirements of the Corridor District and Landscape Chapters of the Zoning Code except as otherwise noted:

1. The maximum allowed building coverage is 30% of land area. The site plan indicates over 39% coverage. BOA Case 18357 (3/23/99) is requesting approval to allow a 41% maximum building coverage.
2. Street yard landscaping along 105th East Avenue does not contain the required number of street yard trees. In a separate application for Alternative Landscape Compliance approval (AC-047), the applicant is requesting approval to reduce the required street yard trees along 105th East Avenue and, in the alternative, increase the number of trees along South 103rd East Avenue to provide added sight screening for residential uses to the west.
3. 135 SF and 150 SF signs are indicated for each of the two central east-facing building-walls computed at three SF of display area for each wall. Although this signage exceeds the two SF allowed for PUD's in surrounding areas, the applicant is not requesting any additional signage on the site. The applicant has represented to staff that there will be no ground signs or wall signs on the office building fronting on South 105th East Avenue.
4. Staff notes that 105th East Avenue from East 63rd Street South to the south corner of the tract will require resurfacing by the owner of *Citybarn*. The street surface is in poor condition and cannot safely carry recreational vehicles to the site. The paving must meet standards approved by Tulsa Traffic if it is to provide access to the site and meet the Corridor District internal collector requirement.

Staff, therefore, recommends **APPROVAL** of the Detail Corridor Site Plan Z-6673-SP-1 as submitted subject to meeting the platting requirement and the following conditions:

1. Board of Adjustment approval of a variance allowing a 41% maximum building coverage.
2. Approval of AC-047.
3. No ground signs or office wall signs will be permitted on the site. Signage will be limited to two wall signs placed on east facing storage building walls with a maximum display surface area of 135 SF for the north-center building wall and 150 SF for south-center building wall each sign.
4. Approval by Public Works of a paving plan for the entire South 105th East Avenue street frontage and installation of the same before the issuance of an occupancy permit.

AND

AC-047 - Ted Sack

(PD-18) (CD-8)

6336 South 105th East Avenue
(Alternative Landscape Compliance)

Staff Recommendation:

The applicant is requesting Alternative Landscape Compliance for a Detail Corridor Landscape Plan on a 4.56-acre tract containing a 75,000-square-foot recreational vehicle and self-storage facility with accessory office uses.

The applicant's Detail Landscape Plan proposes to reduce the required street yard trees along South 105th East Avenue abutting the Mingo Valley Expressway. In the alternative, the applicant proposes to place these trees along the South 103rd East Avenue street yard abutting single-family dwellings. The applicant has represented to staff a desire to provide a additional sight screening between the storage facility and the residential uses to the west while increasing the exposure of wall signage to the Mingo Valley Expressway.

Staff has examined the request and finds the reduction of five street yard trees along South 105th and the increase of five street yard trees along South 103rd will serve to provide an improved visual buffer between single-family dwellings and the proposed storage uses.

Staff, therefore, recommends **APPROVAL** of AC-047 finding that although not meeting the technical requirements of the Landscape Chapter is equivalent to or better than those requirements.

AND

Plat Waiver for Z-6673 (684)

(PD-18) (CD-8)
6336 South 105th East Avenue

Staff Recommendation:

Mr. Beach stated that the subject parcel was rezoned from RS-3 to CO on February 10, 1999. The rezoning triggered the platting requirement. The waiver is requested primarily because the lot is a portion of a previously platted addition.

Staff comments and recommendation:

The project will require mainline extension of sanitary sewer and water and a probable internal fire line. Right of way dedication will be required along S. 103rd E. Ave. in the southwest portion of the site. These issues can possibly be addressed through mechanisms other than a plat.

The Corridor District designation requires that a site plan be filed and approved prior to processing of the plat. Building permits cannot be issued nor use commenced "except in accordance with a subdivision plat incorporating the provisions of the site plan". One of the purposes of the plat in the case of the CO District is to record the approved

standards of the site plan. The site plan is being considered by TMAPC today (March 24).

Based on the checklist below and the complexities associated with the Corridor District requirements, staff recommends **DENIAL** of the plat waiver.

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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input checked="" 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Is an internal system or fire line required? | <input checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Is an Overland Drainage Easement required? | <input checked="" type="checkbox"/> | <input 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? ✓
 - b) Does the property contain a F.E.M.A. (Federal) Floodplain? ✓

- 8) Change of Access
 - a) 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.? ✓

- 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.

STAFF COMMENTS:

Mr. Stump stated that the applicant received a variance to allow greater than 30% land coverage from the Board of Adjustment on March 23, 1999. The amended site plan indicates the revision for the increase in height for the interior buildings.

APPLICANT'S COMMENTS:

Ted Sack, 111 South Elgin, Tulsa, Oklahoma 74120, stated he is in agreement with the staff recommendation. He indicated that he would concede to the requirement to plat prior to occupancy.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **11-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "absent") to **APPROVE** the Plat Waiver for Z-6673 subject to platting the property prior to occupancy, recommend **APPROVAL** of the Corridor Site Plan for Z-6673-SP-1 subject to conditions as recommended by staff and **APPROVAL** of the Alternative Landscape Compliance for AC-047 as recommended by staff.

REQUEST TO REVISE CONDITION OF PLAT WAIVER:

BOA-18321 (1994)

(PD-17) (CD-5)

10811 East 41st Street South
(Special Exception to allow Use Unit 5)

Staff Recommendation:

Mr. Beach stated that the Planning Commission granted a plat waiver for this property on March 3, 1999. The property has never been platted. Before the plat waiver is considered granted, for the purpose of release of a building permit, all conditions of approval must be met.

The recently adopted policy on plat waivers includes a requirement that an ALTA/ASCM/NSPS Land Title Survey is required to be filed at the County Clerk's office for unplatted properties granted a plat waiver.

The applicant is requesting the TMAPC to relax the requirement for the survey so they can get a building permit and start construction. In the meantime they will have the survey prepared and filed. They would not receive a Certificate of Occupancy until this condition is met.

Staff recommends **APPROVAL** of this request subject to no Certificate of Occupancy being issued until all conditions of the plat waiver are met.

The applicant indicated his agreement with staff's recommendation.

TMAPC COMMENTS:

Mr. Ledford stated that he did have ex parte communication with the applicant. He explained that the communication was to explain the process of a plat waiver. Mr. Ledford concluded that he will be voting on this item.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, the TMAPC voted **11-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the Request to Revise Condition of Plat Waiver for BOA-18321 to allow the requirements of the previously approved plat waiver to be satisfied prior to issuance of a Certificate of Occupancy rather than prior to issuance of a building permit.

* * * * *

Continued Zoning Public Hearings:

PUD-559-A/Z-5888-SP-3 - John W. Moody

(PD-18) (CD-8)

Northwest corner East 91st Street South and South Mingo Valley Expressway
(Major Amendment and Corridor Site Plan)

Staff Recommendation:

PUD-559 encompasses 111.34 gross acres located north and east of the northeast corner of 91st Street South and Mingo Road. The PUD consists of three Development Areas. Development Area A, containing 59 acres, was approved for a hospital on May 29, 1997. Development Area B, containing 42 acres, was approved for multifamily dwellings and in the east 1,364 feet college and university use was permitted on November 3, 1997. Development Area C, containing 7.8 acres was approved for either office or multifamily uses on November 3, 1997. The east 1400 feet of Development Area B has been purchased by Tulsa Community College. The Tulsa Community College southeast campus abuts this portion of Development Area B on the north. Part of Development Area A has been platted for hospital uses but the 91st Street and Mingo Valley Expressway frontage of Development Area A has not been platted. Development Area B also has not been platted.

The subject tract is abutted on the north by Tulsa Community College, zoned AG; to the south by a single-family dwelling and vacant property zoned Co; to the west by vacant land zoned CO; and to the east by the Mingo Valley Expressway, zoned RS-3 and across the expressway is CO-zoned property.

The applicant is requesting a Major Amendment to the PUD and a Corridor Site Plan to allow two outdoor advertising signs. One would be located in the east 100 feet of Development Area B and the other is proposed for Development Area A. The signs would be located on the south Mingo Valley Expressway frontage.

As stated above, the two proposed outdoor advertising signs would be located on parcels that are not platted and are not developed. The proposed locations are within a freeway sign corridor. The proposed sign in Development Area A is to be located 900 feet north of 91st Street South and ten feet west of the Mingo Valley Expressway right-of-way and the sign in Development Area B is shown to be 1250 feet north of the Area A sign and also ten feet west of the Mingo Valley Expressway right-of-way.

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-559-A/Z-5888-SP-3 as modified by staff to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-559-A/Z-5888-SP-3 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:**
All existing requirements of PUD-559 shall continue to apply unless modified below:

DEVELOPMENT AREA A

Add the following permitted uses:	Outdoor Advertising
Maximum Number of Outdoor Advertising Signs:	1
Minimum Distance from the centerline of East 91 st Street South:	900 FT
Minimum Distance from the Mingo Valley Expressway Right-of-way:	10 FT
Other Requirements:	Shall comply with Section 1103.B.2 of the Zoning Code.

DEVELOPMENT AREA B

Add the following permitted uses:	Outdoor Advertising
Maximum Number of Outdoor Advertising Signs:	1
Minimum Distance from North Boundary of Development Area B:	25 FT
Minimum Distance from the Mingo Valley Expressway Right-of-way:	10 FT
Other Requirements:	Shall comply with Section 1103.B.2 of the Zoning Code.

3. Prior to issuance of a building permit for either outdoor advertising sign a Detail Sign Plan must be approved.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **11-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the Major Amendment for PUD-559-A and Corridor Site Plan for PUD-559-A/Z-5888-SP-3 subject to conditions as recommended by staff.

Legal Description for PUD-559-A/Z-5888-SP-3:

A TRACT OF LAND THAT IS PART OF THE SW/4 OF SECTION 18, T-18-N, R-14-E, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE SW CORNER OF THE SW/4 OF SAID SECTION 18; THENCE N 88°58'12" E ALONG THE SOUTHERLY LINE OF SECTION 18 FOR 1,136.02'; THENCE N 01°19'39" W AND PARALLEL WITH THE EASTERLY LINE OF THE SW/4 OF SAID SECTION 18 FOR 78.33' TO THE POINT OF BEGINNING OF SAID TRACT OF LAND, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE MINGO VALLEY EXPRESSWAY; THENCE CONTINUING N 01°19'39" W AND PARALLEL WITH THE EASTERLY LINE OF THE SW/4 OF SECTION 18 FOR 2,051.00'; THENCE N 89°01'17" E AND PARALLEL WITH THE NORTHERLY LINE OF THE SW/4 OF SECTION 18 FOR 1,400.00' TO A POINT ON THE EASTERLY LINE OF THE SW/4 OF SECTION 18, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF THE MINGO VALLEY EXPRESSWAY; THENCE ALONG SAID RIGHT-OF-WAY LINE AS FOLLOWS; S 01°19'39" E FOR 809.84'; THENCE S 15°33'20"W FOR 699.23'; THENCE S 30°38'16" W FOR 312.24'; THENCE S 30°38'15"W FOR 296.47'; THENCE S 83°32'48" W FOR 316.28'; THENCE N 01°01'06* E FOR 31.93'; THENCE N 07°09'49" E FOR 3.40'; THENCE S 88°58'12"W PARALLEL WITH SOUTHERLY LINE OF THE SW/4 OF SECTION 18 FOR 20.75'; THENCE S 01°01'48' E FOR 37.09'; THENCE S 83°32'48"W FOR 140.63'; THENCE S 88°58'12"W FOR 200.25'; THENCE S 87°03'39" W FOR 200.27' TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; **AND** THE NORTH 510.16' OF THE E/2 OF THE SW/4 OF SECTION 18, T-18-N, R-14-E, OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA.

Z-6683 - David B. Dooley

RS-3 to CG

West of northwest corner of I-244 and North 78th East Avenue

Staff Recommendation:

Ms. Matthews informed the Planning Commission that this application was continued in order to allow the applicant time to meet with staff on the possibility of pursuing a PUD. She stated that it is staff's understanding that the applicant plans to pursue alternative zoning. She explained that the Planning Commission will need to take action on this application. The applicant will need to re-advertise if he plans to pursue alternative zoning.

Ms. Matthews stated that staff recommends Denial of the CG zoning.

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity - Residential.

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

Staff Comments:

Site Analysis: The subject property is approximately 2.1 acres in size and is located west of the northwest corner of East I-244 and North Memorial Drive. The property is sloping, non-wooded, vacant and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north and east by single-family dwellings, zoned RS-3; to the west by a non-conforming outdoor movie theatre, zoned RS-3 and RD, and to the south by I-244 freeway, zoned RS-3.

Zoning and BOA Historical Summary: The most recent action in this area granted a special exception use for a public park on property located north and west of the subject tract.

Conclusion: The requested CG zoning is not in accordance with the Comprehensive Plan. The tract is abutted on the north and east by single-family dwellings, zoned RS-3 and a non-conforming drive-in theater zoned RS-3 and RD to the west. Based on the Comprehensive Plan and the existing zoning and development, staff recommends **DENIAL** of CG zoning for Z-6683.

APPLICANT'S COMMENTS:

David Dooley, 1833 North 15th Street, Broken Arrow, Oklahoma 74012, stated that after discussing this case with the staff he has decided to amend his application from CG to RM-1.

TMAPC COMMENTS:

Mr. Boyle asked staff if the Planning Commission could consider the amended request to RM-1. In response, Mr. Stump stated that the applicant will have to go through the zoning process and notice again. He explained that the Planning Commission cannot consider an RM-1 with a CG advertising.

Mr. Dooley stated that he was informed by staff to request for a waiver of any additional application fees. In response, Mr. Stump stated that the applicant will be responsible for the cost for advertising in the newspaper.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **11-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **DENIAL** of the CG zoning for Z-6683 as recommended by staff and apply application fees toward a new application, which the applicant is responsible for re-advertising costs.

Legal Description for Z-6683:

The west 176.75' of Lots 14 and 15 less and except the south 25.00' thereof, all in Broomfield Heights, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

Z-6665 - Mark Polambus

AG to IL

North of northeast corner East 11th Street and South 145th East Avenue (PD-17) (CD-6)

Staff Recommendation:

Ms. Matthews stated that this application was heard previously and the applicant was advised to reapply with a PUD, which has been done.

Ms. Matthews indicated that there have been a couple of current zoning cases in the subject area. She explained that one of the zoning cases rezoned the area northwest of the subject property to IL and another immediately south that was rezoned a node to CS.

Ms. Matthews stated that the Comprehensive Plan has been amended to designate the subject area to medium intensity/industrial land use classification. She explained that currently the subject area is mostly AG with some residential surrounding it. The District 17 Plan does call for medium intensity/industrial land use and this is in accord with the Comprehensive Plan; however, staff is recommending to approve this application and move the line that divides the special district south of this subject property up to the 4th Street extension, which is the northern boundary.

Relationship to the Comprehensive Plan:

As a result of a recent Plan amendment, 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 11th Street South and South 145th 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 CS zoning on the south 286' of the west 537' of a tract located in the northeast corner of East 11th Street and S. 145th East Avenue; this was approved in November, 1998. A previous request was approved for IL zoning on a 119-acre tract located on the southwest corner of East Admiral Place and S. 145th East Avenue from AG in August, 1998.

Conclusion: Based on the Comprehensive Plan, staff recommends **APPROVAL** of IL zoning for Z-6665. Because the TMAPC voted to require a PUD to accompany any requested IL zoning in the area, staff further recommends that the boundary line for the Special District Industrial Area south of approximately 6th Street to 11th Street between approximately 137th E. Avenue to approximately 153rd E. Avenue be relocated north to

approximately the extension of 4th Street. Staff should be directed to prepare an amendment to the District 17 Plan to that effect.

AND

PUD-605 - Tony Farquhar

IL to IL/PUD

North of northeast corner East 11th Street and South 145th East Avenue (PD-17) (CD-6)

Staff Recommendation:

The PUD proposes light industrial uses on a 20-acre tract located north of the northeast corner of East 11th Street and South 145th East Avenue. The subject tract has 660 feet of frontage on South 145th East Avenue. The tract is abutted on all sides by vacant AG zoned property. Related zoning case Z-6665 is requesting a change from AG to IL.

South 145th East Avenue is designated as a Primary Arterial on the Major Street and Highway Plan and would require 120 feet of right-of-way. The conceptual site plan indicates 50 feet of right-of-way measured from the centerline of 145th East Avenue and it should be 60 feet.

The PUD proposes one Development Area with 11 lots. There would be one access onto 145th East Avenue.

If Z-6665 is approved and the property is rezoned from AG to IL 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-605 as modified by staff to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-605 subject to the following conditions:

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

4. **Development Standards:**

Land Area (Gross): 20 Acres

Permitted Uses: As permitted by right within an IL district.

Maximum Building Eave Height: 12 FT

Minimum Building Setbacks:
From north, south and east boundaries of the PUD 75 FT

Maximum Number of Lots:	11
Maximum Access Points onto 145 th East Avenue	1

Signs:

One ground sign is permitted on 145th East Avenue, which shall not exceed 25 feet in height nor 160 SF of display surface area. No other ground signs are permitted.

Wall signs shall comply with the requirements of Section 1103.B.2 of the Zoning Code.

Other Bulk and Area Requirements per Lot: As permitted within the IL District.

5. There shall be no structures other than parking in the regulatory floodplain.
6. All buildings must face the interior street. No building shall face 145th East Avenue.
7. Building material shall be concrete, masonry, or metal. Wood siding shall not be permitted. Metal siding must be painted. The front of each building shall be 100% concrete, or masonry to the eave height.
8. Loading docks may not be located on the front of the building. Docks seen from the street shall be "submerged" with lowered pits (with a drain) for ground level loading only. Raised docks are permitted only in the rear of the building.
9. Required off-street parking spaces and required off-street loading berths shall be located on the lot containing the use for which the required spaces or berths are to be provided.
10. A landscaped area of not less than ten feet in width outside street right-of-way shall extend along the entirety of all abutting street right-of-way, except at points of vehicular access. Landscaping throughout the PUD shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code.
11. 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.
12. A Detail Landscape Plan for each lot except single-family, townhouse and duplex 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.

13. 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.
14. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
15. 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.
16. 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.
17. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC
16. 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.

TMAPC COMMENTS:

Mr. Boyle asked Ms. Matthews if it would be appropriate to move the special district line today or should this be done through a separate plan amendment. Ms. Matthews stated that the special district line would have to be moved through a separate plan amendment.

Ms. Matthews stated that staff has been directed to initiate the action to move the special district line through a separate plan amendment.

APPLICANT'S COMMENTS:

Jeff Levinson, 35 East 18th Street, Tulsa, Oklahoma 74119, stated that the PUD is a straightforward PUD and he is in agreement with staff's recommendation. He reminded the Planning Commission that his client appeared before the Planning Commission on December 16, 1998.

Mr. Levinson stated that the PUD is in accordance with the Comprehensive Plan and requested the Planning Commission to approve the staff recommendation.

TMAPC COMMENTS:

Mr. Carnes asked Mr. Levinson if his client would be able to install masonry entries in an attempt to dress up the entryway. Mr. Levinson stated that he would discuss this issue with his client, but he believes that it is currently provided for a masonry entry.

INTERESTED PARTIES:

Bob Johnson, representing Carol Acres, Radial Heights and the Towers Addition, stated that there are 94 homes in the three residential additions. He commented that the homes range from \$80,000 to \$225,000 dollars in value. Mr. Johnson requested the homeowners to stand for recognition of their attendance and opposition to this PUD.

Mr. Johnson asked if the zoning line would be moved back to its original boundaries.

Mr. Stump stated that the north boundary of the subject property lines up with approximately 4th Street and anything south requesting IL zoning would require a PUD. Mr. Johnson asked if the boundary would be from 4th Street to 193rd. Mr. Stump answered affirmatively.

Mr. Johnson requested that the PUD be denied. He explained that his neighborhood is in the process of dealing with structural damage caused from the blasting at Albertson's project. He stated that the neighborhood has talked with the Mayor's office regarding a Federal grant in order to purchase the subject property to keep as a green area. He explained that the Federal grant would enable the neighborhood to purchase the subject property from the current owners and allow the owners to make a profit on their investments. He commented that the subject property could be used for parks and recreation, which would have a more positive effect on the area.

Mr. Johnson expressed concerns with increased traffic in the area. He stated that the Albertson's warehouse will have 100 trucks a day in and out of their facility.

Mr. Johnson stated that if the Planning Commission does not deny this application, he requested that a continuance be considered for 90 days. He explained that the neighborhood needed 90 days to finish their negotiations with Albertson's for the structural damage. He stated that the neighborhood would like to settle their negotiations with Albertson's before a new developer comes in and starts blasting. Mr. Johnson submitted a letter from Senator Kevin Easley. He stated that Senator Easley is working on legislation in order to change the blasting ordinances.

TMAPC COMMENTS:

Mr. Midget asked Mr. Johnson if the neighborhoods met with the developer during the time that this application was previously delayed. In response, Mr. Johnson stated that the neighborhood had one occasion to meet with the developer and at that time the developer was not interested in filing a PUD. Since then the developer's attorney called

once to see if they could meet in order to make the PUD cheaper by relaxing requirements and the neighborhood didn't see any reason to meet for this issue.

INTERESTED PARTIES COMMENTS:

Mr. James Martino, 14628 East 12th Street, stated that he is representing homeowners in the subject area. Mr. Martino reiterated Mr. Johnson's concerns with structural damage, blasting and traffic.

Mr. Martino stated that 30 years ago the neighborhood was severely shocked by the blasts that were taking place at the cement plant three miles north of the subject area. He explained that he went to the State and asked for help. He stated that the cement plant changed the way that they mined for limestone.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Martino if he had damage to his home 30 years ago when the cement company was blasting. In response, Mr. Martino stated that the neighborhood did not see any damage to their homes. Mr. Martino explained that the cement company was three miles away, but the Albertson's development is ½ mile from the neighborhood. Mr. Martino stated that there are two homes in the subject area with structural damage since the Albertson's development.

INTERESTED PARTIES COMMENTS:

Roger Aires, 14609 East 12th Street, requested the Planning Commission to delay the decision on moving the boundary lines. He explained that currently he is talking to developers and financiers to purchase the subject property. He proposed to develop the subject property into residential if he succeeds in purchasing it. He commented that residential development would be less intrusive.

Mr. Aires stated that his parents' home is one of the homes that have been damaged from Albertson's blasting. He indicated that IL development will be more intrusive to the neighborhood because of the increased traffic and other developments that will follow.

Mr. Jim Doherty, 616 South Boston, Tulsa, Oklahoma 74103, stated that the subject area is a concern to the whole City of Tulsa. He explained that it has been difficult to develop because of the limestone. The properties do not perc for septic systems and it is difficult to install sewer lines because of the limestone. He stated that you literally have to dynamite a sewer line in the subject area for every inch of line. It is not cost-effective for residential development. Recent development in the subject area has shown that the cost of site development for large structures can exceed the land cost.

Mr. Doherty stated that the subject PUD is providing smaller buildings and pad sites. It will be much easier to prepare the land for development. The only blasting would be for sewer lines and it is possible to jack hammer the sewer line in on smaller scales. He commented that there are blasting concerns in the subject area; however, the City of Tulsa has a policy requiring jack hammering wherever possible.

Mr. Doherty stated that the issue of traffic on 145th East Avenue is germane. The City of Tulsa and the State of Oklahoma are currently spending approximately six million dollars to improve Admiral and 145th East Avenue down to the half-section line. Albertson's trucks will be forced out to the north on Admiral, which is the appropriate corridor to the expressway.

Mr. Doherty stated that there is no reason not to approve the subject PUD because it is in accordance with the Comprehensive Plan. He commented that there is a concern of design of circulation in the subject area. The entire section is developed only lightly around the perimeter, except for the southern portion, which is not developed. The conceptual plan does not support circulation to the interior and though it is not before the Planning Commission today, he would like to bring this to their attention. The appropriate access to the subject section is not 11th Street. He explained that 11th Street is more the residential circulation and should continue to be this way. The Comprehensive Plan was recently amended to require PUD's for the southern half of the subject area because of the sensitivity to the residential area. This PUD does accomplish most of the concerns. He stated that smaller building development is the best way to develop the subject area. It is very unlikely that the subject area will perc for septic systems. He commented that the fewer sewer lines that have to go in, the better for the area. If a residential area were to develop on the subject property, there would be a lot of sewer lines and it would be cost-prohibitive and this would prohibit any development on the land, which would cause legal ramifications.

Mr. Doherty concluded that the Comprehensive Plan is correct and designates the appropriate development for the area. He cautioned that access for the entire section should be provided to 145th East Avenue.

Councilor Art Justis, City Council, stated that the six million dollars that Mr. Doherty spoke of has not been received at this time. He explained that the State of Oklahoma has yet to come with their share of the money. He commented that he is not sure that that the improvements to Admiral and 145th East Avenue will happen.

Councilor Justis stated that he is concerned about the blasting in the subject area. He requested a continuance in order to have time to protect the neighborhood. He suggested video taping and taking pictures of homes in the subject area before any additional blasting is done. He stated that this would give the homeowner some comfort, as well as the developer.

TMAPC COMMENTS:

Mr. Midget asked Councilor Justis how long of a continuance would the neighborhood need. In response, Mr. Justis stated that a 60- to 90-day continuance would be appropriate.

APPLICANT'S REBUTTAL:

Mr. Levinson stated that his client started this process approximately six months ago and has been continued since December 1998. He commented that he did not feel that a continuance would be fair. He stated that it would be unrealistic to believe that if this PUD was approved today, that within 30 to 60 days any dirt would be turned on the development. He explained that his client has to go through the platting process, which will address stormwater and traffic issues. A continuance would not be in anyone's best interest.

Mr. Levinson stated that the proposal is consistent with the Comprehensive Plan. The PUD had reduced the proposal to 11 lots, which is not a high-density usage. He stated that in regard to Mr. Carnes concerns with the entryway, his client proposes to install an attractive stone entryway. Mr. Levinson requested the Planning Commission to approve the PUD with the staff's recommendation.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Levinson if he had any response to the traffic concerns expressed by the interested parties. In response, Mr. Levinson stated that his client will work with Traffic Engineering regarding access points.

Mr. Westervelt asked Mr. Levinson if he has reviewed the PUD to see if it will be flexible enough for access adjustments. In response, Mr. Levinson stated that the plan before the Planning Commission is a concept development plan and it was laid out to reduce the visibility or impact on the residences. Mr. Levinson stated that his clients are flexible with regard to access points.

In response to Ms. Pace, Mr. Levinson stated that the sewer would have to be brought to the subject property and the developer will be responsible for the cost. Mr. Levinson indicated that there is a detail site plan and landscape plan required through the normal PUD process.

Mr. Harmon asked Mr. Levinson if he supported the position that the blasting for the subject PUD will be less intensive than it has been for Albertson's. In response, Mr. Levinson stated that obviously, as far as square footage and scale, this project would require less. Mr. Levinson indicated that he is not an engineer and cannot represent the rock formations in the subject area. Mr. Levinson stated that his engineer for the project stated that for a practical matter there is substantial dirt before reaching the rock. The limited purpose of going through the rock will be for the sewer lines.

Mr. Midget asked Mr. Levinson what impact a continuance would have on his client's project. Mr. Levinson stated that a continuance will economically impact his client. Mr. Levinson reiterated that his client started this process six months ago and has already been continued since December 1998. Mr. Levinson stated that eventually this PUD will have to be addressed and any development in the subject area will require blasting. Mr. Levinson stated that this PUD will not be in a better position six months to a year from today.

Mr. Horner stated that he understands the concerns of the homeowners in the subject area and until an assessment can be made of the homes he would be in favor of a 45 day moratorium on blasting and continue this case for 45 days.

Mr. Westervelt stated that he hopes that an assessment is moved forward because the Planning Commission cannot keep the developer in limbo for an indefinite period of time. The bottom line is that any type of development will cause some concern and difficulty in regard to the limestone. Residential development will require more intrusiveness than industrial development. He concluded that he did not want to give any false hope to the residents that nothing will happen in 45 days.

Mr. Boyle encouraged the neighborhood residents to use the 45-day continuance to assess their homes and work out details with the appropriate developers. He commented that he feels that the Planning Commission is not prepared to deny this request after the 45-day continuance.

Mr. Westervelt asked staff to supply a staff recommendation early in advance regarding the change in the boundaries of the special district.

Mr. Ledford stated that the Admiral Place street-widening project is in three phases and the plans have already been designed. The first phase has already bid and the second phase is processing now. He indicated that the money for the project has been difficult to find in order to complete the project. He stated that the street widening is a fast-track project that is being designed to accommodate the needs of the truck traffic on Admiral Place. This is not situation where the City of Tulsa has overlooked the issues because it has been in the design process ever since the Albertson's project was thought of.

Mr. Carnes stated that the subject PUD is appropriate for the subject area and the developer needs the assurance that the 45-day delay is to accommodate the neighborhood.

Mr. Harmon stated that he is not sure what type of assessment the residents are talking about, but full assessment would take longer than 45 days. He commented that it is merely counting cracks in houses then it would only take one week.

Mr. Horner reminded the interested parties and the applicant that the continuance is merely an accommodation and on May 12th the PUD will be heard and acted on. He encouraged the residents to fast track their assessments of their homes.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0**(Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** of Z-6665/PUD-605 to May 12, 1999.

* * * * *

PUBLIC HEARING ON COMPREHENSIVE PLAN AMENDMENTS:

Amending the Tulsa Metropolitan Area Trails Master Plan Map and Text, A part of the Comprehensive Plan for the Tulsa Metropolitan Area.

Staff Recommendation:

Mr. Stump stated that this is the public hearing on the Tulsa Metropolitan Area Trails Master Plan Map and Text. The Planning Commission received a briefing on this proposal two weeks previously. Mr. Stump stated that Keith Franklin will be presenting the proposal.

Mr. Stump reminded the Planning Commission that the public hearing is to amend the Tulsa Comprehensive Plan, which is only a portion of the Trails Master Plan. The Planning Commission's jurisdiction is the area affected by this plan inside the city limits of Tulsa and the unincorporated Tulsa County. There will be a public hearing held by INCOG on the remainder of the study as it is incorporated into the Long-Range Transportation Plan, which will be later in April 1999.

Mr. Stump stated that the proposal is a replacement of the Tulsa Trails Plan that is currently a part of the Comprehensive Plan and only deals with the city limits of Tulsa. The proposal is more comprehensive and inclusive.

Mr. Stump introduced Mr. Keith Franklin.

Staff Recommendation:

Mr. Franklin stated that the proposed project was started in June 1998. He further stated that the funding for the Trails Master Plan was provided through Intermodal Surface Transportation Efficiency Act (ISTEA) funds, which are Federal funds that are passed through the Oklahoma Department of Transportation. This could not have been done without the support of a number of local governments that provided the matching funds necessary for this project. The local governments are as follows: Bixby, Broken Arrow, Jenks, Owasso, Sand Springs, Sapulpa, City of Tulsa and Tulsa County. A steering committee that has been broadly based and active, which includes representatives from the various user groups has guided the process. He stated that he has been pleased and privileged to work with an energetic and capable consulting team in this effort. The consultants are as follows: LandPlan Consultants, Inc. of Tulsa; Greenways Incorporated of Cary, North Carolina, a nationally-recognized trail planning firm; and FHC, Inc. of Tulsa, a local engineering firm

Mr. Franklin stated that the citizens' input was utilized while preparing this proposal. He explained that the draft trail route plan was submitted to the citizens for their review and input on which trails the citizens would like built first. After the meeting the maps were refined and resulted in the proposal before the TMAPC today.

Mr. Franklin indicated that there are 283 miles of off-road trails facilities proposed and 217 miles of new on-road linkages proposed to the trails system. The linkages are less expensive per mile and divided into two phases, which are the near-term (99 miles), and mid-term (approximately the same distance as near term). He explained that the cost for these two phases is estimated to be over four million dollars. He stated that a

priority list of trails and design guidelines were developed, as well as the cost for near-term trails, mid-term trails and long-term trails.

Mr. Franklin stated that recommendations were made for signage, mile markers, nature trails, and directions during this process. He explained that guidelines were developed for safe crossings, underneath expressways, at-grade crossings and underneath major arterials that parallel creeks.

Mr. Franklin stated that the President's Commission on Health and Fitness and the National Institute of Health Sciences has produced two studies in the last twelve months. The studies recommend that if Americans could walk thirty minutes a day, a majority of cancer problems and heart disease could be reduced. He commented that by providing more trail systems for people to walk, this would improve the overall health of American society.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Franklin to explain what constitutes a safe crossing. In response, Mr. Franklin stated that there are several ways to address safe crossings. Mr. Franklin explained that the crossings on the Creek Turnpike Trail, the trail actually crosses underneath the Creek Turnpike and under bridges, which is called a grade separated crossing where there is not potential conflict between the trail user or the automobile. Mr. Franklin stated that the at-grade crossings are difficult on the heavier traveled streets and would like to see a pedestrian-type crossing with lights.

Mr. Carnes out at 2:31 a.m.

Mr. Boyle out at 2:35 a.m.

Mr. Westervelt chaired the remainder of the meeting.

In response to Mr. Harmon, Mr. Franklin stated that part of the recommendation of the Master Plan is to have a minimum ten-foot-wide trail and a centerline stripe. He explained that most people will gravitate toward the right of the centerline and this will make it more efficient to use. He stated that there is a proposal for the Riverparks is to add a separate lane or trail-tread that would separate the pedestrians from the wheel vehicles.

Mr. Horner asked Mr. Westervelt to give a briefing on this proposal. He explained that Mr. Westervelt volunteered many hours to this project. Mr. Westervelt stated that this task force was the most extensive with regard to public meetings and citizen's input. Mr. Westervelt stated that the process was well done and hopes that the Planning Commission will support the proposal.

THERE WERE NO INTERESTED PARTIES WISHING TO SPEAK.

Mr. Westervelt recognized correspondence from an interested party and the record will reflect the correspondence and Mr. Boyle's response to the interested party.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes "absent") to direct the staff to prepare a Resolution adopting the amended Tulsa Metropolitan Area Trails Master Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

* * * * *

ZONING PUBLIC HEARING

Z-6685 - Patsy R. Slagle
1147 and 1153 North Columbia Place

RS-3 to PK
(PD-3) (CD-3)

Staff Recommendation:
Relationship to the Comprehensive Plan:

The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – Residential. The Plan designates the area adjacent to it on the east as an Industrial Special District and the area across Columbia to the southwest as an Industrial Special District.

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

Staff Comments:

Site Analysis: The subject property is approximately 120' x 128' in size and is located north of the northeast corner of East Dawson Road and North Columbia Place. The property is flat, has recently been illegally established as a gravel-surfaced parking lot, and is zoned RS-3. The property is surrounded by a chain link fence with outward-facing barbed wire. Some portion of the fence may also be sheet metal.

Surrounding Area Analysis: The subject tract is abutted on the north and west by single-family dwellings, zoned RS-3; to the east by an industrial facility, zoned IM; to the southwest by an industrial business (with several junked cars on the lot), zoned IM; and to the south by a vacant grass-covered lot, zoned RS-3.

Zoning and BOA Historical Summary: None in this area.

Conclusion: Based on the Comprehensive Plan and the existing zoning and land uses, staff recommends **DENIAL** of PK zoning for Z-6685. (Staff would note that if at some future date, parking is allowed on this or any other property in the area, the applicant must comply with paving, landscape and screening requirements of the Zoning Code.)

APPLICANT'S COMMENTS:

James Unruh, 9 East 4th, Suite 300, Tulsa, Oklahoma 74103, representing the applicant, stated that he understands the technical recommendation from the staff for denial. He explained that the subject lots and the industrial site to the east, Shell and Tube Incorporated, are owned by Pasty Slagle. He indicated several properties in the immediate area that are owned by members of the Slagle family.

Mr. Unruh submitted photographs of the surrounding area as an exhibit. He stated that Shell and Tube leased parking areas from the Railroad, but the area was unimproved and employees experienced frequent car vandalism. He explained that the applicant purchased the subject two lots and cleared them in order for employees to park. He stated that the lots are currently graveled but he his client understands that if this application is approved the lot will have to be paved.

Mr. Unruh stated that a privacy fence was installed for the house to the north, but the owner of the house requested that the fence not be installed all the way across in order to see out of her windows. There is an entrance from Columbia Place and an access from the plant as well. He commented that he advised his client to lock the entrance from the residential street, which he did. The entrance to the subject parking lot is currently from the plant and the residential access has been locked.

Mr. Unruh stated that the staff recommendation referred to some junked cars on the industrial property. This property was purchased last year and the seller never removed the junked cars. He explained that the seller has been given legal notice and the junked cars have now been moved.

Mr. Unruh stated that the purpose for the two subject lots is to give adequate and neat parking for the employees of Shell and Tube. He stated that vehicles park on North Columbia Avenue in front of the residential homes; however, none are Shell and Tube employees. He commented that his client is willing to pave and landscape the lots if this application is passed. Mr. Unruh concluded by requesting the Planning Commission to approve the application.

TMAPC COMMENTS:

Mr. Westervelt asked staff if the application had been accompanied with a PUD would it have any affect on how staff viewed this application. In response, Mr. Stump answered negatively.

INTERESTED PARTIES COMMENTS:

Mary Wortz, 1213 North Columbia Place, submitted a petition signed by seventeen residents in the immediate area opposing the zoning change. Ms. Wortz read the petition. She commented that the residents in the immediate area would request that the application be denied and the zoning remain residential.

Ms. Wortz stated that the subject parking lot is currently graveled and the residents experience dust from the lots. She indicated that the new parking lot has created a hazard for the children in the neighborhood.

Carla George, 1203 North Columbia Place, reiterated that the new parking lot has created a hazard for the children in the neighborhood. She indicated that there is open space in front of the owner's business and doesn't understand why the employees cannot park there. She stated that along Dawson Road the railroad company has parking lots and other businesses use the railroad parking lots. She commented that

she does not understand why the employees do not use the parking lots available through the railroad company.

Ms. George stated that the employees race up and down the residential streets. She commented that the residential streets do not have sidewalks and the children have to walk in the street to and from school. Ms. George stated that the gate to Columbia Place is opened and that the owner has not locked it as mentioned by his attorney.

TMAPC COMMENTS:

In response to Mr. Horner, Mr. Stump stated that staff would not change their recommendation if this application had come in with a PUD. He explained that under the PK zoning the applicant would have to have a screening fence on the north, south and west side, which would prohibit any access onto Columbia Place. The applicant would have to have 25 feet of landscaping on the west side, five feet of landscaping on the north and south side and pave the lots. There would be no further requirements with a PUD than what is before mentioned.

APPLICANT'S REBUTTAL:

Mr. Unruh stated that the lot to the north, the applicant does own this lot and it is to be leveled and used as a vacant lot. After discussion with the City of Tulsa, his client was advised that he will have to fence the lot to the north.

Mr. Unruh stated that the plant sites in the area have been there for many years. He admitted that there is traffic on Columbia Place; however, it is not from Shell and Tube employees because the gates have been locked. The only entrance to the two subject lots is from the Shell and Tube property. Shell and Tube currently has parking on the their property, but it is not sufficient. If the zoning is approved, then the two lots will comply with landscaping requirements and the paving.

Mr. Unruh stated that many of the employees to the other plants use Columbia to avoid a traffic light and curve situation. He indicated that Shell and Tube employees have been instructed to come and go on the plant site and use Dawson Road to Harvard or Lewis.

Mr. Unruh indicated that the railroad parking areas that have been mentioned are dirt areas and dust is raised when used. This application will not damaged the subject area and will cure a parking problem. He indicated that several homeowners on Columbia Place have approached his client regarding purchasing their homes.

INTERESTED PARTIES COMMENTS:

Councilor Roscoe Turner, City Council, District 3, stated that there has not been any communication between the applicant and the neighborhood. He requested a continuance in order to meet with the neighborhood and the applicant. He stated that the area definitely needs the economic development, but the residents are necessary too.

TMAPC COMMENTS:

Mr. Midget asked Councilor. Turner how long of a continuance he would suggest. In response, Councilor Turner suggested a 30-day continuance.

Mr. Unruh stated that he does not know what more his client can do other than meeting the requirements if the zoning is approved. He does not understand what can be accomplished during the continuance.

Mr. Harmon stated that the application seems to be an improvement when keeping with the PK zoning. He further stated that to give the neighborhood and client the opportunity to meet and work out issues is appropriate.

Mr. Horner stated that an improvement for the subject area could be met. He commented that there is substantial dust raised from the railroad right-of-way. He stated that he would support a 30-day continuance.

Ms. Pace stated that she would like to set up a meeting and meet with all interested parties if she is the district liaison. Staff informed the Planning Commission that Ms. Hill is the district liaison.

Ms. Hill stated that she would like to meet with the applicant and the interested parties and requested Councilor Turner to be present. She suggested maybe someone from the Police Department or Traffic Department if there are traffic problems in the subject area.

TMAPC Action; 9 members present:

On **MOTION** of **DICK**, the TMAPC voted **9-0-0** (Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes "absent") to **CONTINUE** Z-6685 to April 21, 1999 at 1:30 p.m.

PUD-221-F - David B. Claybrook

(PD-17) (CD-6)

South and east southeast corner East 41st Street and South 129th East Avenue
(Major Amendment)

Staff Recommendation:

Planned Unit Development No. 221 originally included the 160-acre tract at the southwest corner of East 41st Street South and South 129th East Avenue and was approved by the City on November 9, 1979 (Ordinance No. 14699). The proposal included commercial shopping, offices, multifamily, single-family and open space areas.

Development Area A in PUD-221 is located at the corners of East 41st Street South and South 129th East Avenue and was originally approved for commercial use as allowed within the CS-Commercial Shopping Zoning District. By amendment to PUD-221, processed as PUD-221-A, Development Area A was converted from commercial to multifamily use and a 400 unit multifamily dwelling project has been platted as Observation Point and constructed within the boundaries of Development Area A. PUD-221-A was approved by the Mayor and Board of Commissioners of the City of Tulsa on December 22, 1981 (Ordinance No. 15245).

The south half of Development Area B and all of Development Area D and E have been platted as Quail Ridge, Blocks 1 through 10. Lot 11, Block 9, located at the southeast corner of South 129th East Avenue and East 43rd Place South is approved for OL uses. The remainder of the subdivision allows residential uses.

By amendment to PUD-221, processed as PUD-221-B, Development Areas C, F, G, J and K were further amended. Development Area C, consisting of 20.27 acres was amended to allow 458 units at a density of 22.6 dwelling units per acre. Development Areas F and K were combined to allow 146 detached single-family dwelling units on lots not less than 6,900 SF and 28 duplex dwelling units on 14 lots with a minimum size of 9,000 SF. Development Area G was amended to allow 72 dwelling units with a density of 9.43 acre per unit. Area J was amended to allow 26 dwelling units with a density of 7.95 units per acre.

The applicant proposes major amendments to the PUD as follows:

The North Half of Development Area B (north of East 43rd Place South) This 1.6347 acre tract is to be utilized as commercial with a maximum size of 35,000 SF of floor area. This area is to be platted as Lot 1, Block 1, Grace Acreage Subdivision. The remaining area, 1.37 acres is to be platted as part of Lot 2, Block 1, Grace Acreage Subdivision.

Development Area C, containing 20.27 acres is to be split, the west 7.67 acres to be included in Lot 2, Block 1, Grace Acreage Subdivision to be developed as Church use and the remaining 12.60 acres are to be platted as part Lot 3, Block 1, Grace Acreage Subdivision to be developed as a Private School.

Development Areas F and K were combined in amendment PUD-221-B. The applicant proposes that a part of what was Development Area F containing 5.05 acres be platted as part of Lot 3, Block 1, Grace Acreage Subdivision to be developed as a Private School. The remaining 32.64 acres of Development Area F and K would be unchanged allowing the development of 124 single-family dwelling units and 14 duplex dwelling units with the development standards as approved.

A part of Development Area G containing 2.50 acres would be platted as part of Lot 3, Block 1, Grace Acreage Subdivision to be developed as a Private School. The remaining 5.13 acres of Development Area G would be unchanged allowing 9.16 dwelling units per acre permitted use to be multifamily development including townhouses and patio homes.

A part of Development Area H containing 0.46 acres would be platted as a part of Lot 3, Block 1, Grace Acreage Subdivision to be developed as a Private School. The remaining 2.79 acres would be unchanged allowing institutional use.

Neither the existing PUD standards nor the underlying zoning would allow commercial uses proposed for the unplatted part of Development Area B; therefore commercial uses cannot be considered for this area.

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-221-F as modified by staff to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-221-F subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. All existing requirements of PUD-221 and PUD-221-B as amended shall continue to apply unless modified below.
3. **Development Standards:**

REVISED STANDARDS LOT 1

Land Area (Gross):	71,207 SF	1.6347 Acres
Permitted Uses:		Use Unit 11 uses.
Maximum Building Floor Area:		28,480 SF
Maximum Floor Area Ratio per Lot:		.40
Maximum Building Height:		35 FT
Minimum Building Setbacks:		
From centerline of South 129 th East Avenue		100 FT
From centerline of East 43 rd Place South		50 FT
Minimum Landscaped Open Space:		15% of net lot area
Landscaping:		There shall be a landscaped area at least 10 feet wide along the west and south boundaries of the Development Area. Trees shall be a maximum of 40 feet apart.

Other Bulk and Area Requirements: As established within the OL District.

Signs:

Ground signs are only permitted on the South 129th East Avenue frontage and must be at least 75 feet from a residentially zoned property. They shall also comply with the requirements of the OL zoning district of the Tulsa Zoning Code.

Wall Signs are only permitted on building walls within 300 feet of the centerline of south 129th East Avenue and shall comply with the requirements of the OL zoning district of the Tulsa Zoning Code.

REVISED STANDARDS LOT 2

Land Area (Gross): 11.9129 Acres

Permitted Uses: Church and accessory uses and facilities.

Maximum Building Floor Area: 250,000 SF

Maximum Building Height: 50 FT

Minimum Building Setback:
From centerline of South 129th East Avenue 100 FT
From centerline of East 43rd Place South 100 FT
From abutting Residential Area 100 FT

Minimum Parking Setbacks:
From abutting Residential Area 25 FT

Minimum Driving Isle Setbacks:
From abutting Residential Area 43 FT

Minimum Landscaped Open Space: 20% of net lot area

Signs: As permitted in an R district, except no signs are permitted along the 43rd Place frontage.

Access:

Lot 2 shall only have vehicular access to or from 129th East Avenue or through Lot 3 to 41st Street South. Lot 2 shall not have access to the residential street 43rd Place South. Lot 2 shall contain mutual access to 129th East Avenue from its boundary with Lot 3 for use by uses in Lot 3.

REVISED STANDARDS LOT 3

Land Area (Gross):	24.3747 Acres
Permitted Uses:	Private Christian School and ancillary athletic fields and grounds.
Maximum Building Floor Area:	265,000 SF
Maximum Building Height:	50 FT
Maximum Building Setback:	
From centerline of South 133 rd East Avenue	50 FT
From centerline of East 41 st Street South	100 FT
From abutting Residential Area	100 FT
Minimum Parking Setback:	
From abutting Residential Area	25 FT
Minimum Driving Isle Setback:	
From abutting Residential Area	43 FT
Minimum Landscaped Open Space:	20% of net lot area
Signs:	As permitted in an R District.

Access:

Lot 3 shall only have access to or from East 41st Street South or through Lot 2 to 129th East Avenue. Lot 3 shall not have access to the residential street to the south. Lot 3 shall contain mutual access to 41st Street South from its boundary with Lot 2 for use by uses in Lot 2.

REVISED STANDARDS FOR REMAINDER OF AREA F AND K

Land Area (Net):	32.65 Acres
Permitted Uses:	Single-family detached and duplex dwelling units.
Maximum Number of Units:	
Detached single-family units	124
Duplex dwelling units	14*
Minimum Lot Width:	
Single-family	60 FT
Duplexes	75 FT
Minimum Lot Size:	
Single-family	6,900 SF
Duplexes	9,000 SF
Maximum Building Height:	35 FT
Livability Space Per Dwelling Unit:	
Single-family	4,000 SF
Duplexes	2,000 SF
Off-Street Parking:	As required in the applicable use unit.
Other Bulk and Requirements:	
Dwelling Type	
Single-family Dwelling	As established within the RS-3 District
Duplex Dwelling	As established within the RD district.

*The duplex dwelling units shall be located on the west boundary of revised Area F, across from original Development Areas C and D.

REVISED STANDARDS FOR REMAINDER OF AREA G

Net Area:	223,462 SF	5.13 Acres
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Permitted Uses:	Townhouses, duplexes and customary accessory uses, including clubhouses, pools, tennis courts, etc.
Bulk and Area Requirements:	As established within the RT district for townhouses and within the RD district for duplexes

REVISED STANDARDS FOR REMAINDER OF AREA H

Land Area:	2.79 Acres
Permitted Uses:	Church and school uses as permitted in Use Unit 5 and Townhouses and duplexes.
Bulk and Area Requirements:	
Development Type	
Duplex Dwellings	As established within the RD District
Townhouse Dwellings	As established within the RT District
Other Uses	As established within the RM-1 District.
Signs:	As permitted within the RM-1 District.

4. If a Development Area is subdivided, uses and intensities of uses and development standards shall be established by Minor Amendment.
5. A lot in the revised Development Area H 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.
6. 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.

7. A Detail Landscape Plan for each lot except single-family, townhouse and duplex 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.
10. All nonresidential 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 and single-family developments in the PUD.
13. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.
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 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval and making the City beneficiary to said Covenants that relate to PUD conditions.
16. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC
17. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC prior to issuance of a building permit.
18. 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.
19. There shall be no outside storage of boats, vehicles, trailers or other items. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks, truck-trailers or containers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers or outside containers shall not be used for storage.

APPLICANT'S COMMENTS:

Dennis Kleen, 3422 South 94th East Avenue, Tulsa, Oklahoma 74145, stated that he is the principal of the school. He recommended that Danny Mitchell present and answer questions regarding the application.

Danny Mitchell, 4111 South Darlington, Suite 140, Tulsa, Oklahoma 74135, stated that he is unclear about the access comments from staff. In response, Mr. Stump stated that Lots 2 and 3 could not use the existing streets to the south for access. Mr. Stump stated that the accesses for Lots 2 and 3 would have to go directly out to 129th East Avenue or 41st Street. Lots 2 and 3 will have to provide mutual access to each other so that traffic from the church or the school will have an option of 129th East Avenue or 41st Street.

Mr. Mitchell stated that during the platting hearings the access issues was addressed by traffic and they had recommended one street placement immediately east of Lot 1 as a secondary access point in order to stay out of the subdivision. In response, Mr. Stump stated that would not be allowed. Mr. Stump stated that this application was taken out of order to process the subdivision plat when the actual uses were not permitted in the PUD. Mr. Stump commented that this application is now before the Planning Commission in the proper order.

Mr. Kleen stated that this process has been confusing for him and felt that the school was doing what the Planning Commission required all along. He commented that every time he comes back to the Planning Commission there is something different to do.

Mr. Westervelt informed the applicant that the staff has given a recommendation that gives everything asked for except for the commercial uses and access to the residential collector street system to the south. Mr. Kleen stated that he will not make any further comments and agrees with staff's recommendation.

INTERESTED PARTIES COMMENTS:

Barry Epperson, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, representing an interested party in the immediate area, stated that he has no objections to this application or the recommendations. He commented that the proposal is an appropriate use of the subject property.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes "absent") to recommend **APPROVAL** of the Major Amendment for PUD-221-F, subject to conditions as recommended by staff.

Legal Description for PUD-221-F:

All that part of the NW/4, Section 28, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the official U. S. Government survey thereof, more particularly described as follows, to-wit: beginning at a point in the Westerly line of said NW/4; 1,005.00' from the Southwest corner thereof; thence S 89°55'46" E a distance of 50.00'; thence S 0°04'14" W a distance of 0.00'; thence on a curve left having a radius of 30.00' a distance of 47.12'; thence S 89°55'46" E a distance of 430.00'; thence on a curve to the right having a radius of 169.00' a distance of 170.69'; thence S 89°55'46" E a distance of 123.39'; thence N 72°05'53" E a distance of 500.95'; thence N 30°20'29" W a distance of 27.78'; thence N 59°39'31" E a distance of 50.00'; thence S 30°20'29" E a distance of 48.58'; thence on a curve to the right having a radius of 328.83' a distance of 86.09'; thence S 15°20'29" E a distance of 217.77'; thence S 89°55'46" E a distance of 849.07'; thence N 51°49'14" E a distance of 133.35'; thence S 73°00'00" E a distance of 160.16'; thence S 22°37'14" W a distance of 0.00'; thence on a curve to the right having a radius of 422.75' a distance of 65.24'; thence S 63°00'00" E a distance of 185.01' to a point in the Easterly line of said NW/4, 660.00' from the Southeast corner thereof, thence N 0°00'59" E along the Easterly line of said NW/4 a distance of 1,980.75' to the Northeast corner thereof; thence N 89°59'47" W along the Northerly line of said NW/4 a distance of 2,638.47' to the Northwest corner thereof; thence S 0°04'14" W along the Westerly line of said NW/4 a distance of 1,635.53' to the point of beginning, less and except a tract of land beginning at the Northwest corner of the NW/4, NW/4; thence S 89°59'47" E along the Northerly boundary of said NW/4, NW/4 a distance of 1,134.94' to a point 184.30' from the Northeast corner thereof; thence S 0°00'13" W a distance of 150.00' thence N 89°59'47" W parallel to the Northerly boundary of said NW/4, NW/4 a distance of 225.00'; thence S 29°20'50" W a distance of 750.00'; thence S 51°36'53" W a distance of 630.00'; thence N 89°55'46" W a distance of 50.00' to a point on the Westerly boundary of said NW/4, NW/4 125.33' from the Southwest corner thereof; thence N 0°04'14" E along the Westerly boundary of said NW/4, NW/4 a distance of 1,194.94' to the Point of Beginning.

CZ-251 - Dennis L. Hodo

East of southeast corner East 76th Street North & North 129th East Avenue

AG to RS
(PD-15) (County)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The Owasso Comprehensive Plan, designates the subject tract as Rural Residential Intensity – Development Sensitive.

According to the Owasso Comprehensive Plan's Land Use – Intensity Policies, (3, pg. 5) the areas designated rural-residential intensity may be transitional and may be redeveloped to low intensity uses upon the availability of public services.

The requested RS zoning classification **is not** included in the rural-residential intensity but **would be** included in the low intensity category.

Staff Comments:

Site Analysis: The subject property is approximately 60 acres in size and is located east of the southeast corner of East 76th Street North and North 129th East Avenue. The property is sloping, partially wooded, vacant, and is zoned AG.

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

Zoning and BOA Historical Summary: The most recent rezoning activity in this area, rezoned a 40 acre tract south of the subject tract on the north side of East 66th Street North, from RMH to RE.

Conclusion: The Owasso Comprehensive Plan's Land Use policies state that low intensity development may occur when public services are available. The subject tract is served by Rogers County Water District 3. While septic is available, a sewer main is to be extended between 129th East Avenue and 145th East Avenue north of 76th Street North and this development may be planned to tie into it. A large portion of the subject tract lies within the Elm Creek floodway. Although the Comprehensive Plan indicates that low intensity development may be appropriate if public facilities are available, based on the extensive floodplain and existing large-lot development in the area, staff recommends **DENIAL** of RS zoning for CZ-251. Staff could support **APPROVAL** of RE zoning in the alternative.

TMAPC COMMENTS:

Mr. Westervelt asked staff if the Owasso Planners have given any direction as to their feelings on this matter. In response, Ms. Matthews stated that Owasso has given no direction at this time.

Ms. Pace asked staff to explain the density between RS and RE in Owasso. In response, Mr. Stump stated that RS is approximately five units to the acre and RE is approximately under two units to the acre.

In response to Mr. Jackson, Ms. Matthews stated that the Owasso Planner indicated that there are plans to bring the sewer north of 76th Street, which will be close enough for the applicant to tie into. Ms. Matthews indicated that at this time she does not know when the sewers will be in the immediate area, just that it would happen in the near future.

APPLICANT'S COMMENTS:

Noble Sokolosky, 12340 East 86th Street North, Owasso, Oklahoma 74055, stated that the City of Owasso has negotiated with his clients and partners for an easement to place an Elm Creek Interceptor sewer line. He explained that the pipe has been laid and is currently on the subject property. He expressed his surprise that the City of Owasso has not indicated their position on the subject application. He explained that during the negotiations with the City of Owasso, he negotiated three taps per acre.

Mr. Sokolosky stated that if a formal position from the City of Owasso would assist this application, he would ask for a continuance in order to achieve that. The sanitary sewer line is in place and would benefit the neighbors to the north and east.

Mr. Sokolosky stated that because of the floodplain his lot yield will be higher than less than two units an acre. He explained that approximately 1/3 of the north 40 acres is currently in the Elm Creek floodplain. Traffic flow and impact will be similar to RS-1 and a RE development.

TMAPC COMMENTS:

Mr. Westervelt asked the interested parties if a continuance would be a difficulty. In response, the interested parties expressed their objections to a continuance.

INTERESTED PARTIES COMMENTS:

Arly and Jeannie Owens, 13217 East 73rd Street North, Owasso, Oklahoma 74055, stated that his property adjoins the subject property on the west boundary. Mr. Owens indicated that his main concern is with Elm Creek and flooding. He submitted photographs of the creek and flooding caused from the creek. He expressed concerns with the number of homes that will be developed on the subject property and how it will impact the water runoff.

Mr. Owens expressed concerns with the blasting taking place. They questioned how much blasting is to be done to develop the subject property. He asked how the residents will access their property.

Mrs. Owens stated that there is a rock quarry near the subject property and the residents will be subjected to blasting, dust and decrease in the value of their homes.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. and Mrs. Owens what their particular problem with the request for a continuance in order to obtain more information from the City of Owasso. In response, Ms. Owens stated that she is on Spring Break this week and could not attend another hearing later in the month.

Mr. Westervelt acknowledged a letter from Ms. Lorene Reynolds opposing the subject application.

Mr. Horner asked Ms. Owens what the significance is regarding the rock quarry and the subject application. In response, Ms. Owens stated that the subject property is within 1/2 mile of the rock quarry. Ms. Owens explained that the new homes will be subjected to blasting and possible damage to their homes.

INTERESTED PARTIES COMMENTS:

David Tittle, 13331 East 76th Street North, Owasso, Oklahoma 74055, stated that he is concerned with the increase in traffic. He commented that there have been several fatalities on 76th Street North.

TMAPC COMMENTS:

Mr. Stump informed the Planning Commission that the County Building Inspector submitted a letter opposing the zoning change. Due to floodplain maps the inspector is opposing zoning changes. The Inspector indicated that the applicant must submit plans prior to any earth change and will be required to file for floodplain permits with the County Inspectors office. No building or development permits within the floodway.

APPLICANT'S REBUTTAL:

Mr. Sokolosky stated that he would meet any FEMA requirements if he chooses to go within the floodplain area. He requested the Planning Commission to continue this application in order to visit with the planner for Owasso.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes "absent") to **CONTINUE** zoning case CZ-251 to April 14, 1999 at 1:30 p.m.

Z-6687 - Donald Copeland

South of southwest corner East Pine Street & North Garnett

RS-3 to CG

(PD-16) (CD-6)

Staff has requested a continuance to April 7, 1999 in order to provide a new notice.

This Item was stricken from the agenda.

Z-6686/PUD-604 - Darin Akerman

South of southwest corner East 81st Street and South Sheridan

AG to RE & AG to RE/PUD

(PD-18) (CD-8)

Staff Recommendation for Z-6686:

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – No Specific Land Use and Development Sensitive on the north 300’.

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

Staff Comments:

Site Analysis: The subject property is approximately 35.9 acres in size and is located south of the southwest corner of East 81st Street South and South Sheridan Road. The property is sloping, wooded, vacant and zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north by a single-family dwelling, zoned AG and apartments, zoned RS-3, RM-0 and PUD/271-A; to the west by a private school, zoned AG; to the south by Hope Unitarian Church, zoned AG; and to the east, across Sheridan Road, by single-family dwellings, zoned RS-3.

Zoning and BOA Historical Summary: Properties to the east and the south have been approved for single-family development.

Conclusion: The subject tract is within an area that is designated Low Intensity by the Comprehensive Plan. Based on the surrounding land uses, existing zoning and development in this area, staff can support the request and recommends **APPROVAL** of RE zoning for Z-6686.

AND

Staff Recommendation for PUD-604:

The PUD proposes a gated residential development with 20 lots on 35 acres located on the west side of Sheridan Road approximately 1/4 mile south of East 81st Street South. The tract has 660 feet of frontage on Sheridan Road and proposes a 60-foot wide access that would extend 660 feet north to East 81st Street South. The proposed lots would range in size from approximately 0.65 to 5.50 acres.

A significant portion of the north face of the existing slope has grades that are in excess of 20 percent. The current concept plan indicates roadway alignments that may include steep gradients. The applicant should address vertical alignments. There will be a detention requirement for the PUD and a possible offsite requirement to convey water to a public drainage system. The unplatted property to the south of the subject tract will be landlocked from water. The attached conceptual plan makes serving water to the unplatted property extremely difficult and costly. Because of the existing slope and water line the conceptual plan will not reflect the actual layout of streets and lots.

The subject tract is abutted on the north by a single-family dwelling zoned AG and apartments zoned RS-3, RM-0 and PUD-271-A; to the west by a private school (Holland Hall) zoned AG; to the south by Hope Unitarian Church zoned AG and to the east across Sheridan Road by single-family dwellings zoned RS-3. The surrounding area is developed and there is no need for stub streets to these tracts.

Related zoning case Z-6686 is requesting a change from AG to RE.

If the applicant address the vertical grade of the streets, water distribution needs and if Z-6686 is approved and the property is rezoned from AG to RE 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-604 as modified by staff to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-604 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):	35.941 acres
(Net):	35.115 acres

Permitted Uses:	Use Unit 6, detached single-family residences.
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Maximum Number of Dwellings:	20
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Minimum Lot Area:	28,314 SF
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Minimum Lot Width:	125 FT
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Minimum Required Yard:	
From centerline of South Sheridan Road	85 FT

From other exterior boundaries of the PUD	25 FT
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Front (measured from private street right-of-way)	35 FT
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From interior lot lines	15 FT
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Minimum Parking Spaces per Lot:	
Enclosed	2
Open Off-Street	2
Maximum Building Height:	35 FT*
Other Bulk and Area Requirements per Lot:	As provided within an RE District.

*Architectural decorative elements such as chimneys and cupolas may extend to a maximum height of 45 feet; however, no habitable portion of any dwelling may exceed the 35 feet height limitation.

3. 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.
4. 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.
5. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent.
6. 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
7. 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.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC

- 9. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC prior to issuance of a building permit.
- 10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
- 11. The proposed water distribution system shall be approved by the Public Works Department.

There were no interested parties wishing to speak.

Applicant's Comments:

Darin Akerman, 1602 South Main, Tulsa, Oklahoma 74103, stated that he realizes that there are concerns with the gradients of slopes on the roadways. He indicated that for the conceptual PUD plan the road alignments are shown, which has been refined. He explained that he is doing his best to get down to 10%. There will be retaining walls where necessary and the modifications of the roads in order to get to the required level.

Mr. Akerman indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes "absent") to recommend **APPROVAL** of the RE zoning for Z-6686 and PUD-604 subject to conditions as recommended by staff.

Legal Description for Z-6686/PUD-604:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (SW ¼ NE ¼ NE ¼) OF SECTION FIFTEEN (15), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (N ½ SE ¼ NE ¼) AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (N ½ SW ¼ SE ¼ NE ¼) OF SECTION FIFTEEN (15), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND EASEMENT TRACT DESCRIBED AS: THE WEST 60 FEET OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, T-18-N, R-13-E OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U. S. GOVERNMENT SURVEY THEREOF.

Midget out at 3:40 p.m.

Staff Recommendation:

The PUD proposes 15 dwelling units on 30 acres of land located on the west side of South Union Avenue, approximately 1100 feet south of West 71st Street. The site lies on the north and west face of a heavily wooded hillside, bounded by a portion of the back nine holes of the Stone Creek (Page Belcher) Golf Course. The property is abutted by recent residential development on the south consisting of large lots (2.5 acres or larger) and older traditional ranch style homes on rural acreage of varying size. West, across the Stone Creek Golf Course, is a recent development of 72 acres subdivided into 13 lots, designed for homes. North across West 71st Street is a large RS-3 residential subdivision surrounding the balance of the Page Belcher complex, known as West Highlands.

The property is presently zoned RS-3/PUD-0-159 (approved by TMAPC June 5, 1974) and was approved as Cluster Area 2 allowing 230 dwelling units. The tract was originally proposed to be a subsequent phase of the West Highlands subdivision. The nature of the topography, rocky soil and dense tree cover does not lend itself well to densities allowed under the existing zoning. Similarly, limited access from South Union would limit the density of development.

The development concept is to retain the heavily treed, secluded nature of the site, creating ten lots of varying dimension and area for the development of homes similar to those recently developed north of the site and those within the Nichols Creek Subdivision. Access is from South Union Avenue by way of a private loop street, which will meander along the top of the hill, allowing all lots to have golf course frontage and views. The street will be buffered from the abutting large lot residential development to the south by a reserve of natural trees and vegetation. It is proposed that a maximum of two dwellings per lot be allowed on five of the lots.

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-606 as modified by staff to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-606 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 1; CONSISTING OF LOTS 1 THROUGH 5, BLOCK 1
PROPOSED ANGEL WING ADDITION

Net Area: 6.39 acres

Permitted Uses: Detached single-family dwellings

Maximum Dwellings Units : 5

Maximum Number of Dwelling Units Per Lot: 1

Maximum Building Height: 35 FT, measured at the street elevation*.

Other Bulk and Area Requirements per Lot: As provided within an RS-1 district.

DEVELOPMENT AREA 2; CONSISTING OF LOTS 6 THROUGH 10, BLOCK 1
PROPOSED ANGEL WING ADDITION

Net Area: 17.31 acres

Permitted Uses: Detached single-family dwellings and duplex dwellings.

Maximum Dwelling Units: 10

Maximum Number of Dwelling Units Per Lot: 2

Maximum Building Height: 35 FT, measured at the street elevation*

Other Bulk and Area Requirements: As provided within the RS-1 district.

DEVELOPMENT AREA 3: CONSISTING OF RESERVE AREAS A, B AND C

Net Area: 6.6 acres

Permitted Uses:

Reserve A:

Limited in use to utility easement, common area open space and landscaping.

Reserve B:

Limited in use to utility easement, common area parking, common area open space and landscaping.

Reserve C:

Limited in use to private street and utilities easement, common area parking, common area open space and landscaping.

Street Design:

The private street shall be designed to City of Tulsa Standards, except that no curb and gutter will be constructed unless need for control of stormwater runoff.

*Note: Building heights may vary and may exceed 35 feet on portions of the lot which lie below the elevation at the front building line.

3. The north portion of the PUD abutting Page Belcher Golf Course that is in the regulatory floodplain shall be ~~dedicated as a reserve~~ determined to be easement or reserve area during the platting process.
4. 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.
5. 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.

6. All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured edge of paving to edge of paving. 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.
7. The City shall inspect all private streets and certify that they meet City standards (except curbs if not used) 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
8. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval and making the City beneficiary to said Covenants that relate to PUD conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC
10. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC prior to issuance of a building permit.
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.

APPLICANT'S COMMENTS:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing the applicant, stated that there is only one part of the staff recommendation that raises a question. In regard to the northern boundary of the subject property, which is one of the lower points of the property, identified that there may be some regulatory floodplain. The staff recommendation is that the north portion of the PUD abutting Page Belcher Golf Course (that is in the regulatory floodplain) shall be dedicated as reserve. If there is any regulatory floodplain in the northern portion it is minor and is at the rear of the lot and would like to reserve how this portion would be handled, whether it might be a drainage easement to the City or an actual reserve. He explained that a decision on who is the owner and what is to be done with the portion that is indicated as reserve would have to be made. He suggested that this issue be settled during the platting stage.

Mr. Stump stated that staff has no problem with the issue regarding the reserve be decided during the platting stage.

Mr. Johnsen stated that he is in agreement with staff's recommendation, except for the before mentioned issue.

INTERESTED PARTIES COMMENTS:

Ronald Beasely, 7710 South Xenophon Avenue, Tulsa, Oklahoma 74126, stated that he has some questions and hopes that the Planning Commission can direct him to the correct source. He explained that he is preparing to install a three-tank septic system on his property to eliminate a sand filter system that is at the end of its life expectancy.

Mr. Beasely stated that he understands that the proposed development has sewage facilities on the western border. He explained that before he invested in an expensive septic system he would like to know if there is anyway that he could possibly tie into the public sewer system.

TMAPC COMMENTS:

Mr. Westervelt suggested that Mr. Beasely discuss this issue with Mr. Johnsen and Mr. Bolzle. He stated that if these two gentlemen cannot answer your questions, then perhaps he should contact the Department of Public Works for the City of Tulsa.

INTERESTED PARTIES COMMENTS:

Robert Polson, 2007 West 77th Street, stated that he lives north of the subject property. He commented that he has no objections to the proposal. He expressed concerns with the proposal having private streets. Inaudible.

Mr. Polson asked if there was anyway that the sewer system could be extended to his home.

TMAPC COMMENTS:

Mr. Stump stated that the previously approved tract of land that Mr. Polson is concerned with had only 25 feet of frontage on the street to the west. He explained that a person purchased the property and came before the Board of Adjustment for a variance from the 30-foot frontage requirement to 25-foot frontage in order to obtain a permit to build a single-family dwelling. Mr. Stump stated that the owner of the tract represented to the Board of Adjustment that he had no plans to ever develop the tract with anything other than a single-family home. He commented that he cannot see where there would be tie in between a road on the previously approved tract and a street on the proposed tract of land. He explained that the previously approved tract has severe topography problems and there will not be a road anywhere near the southern boundary.

Applicant's Rebuttal:

None.

TMAPC COMMENTS:

Mr. Westervelt requested that Mr. Johnsen have his engineer give any advice he can in regard to the sewer to the adjacent neighbors.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Midget "absent") to recommend **APPROVAL** of PUD-606 subject to conditions as modified and recommended by staff. (Language deleted by staff is shown as strikeout, language added or substituted by staff when modifying their recommendation is underlined.)

Legal Description for PUD-606:

A tract of land lying in the NE/4, NE/4 and the W/2, NE/4 of Section 10, T-18-N, R-12-E, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: beginning at the Southeast corner of said NE/4, NE/4, thence N 89°58'00" W along the South line of said NE/4, NE/4 a distance of 1,322.25' to the Southwest corner of said NE/4, NE/4, thence S 00°22'42" W along the East line of said W/2, NE/4 a distance of 509.93', thence S 56°36'08" W a distance of 597.78' to a point in the boundary of the Page Belcher Golf Course, a Subdivision in Tulsa County, State of Oklahoma, thence N 12°20'00" W along the boundary of said Page Belcher Golf Course a distance of 681.00', thence N 07°20'00" E along the boundary of said Page Belcher Golf Course a distance of 782.00', thence N 72°10'00" E along the boundary of said Page Belcher Golf Course a distance of 463.00', thence S 64°30'00" E along the boundary of said Page Belcher Golf Course a distance of 855.00', thence S 49°00'00" E along the Boundary of said Page Belcher Golf Course a distance of 279.40', thence S 89°40'00" E along the boundary of said Page Belcher Golf course a distance of 448.19' to a point on the East line of said NE/4, NE/4, thence S 00°21'20" W along the East line of said NE/4, NE/4 a distance of 190.49' to the Southeast corner of said NE/4, NE/4 and the point of beginning.

Mr. Ledford announced that he will be abstaining from PUD-578-2.

PUD-578-2 - John Livingston

(PD-26) (CD-8)

North of the northwest corner East 111th Street and South Memorial
(Minor Amendment)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to allocate a portion of the allowed building square footage and signage for a 44,855 square foot tract within Development Area A. The applicant is preparing a subdivision plat for a retail facility on the tract within Development Area A and is proposing an allocation of a maximum building floor area of 7,500 square feet and a 25 foot tall ground sign with a maximum display surface area of 160 square feet.

Staff notes the maximum aggregate commercial floor area approved for Development Area A is 150,000 square feet within 17.07 acres. Two ground signs were approved along both South Memorial and East 111th. Each of the four signs was allocated 160 square feet of display area and a maximum height of 25 feet.

Staff finds the request maintains the character and intent of the original approval and has been approved by the controlling landowner. Staff, therefore, recommends **APPROVAL** of PUD-578-2 as submitted subject to the following conditions:

1. Submission to TMAPC of written concurrence and approval of PUD-578-2 by the controlling owners of the remaining commercial area within Southern Crossing as a condition of Detail Site Plan approval.
2. TMAPC approval of a Subdivision Plat incorporating the approved standards and specifications of PUD 578 including the allocation of floor area and signage per this approval.

APPLICANT'S COMMENTS:

John Livingston, 2021 South Lewis, Suite 450, Tulsa, Oklahoma 74104, submitted letters from the owners of the other two tracts, which consents to the amendment. He stated that with these letters submitted he hopes that the first condition of the staff recommendation can be eliminated.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-1** (Dick, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Boyle, Carnes, Midget "absent") to **APPROVE** Minor Amendment for PUD-578-2, subject to conditions as recommended by staff.

* * * * *

PUD-207-17 - Arthur Paul
6410 East 96th Street
(Minor Amendment)

(PD-26) (CD-8)

Staff Recommendation:

The applicant is requesting Minor Amendment recognition of the side-yard setback of an existing structure built within a 17.5-foot utility easement and approval of a reduction in the rear yard setback from 25 feet to 17.5 feet to permit a room addition.

Staff has examined the request and finds the plot plan submitted with the application indicates the northwest corner of an existing structure was built approximately 2.5 feet into a 17.5 utility easement. The applicant has represented to staff that the dedicated easement within the rear yard of Lot 6 was 15 feet prior to the Resubdivision of Block 8. The construction of the dwelling occurred shortly after the filing of an amended plat for Block 8. The builder failed to recognize the revision of the utility easement from 15 feet to 17.5 feet.

Staff has also reviewed the request to reduce the rear setback from the 25 feet required in RS-2 Districts to 17.5 feet to permit construction of a room addition. Staff finds the shape of the lot and the placement of the existing dwelling limit the building area. The proposed addition, however, abuts a detention reserve area and does not encroach on

abutting properties. Finally, the room addition does not reduce the livability space standards below the minimum 5,000 square feet required in the RS-2 District.

Staff, therefore, recommends **APPROVAL** of PUD-207-17 per the submitted plot plan finding the reduction of the rear yard setback will have a negligible effect and does not substantially alter the character or intent of the original approval subject to the following condition:

Encroachment of the existing dwelling into the 17.5 utility easement is not allowed by this approval. Any conflicts with providers of underground utilities are to be resolved by the property owner and the utility provider. This approval, however, recognizes the encroachment but cannot make it part of the current approval.

There were no interested parties wishing to speak.

Applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **HILL**, the TMAPC voted **8-0-0** (Dick, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Midget "absent") to **APPROVE** per submitted plot plan, the Minor Amendment for PUD-207-17 subject to conditions as recommended by staff.

PUD-567-2 - James Adair
7310 South Garnett
(Minor Amendment)

(PD-18) (CD-8)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to allow a 32 square foot backlit wall sign on the south facing metal fascia panel of a 4,250 square foot retail dry cleaning facility. The approved development specifications prohibit wall signage on south or west facing building walls in Development Area E. Development Area E abuts a multi-family development. One 25 foot high ground sign is allowed in the Development Area along South Garnett with 120 square meet of display area located at least 150 feet north of the south boundary of Area E.

Staff has examined the request and finds approval has been granted for metal backlit fascia signage for the east and north facing panels of the building. Approval has also been given for one 22-foot high ground sign with 72 square feet of display area. The ground sign has not been erected and the applicant has represented to staff that they will eliminate the ground sign if they are allowed to place a 32 square foot wall sign on the south facing metal fascia.

Staff finds the proposed south facing signage to be 124 feet from the north facing building wall of apartments to the south. The apartment facilities effected consist of garages and a 40-foot section of a two-story apartment structure according to the approved Detail Site Plan. A gated entryway with landscaping lies midway between the proposed signage and the north facing 40-foot apartment wall.

Staff is of the opinion that the proposed signage is of minimal size consisting primarily of a business logo with 10 square feet of copy on a dark background and separated by sufficient distance to produce negligible effects on the abutting apartments. The elimination of the 22 foot high lighted ground sign from the Garnett frontage as a trade off for the proposed wall signage significantly reduces the signage visible from the multi-family units closest to the dry cleaners.

Staff, therefore, recommends **APPROVAL** of PUD-567-2 as submitted per the attached sign plan and application modifying the original approval for Development Area E as follows:

ALLOWED SIGNAGE, DEVELOPMENT AREA E

No ground signs are allowed in Area E.

Wall signs shall be permitted not to exceed 2.0 square feet of display surface area per lineal foot of building wall to which attached. No wall signs will be allowed on the west faces of a building or canopy.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **HILL**, the TMAPC voted **8-0-0** (Dick, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Midget "absent") to **APPROVE** the Minor Amendment for PUD-567-2 subject to conditions as recommended by staff.

Midget in at 3:55 p.m.

OTHER BUSINESS:

PUD-287 - Mary Womble
6922 South Utica Avenue
(Detail Site Plan)

(PD-18) (CD-9)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 6,305 square foot church and related activity center on 1.72 net acres. Recent changes to the Tulsa Zoning Code allow church uses within OM Districts.

Staff has examined the request and finds conformance to the bulk and area, building square footage and height, setback, circulation and total landscape area development specifications of PUD-287. Staff, however, is of the opinion that the site plan does not meet the Use Unit 5 parking requirement for church uses. The placement of a trash dumpster along Utica Avenue and the lack of details about enclosure materials also concerns staff.

The Code requires 1 space for each 35 SF of building floor area used as chapel or sanctuary. The traditional identification of the largest assembly area as sanctuary or worship area is used when computing the parking requirements contained in Section 1205 of the Code. The largest assembly area shown on the subject site plan is a *fellowship hall* and would dictate the required parking. The 2,764 SF fellowship hall requires the provision of 79 parking spaces. The applicant, however, has represented to staff that the fellowship hall is to be used as a community center and not for worship. Community center uses within Use Unit 5 require 1 parking space for each 500 SF of building floor area.

Although the applicant indicates a worship area of 968 SF requiring 28 parking spaces, it is conceivable that intensive congregational uses of the 2,764 SF fellowship area could place parking demands on the site which cannot be met with the 38 parking spaces located on Lots 5 and 6 as shown on the plan. Staff interpretation of the Code is that the largest assembly area should be used to determine required parking for church uses.

Staff notes that the building appears to be situated on Lot 6. A cross parking agreement approved in 1986 providing ten spaces to be shared between users of Lot 4 and 5 does not provide any parking for buildings on Lot 6. An existing building on Lot 4 is currently utilizing the ten spaces to meet the required parking. According to the agreement and related Minor Amendment these spaces are only to be shared with a building located on Lot 5.

Staff, therefore, recommends **DENIAL** of the Detail Site Plan for PUD-287 finding the parking requirements of the Code cannot be met.

If, however, the Commission recommends Detail Site Plan approval for PUD-287 staff would then suggest the following conditions:

1. A lot tie agreement be submitted to TMAPC for approval and duly recorded as a condition of site plan approval.

2. Revision of the site plan relocating the dumpster behind or to the side of the building and, further, indicating details of the materials to be used to construct the enclosure.

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

TMAPC COMMENTS:

Mr. Westervelt stated that it might be germane to refer this issue to be referred to the appropriate committee for some consideration.

APPLICANT'S COMMENTS:

Danny Mitchell, 4111 South Darlington, Suite 140, Tulsa, Oklahoma 74135, representing applicant, stated that staff has voiced their concern regarding what the Code states.

Mr. Mitchell submitted a letter from the Tulsa Jain Center as an exhibit. Mr. Mitchell summarized the letter by stating that the worship center is strictly where the center's worshipping takes place. All other events are held in the larger room or fellowship hall. He stated that the worship center is comprised of 968 SF and allocating nine square feet per seat, which is the recommendation, 108 seats in the worship center. He stated that the Code is very clear..."seating capacity of the sanctuary or chapel" and that is where the Jain Center worships. The current parking exceeds the Code requirement for the worship center.

Mr. Mitchell stated that there are very few churches in Tulsa that seat 1,000 people or more. He stated that if the Code interprets that the largest room in a church dictates the parking requirement, then one would have to look at the gymnasiums that several churches have built. The fact that the proposed center has one large room instead of several little rooms is not addressed in the Code. The seating is based upon the size of the worship center and the Jain Center has surpassed the parking requirements for the capacity as dictated by the Code for the subject property. He requested the Planning Commission to consider this application based upon what the Code states and the information that his client has provided.

TMAPC COMMENTS:

Mr. Horner asked staff if the Code has changed since the first initial hearing on this proposal. In response, Mr. Stump stated that the first initial hearing was in February 1998. Mr. Stump stated that the Code changed since that time and now churches are in Use Unit 5 and in this PUD all uses allowed by right in the OM district are allowed. When churches were put back into Use Unit 5, Use Unit 5 is now allowed by right in the OM district. He explained that the Jain Center went from a special exception in the OM district to allow by right in the OM district. The only issue before the Planning Commission today is the detail site plan in compliance with the PUD conditions and the Code in general.

Mr. Horner asked staff what the problem is with this application. In response, Mr. Stump stated that the problem is the intent of the Code when it is called a fellowship hall. A fellowship hall appears to be a large meeting room and it is much larger than the Jain Center's worship center. The staff is stating that the larger meeting room is the one that will generate the most traffic and it is probably the intent of the Code to have one parking space for every 35 SF of sanctuary. The question is which room do you

count as the sanctuary as it relates to parking. If the Planning Commission considers the smaller room, with ten spaces are devoted to another lot, the center would meet the required parking. If the larger room is considered, then the center would not have enough parking.

Mr. Harmon stated that the letter submitted by the center indicates that if you look at the fellowship hall the center will have less than 50% of the required parking. In response, Mr. Stump stated that there is an usual situation because of the ten spaces that go along the south property line of Lot 5 are reserved to meet off-street parking requirements in Lot 4. The ten spaces cannot be counted toward the required parking for Lot 5.

Mr. Mitchell stated that he would take exception with the word "reserve" because the ten spaces are for mutual cross use and access. In response, Mr. Stump stated that the reason he called the ten spaces as reserve is because as far as the Zoning Code is concerned you cannot count the same spaces for off-street parking requirement for two different uses.

INTERESTED PARTIES COMMENTS:

Paul Peterson, representing Rice and Vowels, CPA, no address given. Mr. Peterson explained that his clients own property two doors down from the subject property. He described the history of the subject PUD and past actions taken on the subject proposal. Mr. Peterson acknowledged that the applicant has the right to reapply to the TMAPC fourteen months since previous actions.

Mr. Peterson stated that his clients object to the church use because the initial approved PUD stated that the "permitted uses, as permitted within an OM district". He explained that it is his contention that the PUD restricts the use in this small office park to uses that were permitted in an OM district at the time the PUD was approved. He stated that he understands that the applicant is reapplying based on the amended Zoning Code and that church use is now allowed as a matter of right.

Mr. Peterson stated that the proposed building is 6,305 SF with an assembly hall that is approximately more than ½ of the building (3,192 SF gross or 2,839 SF net). The center also has a separate area of 968 SF, which is the worship room. He indicated that the Zoning Code requires one parking space per 35 SF of the largest assembly area in the proposed building. This means that there would be 81 parking spaces required under the 2,839 SF. The proposed site plan contains 48 parking spaces; however, 12 spaces are dedicated by the reciprocal permanent easement. He explained that the prior owner of Lot 5 was approached by the owner of Lot 4 and requested for a reciprocal permanent easement to construct 12 parking spaces. He indicated that the owner of Lot 4 paid for the parking lot on Lot 5. He stated that the building on Lot 4 could not have been built without the reciprocal permanent easement. Mr. Peterson submitted photographs of the parking lot. He indicated that the reciprocal permanent easement is in favor of Lot 6 and does not have the use of the 12 parking spaces. He stated that the applicant is attempting to join Lot 6 with Lot 5. He commented that the parking is insufficient.

Mr. Peterson stated that churches tend to grow in membership and the property could be sold in the future. If this church is allowed to be built on the subject property with inadequate parking than nothing would prevent the applicant from selling the property in the future to a church with a larger congregation and the owner of the subject property would not have to come before the TMAPC.

Mr. Peterson expressed concern that the applicant is referring that the proposal is a community center and therefore the only parking requirements is one parking space per every 500 SF of the largest assembly area. He explained that community centers are opened to the public and are assembly areas where activities addressing the community are held. He stated that the proposal is a private church and its assembly room is not to be used as a community center; therefore there is no justification for characterizing the parking requirement based on the proposal as a community center. The applicant seeks to avoid the major amendment process, which he would have to do if he characterizes the proposal as a truly community center. The applicant is proposing a church and not a community center. He concluded that when the applicant addresses the parking issue he calls the proposed building a community center, but when he wants to be allowed in the OM district as a matter of right he calls the proposal a church. The proposed building is too large for the subject property and the required parking is insufficient. Mr. Peterson requested that the detail site plan be denied.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Peterson if his clients against the size of the church or the church in general. Mr. Peterson stated that his clients are opposing the site plan review based on the lack of parking, which is required under the Zoning Code based on the size of the church. Mr. Peterson further stated that his clients are opposing the church use as a matter of law, not because it is a church, but because it is a church that wants to be built in a PUD that has previously been dedicated as an office park and at the time the TMAPC approved the PUD it restricted all development in the PUD to "uses as permitted within an OM district", at that time churches were not permitted to be built in OM districts. Mr. Peterson commented that as a result of the amendment to the Zoning Code, which occurred within the last year, churches now can be built in the OM district as a matter of right. Mr. Peterson stated that his clients does not oppose this application based on the amended Zoning Code, but oppose the church use based on the restrictions in the PUD that was approved by the TMAPC, which at that time did not allow church use. Mr. Jackson stated that in other words his clients do oppose the church use. Mr. Peterson stated that he does not oppose the proposal because it is a church for that reason, but because the church is attempting to build in a PUD that is an office park. Mr. Peterson commented that technically speaking, the applicant needed to follow a different process, which his clients object, and have sought major amendment approval to the PUD; however, the applicant did not do this. Mr. Peterson stated that the site plan that has been proposed has a building that is too large and has an occupant load that permits 420 people (more than ten people per car). Mr. Peterson explained that for a church of this size it should be built on a larger tract of land.

In response to Mr. Westervelt, Mr. Stump stated that the amendment that made church use not allowed in the OM district occurred after this PUD was done. Before that amendment, church use was allowed by right in the OM district. Mr. Stump indicated that the PUD was approved in 1982 and the Code allowed Use Unit 5, which allows church use as a matter of right in the OM district. He explained that Use Unit 5 uses were moved to Use Unit 2, which did not allow church use by right in the OM district. He stated that the Code was amended again and went back to Use Unit 5, which made church use by right as it was when the PUD was originally adopted.

Mr. Horner asked if this application is under the initial PUD of 1982 or as the Code reads today. In response, Mr. Stump stated that the PUD has not changed, only what is allowed by right in an OM district and that is what has been amended over the years. Mr. Stump stated that at the time an applicant applies for a permit is when the Code is regulated or what is allowed by right.

Mr. Swiney stated that he does not have a problem with the law changing. He further stated that if the PUD was originally established with an OM district and then the allowed uses change from year to year. It would seem that when the law changes and the uses are now allowed in an OM district then that use is covered. He explained that the parking is the issue and he does not see that a church use is excluded if so facto because this PUD has changed. He stated that if church members applied to build churches in OM district today, then the TMAPC could not deny this request.

INTERESTED PARTIES COMMENTS:

Terry Ingram, 3137 South Harvard, Suite "E", Tulsa, Oklahoma 74135, stated that he is the owner of one of the offices in the office park. He explained that the building is occupied by one of the largest real estate appraisal firms in the City of Tulsa and the employee approximately eight people. There is a mortgage company that occupies almost half of the building along with a financial planner and there are a total of nine employees. He continued to state that there is a small office in the back of the building that employees two employees. There are eighteen parking spaces on the entire tract of land and there are seventeen people employed. He explained that the accountant has a continuous flow of people into their office. He stated that there are times that he has had to park in the street while visiting the building.

Mr. Ingram stated that Mr. Blevins has tried to work with the applicant for the last twelve to fourteen months trying to find an acceptable location for the proposal. He explained that another tract of land was offered to the applicant and they rejected it. He stated that the parking issue is critical because the mortgage company and appraisal firm works seven days a week.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Ingram if he is in support of the staff's recommendation for denial. Mr. Ingram stated that he supports staff's recommendation.

Mr. Horner asked Mr. Ingram if he thought there would be inadequate for the proposal. In response, Mr. Ingram answered affirmatively.

APPLICANT'S REBUTTAL:

Mr. Mitchell stated that at the time the PUD was drafted church use was allowed by right. He reminded the Planning Commission that church use is allowed in the OM district today. He explained that Mr. Peterson and other interested parties requested the applicant to table his original request until something could be worked out. During the time that the case was tabled the Zoning Code was amended and now church use is allowed by right. He stated that the City Council explained to the interested parties that the Zoning Code was being amended and that the church use would be allowed by right, but the interested parties still wanted the proposal tabled and his clients agreed and withdrew their application.

Mr. Mitchell stated that he has met with the neighbors and selected a brick to match their colors. He explained that his clients recognize that the 12 parking spaces are for the use of the building on Lot 4. He stated that the subject church is a small

congregation. He commented that anytime a church grows and change the use of their facility and change were in the facility they meet, then by Code they are required to go back and make the proper changes. If the property were sold in the future and the use was changed it would also have to go back to make the proper changes.

Mr. Mitchell stated that when the Zoning Code states that parking is based on the sanctuary or chapel does it mean just that or does it mean the larger room. He commented that perhaps his clients can resolve a lot of the concern by taking the large room and break it up into smaller rooms.

TMAPC COMMENTS:

Mr. Westervelt stated that the application before the Planning Commission does not have the large room broken into several smaller rooms. Mr. Mitchell asked if the floor plan part of the today's consideration. Mr. Stump answered affirmatively.

Mr. Westervelt stated that if indeed the sanctuary shown on the site plan and a maze of smaller rooms then it would have some impact on the Planning Commissions perception. Mr. Mitchell stated that his client is offering to do this as a resolution.

Mr. Stump stated that if the applicant is going to change the application then it will need to be continued or consider it at another meeting.

Ms. Pace asked Mr. Mitchell if it were possible to have the church as a two-story and gain some parking spaces. She commented that 38 spaces seem to be small for any type of church use. In response, Mr. Mitchell stated that a two-story building causes a major cost impact. Ms. Pace stated that she understands the impact, but the TMAPC is not involved with cost but in land use and the TMAPC cannot assume that the church will always meet on Sunday and the businesses in the office park will be closed. Mr. Mitchell requested the TMAPC to look at this proposal as they have traditionally looked at church facilities and the size of the rooms and what they base their parking on.

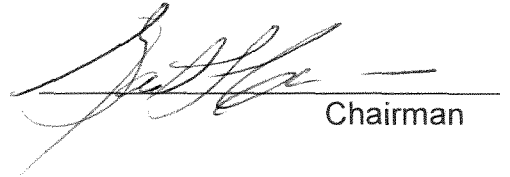
Mr. Harmon stated that the larger use of any facility should be considered for parking requirements. He commented that his church has a prayer chapel that holds 24 people, but the church has 800 members. He stated that if the chapel was considered for the parking requirement his church would only have to provide 24 parking spaces and that would be ridiculous. He explained that the use of the facility and how many people is anticipated to utilize the building should be considered where parking requirements are concerned. He concluded that the parking requirements should be adequate for the overall use and not a specific room.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, "absent") to **DENY** the Detail Site Plan for PUD-287 as recommended by staff finding it did not meet the requirements of the Tulsa Zoning Code as to parking.

There being no further business, the Chairman declared the meeting adjourned at 4:36 p.m.

Date approved: 4-14-99


Chairman

ATTEST: Brandon J. Jacker
Secretary