

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2232

Wednesday, March 1, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, February 28, 2000 at 9:17 a.m., posted in the Office of the City Clerk at 8:53 a.m., as well as in the office of the County Clerk at 8:45 a.m.

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

Minutes:

Approval of the minutes of February 16, 2000 Meeting No. 2230

On **MOTION** of **CARNES** the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Harmon, Midget "absent") to **APPROVE** the minutes of the meeting of February 16, 2000 Meeting No. 2230.

CONTINUED ITEMS:

APPLICATION NO.: PUD-368

Applicant: Leo Williams

Location: Northwest corner of East 61st Street and 99th East Avenue

DETAIL SITE PLAN

(PD-18) (CD-5)

TMAPC Comments:

Mr. Westervelt stated that staff has discovered some irregularities in the detail site plan compared to the PUD and would like to continue this case to March 15, 2000 at 1:30 p.m.

This item was continued to March 15, 2000 at 1:30 p.m.

APPLICATION NO.: Z-6751

AG TO CS

Applicant: John W. Moody

(PD-17) (CD-6)

Location: North of northwest corner of East 11th Street and South Lynn Lane

TMAPC Comments:

Mr. Westervelt reported that the Planning Commission has received a letter from an interested party requesting a continuance and a timely request from John Moody requesting a continuance to March 15, 2000.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Carnes, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Harmon, Midget "absent") to **CONTINUE** Z-6751 to March 15, 2000 at 1:30 p.m.

Mr. Harmon in at 1:35 p.m.

REPORTS:

Director's Report:

Mr. Stump reported that the City Council considered the amendments that the TMAPC adopted for the District 17 Plan and decided that they needed further study and has recommended the amendments back to the TMAPC.

Mr. Stump announced that the first meeting with a small committee (10) on Subdivision Regulations Revisions. He indicated that staff is sending out notices today for a 2:00 p.m. meeting on March 9, 2000, 5th floor conference room at INCOG.

Mr. Stump stated that there are no TMAPC items on the City Council agenda for March 9th.

Mr. Ledford informed Mr. Stump that a March 9th meeting will conflict with a state convention and many of the attendees will be at the convention. He requested that the meeting be moved back another week. In response, Mr. Stump agreed to change the date of the Subdivision Regulations Revisions Committee.

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SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-18991 – Lance Woolsey (2093)

(PD-9) (CD-9)

2814 East 31st Street

Staff Recommendation:

The applicant has applied to split his 254' X 289' property into three tracts. All three tracts meet the RS-1 Bulk and Area Requirements. However, the proposed configuration results in one tract having six side lot lines. This requires a waiver of the Subdivision Regulations.

The Technical Advisory Committee reviewed this application on February 3, 2000. The City of Tulsa, Public Works, and staff expressed that a utility easement would be required. Otherwise, the TAC expressed no concerns regarding the proposed lot-split.

Staff would point out that on October 14, 1999, the City Council denied a PUD that proposed a similar lot arrangement. Staff believes that the unusual shape and orientation of the southernmost lot does not meet the spirit and intent of the Subdivision Regulations. It would produce the same undesirable configuration of the front of one dwelling facing the rear of two others as the earlier rejected PUD.

Therefore, staff recommends **DENIAL** of the waiver of Subdivision Regulations and of the lot-split.

Applicant's Comments:

Louis Levy, 5314 South Yale, Tulsa, Oklahoma, representing Lance Woolsey, submitted a site plan (Exhibit A-1) and stated that the lot-split proposal meets approximately 60 conditions set forth in the Subdivision Regulations that are designed primarily for lot-splits of a piece of property that is already in a platted subdivision.

Mr. Levy stated that there is a precedent for lot-splits in this particular area of town and specifically on this piece of property. He indicated that the property immediately adjacent and on the east, which is approximately the same size, was split into four separate lots 30 years ago. There are four single-family homes on four separate lots immediately adjacent to the east. Immediately adjacent to the

west is the home of Mrs. Rebecca Hilborne and she has no objections to this project.

Mr. Levy indicated that his client is planning to enter into a restrictive covenant agreement with Mrs. Hilborne, subject to the approval of this application. He stated that the restrictive covenants would prevent fencing being constructed between the two pieces of property.

Mr. Levy stated that previously the subject property was approved for a PUD by the TMAPC and denied by the City Council. He reminded the Commission that under the existing regulations and zoning the subject property could have five single-family homes. He stated that it is his client's intention to restrict the subject property to three single-family homes, which would be the existing home and two additional homes with a minimum of 2500 SF each. He added that the minimum square footage is another restrictive covenant that his client agreed to with Mrs. Hilborne.

Mr. Levy pointed out that there are six adjacent neighbors to the subject property and they are the only affected property owners. He indicated that the six property owners were notified and he has discussed the issues with five of the property owners. He stated that he knows that the five property owners he spoke with do not have any objections to this application. Mr. Levy indicated that he has not been able to speak with one of the property owners. He reiterated that he does not know of any objections from the property owners immediately adjacent to the subject property.

Mr. Levy stated that during the TAC meeting it was determined that a sanitary sewer needs to be in existence or under contract for construction to serve the two new homes. He indicated that his client has signed a contract with a sanitary sewer contractor to install a sanitary sewer within 30 days after the deeds are filed.

Mr. Levy stated that when the original PUD for the subject property went to the City Council there were questions regarding the orientation of the two new houses and whether they should be oriented to the existing home or not. For esthetic reasons it was recommended by TAC that the houses not be oriented to the existing house and under the existing configuration it would appear that the existing house would front to the rear the proposed homes. This configuration has been altered and now the existing house will front into a u-shape area and the new houses will face the same direction, looking into each other.

Mr. Levy reminded the TMAPC that his client is requesting a waiver of the Subdivision Regulations regarding six side lot lines. He indicated that this is the only issue before the Commission today and all other requirements have been satisfied. He stated that the proposal is in accord with the Comprehensive Plan.

Mr. Midget in at 1:45 p.m.

TMAPC Comments:

Mr. Westervelt stated that the subject property is the same PUD that was approved by the Planning Commission; however, it was denied by the City Council due to the orientation. Mr. Westervelt asked Mr. Levy if he contemplated bringing a new PUD to the Commission that would deal with the orientation of the new homes. In response, Mr. Levy answered negatively. Mr. Levy explained that he did bring a PUD to the Commission once for the subject property and the City Council denied the proposal. Mr. Levy stated that he feels that it would be a wasted effort to submit another PUD. Mr. Levy assured the Commission that his client plans to implement the same covenants into existence with the same conditions. Mr. Levy stated that the only issue today is the configuration of the lots, and the other two issues were suggestions of the staff and the TAC Committee, which his client has exceeded and will agree to. Mr. Levy requested the Planning Commission to approve the waiver of Subdivision Regulations with the condition that the two new houses will face into the existing house.

Interested Parties Comments:

Brady Pringle, District 9 Councilor, stated that he is speaking for the neighborhood surrounding the subject property. He reminded the Planning Commission that the City Council denied a PUD for the subject property on the grounds that it artificially and unacceptably increased the desired density of homes in the subject area and did not meet the minimum lot size requirements for the underlying zoning, which would set a bad precedent for the 41st Street corridor. He commented that this proposal would be adding homes to one's front yard.

Councilor Pringle stated that the applicant is now before the Commission in an attempt to get around the zoning and the regulations. The applicant is proposing to build two homes in approximately the same undesirable location and thwart the will of the City Council and the will of the neighborhoods of Ranch Acres, Columbia Circle and those neighbors across 31st Street to the north. He reminded the Commission that there were more than 50 signatures of opposition of the PUD. He requested the Planning Commission to deny this request.

Councilor Pringle stated that he is aware that the existing home could be removed and three or four lots created on the subject tract. After speaking with the neighbors, he agrees that this would be preferable to the subject proposal. He requested the TMAPC to consider the desires of the neighborhood. Councilor Pringle concluded that no one wants to see the existing home destroyed because it is totally within keeping of the character of the neighborhood.

TMAPC Comments:

Mr. Westervelt asked Councilor Pringle if the neighborhood is less opposed to the existing home being destroyed and four new lots created than the new proposal with the homes facing into each other. In response, Councilor Pringle stated that he has discussed this issue with several neighbors and they did prefer four lots oriented properly rather than the proposal.

In response to Mr. Westervelt, Councilor Pringle stated that the orientation of the homes is an issue. He expressed his concerns with setting a precedent by creating gerrymandered lots. He explained that there are large lots throughout the subject neighborhood and he fears that this type of proposal may become routine. Councilor Pringle stated that the main issue is the fact that the new homes will be in the front yard of the existing home and it is not consistent with the neighborhood. Councilor Pringle read and submitted a letter of protest (Exhibit A-2).

Mr. Harmon indicated that he would be abstaining from this item.

Mr. Collins in at 1:57 p.m.

Interested Parties for L-18991:

Dr. and Mrs. Robert Morton, 3107 South Delaware, Tulsa, Oklahoma 74105; **Dr. and Mrs. Wayne Neal**, 3115 South Delaware, Tulsa, Oklahoma 74105; **Suzanne O'Brien**, 2930 South Delaware, Tulsa, Oklahoma 74114; **Jeanne Brawner**, 2939 South Delaware, Tulsa, Oklahoma 74114; **Susan Mase**, 2919 South Delaware, Tulsa, Oklahoma 74114; **WynDee Baker**, 3131 South Columbia Circle, 74105.

The above listed Interested Parties voiced the following objections:

The proposal will change the character of the neighborhood; orientation of houses creates two new homes in the front yard of the existing home and is not consistent with the neighborhood; the proposal will set a precedent for six side lot lines and homes in the front yards of existing homes; the proposal would be odd and intrusive to the neighborhood; odd-figured lots; Subdivision Regulations should not be waived in this situation and should not be undermined; adjacent neighbors are not in agreement with the proposal; more than six property owners will be affected by this application.

Interested Parties Comments:

Kevin Coutant, 320 South Boston, Tulsa, Oklahoma 74103, representing Rebecca Hilborne, stated that his client has reached an agreement with the applicant if the proposal is approved. He indicated that his client owns the property contiguous to the west of the subject property. Mr. Coutant concluded that with the agreement and the covenants, his client does not object to this proposal.

Applicant's Rebuttal:

Mr. Levy stated that there have been a number of similar lot-splits throughout the City of Tulsa over the years. He questioned if there has ever been evidence before the Commission indicating that the property values or residential amenities were injured in a neighborhood due to a lot-split similar to the proposal. He stated that there is no hard evidence brought to the Commission that would indicate that the proposal would be detrimental to the neighborhood.

Mr. Levy stated that he does not believe that he misrepresented anything to the City Council or to the Planning Commission. He clarified that he stated that everyone owning property within 300' of the subject property was invited to a meeting regarding the previous PUD. He stated that 300' is the required area of the affected property owners on a PUD; however, on a lot-split application those people adjacent to the property are the only ones listed in the ordinance as being affected property owners. He indicated that he has invited all of these people and have tried to reach all of the people.

Interested Parties Comments:

Robert Flynn, 2814 East 31st Street, 74105, owner of the subject property, stated that he has spoken with Rebecca Hilborne, Nelson Rice, Jack McNulty, and Charlie Robinson regarding the subject proposal. He indicated that these people indicated that they had no objections to this application. He stated that he tried to reach Dr. Morton in the past week, but was unable to reach him.

Mr. Flynn stated that he does not understand what his neighbors want. He commented that he couldn't believe that his neighbors would want him to destroy the existing home in order to allow five or six lots. He stated that he is asking the Commission to allow him to do the same thing that Dr. Morton and Dr. Neal did on their properties, which is to split his lot. He indicated that the lots Dr. Morton and Dr. Neal own have been split before.

Mr. Flynn commented that he sees one issue today, which is that everything should remain the same. He stated that the proposal is legal, progressive and ecological. He indicated that he researched this proposal for one year before purchasing the land. When the neighbors stated that they would prefer the lots be larger and the houses configured differently, he enlarged the lots. Mr. Flynn concluded that the issue seems to be whether he destroys the existing home in order to split the lots. He requested the Commission to approve the proposal in order to prevent the existing home from being destroyed in order to split the lot.

TMAPC Comments:

Mr. Midget asked Mr. Flynn if moving the existing home is a possibility and building additional homes. In response, Mr. Flynn stated that this is an option, but he really does not want to destroy his home. Mr. Flynn described the history of the existing home and its condition. Mr. Flynn commented that he plans to plant more than 100 trees on the subject property and develop his own property.

Mr. Flynn stated that the existing home appraised under one million dollars, but after the proposal is approved and developed he expects the property to be worth three million dollars.

Mr. Midget stated that he understands from Mr. Flynn's description of the home and its worth that he is not planning to tear down the existing home. In response, Mr. Flynn stated that if he is pushed into that position he will have to tear down the existing home; however, it is not what he would like to do. Mr. Flynn commented that he would rather build in front of the existing home as planned.

Mr. Westervelt asked Mr. Flynn why he did not resubmit a PUD with the new orientation and covenants. In response, Mr. Flynn stated that he appeared before the City Council and Councilor Pringle made a motion to deny the PUD, and he assumes that if he submitted another PUD before the City Council again, the same would happen. Mr. Flynn commented that he feels that Councilor Pringle would deny anything proposed to be built on the subject property.

Mr. Westervelt recognized Mrs. Neal.

Mrs. Joanne Neal, 3115 South Delaware Place, Tulsa, Oklahoma 74105, stated that she has lived in the subject area for 23 years and would like to see the neighborhood preserved. She indicated that her main reason for speaking is because she discussed this issue with Mrs. McNulty this morning and Mrs. McNulty expressed her objections. Mrs. Neal stated that Mrs. McNulty could not attend the meeting due to a serious eye infection.

Mr. Harmon out at 2:20 p.m.

TMAPC Comments:

Mr. Midget asked staff if the applicant could actually have four homes in the subject area. Mr. Stump stated that the applicant could build a cul-de-sac and have four lots, but that would require demolition of the existing home.

Mr. Carnes stated that the neighborhood did not get the RE zoning and by right the applicant could create four lots, but the lot-split proposes three lots.

On **MOTION** of **CARNES** to **APPROVE** the lot-split for L-18991 and waive the Subdivision Regulations.

No second and motion failed.

TMAPC Comments:

Ms. Pace stated that she felt comfortable with her vote when the PUD for the subject property was before the Planning Commission.

Mr. Jackere stated that a PUD and a lot-split are separate processes. The considerations for a PUD has its own standards and the lot-split has its own regulations. Either the lot-split meets the Subdivision Regulations or it does not. If the lot-split requires a waiver, then there are standards upon which the Commission may grant or deny the waiver.

Mr. Midget asked staff if anyone from the subject neighborhood contacted the INCOG office regarding rezoning to RE. In response, Mr. Stump stated that he has not been contacted by anyone in the precise area. Mr. Stump indicated that ¼ mile north of the subject area there has been some interest in RE zoning, but he is not sure if it would include the subject area.

Ms. Pace asked if the subject lot were to be zoned RE, how many homes would be allowed. In response, Mr. Stump stated that with RE zoning the applicant could still have three lots if a new street were developed.

Mr. Jackson asked what the RS-1 front yard building line setback requirements are. In response, Mr. Stump stated that it would be a 35' setback.

Mr. Horner stated that he felt that his vote was thoroughly thought out when the PUD came before the Planning Commission.

Mr. Westervelt stated that he is disappointed that a new PUD was not submitted, but understands the applicant's reasons.

Ms. Pace asked if the neighbors have seen the new blueprint that was submitted today with the two proposed houses oriented facing each other. Mr. Westervelt informed Ms. Pace that there is no way that the Planning Commission can hold the applicant to the orientation of the houses with a lot-split application. In response, Ms. Pace stated that she understands that the Planning Commission cannot condition the lot-split with the orientation of the homes, but Mr. Levy indicated that he would place the orientations through the restrictive covenants.

Mr. Jackere informed the TMAPC that they have the power to impose conditions with the lot-split for waiver of Subdivision Regulations. He stated that a lot-split must meet the Subdivision Regulations and the regulations provide for modifications. Mr. Jackere read the Subdivision Regulations regarding modifications and conditions. The standards do speak to orientation and configuration and if that is important to the Commission, then conditions can be imposed.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Harmon "absent") to **APPROVE** the lot-split for L-18991 and **APPROVE** the waiver of Subdivision Regulations subject to site plan review of the houses facing each other as indicated on Exhibit A as recommended by the TMAPC.

PRELIMINARY PLAT:

GreenHill I - (2993)

(PD 6) (CD 9)

North of the northeast corner East 45th Street and South Lewis Avenue

Staff Recommendation:

This plat consists of 11 lots in one block on 3.82 acres. It's a resubdivision of Lots 2, 3, 6, and 7, Block 2, 41st Street and Lewis Addition. It was approved by the TMAPC on January 5, 2000, but because of an error in the notice it must be heard again.

The following were discussed **December 16, 1999** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- The property is zoned RS-1 which allows for minimum lot sizes of 13,500 square feet and minimum average lot width of 100 feet. All lots meet these requirements. No Board of Adjustment action would be required to create these lots. There is no PUD or zoning change anticipated.

2. Streets/access:

- All lots have frontage on a proposed public cul-de-sac to be called East 44th Place South. The street would be accessed from South Atlanta Avenue and is approximately 400 feet long. There would be limits of no access along the entire Lewis Avenue frontage.
- There were no specific comments.

3. Sewer:

- Sewer is readily available to serve the project.
- There were no specific comments.

4. Water:

- Water is readily available to serve the project.
- There were no specific comments.

5. Storm Drainage:

- This site drains generally toward Lewis Avenue.
- McCormick, Stormwater, stated that on-site detention would be required in a dedicated reserve and the drainage system must tie into a public storm sewer.

- Sack, Engineer, stated that the developer also owns the abutting property to the north and will provide the required detention on that property.

6. Other:

- The utility easements shown were acceptable to the TAC members present.

At the first hearing on January 5, a neighbor raised a concern about access to this subdivision being located directly across from his property. He suggested that the street be flipped and the access be from Lewis. The Planning Commission discussed this option and concluded that this could be more dangerous because of the higher rate of speed and traffic volume on Lewis.

In support of the decision to leave the access on Atlanta rather than put it on Lewis, staff would point out that the Subdivision Regulations, Section 4.1.4. and much of Section 4.2, make it clear that residential street access to arterial streets should be limited. The RS-1 zoning in this neighborhood allows development at a greater density than presently exists and the streets are capable of handling the traffic volume of a full-density RS-1 neighborhood. Based on these facts and a comparison of the speed and volume of traffic on the two streets, staff recommends **APPROVAL** of the preliminary plat with the access as shown, subject to the conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. A letter from the Stormwater Engineer stating that the proposed drainage plans, with the detention off-site, are acceptable.

Standard Conditions:

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

5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc, shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.

19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

Mr. Harmon in at 2:36 p.m.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Building, Tulsa, Oklahoma 74103, stated that the interested parties have met on several occasions with Councilor Pringle and Jon Eshelman (Traffic Engineer). He indicated that he has met with Councilor Pringle and Jon Eshelman as well.

Mr. Norman stated that the preliminary plat is submitted in complete compliance with the requirements of the Subdivision Regulations and the recommendations of TAC. He commented that Jon Eshelman prefers and agrees that the local residential street be directed and connected to Atlanta Place and thence to the collector street, which is East 45th Street. He stated that he has pointed out to interested parties that, based on information gained from Mr. Eshelman and from the Institute of Traffic Engineering, a single-family home will generate ten vehicle trips per day. This formula has been customarily used by the TMAPC and by the Traffic Engineering Department analyzing traffic consequences. There are presently 21 residences on Atlanta between 41st Street and 45th Street and two will be removed to accommodate the subject project, which totals 29 residences. With the proposed development the vehicle trips will increase to 290 trips per day and Mr. Eshelman estimates that the capacity of a 26' wide residential street is approximately 800 trips per day. Mr. Norman stated that he has tried to point out to the interested parties that the proposal will not be a significant increase and will not be any different from what exists in many other situations.

Mr. Norman stated that he estimates that with the size of the lots and the economic conditions, the proposed homes will be \$400,000 at construction cost. Any residences on these lots will have the value of at least a half-million dollars.

Mr. Midget out at 2:40 p.m.

Mr. Norman indicated that there have been concerns regarding protection of the properties to the east and adjacent during construction. He stated that this would be considered and honored in every respect that can be controlled by the developer. There are no plans presently to have a home owners association because the street will be a public street without a gated community. He indicated that there would be several different developers in GreenHill; however, there will be restrictive covenants on design and minimum sizes.

Mr. Norman requested the Planning Commission to approve the preliminary plat as was done in January.

TMAPC Comments:

Mr. Westervelt asked Mr. Norman if he had any objections to the special condition staff has brought to the Planning Commission's attention. In response, Mr. Norman stated he has no objection because it would be a requirement of stormwater management during the final plat. Mr. Norman stated that the special condition would be compiled with.

Interested Parties Comments:

Tim Speicher, 4421 South Atlanta Avenue, Tulsa, Oklahoma 74105, stated that he is not opposed to redevelopment of the GreenHill I area. He indicated that his issue is the ingress/egress of the street onto South Atlanta Avenue. He requested that the Planning Commission to deny the plat as proposed under the Subdivision Regulations, Section 1 General Provisions Purposes 1.4. Mr. Speicher read various sections from the Subdivision Regulations and Comprehensive Plan for the district.

Mr. Speicher expressed several concerns regarding traffic in regard to the proposed development accessing South Atlanta Avenue. He indicated that the best access for the proposed development would be onto Lewis Avenue. He expressed concerns that there will be several more phases of the proposed development that will continue to generate more traffic onto South Atlanta Avenue, which will deteriorate the neighborhood.

Mr. Speicher indicated that he discussed the ingress/egress issue with Mr. Eshelman and although Mr. Eshelman prefers the access onto South Atlanta Avenue, he stated that he would not object to the street accessing onto Lewis Avenue if the Planning Commission and the City Council recommended it.

Mr. Speicher requested that the Planning Commission deny the proposed preliminary plat as proposed, because it degrades the neighborhood and makes it unsafe by allowing the additional traffic.

TMAPC Comments:

Mr. Jackson asked Mr. Speicher where he lives in relation to the subject property. In response, Mr. Speicher stated that he is to the north of the cul-de-sac. Mr. Jackson asked Mr. Speicher how far Atlanta Avenue runs north and south. In response, Mr. Speicher stated that for the subject area, Atlanta Avenue goes from East 41st Street South and ends at East 47th Street. In response, Mr. Jackson stated that South Atlanta Avenue runs continuous for approximately six blocks. Mr. Speicher stated that it wouldn't be six blocks but four blocks because the blocks are large.

Mr. Jackson asked Mr. Speicher if he would prefer to look at the backs of houses rather than a few cars leaving their homes at 8:00 a.m. if the cul-de-sac were to be reoriented. In response, Mr. Speicher stated that he would be willing to look at the backs of houses in order to improve the safety of his family. Mr. Jackson stated that the figures used for traffic is grossly overestimated, because it would be virtually impossible for all eleven homes to depart at the same time. Mr. Speicher agreed that the street is designed to handle the capacity of 800 and can handle the proposal today; however, the street is going to have a 50% increase in traffic.

Mr. Midget in at 2:55 p.m.

Interested Parties Comments:

C.R. Heaney, 4431 South Atlanta, Tulsa, Oklahoma 74105, stated that he lives next to Mr. Speicher. He expressed similar concerns regarding traffic on South Atlanta Avenue when the proposal is completed.

Mr. Heaney described new development along Lewis Avenue, which he feels will create more traffic onto Lewis Avenue. He commented that commercial properties are allowed to access Lewis and he was confused why the new subdivision could not.

TMAPC Comments:

Mr. Westervelt explained that Mr. Eshelman would prefer that a residential neighborhood not enter Lewis Avenue because of the speeds on Lewis and the traffic volume that exists. Mr. Eshelman would prefer that the neighborhood enter off of the existing residential system. The commercial properties along major arterials are prohibited from entering and exiting into neighborhoods in order to protect the neighborhoods from commercial traffic.

Interested Parties Comments:

Brady Pringle, Councilor for District 9, stated that he cannot object to this proposal and informed the neighborhood the same. He commented that the plat meets the regulations and he will not ask the Planning Commission to deny this plat.

TMAPC Comments:

Mr. Carnes stated that the Planning Commission has relied upon professionals for a guide on these types of issues.

Mr. Westervelt stated that the Planning Commission tries to avoid practicing traffic engineering, but does try to understand its impact. He reiterated that the Planning Commission relies on professionals regarding these types of issues.

Mr. Ledford commented that South Lewis is on the Major Street and Highway Plan as a secondary arterial but it does not meet the current secondary standards. He explained that the staff at Public Works is separate from INCOG staff. He stated that Jon Eshelman does have a Masters Degree in Civil Engineering, and practices this type of engineering every day for the City of Tulsa. Mr. Eshelman considers that Lewis Avenue doesn't meet the secondary arterial standards, only those for the right-of-way. Anytime more traffic is added to South Lewis in this location, it will make the situation worse.

Mr. Ledford stated that a new street has to meet a certain grade, and because of these standards in the Subdivision Regulations, it makes it almost impossible to tie the proposed street to Lewis Avenue.

On **MOTION** of **LEDFORD** to **APPROVE** of the preliminary plat subject to the special conditions and standard conditions as recommended by staff.

Applicant's Rebuttal:

Charles Norman reminded the Planning Commission that the subject proposal is an RS-1 subdivision with extremely low density. He commented that there are streets like Atlanta Avenue all over the City of Tulsa, which serve RS-3 subdivisions with twice as many lots per 100' or 200'. By suggesting to direct the access to Lewis Avenue, this would prevent additional traffic onto Atlanta, but would subject the people in the new subdivision to the hazards of turning onto Lewis Avenue off of a minor street. The concept incorporated into the Subdivision Regulations is that there should be virtually no streets opening onto arterial streets except collectors.

Mr. Norman stated that if more phases of GreenHill come before the Planning Commission, then the circumstances will not be different from what is contemplated by the document that Mr. Sack is expected to work under.

TMAPC Action; 10 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **10-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to **APPROVE** the preliminary plat subject to the special conditions and standard conditions as recommended by staff.

PLAT WAIVER:

BOA-18451 (2993)
5120 South Columbia Place

(PD 18) (CD 9)

Staff Recommendation:

Approval of church use by the Board of Adjustment on this property triggered the platting requirement. The entire church has existed for a considerable time and occupies the area from the south boundary on the site plan to 51st Street and the abutting property to the west from 51st Street to 52nd Street (see zoning map).

The project consists of expansion of the existing church onto the property shown on the site plan attached. The only new construction is the addition of the one-story conference room; all other buildings currently exist. There will be no new paving.

Staff Comments and Recommendation:

The TAC considered this application on February 17, 2000 and provided the answers to the checklist below. In staff's opinion, the purposes of the Subdivision Regulations would not be compromised and there would be no significant public gain by requiring the property to be platted. Therefore, staff recommends **APPROVAL** of the plat waiver.

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

- | | YES | NO |
|--|-----|--------------------------|
| 1) Has property previously been platted? | √ | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | √ | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | √ | <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"/> | √ |
| 5) Would restrictive covenants or deeds of dedication be needed by separate instrument? | <input type="checkbox"/> | √ |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | √ |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | √ |
| iii) Are additional easements required? | <input type="checkbox"/> | √ |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | √ |
| ii) Is an internal system required? | <input type="checkbox"/> | √ |
| iii) Are additional easements required? | <input type="checkbox"/> | √ |

- | | | | |
|--|--|--------------------------|----|
| c) Storm Sewer | | | |
| | i) Is a P.F.P.I. required? | <input type="checkbox"/> | √ |
| | ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | √ |
| | iii) Is on-site detention required? | √1 | √ |
| | iv) Are additional easements required? | <input type="checkbox"/> | √ |
| 7) Floodplain | | | |
| | a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | √ |
| | b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | √ |
| 8) Change of Access | | | |
| | a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | √ |
| 9) Is the property in a P.U.D.? | | | |
| | a) If yes, was plat recorded for the original P.U.D.? | <input type="checkbox"/> | √2 |
| | | N/A | |
| 10) Is this a Major Amendment to a P.U.D.? | | | |
| | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | <input type="checkbox"/> | √ |
| | | N/A | |

1. On-site detention is required because of the increase to impervious area. The drainage ditch along Columbia is adequate to handle the outflow so no PFPI would be required and no additional easements would be needed.
2. PUD 408 was abandoned as part of this project.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to **APPROVE** the plat waiver for BOA-18451 subject to satisfactory compliance with the stormwater requirements as recommended by staff.

Mr. Ledford requested that the motion be amended to include a condition that if there is future construction then the platting requirement may be reconsidered.

The applicant indicated his agreement with the amended motion.

TMAPC Action; 10 members present:

On amended **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to **APPROVE** the plat waiver for BOA-18451 subject to satisfactory compliance with the stormwater requirements and subject to any future construction requires reconsideration of the platting requirements as recommended by TMAPC.

CBOA 1690 (1402)

(PD-25)(County)

East 46th Street North, west of North Cincinnati

Staff Recommendation:

Trigger: Special Exception to allow Community Center/Church in the AG district, which was approved by the Board of Adjustment November 16, 1999.

The following background information was provided at the **February 17, 2000** TAC meeting.

GENERAL:

The subject area is eleven acres in size (660' x 720'), and is a part of a larger ownership that is located west of Cincinnati on the south of 46th Street North. It is currently vacant, containing three active well sites. It is bounded by AG land use to the south and west with single-family residences to the east and north across 46th Street.

The purpose of the request is to allow issuance of a Building Permit prior to platting. The applicant has indicated an interest in platting the entire ownership at such time as the area becomes available to the church. Staff has indicated that it will only be able to support a temporary waiver for the subject site; the recommendation will be that platting be accomplished prior to a Certificate of Occupancy.

The uses of the site will include food and clothing distribution, chapel, youth recreation center, and distribution of over-the-counter medicines, such as aspirins and cough syrup, and related church/community center activities.

STREETS:

The site is bounded by 46th Street North. One access point is indicated off of 46th Street.

The Major Street and Highway Plan indicates 46th Street as a secondary arterial. It appears from the site plan as if additional right-of-way will need to be dedicated.

SEWER:

Sanitary sewer is available on the east side of the easterly property line.

WATER:

Water is available on the south side of 46th Street North.

STORM DRAIN:

Staff does not have information regarding drainage/detention.

UTILITIES:

Staff does not have information regarding utility provision and easements.

Staff provides the following comments from the TAC meeting.

The architect for the applicant indicated that the proposed development was the first phase of a multi-phase project. The current property owner had shown willingness to donate the remainder of the ownership to the church if the project was successful.

One of the reasons for the request for waiver was because of this uncertainty, and easements might be dedicated that would have to be vacated later on. Staff indicated that the uncertainty was one of the reasons that platting was important and reiterated that the recommendation would at best be for a temporary waiver. Staff also indicated that the applicant would have an opportunity to present their concerns to the Commission at the public hearing.

1. Streets/access:

- Somdecerrf, Streets, indicated that full right-of-way (50') would be required. Discussion occurred regarding maintenance in that area. Raines, County, indicated that the City maintained in this area. Access was acceptable.

2. Sewer:

- Bolding, Public Works/Engineering, indicated that the property was served by sanitary sewer and that an extension and additional easement would be required if the area to the south was developed.

3. Water:

- Lee, Public Works/Water, indicated that the property was served by water and that an extension and additional easement would be required if the area to the south was developed. A fire hydrant would be required in the area near the access onto 46th Street North.

4. Storm Drainage:

- Raines, County, indicated that on-site detention would not be required.

5. Utilities:

- Standard easements would be required.

The applicant questioned the possibility of not placing an easement along the southern boundary of the current project area.

Conclusions:

As discussed at TAC, the project area lies in Tulsa County but will be served by City of Tulsa water and sewer. Based on the TAC discussion and the plat waiver checklist, it appears that the primary requirements are street dedication and the provision of easements for the various utility providers. Potential expansion into the remainder of the site may raise additional issues such as water and sewer line extensions.

Given the size of the site, the uncertainties regarding future expansion and the existing oil wells with underground transmission, the applicant was informed that staff would be unable to recommend approval. However, staff has also indicated that a temporary waiver to allow start of construction would be supported. The applicant has indicated that, while not preferred, this approach would be acceptable.

Staff supports a temporary waiver to allow construction of the facility as indicated on the attached site plan. Staff recommends that plat approval be required prior to occupancy of the structure.

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

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

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

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

- | | | |
|--|-------------------------------------|--------------------------|
| 4) Is right-of-way dedication required to comply with Major Street and Highway Plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|-------------------------------------|--------------------------|

- 5) Will restrictive covenants be filed by separate instrument?
- 6) Infrastructure requirements
- a. Water
- i. Is a main line water extension required?
- ii. Is an internal system or fire line required?
- iii. Are additional easements required?
- b. Sanitary Sewer
- i) Is a main line extension required?
- ii) Is an internal system required?
- iii) Are additional easements required?
- c. Storm Sewer
- i. Is a P.F.P.I. required?
- ii. Is an Overland Drainage Easement required?
- iii. Is on-site detention required?
- iv. Are additional easements required?
- 6) Floodplain
- a) Does the property contain a City of Tulsa (Regulatory) Floodplain?
- b) Does the property contain a F.E.M.A. (Federal) Floodplain?
- 7) Change of Access
- a. Are revisions to existing access locations necessary?
- 8) Is the property in a P.U.D.?
- a) If yes, was plat recorded for the original P.U.D.?
- 9) 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.?

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

TMAPC Comments:

Mr. Jackson questioned the zoning and whether the applicant would have to go before the Board of Adjustment for a special exception. In response, Mr. Bruce stated that the land is zoned AG and the applicant would have to go before the BOA for any expansion. Mr. Bruce explained that the only area covered by the special exception recently approved is approximately 900' wide.

Mr. Ledford asked if the church has initiated a plat at this time. Mr. Bruce answered negatively. Mr. Ledford stated that he has a problem with granting a temporary waiver. Mr. Ledford explained that the trouble with a plat waiver is that there isn't a concerted effort from the Public Works staff to look at this. Mr. Ledford expressed concerns of giving anyone the right to build on property through a temporary process without an active plat moving through the process simultaneously. Mr. Ledford explained that when a plat is going through the platting process simultaneously with a temporary waiver, then TAC can advise the owners as to what problems that are seen prior to issuing a building permit. Mr. Ledford commented that by granting this temporary waiver, it will set a precedent and more requests will come through, which allows the applicant to skirt the platting process.

Applicant's Comments:

Dickson Gunn, 3202 East 21st Street, Tulsa, Oklahoma 74114, stated that he has secured a full-site survey of the subject property, which documents the easements on the east and the current easement on the north, which will be expanded in compliance with the recommendations for the right-of-way.

Mr. Gunn stated that the church would like to approach the 80 acres, but due to advice of counsel, the owner of the 80 acres felt it was wise to see how successful the eleven acres will become before pursuing the full 80 acres. He explained that the church would like to abide by all of the requirements that a plat would impose, with the exception of duplicating a process. He commented that by platting the eleven acres and then coming in and amending the plat, it adds costs to the project and an unnecessary process.

Mr. Gunn indicated that he has been in contact with the owners of the oil wells; however, there has been no final agreement at this time. He explained that the possibility of relocating the oil wells was discussed. He commented that the oil wells have been clearly located on the site survey, and if they were removed, the church would have to remove them from the plat.

Mr. Gunn stated that if the church were to expand beyond the eleven acres, then they would expect to come forward with a plat for the entire property. He explained that the request for the plat waiver was made in order to complete the proposal for the eleven acres by early summer.

TMAPC Comments:

Mr. Westervelt asked the applicant if he would like to avoid the platting process entirely until the church brings additional property in the future. Mr. Gunn stated that he is not trying to override the staff recommendation, but he does feel that all of the regulations can be met without the plat at this time and then plat when the full 80 acres are utilized.

Mr. Carnes stated that for the small amount of time and money that the church would save today (engineering cost), a short time later the church will be paying the same engineering cost and probably start paying attorney fees at the same time because the church would have to come back for title policy, and by this time if there is no plat, one will be needed. It is a false saving by not platting the subject property.

Mr. Ledford stated that the plat shows the easements for sewer, water and a fire protection system. He explained that he is not suggesting that the church go through the complete platting phase, but he is not comfortable with issuing a temporary plat waiver to get the church started on their development until this plat has go through at least the preliminary plat approval. He commented that the Commission needs to see what is on the property and there have been too many architectural site plans that are not engineering-correct in the past. Mr. Ledford clarified that he is not suggesting that the church's architectural site plan is incorrect, but the Commission does not want to find out later that there is a problem. He informed the church that an affidavit will have to be signed indicating that all of the existing easements and all of the proposed easements are indicated and that the church knows of their exact location. Without the platting process initiated, Mr. Ledford stated that he could not see how the church can do this without physically having a title opinion conducted and reviewed.

On **MOTION** of **LEDFORD**, to **APPROVE** the temporary plat waiver subject to prior issuance of a building permit the TMAPC has to review and approve a preliminary plat.

Mr. Ledford stated that this motion would allow the church to get their platting process started and begin their construction.

Mr. Carnes second Mr. Ledford's motion.

Mr. Westervelt questioned what the applicant will gain with this motion, versus the standard platting process.

Mr. Ledford stated that the applicant wouldn't be able to get a building permit until there was a final plat of record recorded at the courthouse. With this motion the applicant will have a preliminary plat and it does not have to go through the final plat. This would give the Public Work staff incentive to make a concerted effort to look at all the issues regarding a plat. Mr. Ledford expressed concerns of setting a precedent.

Mr. Westervelt stated that basically the motion has slightly improved the efficiency of the platting process prior to the TMAPC having the opportunity to look at the Subdivision Regulations. He commented that if this motion were approved today, then more requests like this would be before the Commission.

Mr. Jackere stated that he does not see anything in the Subdivision Regulations that would allow the Commission to grant a partial waiver or a temporary waiver of the Subdivision Regulations. He commented that the motion really means nothing as it stands now and is convoluted. He expressed concerns that this motion will open the door to problems and would be impossible to keep on top of these things. Mr. Jackere concluded that he does not see how the Commission has this type of authority.

Mr. Westervelt stated that it has been his experience that groups that are not frequently in the development business are more prone to make small, honest mistakes as part of the process. Mr. Westervelt commented that he would have a difficult time supporting this plat waiver.

Mr. Harmon stated that he has a real problem with supporting a plat waiver and feels that it would be better to see the preliminary plat first before waiving Subdivision Regulations.

After a lengthy discussion Mr. Ledford withdrew his motion and Mr. Carnes withdrew his second.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to **DENY** the plat waiver for CBOA-1690.

CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: Z-6729

Applicant: Louis Levy

Location: Northwest corner of East Apache and North Yale Avenue

IL TO IH

(PD-2) (CD-3)

Staff Recommendation:

Ms. Matthews informed the Planning Commission that this case was continued for 60 days, at which time the Planning Commission strongly suggested that the applicant return with a PUD and more information regarding compost plants. To date staff has received no additional information and the recommendation for denial stands.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as High Intensity – No Specific Land Use/Corridor/Special District 3 – Industrial Area. Plan provisions are for development in this area to be

designed and maintained so as to minimize impacts on adjacent residential areas and to avoid isolating non-industrial parcels, among other provisions.

According to the Zoning Matrix the requested IH zoning **may be found** in accordance with the Plan Map by virtue of its location in a Special District.

Staff Comments:

Site Analysis: The subject property is approximately 19.2 acres in size and is located on the northwest corner of East Apache Street and North Yale Avenue. The property is gently sloping, non-wooded, vacant and zoned IL.

Surrounding Area Analysis: The subject tract is abutted on the north, west, and east by vacant property zoned IL; to the south by a commercial strip shopping center and vacant property, zoned CS and RM-1, south and beyond the vacant tract are single-family dwellings, zoned RS-3.

Zoning and BOA Historical Summary: A request to rezone the twelve acre tract that is located north of the subject tract on the north side of East 29th Street was rezoned from RMH to IM was filed in 1990. The City Commission denied IM zoning and approved IL zoning on the tract for a proposed motor cross track. In 1998 several small lots located west of the subject tract on the west side of N. Toledo Avenue were rezoned to IL.

Conclusion: Based on the existing zoning and development in this area, staff recommends **DENIAL** of IH or IM zoning for the subject property.

There were no interested parties wishing to speak.

The applicant failed to appear for this application.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-1-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; Ledford "nays"; none "abstaining"; Boyle "absent") to recommend **DENIAL** of the IH or IM zoning for the subject property as recommended by staff.

Legal Description for Z-6729:

A tract of land located in the E/2, SE/4 of Section 21, T-20-N, R-13-E, Tulsa County, Oklahoma, said tract more particularly described as follows: commencing at the Southeast corner of Section 21, thence due North along the East line of the SE/4 a distance of 199.98'; thence S 89°58'49" W a distance of 60', to the Point of Beginning; thence due North a distance of 210'; thence N 89°58'49" E a distance of 10'; thence due North a distance of 884'; thence S 89°58'49" W a distance 690.32'; thence S 00°03'06" W a distance of 1,245.74'; thence N 89°58'49" E a distance of 541.44'; thence due North a distance of 150'; thence N 89°58'49" E a distance of 140' to the Point of Beginning.

ZONING PUBLIC HEARING

APPLICATION NO.: PUD-628/Z-6467-SP-4

CO TO CO/PUD

Applicant: Charles Norman

(PD-18) (CD-8)

Location: Northeast corner of Mingo Valley Expressway and South Mingo Road
(PUD/CORRIDOR SITE PLAN)

Staff Recommendation:

The subject tract contains 15.86 acres (net) and is located at the northeast corner of South Mingo Road and the Mingo Valley Expressway.

Corridor Site Plan No. Z-6467-SP-1 was approved in 1994 and allowed a golf teaching and practice facility on the subject tract. The Tee-Town Golf Center was operated for several years until the condemnation of a part of the property for the construction of the Broken Arrow South Turnpike Loop reduced the dimensions of the property below what was necessary for a golf practice range.

The subject tract is abutted on the north by CO-zoned property that has been approved for a three-story, 42,500 SF medical and general office building. To the west, across South Mingo Road, is the South Pointe Medical Center and proposed office complex zoned RM-1/PUD-268-B and OL/PUD-597. The property to the south, across the Mingo Valley Expressway, is zoned RM-0, RS-3/PUD-364 and 364-C and is the location of a daycare center and single-family subdivision.

The PUD/corridor site plan proposes a medium density office park according to the concept illustration, Exhibit A, and the preliminary plat, Exhibit B, with assisted living facilities and elderly/retirement housing as an alternate use on Lots 2 and 3 as shown on the preliminary plat. The housing uses would utilize the floodplain area within Reserve "A" as an amenity.

The concept illustration recognizes the existing overland drainage easement previously dedicated to the public to accommodate the drainage basin of the west branch of Haikey Creek.

The proposed access to the lots would be from the cul-de-sac public street and from South Mingo Road outside of the limits of no access acquired by the Turnpike Authority and by mutual access easements as shown on Exhibit B, preliminary plat.

The existing golf pro shop and teaching building would be renovated for office use.

Staff finds PUD-628/Z-6467-SP-4 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-628/Z-6467-SP-4 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:

Net:	15.86 Acres	690,992 SF
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Permitted Uses:

Uses permitted in Use Unit 10, Off-street Parking and Use Unit 11, Offices and Studios, and uses customarily accessory to permitted principal uses, and outdoor advertising under Z-6467-SP-2b and Z-6467-SP-3.

Within Lots 2 and 3 as shown on the preliminary plat, Exhibit B, Use Unit 8, Assisted Living Facilities and Elderly/Retirement Housing only at a maximum density of 25 dwelling units per acre shall be permitted as an additional use.

Maximum Building Floor Area and Ratio:	0.60
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Maximum Land Coverage by Buildings Within a Lot:	30%
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Maximum Building Height:	60 FT
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Minimum Lot Frontage on South Mingo Road	150 FT
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Off-Street Parking:	As required by the applicable Use Unit of the Tulsa Zoning Code.
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Minimum Building Setbacks:

From the centerline of South Mingo Road	100 FT
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From the south boundary	20 FT
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From the north boundary	20 FT
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Internal lot side and rear yards to be established by detail site plan.

Minimum Landscaped Open Space:

A minimum of 15% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

Signs:

- 1) One ground sign not exceeding 12 feet in height and 32 square feet in display surface area shall be permitted on each lot.
- 2) Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
3. There shall be no development in the City of Tulsa's regulatory floodplain.
4. The PUD shall establish an access system in which lots have access to a public street that has access to South Mingo Road or the lots are interconnected with each other and the public street through an internal mutual access system.
5. 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.
6. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. 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.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

9. 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.
10. 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.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle "absent") to recommend **APPROVAL** of CO/PUD zoning for PUD-628 and recommend **APPROVAL** of PUD-628/Z-6467-SP-4 subject to conditions and as recommended by staff.

Legal Description for PUD-628/Z-6467-SP-4:

A tract of land being a part of the S/2, S/2 of Government Lot 1 and part of Government Lot 2, Section 19, T-18-N, R-14-E of the IBM according to the U. S. Government survey thereof, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at a point on the North line of said S/2, S/2 of Government Lot 1, said point lying 50' East of the Northwest corner thereof; thence N 88°58'08" E along said North line a distance of 1,169.43' to a point; thence S 01°21'18" E a distance of 127.27' to a point on the Northerly line of U. S. Highway No. 169; thence Southwesterly along said Northerly line as follows: thence S 65°09'49" W a distance of 0.00' to a point of curve; thence along said curve to the left, said curve having a radius of 1,290.27', a central angle of 22°13'05", a distance of 500.34' to a point of tangent; thence S

42°56'44" W a distance of 780.48' to a point; thence S 63°12'46" W a distance of 0.00' to a point of curve; thence along said curve to the right, said curve having a radius of 3,619.72', a central angle of 2°30'52", a distance of 158.85' to a point; thence N 12°32'12" W a distance of 26.21' to a point; thence N 31°52'37" W a distance of 75.49'; thence N 12°28'12" W a distance of 101.40' to a point lying 60' East of the West line of said Government Lot 2; thence N 01°09'35" W and parallel to said West line a distance of 264.68' to a point; thence S 88°50'25" W a distance of 10' to a point; thence N 01°09'35" W a distance of 584.83' to the point of Beginning, containing 15.86 acres, more or less, **from CO (Corridor District) to CO/PUD (Corridor District/Planned Unit Development).**

APPLICATION NO.: CZ-264

RS TO CS

Applicant: Dennis Hodo

(PD-12) (County)

Location: Northwest corner of East 96th Street North and U.S. Highway 75 North

Staff Recommendation:

RELEVANT ZONING HISTORY:

CZ-205 - August 1993: All concurred in approval of a request to rezone the subject tract from CS to RS for residential development.

CZ-173 - June 1989: Request to rezone a twelve-acre tract located in the southeast corner of U. S. Highway 75 and East 106th Street North from AG to CG. All concurred in denial of CG zoning and approval was granted for CS zoning.

CZ-56 - August 1982: A request to rezone a 60-acre tract located in the northwest corner of East 96th Street North and U. S. Highway 75 North and including the north half of the subject tract, from RE and CS to RMH was filed. The applicant amended the request by re-advertising for a change from RE and CS to RS. All concurred in approval of the requested RS zoning, leaving the CS portion that was that part of the subject tract.

CZ-29 - August 1981: A request to rezone 60 acres located north and west of East 96th Street North and U. S. Highway 75 North, including the subject tract, from RE to CG and RMH. All concurred in approval of rezoning the ten acres at the immediate intersection on the southeast corner of the tract to CS and denial of the balance.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3.41 acres in size and is located on the northwest corner of East 96th Place North and U.S. Highway 75 North. The property is gently sloping, non-wooded, vacant and zoned RS in the County.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
U. S. Highway 75 North	varies	4 lanes	Paved	No
East 96 th Street North	100'	2 lanes	Paved	No
North 44 th East Ave.	50'	2 lanes	Paved	No
North 42 nd East Ave.	50'	2 lanes	Paved	No

The Major Street Plan designates U. S. Highway 75 North as a freeway, East 96th Street North as a secondary arterial street, and North 42nd East Avenue and North 44th East Avenue as 50' residential streets. The Oklahoma Department of Transportation 1995 traffic counts indicate 2,797 trips per day on East 96th Street North at U.S. Highway 75 North.

UTILITIES: Water in this area is provided by a rural water system. The on-site waste treatment and disposal available has been approved by the water system.

SURROUNDING AREA: The subject tract is abutted on the north by single-family dwellings, zoned RS in the County; to the south across East 96th Street North by a church and to the southwest single-family homes, zoned AG; to the east are vacant lots, zoned CS and farther past the lots is U. S. Highway 75 North right-of-way, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The North Tulsa Comprehensive Plan designates the subject property as Low Intensity – Corridor District.

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

STAFF RECOMMENDATION:

The most recent zoning activity in this area approved RS zoning on the subject tract in 1993.

The area in question is much too large for staff to support CS zoning on the entire property due to the existing single-family residential uses on the north and northeast. Staff therefore, recommends **APPROVAL** of CS zoning on the south 150' of the subject tract and **DENIAL** of CS on the remainder.

Applicant's Comments:

Dennis Hodo, DLH Engineering, Inc., 8555 North 117 East Avenue, Owasso, Oklahoma, 74055, stated that he agrees with the staff recommendation.

The Following Interested Parties Expressed Similar Concerns:

Alton Roe, 9724 North 44th, Sperry, Oklahoma 74073; **Ronnie Smith**, 9829 North 43rd, Sperry, Oklahoma 74073; **Kelly Umphrey**, 4220 East 97th Street North, Sperry, Oklahoma 74073; **Bill Field**, 1316 East 96th Street North, Sperry, Oklahoma 74073; **Joey O'Neal**, 4308 East 97th Street North, Sperry, Oklahoma 74073.

Mr. Midget out at 4:00 p.m.

The Following Concerns Were Expressed by the above listed Interested Parties:

Concerns regarding commercial property tying into the lagoon system for the residential neighborhood; increase in traffic; detrimental to the neighborhood and lagoon system, which is at capacity; concerns regarding access points for the commercial property; concerns with uses that would be allowed in the commercial district; water drainage concerns; subject area will not perc; if a convenience store is built, it will be detrimental to the neighborhood; possibility of trash being left on residential properties created from a convenience store; vandalism; diminished property values; not against growth or change, but against it being in their back yard; bars are unacceptable; concerns regarding safety for the neighborhood children.

TMAPC Comments:

Mr. Westervelt explained to the interested parties that staff is only recommending CS zoning for the south 150' of the subject tract and denying CS zoning for the remainder. He indicated that this would provide protection for the residential properties adjacent to the tract.

Ms. Pace stated that she does not know if the interested parties realize that the first three lots that front Highway 75 are already zoned CS and commercial uses could be there today. She expressed concerns with property that will be left zoned RS and the possibility of a lagoon being put on the remainder of the land. In response, Mr. Westervelt reminded Ms. Pace that the Commission is dealing with a land use issue today and the Department of Environmental Quality will deal with the sewer system issues. Ms. Pace stated that the sewer system would have a bearing on her vote because of the odd shape of property that is being left zoned RS.

Ms. Matthew stated that there are lagoons existing on RS zoned property.

Mr. Westervelt reminded the interested parties that there is CS zoned property on the corner today and it would not be unreasonable for the applicant to request CS zoning for the entire tract because of the existing patterns. Staff is trying to mitigate some of the concerns expressed today by recommending CS on only the south 150' of the tract.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to recommend **APPROVAL** of CS zoning for CZ-264 on the south 150' of the subject tract and **DENIAL** of CS on the remainder as recommended by staff.

Legal Description for CZ-264:

Beginning at the southwest corner of Lot 10, Block 4, thence N 0°3'23"E for a distance of 150.00 feet; thence S 89°56'37"E for a distance of 78.89 feet; thence N 79°36'49"E for a distance of 499.29 feet; thence S 0°1'6"E for a distance of 150.00 feet; thence S 79°36'49"W for a distance of 499.29 feet; thence N 89°56'37"W for a distance of 79.05 feet; to the point of beginning, containing 1.96 Acres +/-, Tulsa County, State of Oklahoma.

APPLICATION NO.: CZ-265

Applicant: Wayne Mead

Location: Southwest corner of Southwest Boulevard and South 67th West Avenue

RS TO CG

(PD-23) (County)

Staff Recommendation:

RELEVANT ZONING HISTORY:

CZ-261 - January 2000: TMAPC and staff recommended approval of a request to rezone a tract located on the southeast corner of Southwest Boulevard and South 68th West Avenue and abutting the subject tract on the east, from RS to CG. The Board of County Commissioners unanimously approved the rezoning on February 7, 2000.

CBOA-1635 - April 1999: The Board of Adjustment approved a special exception to allow a single-wide mobile home on the property adjoining the subject tract to the south. Approval was granted to allow one mobile home on four 25' lots only.

CZ-184 - September 1990: A request to rezone a tract located on the southeast corner of Highway 66 West and South 67th West Avenue and east of the subject property, from RS to CG. Staff recommended denial of CG zoning and the Board of County Commissioners approved CS zoning of the property.

CBOA-908 - July 1989: The Board of Adjustment denied a use variance request to allow for automobile repair in an RS-zoned district on property located north of the northeast corner of West 60th Street South and 67th West Avenue.

CBOA-604 - October 1985: The Board of Adjustment approved a special exception to allow a mobile home in an RS-zoned district, subject to a 55' setback from the centerline of 67th West Avenue. The property is located north of the northeast corner of West 60th Street South and South 67th West Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 86.2' x 130' or .25 acres in size and is located on the southwest corner of Southwest Boulevard and South 67th West Avenue. The property is gently sloping, contains a nonconforming tire business, and is zoned RS in the County.

STREETS:

Existing Access	MSHP Design.	Exist. No. Lanes	Surface	Curbs
Southwest Boulevard	100'	2 lanes	paved	No
South 67 th West Avenue	50'	2 lanes	paved	No

The Major Street Plan designates Southwest Boulevard as a secondary arterial street and South 67th West Avenue as a residential street. The Oklahoma Department of Transportation 1995 traffic counts indicate 51,327 trips per day on Southwest Boulevard at South 61st West Avenue.

UTILITIES: Water and sewer are available to the site.

SURROUNDING AREA: The subject tract is abutted on the north by Southwest Boulevard and beyond the street is the Frisco Railroad right-of-way, zoned RS; to the south by single-family dwellings, zoned RS; to the east by a manufactured home, zoned CS; and to the west by a service station or automotive repair business which was approved for CG zoning by the Board of County Commissioners on February 7, 2000, (publication of the resolution has not been completed). Various other apparently-nonconforming uses front Southwest Boulevard both east and west of the site.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject property is not included in any adopted Comprehensive Plans. In such cases, the general provisions of the Metropolitan Development Guidelines, as well as existing physical facts, apply. Because its location does not qualify as a node, according to the Metropolitan Development Guidelines' definition, the requested CG is **not in accord**. However, given the number of similar uses along the Southwest Boulevard frontage and in the immediate area, it is apparent that the area is in transition to higher intensity uses than single-family residential.

STAFF RECOMMENDATION:

The most recent zoning activity in this area approved CG zoning from RS zoning, on the adjoining tract directly west of the subject property.

Based on the fact that this property is not included within any adopted Comprehensive Plans and the existing physical facts in the area, staff can support the requested CG zoning and recommends **APPROVAL** of CZ-265 for CG zoning.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to recommend **APPROVAL** of CG zoning for CZ-265 as recommended by staff.

Legal Description for CZ-265:

Lots 1, 2, and 3, Block 51, Taneha Addition to the City of Tulsa, Tulsa County, State of Oklahoma, **from RS (Residential Single-family District) to CG (Commercial General District).**

APPLICATION NO.: Z-6752

RS-3 TO RM-2

Applicant: Kevin C. Coutant

(PD-6) (CD-9)

Location: West of northwest corner of East 48th Street and South Peoria

Staff Recommendation:

RELEVANT ZONING HISTORY:

None.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.33 acres in size and is located north of the northwest corner of East 48th Street South and South Peoria Avenue. The property is flat, non-wooded, vacant and zoned RS-3.

STREETS:

Existing Access	MSHP Design.	Exist. No. Lanes	Surface	Curbs
South Peoria Avenue	100'	4 lanes	Paved	Yes
East 48 th Street South	50'	2 lanes	Paved	Yes

The Major Street Plan designates South Peoria Avenue as a secondary arterial street and East 48th Street South as a residential street. City of Tulsa 1996 – 1997 traffic counts indicate 26,700 trips per day on South Peoria Avenue between East 41st Street and East 51st Street.

UTILITIES: Water and sanitary sewer are available to this site.

SURROUNDING AREA: The subject tract is abutted on the north by a mini-storage facility zoned CS; to the northwest by an elementary school, zoned RS-3; to the west by an apartment complex, zoned RM-2; to the south by single-family homes, zoned RS-3 and to the east by commercial/retail, zoned CH.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 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 RM-2 zoning **is not** in accordance with the Plan Map.

STAFF RECOMMENDATION:

The subject tract is abutted on the west by an apartment complex; to the north is a vacant lot and beyond the vacant property is a mini-storage facility and to the east are commercial businesses. The requested zoning is not in compliance with the Comprehensive Plan; however, given the existing zoning and uses, staff can support the requested RM-2 zoning. Staff therefore recommends **APPROVAL** of Z-6752 for RM-2 zoning.

Should TMAPC concur with staff's recommendation, the Commission should direct staff to prepare appropriate amendments to the District 6 Plan.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to recommend **APPROVAL** of RM-2 zoning for Z-6752 and direct staff to prepare appropriate amendments to the District 6 Plan as recommended by staff.

Legal Description for Z-6752:

Lot 5, Evergreen Addition to the city of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **from RS-3 (Residential Single-family High Density District) to RM-2 (Residential Multifamily Medium Density District).**

APPLICATION NO.: Z-6753/PUD-450-A

CS/PUD TO RS-3/PUD

Applicant: Jeffrey Levinson

(PD-26) (CD-8)

Location: Southwest corner of East 111th Street and South Sheridan Road
(REZONING/MAJOR AMENDMENT)

Staff Recommendation Z-6753:

RELEVANT ZONING HISTORY:

Z-6702 - September 1999: All concurred in approval of a request to rezone a ten-acre tract located on the northwest corner of East 121st Street South and South Sheridan Road from AG to CS and RS-3. Staff and TMAPC recommended CS zoning on the 467' x 467' corner node with the surrounding 195' fronting both on East 121st Street South and South Sheridan Road as a wraparound of RS-3 zoning. City Council concurred with TMAPC and staff recommendation.

Z-6700/PUD-611 - June 1999: All concurred in approval of a request to rezone a 20-acre tract located west of the northwest corner of East 111th Street South and South Sheridan Road from AG to RS-2/PUD for a residential development.

BOA-17569 - November 1996: A request to allow a 110' cellular tower on property located north of the northwest corner of East 111th Street South and South Sheridan Road, and zoned AG, was denied.

Z-6249/PUD-450 - July 1989: A request to rezone the subject tract from AG to CS/PUD for commercial shopping center. The request was approved subject to the PUD standards and conditions.

Z-6249 - May 1989: An application was filed to rezone a 44.6-acre tract located on the southwest corner of East 111th Street South and South Sheridan Road, which included the subject property, from AG to RS-2 and CS. TMAPC recommended approval of RS-1 on the west 140' of the tract, RS-2 on the balance of the tract less the proposed commercial node (675' x 290'). All concurred in approval of the residential zoning and recommended the applicant submit a PUD along with the rezoning application for CS on the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.5 acres in size and is located on the southwest corner of East 111th Street South and South Sheridan Road. The property is flat, non-wooded, vacant, and zoned CS/PUD-450.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 111 th Street South	100'	2 lanes	Paved	No
South Sheridan Road	100'	2 lanes	Paved	No

The Major Street Plan designates East 111th Street South and South Sheridan Road as secondary arterial streets. The City of Tulsa 1996 – 1997 traffic counts indicate 4,700 trips per day on South Sheridan Road at East 111th Street South.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted on the north by vacant property, zoned AG; to the south and west, by single-family homes, zoned RS-2/PUD-450; and to the east across South Sheridan Road by single-family homes within the city limits of Bixby.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the western 200' of the subject tract as Low Intensity – Residential with the balance on the east as being within a Low to Medium Intensity – No Specific Land Use and Development Sensitive node. Plan text provisions encourage the use of the PUD (item 4.7) to ensure maximum use of the land in accord with natural and manmade features of the area.

According to the Zoning Matrix the requested RS-4 zoning **is** in accordance with the Plan Map. As noted, this is also part of a PUD.

STAFF RECOMMENDATION Z-6753:

Based on the existing zoning and development in this area, staff recommends **APPROVAL** of RS-4 zoning for Z-6753.

And

Staff Recommendation PUD-450-A:

The subject tract contains 4.5 acres (gross) and is located at the southwest corner of East 111th Street South and Sheridan Road. The tract has approximately 625' of frontage on East 111th Street South and 240' on Sheridan Road.

The subject tract is abutted on the south and west by a developed single-family subdivision, zoned RS-2. To the east of the tract, across South Sheridan Road, is a developed single-family subdivision, zoned RS-1/PUD-14. To the north, across 111th Street South, is vacant land zoned AG.

The subject tract is zoned CS/PUD-450. The approved PUD designated one development area proposed for a commercial shopping center. Concurrently an application has been filed (Z-6753) to rezone the tract to RS-4.

The major amendment proposes a maximum of 23 single-family dwellings. The proposed development would allow a private roadway system that would have access to 111th Street. The PUD proposes a divided double entry to maintain dual access for emergency vehicles.

If Z-6753 is approved as recommended by staff, 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 450-A 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 450-A 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:

Gross Land Area:	4.5 acres
Permitted Uses:	Use Unit 6, detached single-family dwellings.
Maximum Number of Dwelling Units:	23
Maximum Access Points:	
East 111 th Street South	1*
South Sheridan Road	0
Minimum Required Yards:	
From west boundary of PUD	20 FT
From south boundary of PUD	20 FT
From centerline of East 111 th Street South	70 FT
From centerline of South Sheridan Road	70 FT
From private street right-of-way:	
Residences	20 FT
Garage	25 FT
From interior side lot lines	5 FT
Minimum Lot Width:	45 FT

Minimum Lot Area: 4,500 SF

Other Minimum Bulk and Area Requirements: As provided within an RS-4 district.

*Access points shall be approved by Traffic Engineering.

3. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
4. All private roadways shall be a minimum of 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.
5. 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.
6. 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.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
8. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC and Traffic Engineering prior to issuance of a building permit.
9. 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.

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to recommend **APPROVAL** of RS-4 zoning for Z-6753 and to recommend **APPROVAL** of the major amendment for PUD-450-A subject to conditions as recommended by staff.

Legal Description for Z-6753/PUD-450-A:

The North 290' of the East 675' of the NE/4, NE/4, Section 34, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. government survey thereof **from CS/PUD (Commercial Shopping Center District/Planned Unit Development) to RS-4/PUD (Residential Single-family Highest Density District/Planned Unit Development).**

OTHER BUSINESS:

APPLICATION NO.: PUD-522

DETAIL SITE PLAN

Applicant: Ted Sack

(PD-18) (CD-8)

Location: Southwest corner of Mingo Road and 81st Street South

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 3,050 SF restaurant with associated drive-through on 43,699 (Net) SF of Lot 1. The single-story structure is 16' 11" in height, is centrally situated on the lot and is set back over 100' from both the western and southern boundaries of Lot 1 within the Development Area designated as Tract "A" by Minor Amendment PUD-522-1.

Staff has examined the Detail Site Plan and finds conformance to area and bulk, height, setback, parking, access, uniformity of wall finishes, trash screening, lighting and total landscaped area standards outlined in PUD-522. Staff notes that screening of rooftop mechanical equipment is not indicated on the plan. Also, signage on the building appears to be affixed to the roof structure, which is not allowed by the Zoning Code.

Based on review and a finding that the Detail Site Plan meets or exceeds the approved development specifications for PUD-522, staff recommends **APPROVAL** of the site plan subject to the following conditions:

1. Submission and approval of a revised Detail Site Plan indicating screening of all ground and rooftop mechanical areas in accordance with Development Specification Number 6 of the original approval.
2. The Detail Site Plan does not constitute a Detail Sign or Landscape Plan. Sign and Landscape Plans will be submitted separately for TMAPC staff review and approval.

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:


On **MOTION** of **LEDFORD**, the TMAPC voted **9-0-0** (Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Midget "absent") to **APPROVE** the detail site plan for PUD-522 subject to conditions as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 4:10 p.m.

Date approved: 3-15-02


Chairman

ATTEST:


Secretary

