

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2309

Wednesday, May 15, 2002, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes	Bayles	Beach	Romig, Legal
Harmon	Dick	Dunlap	
Hill		Fernandez	
Horner		Huntsinger	
Jackson		Matthews	
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, May 10, 2002 at 4:15 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Harmon called the meeting to order at 1:35 p.m.

### Minutes:

#### **Approval of the minutes of April 24, 2002, Meeting No. 2307**

On **MOTION** of **CARNES**, the TMAPC voted 8-0-1 (Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Bayles, Dick "absent") to **APPROVE** the minutes of the meeting of April 24, 2002, Meeting No. 2307.

### Minutes:

#### **Approval of the minutes of May 1, 2002, Meeting No. 2308**

On **MOTION** of **HORNER**, the TMAPC voted 9-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **APPROVE** the minutes of the meeting of May 1, 2002, Meeting No. 2308.

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**REPORTS:**

**Director's Report:**

Mr. Dunlap reported that there is one item on the City Council agenda for Thursday, April 16, 2002.

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**ITEMS TO BE CONTINUED:**

**APPLICATION NO.:** CZ-303/PUD-664

**AG to RM-0/PUD**

**Applicant:** R. L. Reynolds

(PD-12) (County)

**Location:** South of southeast corner of East 96<sup>th</sup> Street North and North Cincinnati

**Staff Recommendation:**

An interested party has requested a continuance.

**Interested Parties Comments:**

**Amy Dobbins**, 598 East Ash, Skiatook, Oklahoma 74070, representing Tom Baker, requested a continuance to June 5, 2002. She explained that Mr. Baker has a conflict in scheduling and requests a continuance.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **CONTINUE** CZ-303/PUD-664 to June 5, 2002 at 1:30 p.m.

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**APPLICATION NO.:** Z-6859/PUD-662

**AG to IL/PUD**

**Applicant:** William M. Wiles

(PD-17) (CD-6)

**Location:** Northwest corner of East 7<sup>th</sup> Street and South 145<sup>th</sup> East Avenue

**Staff Recommendation:**

Applicant has requested a continuance to June 5, 2002.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **CONTINUE** to Z-6859/PUD-662 to June 5, 2002, at 1:30 p.m.

**PRELIMINARY PLAT:**

**Git-N-Go 101 Sheridan – PUD-431-B (2783) (PD-26) (CD-8)**

**Location:** West of the southwest corner of 101<sup>st</sup> Street and South Sheridan Road

**Staff Recommendation:**

Applicant has requested a continuance to June 5, 2002.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **CONTINUE** the preliminary plat for Git-N-Go, 101 South Sheridan to June 5, 2002 at 1:30 p.m.

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**SUBDIVISIONS:**

**MINOR SUBDIVISION PLAT:**

**Olivet Baptist Church – (592) AG (PD-11) (County)**

**Location:** 155 North 65<sup>th</sup> West Avenue

**Staff Recommendation:**

This plat consists of one lot in one block on 6.5 acres. The property will be used for a church and accessory church uses. All release letters have been received for this minor subdivision plat. Staff recommends **APPROVAL** of the plat.

**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**, TMAPC voted 9-0-0 (Carnes, Harmon, Hill, Homer, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **APPROVE** the minor subdivision plat for Olivet Baptist Church as recommended by staff.

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**FINAL PLAT:**

**Mingo Medical Center – CO (1984)**

(PD-18) (CD-8)

**Location:** South of southeast corner of South Mingo Road and East 91<sup>st</sup> Street

**Staff Recommendation:**

This plat consists of one lot in one block on 3.5 acres. The property will be used for a medical office and general office center.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat.

**Applicant was not present.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **APPROVE** the final plat for Mingo Medical Center as recommended by staff.

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**Wenmoor – PUD-646 (2683)**

(PD-26) (CD-8)

**Location:** Northeast of East 111<sup>th</sup> Street and South Sheridan Road

**Staff Recommendation:**

This plat consists of 33 lots in three blocks and two reserves on 37.5 acres. The PUD will allow single-family residential use. Detached accessory buildings may be allowed with up to 1,100 square feet of living space in addition to other accessory uses such as a garage.

The PUD was approved in 2001. It will allow single-family residential use. Detached accessory buildings may be allowed with up to 1,100 square feet of living space in addition to other accessory uses such as a garage.

Mr. Beach stated that prior to today's meeting, he received word that there were some minor changes to a drainage easement and as described, the changes are inconsequential. He further stated that staff would recommend **APPROVAL** of the final plat subject to final approval of the minor stormwater easement modification and final legal approval.

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**, TMAPC voted 9-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **APPROVE** final plat for Wenmoor subject to final approval of the minor stormwater easement modification and final legal approval as recommended by staff.

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**Yale 101 Addition – OL, CS (2183)**

(PD-26) (CD-8)

**Location:** Northwest corner of East 101<sup>st</sup> Street and South Yale Avenue

**Staff Recommendation:**

This plat consists of one lot in one block on 1.7 acres. The property will be used for a Walgreen's Store.

All release letters have been received. Staff recommends **APPROVAL** of the final plat for Yale 101 Addition.

**Applicant was not present.**

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **APPROVE** final plat for Yale 101 Addition as recommended by staff.

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**PRELIMINARY PLAT:**

**French Creek Patio Homes Amended PUD-643 (1283) (PD-18) (CD-7)**

**Location:** East 74<sup>th</sup> Street and South Memorial Drive, south of the southeast corner

**Staff Recommendation:**

This plat consists of 79 lots in ten blocks and nine reserves on 11.6 acres. It will be developed with townhouse dwellings.

The plat was completed and filed around the first of this year. It was then discovered that there were some incorrect building lines, which caused the relocation of some easements. French Creek Patio Homes is being abandoned and replaced with French Creek Patio Homes Amended.

Staff resubmitted this to the TAC and TMAPC for review and release. It is the applicant's desire to obtain release letters as quickly as possible and move right to TMAPC for approval of preliminary and final plat together.

As of the TAC meeting, all release letters have been received by staff.

The following were discussed **April 18, 2002** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

*Staff:* The property was rezoned to PUD 643 in February 2001. This triggered a requirement to plat. The PUD allows up to 80 townhouse dwellings, one story, up to 35 feet high.

**2. Streets/access:**

*Staff:* No additional information.

*Public Works Traffic & Transportation:* No additional comments.

*Applicant:* No additional comments.

**3. Sewer:**

*Staff:* No additional information.

*Public Works Waste Water:* No additional comments.

*Applicant:* No additional comments.

**4. Water:**

*Staff:* No additional information.

*Public Works Water:* No additional comments.

*Applicant:* No additional comments.

**5. Storm Drainage:**

*Staff:* No additional information.

*Public Works Stormwater:* No additional comments.

*Applicant:* No additional comments.

**6. Utilities:**

*Staff:* No additional information.

*Franchise Utilities:* No additional comments.

*Applicant:* No additional comments.

**7. Other:**

*Staff:* All release letters were received prior to the TAC meeting.

Staff recommends **APPROVAL of the preliminary plat and the final plat** subject to the special and standard conditions below, (which are the same conditions of approval of the previous French Creek Patio Homes).

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Construction and dedication of a public cul-de-sac at the west end of the property to function with East 74<sup>th</sup> Place, acceptable to Public Works. Acceptance indicated by release of final plat.
2. Dedicate 10' restricted water line easement along the private streets, acceptable to Public Works. Acceptance indicated by release of final plat.

**Standard Conditions:**

1. All conditions of PUD-643 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. 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.
3. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.



12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefore 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 therefore 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.

**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**, TMAPC voted 9-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **APPROVE** the preliminary plat and the final plat for French Creek Patio Homes Amended, subject to special conditions and standards conditions as recommended by staff.

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**CONTINUED ZONING PUBLIC HEARING:**

**APPLICATION NO.:** Z-6857/PUD-665

**RS-3 to CH/PUD**

**Applicant:** Harry K. Myers/R. L. Reynolds

(PD-5) (CD-4)

**Location:** North side of East 15<sup>th</sup>, between South Erie and South Fulton

**Staff Recommendation for Z-6857:**

**RELEVANT ZONING HISTORY:**

**BOA-19256 December 2001:** The Board of Adjustment approved a request for variances of the required 100' setback from the centerline of East 15<sup>th</sup> Street to allow the construction of a home improvement store and a mini-storage facility. The property is located southwest of the subject tract on the southeast corner of East 15<sup>th</sup> Street and South Yale Avenue.

**BOA-19024 March 2001:** The Board of Adjustment approved a variance for the home improvement store on the property located on the southeast corner of East 15<sup>th</sup> Street and South Yale Avenue to meet parking requirements on a lot containing a mini-storage facility and other than where the principal use is located. The parking agreement would be temporary and only until construction of the home improvement facility and the new mini-storage facility was complete, at which time the existing mini-storage would be demolished, thereby providing required parking area for the home improvement store.

**BOA-18304 February 1999:** The Board of Adjustment approved a special exception to permit Use Units 12 and 14 in an IM-zoned district; a variance of the required building setback from the centerline of East 15<sup>th</sup> Street from 65 'to 62'; and a special exception to waive the screening requirements along East 15<sup>th</sup> Street frontage in lieu of landscaping.

**BOA-7253 December 1971:** The Board of Adjustment approved a variance to permit maintaining quarters for a custodian/night-watchman and manager of a warehouse facility located directly across East 15<sup>th</sup> Street from the subject tract and in an IM-zoned district.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property consists of two adjoining lots that front East 15<sup>th</sup> Street South and lie between South Erie Avenue and South Fulton Avenue. The lots are 61' x 280', combined size. The property is sloping, non-wooded, and zoned RS-3.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. No. Lanes</b>
East 15 <sup>th</sup> Street South	100'	100'	4 lanes
South Erie Avenue	50'	50'	2 lanes
South Fulton Avenue	50'	50'	2 lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the north and west by single-family dwellings, zoned RS-3; to the east by a small repair shop, zoned CS and to the northeast by single-family dwellings, zoned RS-3; and to the south across East 15<sup>th</sup> Street by Public Service offices and equipment storage lot, zoned IM.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Residential Land Use.

According to the Zoning Matrix the requested CH **is not** in accord with the Zoning Matrix.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, existing land uses and surrounding zoning, staff cannot support the requested CH zoning and therefore recommends **DENIAL** of CH zoning or any lesser commercial zoning for Z-6857.

**Staff Recommendation for PUD-665:**

The PUD proposes uses included within Use Unit 10, Off-Street Parking Areas; Use Unit 11, Offices, Studios, and Support Services; and selected Use Unit 15 uses, Other Trades and Services on .6396 (gross) acres located on the north side of East 15<sup>th</sup> Street South between South Erie Avenue and South Fulton Avenue. The subject tract is composed of two lots in a residential subdivision that has 280 feet of frontage on 15<sup>th</sup> Street and 61 feet of frontage on South Erie Avenue and also on South Fulton Avenue. Currently, 15<sup>th</sup> Street has a planned right-of-way of 100 feet, but only 80 feet currently exists; therefore, an additional ten feet of right-of-way would be required to be dedicated along 15<sup>th</sup> Street. This would make the PUD have a depth of 50 feet. The tract is zoned RS-3. Rezoning application Z-6857 has been filed requesting the tract be rezoned to

CH. The tract is abutted on the north by single-family dwellings, zoned RS-3. There are single-family dwellings zoned RS-3 to the west of the tract across South Erie Avenue. To the east of the tract across South Fulton Avenue is a small repair shop zoned CS and to the northeast of the tract are single-family dwellings zoned RS-3. To the south of the tract across 15<sup>th</sup> Street are industrial uses zoned IM.

The District 5 Plan, a part of the Comprehensive Plan designates the subject tract as Low Intensity Residential. The requested zoning and PUD are not in accordance with the plan map.

Staff finds the uses and intensities of development proposed to not be consistent with the Comprehensive Plan nor in harmony with the existing or proposed development of the area. Because of this, shallowness of the lot and the potential harm to the residences on the north side of 15<sup>th</sup> Street, staff recommends **DENIAL** of PUD-665.

**Applicant's Comments:**

**R.L. Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma 74114, representing Harry K. Myers, submitted photographs (Exhibit A-1) and stated that because of the depth of the subject property, he requested CH zoning with a PUD in order to restrict the uses. He indicated that he would like to develop close to the property line and the PUD has three allowed uses, off-street parking, office use and other trades and services. The first thing that needs to be considered is that the subject property is a half-block west of Chandler Building Materials and across the street from PSO's yard. The west half of the subject property has been vacant for 30 years since the original home was destroyed by fire. The owners have tried to sell this property and have been unable to find someone willing to build a home on it.

Mr. Reynolds stated that his client has recently built a new home in the subject area and sold it. He commented that his client is very familiar with the subject neighborhood. He doesn't believe that anyone would want a home built on the subject property.

Mr. Reynolds stated that the proposed building is set back to the north toward the neighborhood for buffering purposes and to not interfere with people's view of traffic exiting onto 15<sup>th</sup> Street. He indicated that his client met with the neighbors and blocking the view onto 15<sup>th</sup> Street was one of their concerns. The subject site would buffer the neighborhood from the noise and sight of 15<sup>th</sup> Street. He explained that there would not be any adult entertainment on the subject site and there will not be an automobile dealership on the subject property. He indicated that the building was designed after having three meetings with the neighborhood. The proposed building would have a residential character and the garage doors would look like stable doors. Mr. Reynolds submitted a sketch of the elevations and a rendering of the proposed building, which were the result after several meetings with the neighbors (Exhibit A-2). He commented that the

neighbors were concerned that his client would follow through with his proposal as presented to them. He explained that through the process, the subject property would have minimum restrictive covenants, which would include all of the restrictions provided for in the PUD. He stated that there would be a building on each lot. The applicant has had three meetings with the neighbors and knocked on many doors to discuss the subject application. From those meetings, he has learned that some of the Use Unit 15 uses are too intense and so he has eliminated approximately half of the Use Unit 15 uses that are allowed by right with the PUD. There will not be any Use Unit 15 uses that deal with distribution or that are considered heavy industrial. He commented that his client doesn't expect a lot of people to come to the subject properties and it was never his desire. The proposed buildings would not tower over the existing houses and it would be an effective buffer. The buildings are set back to line up with the existing houses, and there would be no ingress/egress from the neighborhood, but all off of 15<sup>th</sup> Street.

Mr. Reynolds stated that when one looks at the details of the PUD and the whole picture, his client has tried to make this project compatible with the existing neighborhood.

**Interested Parties Opposing Z-6857/PUD-665:**

**Shirley Hoppes**, 1226 South Fulton, Tulsa, Oklahoma 74112, submitted a petition opposing (Exhibit A-4); **Holly Cole**, 1446 South Erie, Tulsa Oklahoma 74112; **Don Smith**, 1440 South Fulton, Tulsa, Oklahoma 74112; **Roger Williams**, 1435 South Erie, Tulsa, Oklahoma 74112; **Carol Akins**, 1423 South Fulton, Tulsa Oklahoma 74112.

**Interested Parties Opposing Z-6857/PUD-665 Comments:**

Neighborhood doesn't want commercial property in the neighborhood; traffic increase; the proposal doesn't fit in with the neighborhood; there is commercial property available in other areas on 15<sup>th</sup> where it is appropriate; existing commercial property at 15<sup>th</sup> and Allegheny blends in with the neighborhood and it is difficult to tell that it is an office or house; expressed concerns that because Lowe's is moving into the subject area that the neighborhood wouldn't be able to prevent commercial property from entering their area; concerned about truck traffic; concerned about the tenant using the property as he pleases after being approved and not conforming to the restrictions; the reason the subject property has not been developed in the past is because the owner has asked for too much money and he has been denied in the past for rezoning to commercial; several neighbors have never met with the applicant and was unaware of the neighborhood meetings; security lighting would overflow into the neighborhood; the petition has 50 names of residents within three blocks of the subject property that oppose this application; the application proposal has changed many times and the neighbors are not sure what the proposed use is at this time; when you purchase a home in a residential area it should remain residential; owners of recently purchased homes didn't know about the subject proposal and it is not

fair to them to find out after investing in their homes that a commercial property is proposed across from their home; many of the neighbors were not contacted about the proposal; the existing businesses used to be small businesses and didn't impact the neighborhoods, but PSO recently quit preserving their area and has built up which has become an eyesore; the more commercial property allowed, the more would come into the neighborhood and decrease the quality of life.

**Interested Parties in Favor of Z-6857/PUD-665:**

**Martha Onstatt**, 1239 South Braden, Tulsa Oklahoma 74112; **Don & Deanna Jones**, representing property at 1446 South Fulton, Tulsa, Oklahoma 74112; **Deanna Jones**, 1446 South Fulton, Tulsa, Oklahoma 74112; **David Hughes**, realtor for Myers, Jones and Hendricks, Director of the Greater Tulsa Association of Realtors, 11505 E. 43<sup>rd</sup> Street, Tulsa Oklahoma 74146 and the Oklahoma Association of Realtors, submitted a letter from property owner (Exhibit A-5).

**Interested Parties in Favor of Z-6857/PUD-665 Comments:**

The developer is a quality builder and it would fit in with the neighborhood; the developer is interested in the neighborhood; the developer recently built a home in the subject area and sold it to Ms. Onstatt; the development is keeping within what the city is doing at this time; development would be an improvement, which is a low-impact development that would not interfere with the neighborhood; the development would abate the noise from 15<sup>th</sup> Street and would not be an aggravation at night; subject property has never been successfully sold as residential because of the view across the street and with Lowe's coming in it would probably change the traffic drastically; having an office on the subject property, without a lot of traffic, is going to make it more pleasant and enjoyable for the neighborhood; the subject proposal is for only the property on 15<sup>th</sup> and not back into the neighborhood; property adjacent to a busy street (15<sup>th</sup> Street) and with a view of an industrial area, would be undesirable for prospective homeowners to locate; the view has deteriorated substantially in the subject area and no one would purchase the subject property to build a home; Mr. Myers builds outstanding buildings and it would be high quality; Mr. Myers is an honorable man and does what he states he would do; the subject property has been listed for residential and no one would purchase the subject property; the owners of the subject property need to sell due to illness.

**TMAPC Comments:**

Mr. Harmon asked Ms. Hoppes why she believes the subject property has never built with residential after sitting vacant for 30 years. In response, Ms. Hoppes stated that she doesn't know why.

Ms. Pace asked Ms. Akins if she thought PSO had added buildings in the last two years. In response, Ms. Akins stated that it appears to be garages and equipment being stored that weren't there previously. Ms. Akins explained that originally it was a place to pay your PSO bill and had a lot of green area, but now

it is being used for storage. Ms. Pace suggested that the residents call Neighborhood Inspections regarding the PSO property. Ms. Pace explained that when a business adds onto their property, there are privacy issues and screening requirements to protect the neighborhood.

**Applicant's Rebuttal:**

Mr. Reynolds stated that the subject building would be mostly brick because the neighbors preferred brick. He explained that Dennis Whitaker, Urban Development, set up meetings with the residents on the mailing list and there have been meetings over a four- to six-week process. There is an existing tree on the subject property and the design was created around it to save the tree. There will be landscaping and the new trees will be nice trees in the future. The proposed building is better looking than the office building the interested parties described. The proposed building would look like a house with a pitched roof that would blend in with the neighborhood. He stated that the 24-foot pitched roof would also act as a sound barrier for the neighborhood. There would be no outside storage of trucks and equipments. There may be UPS and Fed-X deliveries, but the businesses would not have outside storage of trucks. The applicant is proposing strong restrictions on what would be allowed on the subject property in order to protect the neighborhood. The restrictive covenants would be enforceable by the City of Tulsa and anyone occupying the proposed buildings would have to take notice of the conditions.

Mr. Reynolds stated that on the South Erie property there is a portion of property missing (ten-foot square), which is located near the street. He explained that the ten-foot square parcel is owned by ONG and there is some equipment located on this piece of property. He explained that the equipment is to prevent a blowout. If there is a backup in the ONG line, this is where the gas would escape to prevent an explosion. He commented that he was told that the equipment is what caused a fire that burned down the former house on the subject property. This equipment is enough of a reason not to develop the subject property for residential purposes. He stated that he stood beside the equipment and could smell the natural gas.

Mr. Reynolds stated that the criticism heard today is important to his client and his client has gone a long way to addressing the comments. The proposal is for small businesses and would not impact the neighborhood with additional traffic or noise. All the traffic would come and go off of 15<sup>th</sup> Street and would not add to the traffic in the neighborhood. If the proposal is approved, the view for cars entering 15<sup>th</sup> Street from the neighborhood would be better because it would be set back farther than a house. The members of the opposition are absolutely against it and his client has been able to talk to some of the neighbors for their comments. He has worked very hard to incorporate those details into the proposal. The last meeting held was with 25 neighbors and all their comments were considered.

**TMAPC Comments:**

Mr. Harmon asked Mr. Reynolds how many meetings were held with the neighborhood. In response, Mr. Reynolds stated that there were three meetings. Mr. Harmon asked how the meetings were publicized. In response, Mr. Reynolds stated that Dennis Whitaker set the meetings up. Mr. Harmon asked why there were residents who stated they were never contacted. In response, Mr. Reynolds stated that he doesn't know, but his client did try unsuccessfully to contact the neighbor to the north.

Ms. Pace stated that CH zoning abutting RS-3 is generally considered inappropriate. She asked why this application would be different. In response, Mr. Reynolds stated because it would be in a PUD. Mr. Reynolds stated that the subject property would not be zoned CH because it would have a unique zoning district, which would be PUD-655. Ms. Pace stated that the underlying zoning would be CH if approved. In response, Mr. Reynolds stated that it would have the underlying zoning of CH but it would not be zoned CH. Ms. Pace asked if Mr. Myers is a builder in the neighborhood who is redeveloping residential uses. In response, Mr. Reynolds stated that Mr. Myers has redeveloped one residential property in the neighborhood. Ms. Pace asked if the proposed construction barn is about redevelopment. In response, Mr. Reynolds answered negatively. Mr. Reynolds stated that he takes exception, with due respect, to calling the proposal a construction barn. Mr. Reynolds stated that the proposal is for Use Unit 15 use and one part would be for the applicant's business. He would have his construction office and business in one of the proposed buildings. Ms. Pace stated that the proposed building has four overhead doors, which could be used for trucks to pull in and it would represent a barn. Mr. Reynolds stated that one could call it a barn if they prefer, but it is just designed for the Use Unit 15 (quasi-office, -commercial and -industrial use). Mr. Reynolds stated that his client cut out the hard industrial type of uses, the distribution traffic-type generation use and would be considered a blue-collar office building. Ms. Pace stated that there have been some past mistakes made along 15<sup>th</sup> Street; however, they are defined and once you cross those tracks it is definitely mixed-uses and this appears to be close to spot-zoning. Ms. Pace stated that with the underlying CH zoning, it lends itself to minor amendments to allow the uses that are now restricted, especially if Mr. Myers sells the property. Mr. Reynolds stated that minor amendments can't be done without the Planning Commission's approval. Mr. Reynolds stated that the CH zoning (as far as setting a precedent) is absolutely irrelevant because of the PUD designation. Mr. Reynolds stated that the owner of the tract of land zoned CS could do more than his client and it is one of the ugliest pieces of property in Tulsa. Mr. Reynolds commented that there would be restrictions on his client's proposal so that it could not become like the CS property.

Ms. Pace asked Mr. Reynolds to cite for the record what Use Unit 15 uses are. In response, Mr. Reynolds stated that it would be other trades and services. Ms. Pace asked what types of uses would be allowed in Use Unit 15. Mr. Reynolds



submitted a list of Use Unit 15 uses with lines drawn through uses his client agrees not to have (Exhibit A-3). Ms. Pace commented that the uses allowed are still intense and she cited the uses she felt would be intense uses. Ms. Pace asked Mr. Reynolds if his client could achieve his goal with office zoning. In response, Mr. Reynolds answered negatively. Mr. Reynolds stated that he does not believe that this is spot zoning and takes issue with that concept.

Mr. Carnes asked Mr. Reynolds why he needs CH zoning because the Planning Commission has not issued CH zoning here for years. Mr. Reynolds stated that his client wanted to set the buildings back in order to get enough distance from the street for parking. Mr. Reynolds explained that the CS property has all of their parking in back and they store all of their junk in the back where the neighborhood can see it all. His client prefers to have the parking in front and if they have any junk it would be in the front. Mr. Reynolds stated that his client wouldn't have any junk in the front, but if he did it would be out front for everyone to see.

Mr. Dunlap stated that Use Unit 15 would be allowed in the CS district by special exception and could be permitted in a PUD. Mr. Carnes asked why CH underlying zoning is needed if it is a PUD. Mr. Dunlap stated that Use Unit 15 uses would not be allowed in an office district.

Mr. Reynolds asked if he would have to request a variance from the Board of Adjustment if the underlying zoning were CS. In response, Mr. Dunlap stated that the PUD would allow the use because any use by right or exception could be allowed by the PUD.

Mr. Midget stated that the parking concerns him and asked Mr. Reynolds how many spaces would be available. In response, Mr. Reynolds stated that there would be eight parking spaces inside the building and fourteen outside. Mr. Midget commented that the parking spaces to appear right at the street with a tight turnaround. In response, Mr. Reynolds stated that it is a tight parking area and his client has worked very hard to get the parking spaces in order to comply with the Zoning Code. Mr. Reynolds commented that the uses would not be high traffic generators.

Mr. Reynolds stated that nothing has developed on the subject property for 30 years and it is not nice to have the blow-out preventer in your front yard.

Mr. Jackson asked Mr. Reynolds if he would agree to CS zoning with the PUD. In response, Mr. Reynolds stated that he would if the building would fit and he could get some type of variance from the allowable area. Mr. Reynolds explained that his client was told that the CS and allowable area was not available to him and that is why he filed with CH and PUD.

Ms. Pace stated that it would seem that the ONG blow-out valve would be more vulnerable with traffic coming in and out of the subject property than if there were a residential building at either end. In response, Mr. Reynolds stated that it is on 15<sup>th</sup> Street and if someone lost control of his/her car it could be hit. Mr. Reynolds stated that the equipment is located 12 inches from 15<sup>th</sup> Street with only a curb to protect it. Mr. Reynolds commented that he doesn't think it would be a problem with the proposal because there wouldn't be any fast-moving vehicles. Mr. Reynolds stated that the ingress and egress would be at either end of the parking lot and vehicles wouldn't be turning beside it.

Mr. Horner stated that he lives in the subject area and the only new home built in the subject area was the one mentioned by Ms. Onstatt. This is a perfect place for infill and he supports this application.

Ms. Pace stated that she uses 15<sup>th</sup> Street daily and have noticed the problems for several years. She would welcome a project of this nature a few blocks east, but to move this in on the subject property would be unfair to the neighbors. There is not another neighborhood in the City of Tulsa that the Planning Commission would rezone commercially simply because it has not sold in the past. To rezone this property to commercial would be completely ignoring the Zoning Code. She stated that she can't support this application, but she would hope that Mr. Myers would continue to redevelop the subject area residentially.

Mr. Midget stated that he can see the pros and cons of this particular development, but the lot is shallow and the parking is too tight. He commented that he has a problem with commercial backing into neighborhoods and it is not a very comfortable position to be in if one is the neighbor. He agreed that he doesn't believe housing would be built on the subject property, but office zoning may be more appropriate. He commented that he is uncomfortable with the uses that could be allowed with the Use Unit 15 designation. This is the right project for the subject property and he is uncomfortable with the CH zoning next to residential.

Mr. Westervelt stated that from a design standpoint, the limited access on the two side streets and the rendering are very good, but the use causes some concern. The parking is a problem and the traffic movements are of concern. He commented that he can't support this application because of the parking.

Mr. Harmon asked staff for the reasons for denying this application. In response, Mr. Dunlap stated that the application is not in compliance with the Comprehensive Plan and it is not compatible with the residential properties abutting on the north, across Fulton to the northeast and across Erie to the west.

Mr. Harmon stated that after hearing the presentation and seeing the proposed development he would be in favor of the application. There is never a guarantee that a residential area would remain residential forever. Things change and this property would never develop residentially. With PUD controls, this application could be done with the proper restrictions.

Mr. Dunlap stated that staff would ask that if the Planning Commission does feel the CH zoning is appropriate or the CS zoning is appropriate, that the item be continued to June 5, 2002 in order to develop some standards.

Mr. Carnes stated he would agree with the continuance but CH zoning should not be considered. He requested that the zoning be as light as possible.

**TMAPC Action; 9 members present:**

On **MOTION** of **JACKSON**, TMAPC voted 5-4-0 (Carnes, Harmon, Horner, Jackson, Ledford "aye"; Hill, Midget, Pace, Westervelt "nays"; none "abstaining"; Bayles, Dick "absent") to **CONTINUE** Z-6857/PUD-665 to June 5, 2002 at 1:30 p.m.

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**APPLICATION NO.: PUD-659**

**RS-3 to PUD**

**Applicant:** Patrick Fox

(PD-6) (CD-9)

**Location:** West of southwest corner of East 31<sup>st</sup> Street South and South Utica Avenue

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**PUD-511 May 1994:** An application to develop a ten-acre tract into a single-family development for six single-family dwellings with private streets with a PUD was approved. The property is located on the north side of East 31<sup>st</sup> Street South and east of South Quaker Avenue.

**Z-6435 March 1994:** All concurred in approval of a request to rezone two residential lots located west of the southwest corner of East 27<sup>th</sup> Street and South Rockford Avenue from RS-1 to RS-2.

**PUD-185 March 1976:** All concurred in approval of a request to rezone a 3.6-acre tract located on the north side of East 31<sup>st</sup> Street and west of South Trenton Avenue from RS-1 to RS-1/PUD for residential development.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.34 acres in size and is located west of the southwest corner of East 31<sup>st</sup> Street South and South Utica Avenue. The property is gently sloping, partially wooded, contains two single-family dwellings and is zoned RS-3.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP R/W</b>	<b>Exist. No. Lanes</b>
East 31 <sup>st</sup> Street South	100'	4 lanes

The Major Street Plan designates East 31<sup>st</sup> Street South as secondary arterial street.

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

**SURROUNDING AREA:** The tract is surrounded on all sides by single-family dwellings; to the north are RS-1 and RS-2 zoned lots; to the east are RS-2 zoned lots and to the west are RS-3 zoned lots. An existing infill development, possibly similar to that proposed here, is a few lots to the west of the subject property on the same side of East 31<sup>st</sup> Street and contains approximately four units.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject area as Low Intensity – Residential Land Use.

According to the Zoning Matrix, the requested RS-3/PUD is in accord with the Plan Map.

The PUD consists of 1.8 gross acres located west of the southwest corner of East 31<sup>st</sup> Street and South Utica Avenue. The subject tract has 158.5 feet of frontage on East 31<sup>st</sup> Street.

The subject tract is zoned RS-3. The tract is abutted on the east, south and west by single-family uses zoned RS-3. There are single-family uses to the north of the tract across 31<sup>st</sup> Street zoned RS-1.

The PUD proposes a maximum of seven single-family lots with a private street providing the principal resident access and a secondary access intended for visitor access to guest parking. It is proposed that the paving and base of the secondary access be non-typical and designed to avoid root damage to the existing mature trees. All dwellings would contain a sprinkling system.

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-659 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-659 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:** 1.8 acres

**Permitted Uses:**

Uses included within Use Unit 6, Detached Single-Family Dwellings and customary accessory uses.

**Maximum Number of Dwelling Units:** 7

**Minimum Lot Area:** 9,800 SF

**Minimum Depth of Required Yards:**

From the centerline of East 31<sup>st</sup> Street 70 FT

From the east boundary of the PUD 45 FT

From the south boundary of the PUD 5 FT\*

From the west boundary of the PUD 25 FT

From internal side lot line 5 FT

**Other Bulk and Area Requirements:**

As provided within an RS-3 district.

### **Screening:**

A masonry wall or wood fence with masonry columns not less than six feet in height and having an exterior finish similar on both sides whose design is approved by TMAPC prior to approval of the Final Plat, shall be constructed and maintained along the east, south and west boundaries of the PUD before any building permits for dwellings are issued.

### **Access and Circulation:**

There shall be a minimum of two access points to the PUD. All vehicular access and circulation both externally and internally, shall be approved by Traffic Engineering and the Tulsa Fire Department. All required parking spaces shall be accessed from a private roadway at the rear of the lot. Visitor access shall be provided on the front side of all dwellings by means of a common access drive, which shall also connect to at least two off-street parking spaces per dwelling.

\*On the south wall of the southernmost dwelling windows shall be prohibited above the first floor.

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. The private roadway providing the principal resident access and access to required parking spaces shall have a minimum right-of-way of 30' and be a minimum width of 18' in width measured face-to-face of curb. All curbs, gutters, base and paving materials used for the principal resident access 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. If other access drives are provided, that serve multiple lots, they must have a minimum width of 15'.
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 PUD 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. Private roadways providing access to required parking spaces, and entry gates or guardhouses, if proposed, must receive detail site plan approval from Traffic Engineering, Tulsa Fire Department, and TMAPC staff, prior to issuance of a building permit for the gates or guard houses.
9. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during the subdivision platting process.

Mr. Dunlap stated that the applicant would be handing out a revised submittal on the screening fence requirement, which would allow the existing iron fence along the northern portion of the east boundary to remain and a wood screening fence not less than six feet in height and having masonry columns would be erected and maintain along the remainder of the east boundary. The screening fence would also be erected along the south and west boundaries. Masonry walls would be prohibited along the east boundary and the design of the required fencing would be submitted back to TMAPC for review and approval, which should be installed prior to occupancy of any dwelling within the PUD. He stated that all new utilities would limited to a location along the west boundary and the principal residential access would be located along the west boundary and the surface of the secondary access would not exceed 16'. He indicated that staff is in support of these changes.

**TMAPC Comments:**

Mr. Carnes asked staff how they could recommend this application when the street is 400' long with no turnaround. In response, Mr. Dunlap stated that through discussions with the Fire Department it was determined that the loop is not necessary since the homes would be sprinkled. Mr. Carnes stated that there would be a lot of traffic and very few fire trucks driving through a neighborhood, but all other types of service vehicles also do. Mr. Carnes stated that he can't see a service vehicle backing out of a road over 400' and why staff would support this.

**Applicant's Comments:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, Tulsa, Oklahoma 74103, representing Pat Fox and his partner for the Village on Utica proposal stated that this is a good example of infill development. He explained that the two parcels have been assembled and a PUD is proposed, which permits a very close scrutiny of the proposed development.

Mr. Johnsen stated that there are seven single-family dwellings proposed and it is to be a private drive, gated community. It would similar to the property immediately west of the north half of the subject property. He indicated that his client has discussed this proposal with all of the abutting property owners and the revised PUD is responsive to the concerns that have been raised. He stated that the principal concern is for the mature trees along the east boundary, and a decision was made earlier to use the west boundary for the principal resident access, which already has a drive that goes to an existing home. Most of the traffic would occur on the west boundary where the garages are proposed to be located. The private streets are more in the nature of drives rather than streets, and that is the reason for the minimum 18-foot width on the west curb-to-curb and this would meet the City standards except for the width. This sets the framework for an interesting concept and very creative on Mr. Fox's part. The east drive is intended for guest and service access and would not be gated. The east access has been designed to move through trees where possible and be built at non-City standards. To build a street to City standards there are stringent requirements for the base and the amount of excavation needed, which damages root systems of existing trees. Therefore, the proposal is for a drive with minimal surfacing in order to protect the trees.

Mr. Johnsen stated that another concern of the neighborhood was the utility placements. He explained that in order to install utilities, trenching has to occur and it damages root systems. The proposal is to locate all of the utilities along the west boundary of the subject property. There was a lot of concern and a request that this be made a requirement.

Mr. Johnsen stated that in regard to screening on the east boundary, there is an existing wrought-iron fencing. The neighbors were concerned that if a masonry wall were installed; there would have to be a footing poured and again the trees would be at risk. His client agrees to prohibiting a masonry wall along the east boundary.

Mr. Johnsen commented that in order to have a turnaround there would be a significant tree loss on the subject tract and after exploring this it was determined that if the houses were sprinkled would be a good answer and the Fire Department agreed. This may be a little inconvenient for guests and services, but the guest parking is off of the east drive and there would be a series of places that would give a practical opportunity to turn around in.



Mr. Johnsen stated that infill projects are very difficult and require close examination of the physical facts to arrive at the very best development. Mr. Johnsen submitted revised development standards (Exhibit B-1) and cited them. The dwellings are anticipated to be 3200 SF and the architectural theme is to be red brick/English. He commented that this proposal meets the ordinance requirements of limitations and he feels that his client has gone much further trying to work with the neighborhood on an appropriate design. Mr. Johnsen requested the Planning Commission to approve the staff recommendation with revised standards submitted.

**TMAPC Comments:**

Mr. Westervelt stated that the applicant indicated that by providing a loop access it would destroy trees, but he asked if it wouldn't be better to delete the seventh house and be able to loop that street and not cause damage to the trees. In response, Mr. Johnsen stated he didn't think that would work with the way the drives are situated. Mr. Westervelt stated that there is obviously some tree removal for the proposed house and instead of a house, substitute it with a 15-foot wide street that could snake through the trees and make a turnaround. Mr. Johnsen stated that if a loop were made it would go right through the two trees on the lot with the proposed seventh house. Mr. Johnsen commented that in an infill setting, the land is precious and if there is a unique solution that addresses the public issues and concerns, then there shouldn't be consideration of taking away a lot in order to have a loop. Mr. Johnsen stated that there would be several places to turn around and with the houses being sprinkled, the Fire Department is satisfied.

**Interested Parties:**

**Dave Henry**, 3132 South Utica, Tulsa Oklahoma 74105; **Marian Greenwood**, 3130 South Utica, Tulsa, Oklahoma 74105, represented by **Jon Brightmire**, 320 South Boston, Suite 500, Tulsa, Oklahoma 74103; **Whit Mauzy**, 1635 East 32<sup>nd</sup> Street, Tulsa, Oklahoma 74105; **Barbara Reeves**, 1626 East 31<sup>st</sup> Street, Tulsa, Oklahoma 74105; **Jim Hardwick**, 1628 East 31<sup>st</sup> Street, Tulsa Oklahoma 74105; **Connie Lucas**, 1616 East 31<sup>st</sup> Street, Tulsa, Oklahoma 74105; **Joe Hawkins**, 1607 East 32<sup>nd</sup> Street, Tulsa, Oklahoma 74105.

**Interested Parties Comments:**

Appreciated the amount of work Mr. Fox has done, but concerned about the number of homes; the proposed homes would look like battleship houses; decrease density and make a loop at the end; concerned about older trees and requested that excavation be held at 12 inches; PUD's can be dangerous and set precedent; seven lots are impossible because of the configuration; RS-3 only is to allow more housing than what is called for; green area is tight; screening fence issues are very important to the neighborhood and discussed with the applicant about shrubbery being added to the fence in order to help the noise abatement; would like assurance that the developer would continue to work with the neighbors regarding this development and give advance notice of steps; and

concerns that the construction would have an adverse affect on all of the trees in the subject area; sewer drainage concerns; concerned how the construction crew would access the subject area while developing; the proposed homes are too close together; now will see garages and utilities instead of trees; traffic would increase.

**Applicant's Rebuttal:**

Mr. Johnsen stated that his client has agreed to install fencing prior to the issuance of building permits, but there may be utility work that needs to be done before building fences. The proposed dwellings would be 3500 SF rather than 3200 SF as stated earlier. The construction traffic would not access the dead-end road that Ms. Lucas mentioned because it would require crossing private property. The construction traffic would access from 31<sup>st</sup> Street into the subject property and it shouldn't impact the neighborhood. This is an infill situation and therefore traffic would increase, but it is for single-family dwellings at density permitted by the underlying zoning.

Mr. Johnsen stated that in regard to the trees within Utica Park, the sewer line is located along 31<sup>st</sup> Street and the proposal is to bore under 31<sup>st</sup> Street and it shouldn't damage the redbud trees located there. He concluded that his client has tried to address all of the issues discussed with the neighbors and mentioned today. The record may need to include that the screening on the west shall include landscaping and be submitted to the Planning Commission for approval.

**TMAPC Comments:**

Mr. Midget stated that he appreciates infill development, but the density is high and may exceed by one home. This is the type of infill that is compatible with the existing neighborhood, but he prefers a loop that would circle around. He commented that he would yield to the Fire Department regarding this circulation issue. He stated that If the Fire Department is requiring that the homes be sprinkled and if the life issues are being addressed in this fashion, then he would yield to that. This is residential in nature and is compatible with the surrounding areas and the developers have gone to great lengths to try to accommodate some of the concerns of the residents.

Mr. Ledford stated that he agrees with Mr. Midget that the sprinkling of the buildings has given a way to provide fire protection to the buildings. This still doesn't provide a turnaround for the 400' road for any type of service or emergency vehicles. It would be difficult if there was a mowing service vehicle and there was a need for an emergency vehicle to reach the last unit of the proposal. The turnaround ability for service and emergency vehicles would be too difficult.

Mr. Westervelt stated that he concurs with Mr. Midget's and Mr. Ledford's comments. He commented that he supports infill development and would always support it. The design work is good and the applicant has done a very good job

of discussing this proposal with the neighborhood. He stated that there is too much density and it is causing him to have problems with traffic circulation. There are more large vehicles than simply fire protection. In the adjacent development this issue has been handled in a different way because of the ability for them to circulate through the center area of Utica Park. The only thing lacking here is the ability to have better circulation and probably slightly less density, which these two problems could address. He stated that he could not support this application completely as submitted and would like to see the applicant work on better access and one fewer lot.

Ms. Pace stated that she has the same concerns that Mr. Westervelt has. Perhaps there could be an alley or something on the southern boundary in case two cars end up facing one another.

Ms. Pace recognized Mr. Fox.

**Patrick Fox**, 320 South Boston, Tulsa, Oklahoma 74103, stated that he struggled with the turnaround issue from the very beginning. He explained that he had conversations with the various utilities and the Fire Department. There is no loop and it was discussed; however, there is a access for the residents on the west side, which is gated, and an area on the east side open to the public. He indicated that there are hammerheads on both sides and one could pull into the end driveway and back out to get out of the subject area. He explained that a fire truck would have to back out in the street because of its turning radius, but the Fire Department was very comfortable with this proposal and with the buildings being sprinkled. The Fire Department was also delighted to see access on both sides of the subject properties in order to fight fires on either front drive or back drive. The Fire Department didn't see the necessity to have a loop.

Mr. Fox stated that he feels he has addressed the subject property in very creative ways and worked well with the neighbors to address all of the issues. He further stated that he has proposed the minimum density with the smallest being 9800 SF in a zoning district that allows a minimum lot size of 6900 feet. In the same zoning district the minimum lot widths are 60 feet and his proposal is 62 feet. He commented that he exceeds the underlying lot dimensions significantly. He requested that the Planning Commission approve this proposal as per the staff recommendation.

Mr. Harmon stated that the consensus seems to be for less density and for a looped road. Mr. Harmon asked if this would be so onerous that it would not be acceptable. In response, Mr. Fox stated that he feels the project is better this way and more marketable. Mr. Fox explained that the gated entry being for the residents only and access for visitors at another entrance creates security for people who would live there. Mr. Fox further explained that the visitors could come and go without dealing with an electronic gate and if the two roads were looped it would become an inconvenience.

Mr. Westervelt asked Mr. Fox whether, the seventh home disappeared, then the two drives could be segregated to continue the secured access and have a cul-de-sac or an adequate turnaround on the private street that is indeed public access, that would reduce the favorable market. In response, Mr. Fox stated that there is a hammerhead on both roads and it does work. Mr. Fox explained that he wants minimum traffic on the east road and the loop would encourage vehicles to go around and use it. Mr. Westervelt asked if both roads were segregated, but have a cul-de-sac on the uncontrolled access road it would be problematic. In response, Mr. Fox stated that cul-de-sacs impact trees and there are significant oak trees in the corners that he would prefer to save.

Mr. Harmon stated that if someone is parked in the driveway there wouldn't be a hammerhead. In response, Mr. Fox stated that there are seven options to turnaround.

Mr. Harmon recognized Mr. John Gliden.

Mr. Gliden, representing the Greenwoods, stated that his client would not be in favor of a loop because of the trees. Any type of loop would take out at least one tree, which is the largest or second largest in the development and there might possibly be two more trees taken out. If a loop is created on the east boundary it would bring in more traffic.

Mr. Westervelt suggested a continuance in order to allow the applicant to improve the turnaround.

Mr. Dunlap stated that this application has been continued many times and there have been meetings with City staff and neighborhoods.

After a lengthy discussion a motion was made by Mr. Midget

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 4-5-0 (Harmon, Horner, Jackson, Midget "aye"; Carnes, Hill, Ledford, Pace, Westervelt "nays"; none "abstaining"; Bayles, Dick "absent") to recommend **APPROVAL** of PUD-659 per staff recommendation and amended as presented by applicant.

**MOTION FAILED.**

**TMAPC Comments:**

Mr. Harmon recognized Mr. Johnsen.

Mr. Johnsen stated that if there is no further action, then a failed approval motion is considered a denial. He requested that the Planning Commission take an affirmative approval on what they feel the condition needs to be to make this application acceptable. He expressed his disappointment that the motion failed because it does affect the interested parties who spoke for this application.

Mr. Johnsen requested that the Planning Commission consider making a motion to review at platting the adequacy of the turnaround.

Mr. Midget stated that the prevailing side needs to ask for a motion of reconsideration and vote on the motion for reconsideration and then make new suggestions for the recommendation to help move this forward if it is the intent of the Planning Commission.

Mr. Johnsen suggested that during detail site plan review the east access and the adequacy of its turnaround be determined by the Planning Commission. Mr. Westervelt stated that the applicant has seven lots now and it would appear that it would take six lots in order to have the turnaround adequacy met. In response, Mr. Johnsen stated that he is not sure that is true.

Ms. Pace asked if this application would be appealed by the applicant to the City Council. In response, Mr. Johnsen answered affirmatively. Ms. Pace asked if the City Council could change the application requirements. In response, Mr. Johnsen answered affirmatively. Mr. Johnsen stated that he would prefer to have the conditions that are required for approval come from the Planning Commission. Mr. Johnsen stated that a traditional turnaround is not possible, but maybe the turnaround could be improved. He doesn't think that eliminating a lot is the answer.

Mr. Westervelt stated that if Mr. Johnsen would like an opportunity to go back and rework the turnaround and come back at a later date, he would be willing to make that motion.

Mr. Johnsen stated that he is not sure it requires a change of the vote, but he thought the Planning Commission could make a new motion.

Mr. Westervelt stated that he would be glad to make a new motion for approval of a six-lot subdivision with the amendments and requirements that would bring a new design for a cul-de-sac that replaces the seventh house, if that is nothing more than a country lane that snakes through what would have been a house and preserves the trees and comes back out.

Mr. Johnsen stated that the concept Mr. Westervelt is trying to achieve may be achievable with seven lots.

After a lengthy discussion the following occurred.

**TMAPC Action; 9 members present:**

On **MOTION** of **HILL**, TMAPC voted 9-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **RECONSIDER** PUD-659.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick "absent") to **CONTINUE** PUD-659 to June 5, 2002 at 1:30 p.m.

\* \* \* \* \*

**Mr. Carnes out at 4:02 p.m.**

**APPLICATION NO.:** Z-6858/PUD-660

**AG to CS/PUD**

**Applicant:** Jeffrey Levinson

(PD-8) (CD-2)

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

**Staff Recommendation for Z-6858:**

**RELEVANT ZONING HISTORY:**

**PUD-384-A April 1987:** The applicant requested a major amendment to PUD-384 to abandon previous uses that had originally been allowed and requested approval for Use Units 11, 14, 15 and 17. All concurred in approval of the request subject to conditions for the following uses, a mini-storage facility, a retail lawn and garden business with office and showroom. Use Unit 17 permitted the mini-storage facility only and all outdoor display for retail lawn and garden business would be only for seasonal merchandise. The property is located approximately ¼ mile east of the subject tract on the south side of West 71<sup>st</sup> Street.

**PUD-384/Z-6017 May 1985:** A request to develop a ten-acre tract located on the south side of West 71<sup>st</sup> Street west of the Arkansas River and ¼ mile east of the subject tract for commercial use was approved with conditions for CS zoning on the north 550'. The requested IL zoning was denied.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is located east of the southeast corner of West 71<sup>st</sup> Street South and South Elwood Avenue and is approximately 2.2 acres in size. The property is sloping, non-wooded, contains a single-family dwelling, and is zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. No. Lanes</b>
West 71 <sup>st</sup> Street South	120'	120'	4 lanes
South Elwood Avenue	100'	100'	2 lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the north by vacant property, zoned AG; to the east by a single-family dwelling, zoned AG, and beyond the dwelling is a mini-storage facility, zoned CS/PUD-384-A; to the south are single-family dwellings zoned AG, to the west is a single-family dwelling, zoned AG and on the west side of that home is a medical office, zoned CS.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity-No Specific Land Use.

According to the Zoning Matrix the requested CS is in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Based on surrounding uses, zoning patterns and the Comprehensive Plan, staff can support the requested rezoning and recommends **APPROVAL** of CS zoning for Z-6858, if the accompanying PUD-660 or some variation thereof is deemed acceptable.

**Staff Recommendation for 660:**

The PUD proposes commercial uses on approximately 2.17 gross acres located east of the southeast corner of South Elwood Avenue and West 71<sup>st</sup> Street. The subject tract has 210 feet of frontage on West 71<sup>st</sup> Street and is 450 feet deep. A maximum of three lots are proposed. Access to the interior lots would be provided by a mutual access agreement.

The subject tract is zoned AG. Concurrently, an application (Z-6858) has been made to rezone the tract to CS. To the north of the tract, across West 71<sup>st</sup> Street is vacated land zoned AG. The subject tract is abutted on the east and west by

AG zoned tracts with a single-family dwelling on each. Farther to the east and also abutting the subject tract at the southeast corner is a 9.75 (gross) acre tract that is zoned CS/AG/PUD-384-A. There is an existing mini-storage on the tract and it has also been approved for selected Use Unit 14 (Shopping Goods and Services) uses Use Unit 15 (Other Trades and Services) uses also Use Unit 11 (Office, Studios and Support Services) uses have been approved. Farther west of the subject tract, at the southeast corner of South Elwood Avenue and West 71<sup>st</sup> Street is a medical office zoned CS.

If Z-6858 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-660 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-660 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:** 94,500 SF

**Permitted Uses:**

Uses permitted by right in a CS district, but excluding Use Unit 12a uses.

**Minimum Lot Frontage:**

Within 200 feet of West 71<sup>st</sup> Street centerline 200 FT

Remainder of PUD 0 FT



**Minimum Building Setbacks:**

From the centerline of West 71<sup>st</sup> Street 110 FT

From the east, west and south boundaries of the PUD

10 FT plus two feet of setback for each one-foot building height exceeding 15 feet.

**Other Bulk and Area Requirements:**

As established within the CS district.

**Signs:**

One ground sign shall be permitted along the West 71<sup>st</sup> Street frontage with a maximum of 150 SF of display surface area and a maximum height of 25 FT.

Wall signs shall be permitted, not exceeding 1.5 SF of display surface area per lineal foot of building or tenant space to which affixed. The length of a tenant sign shall not exceed 75% of the frontage on the tenant space. No wall sign shall be permitted on the south or east facing walls.

**Minimum Parking Ratio:**

As required by the Tulsa Zoning Code in accordance with the applicable Use Unit designation.

**Maximum Number of Lots:** Three

**Minimum Landscape Requirements:**

Internal landscaped areas shall be provided in accord with the provisions of the PUD and Landscape Chapters of the Tulsa Zoning Code.

**Screening Walls or Fences:**

A six-foot high screening wall or fence shall be constructed along the east, west and south boundaries of the PUD, except at points of vehicular access.

**Access:**

There shall be a maximum of two points of access from West 71<sup>st</sup> Street, one of which would be limited to only right-hand turns onto 71<sup>st</sup> Street. Each lot in the PUD shall have vehicular access to all other lots in the PUD through the use of mutual access easements that are directed toward the West 71<sup>st</sup> Street access. This access point shall also be mutually accessible to the adjoining undeveloped tracts to the east and west. All access and turnarounds must be approved by Traffic Engineering and the Tulsa Fire Department.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
7. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from properties abutting the PUD on the east, west and south. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing on the properties abutting the PUD on the east, west and south. No light standard nor building-mounted light shall exceed 25 feet in height.

8. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
9. 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
12. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage. There shall be no open air storage or open air display of merchandise offered for sale.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick "absent") to recommend **APPROVAL** of the CS zoning for Z-6858 and **APPROVAL** of PUD-660 subject to conditions as recommended by staff.

**Legal Description for Z-6858/PUD-660:**

The East 210.26' of the West 691.48' of the North 520' of the NW/4, NW/4, less and except the North 70' thereof, Section 12, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and located east of the southeast corner of West 71<sup>st</sup> Street South and South Elwood Avenue, Tulsa, Oklahoma, **From AG (Agriculture District) To CS/PUD (Commercial Shopping Center District/Planned Unit Development).**

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**APPLICATION NO.: PUD-661**

**IL to IL/PUD**

**Applicant:** Jeffrey Levinson

**(PD-17) (CD-5)**

**Location:** South and west of southwest corner of East 41<sup>st</sup> Street and South Memorial

**Staff Recommendation:**

The PUD proposes industrial uses on approximately 4.2 acres located south and west of the southwest corner of South Memorial Drive and East 41<sup>st</sup> Street. The subject tract has 239.45 feet of frontage on East 42<sup>nd</sup> Place and is 750 feet deep. A maximum of eight lots are proposed. Access to the interior lots would be provided by a private street.

The subject tract is zoned IL. The tract is abutted on the east by commercial and industrial uses zoned IL and on the west by office uses zoned IL. There is a skating rink and truck rental facility to the south of the tract, across East 42<sup>nd</sup> Place, zoned IL. To the north of the tract across the MK & O Railroad right-of-way are automotive uses zoned IL.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-661 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-661 subject to the following conditions:

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

2. **Development Standards:**

**Land Area (Gross):** 4.2 acres

**Permitted Uses:**

Uses permitted by right in an IL district.

**Minimum Lot Frontage on a Public Street or a Private Roadway Meeting the Requirements of the PUD** 75'

**Other Bulk and Area Requirements:**

As established within an IL district.

**Signs:**

Shall comply with the provisions of Section 1103.B.2 of Tulsa Zoning Code.

**Minimum Parking Ratio:**

As required by the Tulsa Zoning Code in accordance with applicable Use Unit designation.

**Maximum Number of Lots:** Eight

**Minimum Landscape Requirements:**

Internal landscaped areas shall be provided in accord with the provisions of the PUD and Landscape Chapters of the Tulsa Zoning Code.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. An owners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and other commonly-owned structures within the PUD.
9. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness, which meets the City of Tulsa standards for a minor industrial public street. The maximum vertical grade of private streets shall be ten percent. No on-street parking shall be permitted.
10. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets, or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
11. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
13. 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.
14. 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.
15. There shall be no development in the regulatory floodplain.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick "absent") to recommend **APPROVAL** of PUD-661, subject to conditions as recommended by staff.

**Legal Description for PUD-661:**

The East 239.45' of Lot 2, Block 2, Industrial Equipment Center Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located south and west of the southwest corner of East 41<sup>st</sup> Street and South Memorial Drive, Tulsa, Oklahoma, **From IL (Industrial Light District) To IL/PUD-661 (Industrial Light District/Planned Unit Development [PUD-661])**.

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**ZONING PUBLIC HEARING**

**APPLICATION NO.: CZ-307**

**RS to IL**

**Applicant:** George Suppes

(PD-9) (County)

**Location:** Northeast corner of West 55<sup>th</sup> Street and South 43<sup>rd</sup> West Avenue

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**CBOA-1637 April 1999:** The County Board of Adjustment approved a variance of the required 75' setback from an R-zoned district to 58' to allow the construction of an industrial building on property located on the southwest corner of West 55<sup>th</sup> Place South and West 41<sup>st</sup> Court South.

**CZ-248 January 1999:** All concurred in approval of a request to rezone three lots located on the southwest corner of West 55<sup>th</sup> Place and South 41<sup>st</sup> West Court and directly south of the subject property, from RS to IL for light industrial use.

**CZ-210 April 1994:** All concurred in approval of a request to rezone a 2.2-acre tract located on the west side of South 43<sup>rd</sup> West Avenue between West 54<sup>th</sup> Street and West 55<sup>th</sup> Street from RS and CG to IL for a warehouse for a fireworks business.

**CZ-202 June 1993:** Approval was granted to approve a request for rezoning on a .63-acre tract located on the northeast corner of West 56<sup>th</sup> Street and South 45<sup>th</sup> West Avenue from RS-3 to IL for a truck repair service.

**CZ-188 June 1991:** A request to rezone a 139' x 150' tract located east of the southeast corner of South 45<sup>th</sup> West Avenue and West 55<sup>th</sup> Street South from RS-3 to IL was approved for the proposed use as a fireworks facility.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .79 acres in size and is located in the northeast corner of West 55<sup>th</sup> Street South and South 43<sup>rd</sup> West Avenue. The property is flat, partially wooded, contains a vacant single-family dwelling and a vacant office building, and is zoned RS in the County.

**STREETS:**

<b>Exist Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. No. Lanes</b>
West 55 <sup>th</sup> Street South	50'	50'	2 lanes
South 43 <sup>rd</sup> West Avenue	50'	50'	2 lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the north, south and east by single-family dwellings, zoned RS; and to the west by an industrial establishment, zoned IL.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 8 Plan, a part of the Tulsa Comprehensive Plan, designates the subject tract as Special District – Area C – Medium Intensity. Plan policies (Section 3.2.1.3) call for maintenance and improvement of the Skelly Drive properties as commercial uses and development of the balance of the Special District in lighter intensity industrial uses, particularly those uses requiring proximity to rail and highway transport.

Any zoning classification **may be found** in accordance with the special district designations, provided the uses permitted by the zoning classification are consistent with the land use and other existing physical facts in the area, and supported by the policies of the District Comprehensive Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, existing development and trends in the area, staff recommends **APPROVAL** of IL zoning for CZ-307.

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

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



**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick "absent") to recommend **APPROVAL** of the IL zoning for CZ-307 as recommended by staff.

**Legal Description for CZ-307:**

Lots 9 through 13, Block 16, Opportunity Heights Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located in the northeast corner of West 55<sup>th</sup> Street South and South 43<sup>rd</sup> West Avenue, Tulsa, Oklahoma, **From RS (Residential Single-family District) To IL (Industrial Light District).**

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**APPLICATION NO.: CZ-308**

**RE to RS**

**Applicant:** Kyle M. Smalygo

(PD-14) (County)

**Location:** East of northeast corner of East 156<sup>th</sup> Street North and North Mingo Road

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**CBOA-1942 March 2002:** The County Board of Adjustment denied a request for a variance to reduce the required lot width in an RE-zoned district from 150' to 145' on the subject property.

**CZ-292 October 2001:** All concurred in approval of a request to rezone the subject tract from AG to RE for residential development.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 15 acres in size and is located east of the northeast corner of East 156<sup>th</sup> Street North and North Mingo Road. The property is gently sloping, partially wooded, vacant and zoned RE.

**STREETS:**

<b>Exist Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. No. Lanes</b>
East 156 <sup>th</sup> Street North	100'	100'	2 lanes
North Mingo Road	100'	100'	2 lanes

**UTILITIES:** Water is available from the City of Collinsville and sewer must be by septic or lagoon.

**SURROUNDING AREA:** The subject tract is abutted on all sides by vacant land and large-lot single-family residential uses, zoned AG to the east, west and south and RE to the southeast.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 14 Plan, a part of the Tulsa Comprehensive Plan, designates the subject tract as Low Intensity-Residential. The requested RS zoning is in accord with the Plan Map.

**STAFF RECOMMENDATION:**

Although the requested RS is technically in accord with the District Plan, staff must also consider past actions involving the property and surrounding zoning and uses in reaching a recommendation. The site is surrounded by AG- and RE-zoned properties, and less than a month ago, the County Board of Adjustment denied a request to reduce minimum lot width from 150' to 145'. The present request would allow a minimum 60' lot width, which is much more intense than the surrounding uses. Therefore, staff cannot support the requested RS zoning and recommends **DENIAL** of RS zoning for CZ-308.

**Applicant's Comments:**

**Kyle Smalygo**, 123 North 7<sup>th</sup> Street, Collinsville, Oklahoma 74021, stated that in October of 2001, he purchased the subject property, which was zoned AG and he rezoned it RE. Because it was in the County he did have a plan of 150-foot of frontage on the proposed lots, but during preliminary plat he was given notice that along 151<sup>st</sup> Street he would be required to dedicate a 50-foot right-of-way from the centerline. He explained that this requirement altered the lot layout and at that time the excavation and utilities were in the process of going forward. He stated that he went to the Board of Adjustment to request a variance on five lots to accommodate the 50-foot right-of-way (change frontage from 150 feet to 145 feet). He commented that he felt that the Board of Adjustment (BOA) didn't hear the true scenario of the situation, but that is why he is present today.

Mr. Smalygo stated that there are 16 lots with 145-foot of frontage, which with the requested zoning, would allow him to go 60 feet. He explained that 145 feet is set in stone because he was so far along into excavation utility work with the rural electric company that it can't be changed. He stated that he has not altered any of the lots and none are smaller or larger than what was proposed before the BOA besides the five-foot narrowing on the frontage.

Mr. Smalygo cited another subdivision in the subject area that is zoned RS.

**TMAPC Comments:**

Mr. Harmon asked Mr. Smalygo why he platted his property at 145 feet when he knew that there was a 150-foot requirement. In response, Mr. Smalygo stated that when he brought it to the preliminary plat phase it was 150 feet and met the RE zoning. Mr. Smalygo stated that he was unaware of the 50-foot dedication from the centerline of the road and that was his ignorance.

Mr. Ledford stated that Mr. Smalygo was aware that the dedication was required at the TAC meeting, which is prior to grading. In response, Mr. Smalygo answered affirmatively. Mr. Smalygo stated that after the TAC meeting, he thought the easiest way would be to go before the BOA and request that the 50' dedication be reduced from Lots 1 and 16 or five feet from all lots throughout the whole subdivision. Mr. Smalygo indicated that he was denied by the BOA. Mr. Smalygo stated that he has not received any complaints from the neighboring land owners regarding the 145 feet of frontage.

Mr. Westervelt stated that if the RS zoning were granted, there is no way to enforce the 145-foot frontage without a PUD. Mr. Westervelt suggested that the applicant request a continuance and file a PUD.

Mr. Ledford stated that one of the requirements for development is to be familiar with the current Zoning Codes and Subdivision Regulations. The Subdivision Regulations are very clear about arterial street dedication and if it causes a developer to lose a lot, then so be it.

**Interested Parties Comments:**

**W. D. Roberts**, 15727 North 104<sup>th</sup> East Avenue, Collinsville, Oklahoma 74021, stated that he doesn't have a problem with the proposal and he has read all of the restrictions. If a PUD could be put together then he would be in agreement with the proposal. He commented that Mr. Smalygo is going to develop a beneficial neighborhood with very nice homes that would be good for everyone.

Mr. Roberts stated that there are houses in the subject area that are closer than 50 feet and he was surprised by the requirement. He commented that the 50-foot right-of-way would go through some of the living rooms.

**Charlotte Roberts**, 15727 North 104<sup>th</sup> East Avenue, Collinsville, Oklahoma 74021, stated that people in the subject area are concerned about the 50-foot dedication and fear a new road would go through their front door. She commented that she realizes the road wouldn't be built right away, but she is concerned.

**TMAPC Comments:**

Mr. Harmon stated that the 50-foot right-of-way does have to be dedicated.

Mr. Ledford stated that what has happened on the existing tracts is that there is an underlying zoning of AG and therefore they didn't have to be platted to build the structure. The right-of-way was not dedicated due to this, and the existing structures are built too close to the road. When property is platted; then the Subdivision Regulations are very clear about dedications of right-of-way for arterial streets based on the Comprehensive Major Street and Highway Plan. According to the street plan, there is a one hundred feet of right-of-way (50 feet on each side of the centerline). The applicant has to dedicate the 50 feet through the platting process.

**Applicant's Rebuttal:**

Mr. Smalygo requested a continuance instead of having a denial. He indicated that he developed a similar subdivision and the City of Collinsville brought it into the city limits. He stated that he left the subject development in the county because he enjoys working with the County. The similar project on North 28<sup>th</sup> Street has a portion of RE zoning and it was annexed into the City of Collinsville with no underlying dedication.

**TMAPC Comments:**

Mr. Harmon informed Mr. Smalygo that he needed to concentrate on today's application. Mr. Harmon asked the applicant if he is agreeable to a continuance. In response, Mr. Smalygo answered affirmatively.

Mr. Ledford stated that he doesn't mind the continuance, but the only way to move forward with this application is for the applicant to submit a PUD that would allow him to go to 145-foot frontage. Without the PUD there is no alternative except to deny the request. The applicant could plat at 150-foot lots and lose one lot.

Mr. Smalygo stated that the utilities are in place and that creates a hardship for him. He agreed to a continuance in order to submit a PUD.

Mr. Ledford stated that the point he is trying to make is that the applicant knew the dedication was required prior to moving forward with this subdivision. In response, Mr. Smalygo stated that he didn't know about the dedication of the 50-foot right-of-way until the TAC meeting, which is his fault for not knowing this. Mr. Ledford stated that previously today, Mr. Smalygo stated that he wasn't in grading until after the TAC meeting. Mr. Ledford further stated that if the applicant was not in grading, then he moved forward knowing that the dedication was required and it becomes a self-imposed hardship. Mr. Smalygo stated that he didn't understand the question previously, and unfortunately, he was into grading before the TAC meeting. In response, Mr. Ledford stated that the applicant wasn't in grading for utilities before the TAC meeting, yet the applicant kept moving forward knowing that there was right-of-way dedication. In response, Mr. Smalygo stated that he filed with the BOA when he found this out.

**TMAPC Action; 8 members present:**

On **MOTION** of **JACKSON**, TMAPC voted 8-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick "absent") to **CONTINUE** CZ-308 to July 17, 2002 at 1:30 p.m. in order to allow the applicant to submit a PUD.

**TMAPC Comments:**

Mr. Midget informed the applicant that he should contact staff and make sure he understands the submittal date for the July 17<sup>th</sup> hearing.

\* \* \* \* \*

**APPLICATION NO.:** PUD-663/Z-6327-SP-2

**CO to CO/PUD**

**Applicant:** John W. Moody

(PD-18) (CD-8)

**Location:** Northeast corner of East 81<sup>st</sup> Street and South U.S. Highway 169 South

**Staff Recommendation:**

The PUD and corridor site plan propose commercial uses on approximately 26 acres (gross) located at the northeast corner of East 81<sup>st</sup> Street and South US Highway 169. The legal description of the subject tract is Lot 1, Block 1, Academy Sports and Outdoors 81<sup>st</sup> Street.

A corridor site plan (Z-6327-SP-1) was approved by the City Council on March 22, 2001. A recreation and sporting goods store with 67,522 square feet of floor area was approved for the tract.

The subject tract is irregularly-shaped. A portion of its south boundary is the north right-of-way line of East 81<sup>st</sup> Street and its north boundary is the south boundary of the Union Intermediate High School property. Its west boundary is the interchange right-of-way for US Highway 169. The east boundary of the tract is the west boundary of a 20-acre parcel at the northwest corner of 81<sup>st</sup> and Garnett Road. The subject tract wraps around a square five-acre parcel owned by the Public Service Company of Oklahoma.

The applicant is proposing four development areas. Tract 1, located in the northwest portion of the PUD, consists of 10.06 acres and contains the existing sporting goods store. Tract 2, located to the east of Tract 1, consists of 9.76 acres and would permit those uses included within Use Unit 14, Shopping Goods and Services; and Use Unit 19, Hotel, Motel and Recreation Facilities. Tract 3, located south of Tract 1, contains 1.53 acres and would permit uses included within Use Unit 14, Shopping Goods and Services. Tract 4, located south of

Tract 3 along the 81<sup>st</sup> Street frontage contains 1.164 acres and would permit these uses included within Use Unit 11, Offices, Studios, and Support Services, including drive-in bank facilities.

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-663/Z-6327-SP-2) 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-663/Z-6327-SP-2 subject to the following conditions:

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

### TRACT 1

**Lot Area:** 10.06 Acres

**Permitted Uses:**

Those uses included within Use Unit 14, Shopping Goods and Services; and Boat Sales only within Use Unit 17.

**Maximum Land Coverage of Buildings Per Lot:** 20%

**Maximum Number of Lots:** One

**Maximum Building Floor Area:** 70,000 SF

**Maximum Outdoor Boat Storage and Sales Area:** 2,500 SF

**Maximum Building Height:**

One story, not to exceed 43 feet.

**Minimum Off-Street Parking:**

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

**Minimum Landscaped Area:** 15% of net lot area.

**Minimum Building Setbacks:**

From US Highway 169 right-of-way	138 FT
From the north boundary of the Development Area	84 FT
From the north line of South 107 <sup>th</sup> East Avenue	235 FT
From the east boundary of the Development Area	150 FT

**Signs:**

One ground sign shall be permitted along the US Highway 169 right-of-way, a minimum distance of 200 80 feet from the north boundary of the Development Area. The sign shall not exceed 42 feet eight-inches in height with a display surface area not exceeding 300 SF.

Wall signs shall comply with the provisions of Section 1103.2 of the Tulsa Zoning Code.

**TRACT 2**

**Lot Area:** 9.76 Acres

**Permitted Uses:**

Those uses included within Use Unit 14, Shopping Goods and Services; and Hotel and Motel only as is included within Use Unit 19, including fitness, breakfast and conference areas for use of guest only.

**Maximum Number of Lots:** One

**Maximum Building Floor Area:** 30,000 SF

**Maximum Building Height:** Three stories

**Minimum Off-Street Parking:**

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

**Minimum Landscaped Area:** 25% of net lot area.

**Minimum Building Setbacks:**

From the west boundary of the Development Area 50 FT  
From the north boundary of the Development Area 400 FT  
From the east boundary of the Development Area 300 FT  
From the centerline of East 79<sup>th</sup> Place South 100 FT

**Signs:**

One ground sign shall be permitted at the southwest corner of the Development Area along the East 79<sup>th</sup> Place South right-of-way; the sign shall not exceed 20 feet in height with a display surface area not exceeding 150 square feet.

Wall signs shall comply with the provisions of Section 1103.2 of the Tulsa Zoning Code.

**TRACT 3**

**Lot Area:** 1.53 Acres

**Permitted Use:**

Those uses included within Use Unit 14, Shopping Goods and Services.

**Maximum Number of Lots:** One

**Maximum Building Floor Area:** 12,000 SF

**Maximum Building Height:** One story

**Minimum Off-Street Parking:**

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

**Minimum Landscaped Area:** 20% of net lot area.



**Minimum Building Setbacks:**

From US Highway 169 right-of-way	30 FT
From the north boundary of the Development Area	100 FT
From the centerline of South 107 <sup>th</sup> East Avenue	80 FT
From the south boundary of the Development Area	70 FT

**Signs:**

One ground sign shall be permitted along the South 107<sup>th</sup> East Avenue right-of-way. The sign shall not exceed 20 feet in height with a display surface area not exceeding 150 SF.

Wall signs shall comply with the provisions of Section 1103.2 of the Tulsa Zoning Code.

**TRACT 4**

**Lot Area:** 1.164 Acres

**Permitted Uses:**

Bank only as in included within Use Unit 11, including drive-in bank facilities.

**Maximum Number of Lots:** One

**Maximum Building Floor Area:** 5,000 SF

**Maximum Building Height:** One story

**Minimum Off-Street Parking:**

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

**Minimum Landscaped Area:** 15% of net lot area.

**Minimum Building Setbacks:**

From US Highway 169 right-of-way	30 FT
From north boundary of Development Area:	
Bank Building	100 FT
Drive-in Bank and ATM Facility	10 FT
From the centerline of East 81 <sup>st</sup> Street South	100 FT
From the centerline of South 107 <sup>th</sup> East Avenue	80 FT

**Signs:**

Two ground signs shall be permitted. One ground sign, advertising the uses on Tract 4, shall be permitted along the US Highway 169 right-of-way with a maximum height of ~~25~~ 30 feet and a maximum display surface area of 200 SF setback at least 57.5 feet from centerline of 81<sup>st</sup> Street South. One ground sign advertising the uses on Tract 1 shall be permitted at the northwest corner of East 81<sup>st</sup> Street and South 107<sup>th</sup> East Avenue with a maximum height of five feet and a maximum display surface area of 100 SF.

Wall signs shall comply with the provisions of Section 1103.2 of the Tulsa Zoning Code.

3. A landscaped open space area shall be established and maintained, which is not less than 25 feet in width and which extends along the entirety of the north boundary of the PUD. Landscaping throughout the PUD shall meet or exceed the requirements of the Landscape Chapter and PUD Chapter of the Tulsa Zoning Code.
4. 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.
5. 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.

6. 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.
7. All trash, mechanical and equipment areas, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from properties abutting the PUD. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in properties abutting the PUD. No light standard nor building-mounted light shall exceed 40 feet in height.
9. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
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.

**Applicant's Comments:**

**John Moody**, 1924 South Utica, Suite 700, Tulsa, Oklahoma 74104, stated that he is in agreement with the staff's recommendation except for two items. The first item is with the sign located on Tract 4, which is the site of a proposed Arvest Bank. He explained that the Arvest Bank site is on the corner of East 81<sup>st</sup> Street and South 107<sup>th</sup> East Avenue. Arvest has requested a monument sign at its entrance on South 107<sup>th</sup> East Avenue as well as a pylon sign to be 30 feet in height and 200 SF display surface area located at the southwest corner. There is an existing monument sign for Academy Sports and staff has recommended approval for the monument sign for Academy Sports and denial of the monument

sign for Arvest Bank, plus a reduction in the height of the Arvest sign from 30 feet to 25 feet. Arvest Bank is willing to eliminate the monument sign, but does request the approval of the 30-foot high pylon sign. The reason for this is because of the interchange improvements that were made to 81<sup>st</sup> Street at the time the Creek Turnpike was built and the 25-foot sign is not high enough to provide adequate visibility. Mr. Moody submitted a section from the Zoning Code (Exhibit C-3) specifically dealing with the signs in PUDs. He cited the Zoning Code and stated that his proposal does not exceed the 45 feet and the sign is set back 7.5 feet beyond what is required by the Major Street setback. According to the standards in the Zoning Code, under PUDs, his client could build a 30-foot high sign if it were set back 55 feet from the center of 81<sup>st</sup> Street. The proposed sign is set back 57.5 feet from the centerline (the leading edge of the sign). Given the fact that this is a topographical problem due to the elevation of the expressway, he believes that it is a reasonable request for the Arvest Bank, particularly since the bank is willing to give up the monument sign at the entrance of 107<sup>th</sup> Street.

Mr. Moody stated that the second item relates to the sign that was approved for Academy Sports, which is a 300 SF and 42' in height. Originally it was approved to be 200 feet from the north property line of the project. Mr. Moody submitted a topographical map and site plans (Exhibit C-2), which are part of the PFPI being constructed on Reserve Area A. The problem with the 200-foot setback is that it is not visible and is difficult to access and construct the sign at this location. The location that would work is 80 feet from the north property line, which is significant.

Mr. Moody stated that the Zoning Code specifically provides that a development may have a sign not larger than 300 SF and no more than 50 feet from an abutting R district. According to the Zoning Code his client could install their sign 50 feet from the north property line and he is proposing the sign be 80 feet from the north property line. The abutting property is owned by the Union Schools and is the site of their athletic and baseball diamonds and complexes. The Union School has a 640-foot advertising sign that is 50 feet in height. Mr. Moody submitted photographs of the Union School signs (Exhibit C-1). The proposed sign is less than half the size of the Union School sign. He commented that the proposed sign is a reasonable request due to the topography, the tree coverage and the existing Union School sign.

**TMAPC Comments:**

Mr. Harmon asked if the billboard actually belongs to the Union Schools or was it present when they required the property. In response, Mr. Moody stated that the Union Schools lease the billboard under the arrangement with Stokely Advertising Company. Mr. Moody further stated that Union Schools shares the revenue from the revolving sign with Mr. Stokely. Mr. Harmon asked if the Union Schools hired the sign to be installed. In response, Mr. Moody answered

affirmatively. Mr. Harmon stated that the school must not be offended to have billboards in their yards.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick "absent") to recommend **APPROVAL** of the PUD and Corridor Site Plan for PUD-663/Z-6327-SP-2 allowing a 30-foot high sign and setback 57.5 feet from the centerline of 81<sup>st</sup> Street South for the Arvest sign on Tract 4 and an 80-foot setback from the west property line boundary for the Academy Sports Sign in Tract 1; subject to the other conditions as recommended by staff. (Words deleted by the TMAPC are shown as strikeout; words added or substituted by TMAPC are underlined.)

**Legal Description for PUD-663/Z-6327-SP-2:**

Lot 1, Block 1, Academy Sports and Outdoors 81<sup>st</sup> Street Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof and located on the northeast corner of East 81<sup>st</sup> Street South and U. S. Highway 169 South, Tulsa, Oklahoma, **From CO (Corridor District) To CO/PUD-663 (Corridor District/Planned Unit Development).**

\* \* \* \* \*

**APPLICATION NO.: PUD-601-3**

**MINOR AMENDMENT**

**Applicant:** Bruce Anderson (Amax Signs)

(PD-18) (CD-8)

**Location:** 10825 East 71<sup>st</sup> Street

**Staff Recommendation:**

The applicant is requesting a minor amendment to allow a projecting sign on Lot 2, Block 1, Eastside Market II. The subject tract is located at the northwest corner of East 71<sup>st</sup> Street South and South 109<sup>th</sup> East Avenue. A detail site plan for a 7,243.55 square foot restaurant was approved for the tract on November 15, 2001.

Current Sign standards for Lot 2 are as follows:

One ground sign shall be permitted along the East 71<sup>st</sup> Street frontage with a maximum of 150 square feet of display surface area for such sign and a maximum of 25 feet in height.

Wall signs shall be permitted not to exceed 2.0 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

The applicant is requesting a minor amendment to allow a projection sign over and part of the canopy on the building.

Staff finds the request to be minor in nature. Therefore, staff recommends **APPROVAL** of a minor amendment to allow a projection sign over and a part of the canopy on the building provided that the total display surface area of the projecting sign and if the wall signs on the same wall do not exceed the total display surface area permitted on that wall and that the total display surface area of the projecting sign does not exceed 45 square feet.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Bruce Anderson/Amax Signs, stated that this is a technical matter depending on how one calculates the display surface area. Essentially, this is turning one part of a wall sign 90 degrees out from the wall, like an old movie theater above a canopy. The total area of the sign is about 3.5 feet wide at its maximum width and down to 18 inches, and the height is 12 feet.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **JACKSON**, TMAPC voted 8-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick "absent") to **APPROVE** the minor amendment for PUD-601-3 subject to the conditions as recommended by staff.

\*\*\*\*\*

**APPLICATION NO.:** PUD-596-2

**MINOR AMENDMENT**

**Applicant:** Rick Willcut

(PD-26) (CD-8)

**Location:** 11616 South Hudson Court

**Staff Recommendation:**

The applicant is requesting a minor amendment to change the minimum building setback, for a rear yard, from 25 feet to 23 feet for the construction of a new residence on Lot 1, Block 3, Frenchman's Creek.

Since the lot is somewhat unusually shaped and only the corners of the dwelling encroach, staff finds the request to be minor in nature. Therefore, staff recommends **APPROVAL** of the request per the submitted site plan.

The applicant indicated his agreement with staff's recommendation.

**Interested Parties Opposing:**

**Gene Schmidt**, 11619 South Hudson Place, Tulsa, Oklahoma 74137; **Dennis & Joy Pyle**, 11615 South Hudson Place, Tulsa, Oklahoma 74137, submitted photographs (Exhibit D-1).

**Interested Parties Comments:**

The applicant should follow what is set forth by the TMAPC; trees would be destroyed; the applicant could reconfigure his house plans; the applicant has already received variances on Lot 1; Lot 3 should made to meet the required setbacks; increased density with this application; concerned about the hickory trees on the subject lot; spent \$1100.00 removing dead trees out of their own yards due to their homes; to have a two-story house two feet closer would be seeing a wall; applicant is proposing a back-entry garage and every tree on the applicant's lot would probably be destroyed; the developer wouldn't appreciate all of the trees being removed from his site if he lived there.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Schmidt why the two-foot dimension at the corners is of such critical importance to him. Mr. Schmidt stated that his patio is in the back yard and it would mean that the proposed building would be closer to his property. Mr. Schmidt stated that if the rules and regulations state that it should be 25-foot then the applicant should abide by the 25-foot rear yard setback like everyone else.

Mr. Harmon asked Mr. Schmidt if he understands that the whole building wouldn't be moving two-foot closer, but one corner would penetrate the easement. In response, Mr. Schmidt stated that he understands.

**TMAPC Action; 8 members present:**

On **MOTION** of **JACKSON**, TMAPC voted 8-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick "absent") to **APPROVE** the minor amendment for PUD-596-2, finding that two-feet has no physical impact on the adjacent property and as recommended by staff.

\* \* \* \* \*

**Mr. Harmon requested Mr. Jackson to conduct the meeting.**

Mr. Harmon out at 4:45 p.m.

**APPLICATION NO.: PUD-538-3**

**MINOR AMENDMENT**

**Applicant:** Mike Alexander

(PD-26) (CD-8)

**Location:** 10018 South Braden Avenue

**Staff Recommendation:**

The applicant is requesting a minor amendment to change the rear yard requirement from 15 feet to eleven feet six-inches for the construction of a new residence on Lot 5, Block 1, Winbury Place. The northwest corner of the dwelling would be eleven feet six-inches from the west boundary of the lot.

Since the rear of this lot abuts commercial and the proposed dwelling is outside the utility easement, staff finds the request to be minor in nature. Therefore, staff recommends **APPROVAL** of the request per the submitted site plan.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Harmon "absent") to **APPROVE** the minor amendment for PUD-538-3 as recommended by staff.

\*\*\*\*\*

**Mr. Harmon in at 4:47 p.m.**

**APPLICATION NO.: PUD-649-1**

**MINOR AMENDMENT**

**Applicant:** John Arnold, Jr.

(PD-6) (CD-9)

**Location:** East side of South Birmingham Avenue at 33<sup>rd</sup> Street

**Staff Recommendation:**

The applicant is proposing to split Lot 4, Block 1, Birmingham Square. PUD-649 has been approved for a maximum of four single-family dwellings and has been platted as Lots 1, 2, 3 and 4, Block 1, Birmingham Square. The proposed lot-split would take approximately 1014.75 square feet of the southeast corner of Lot 4 and attach it to a tract (outside the PUD) abutting Lot 4 on the south.



Staff finds that the request is minor in nature and substantial compliance is maintained with the approved Development Plan and the purposes and standards of the PUD Chapter. Therefore, staff recommends **APPROVAL** of PUD-649-1 (Minor Amendment) subject to the following conditions:

1. Requirements of PUD-649 apply unless modified below.
2. The screening requirement for PUD-649 shall apply to Tract 2 (See Exhibit A). Tract 1 (See Exhibit A) shall be excluded from the screening requirement for PUD-649.
3. The following standards apply to Tract 1 (See Exhibit A):

**Permitted uses:**

Customary accessory uses to those uses included within Use Unit 6. Excluding detached accessory buildings.

**Tract 1 will be deeded to and made a part of the following described tract and be prohibited from being sold separately from such tract:**

A tract of land lying in Lots 4 and 5, Block 5, Oakview Estates, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 640, being more particularly described as follows to wit:

Beginning at the northeast corner of said Lot 5; thence south along the east line of said Lot 5, a distance of 219.83 feet; thence west perpendicular to the east line of said Lot 5 a distance of ten feet; thence north parallel to the east line of said Lot 5, a distance 18.0 feet; thence northwesterly a distance of 89.78 feet; thence north parallel to the east line of said Lot 5 a distance of 196.86 feet to a point on the north line of said Lot 4; thence easterly along the north line of said Lot 4 a distance of 101.0 feet to the point of beginning.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick "absent") to **APPROVE** the minor amendment for PUD-649-1 subject to the conditions as recommended by staff.

\*\*\*\*\*

**OTHER BUSINESS:**

**APPLICATION NO.:** PUD-557-A/Z-5620-SP-11

**DETAIL SITE PLAN**

**Applicant:** Rick Clary

(PD-18) (CD-8)

**Location:** 8717 South Mingo Valley

**Staff Recommendation:**

The applicant is requesting approval of a detail site plan for a new outdoor advertising sign. The proposed use is in conformance with PUD-557-A Development Standards.

To meet the specific setbacks required by Development Area B Standards, the proposed outdoor advertising sign is located within the south 60 feet of the west 200 feet of Development Area B. In addition to the site plan and detail sign plans, the applicant has verified compliance with Section 1221.F of the Tulsa Zoning Code with signed letters certifying adequate setbacks from signs located off-site and a letter justifying the proposed height of the sign because of the elevation of the adjacent Creek Turnpike.

Staff recommends **APPROVAL** of PUD-557-A/ Z-5620-SP-11.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick "absent") to **APPROVE** the detail site plan for PUD-557-A/Z-5620-SP-11 as recommended by staff.

\*\*\*\*\*

**APPLICATION NO.:** PUD-569

**DETAIL SITE PLAN**

**Applicant:** Malek Elkhoury

(PD-18) (CD-8)

**Location:** Southeast corner of East 81<sup>st</sup> Street and Mingo Valley Expressway

**Staff Recommendation:**

The applicant is requesting approval of a detail site plan for an addition of a single-bay car wash to the existing Phillips '66 Site. A gasoline service station with a one bay car wash is a Use Unit #14, which is permitted by PUD-569 in Development Area A.

Although two parking spaces and landscaped area would be removed to accommodate the car wash, the remaining spaces and net landscaped area still meet minimum requirements. Furthermore, the car wash meets the 20' setback requirements per the PUD from the west and south boundaries of Development Area A and still complies with maximum floor area ratio permitted. According to the Applicant, no changes to the previously approved lighting plan are proposed.

Staff recommends **APPROVAL** of PUD-569 Detail Site Plan as submitted.

*Note: Detail site plan approval does not constitute sign or landscape plan approval.*

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick "absent") to **APPROVE** the detail site plan for PUD-569 as recommended by staff.

\* \* \* \* \*

Mr. Westervelt out at 4:50 p.m.

**APPLICATION NO.: PUD-658**

**DETAIL SITE PLAN**

**Applicant:** Eric G. Sack

(PD-26) (CD-8)

**Location:** Northwest corner of East 101<sup>st</sup> Street and South Yale Avenue

**Staff Recommendation:**

The applicant is requesting approval of a detail site plan for a new drug store. The proposed use is in conformance with PUD-658 Development Standards.

The site plan as submitted is substantially in compliance with development standards, including building setbacks, minimum parking and landscaped area requirements. In addition and as required by the development standards, the elevations submitted are in substantial accordance with those approved as part of the original PUD-658 application.

Detail Lighting Plans, however, are incomplete and must include the type, location and distance of each lighting treatment from the north and west property lines. Detail must also include shielding, if any, of each light element (including those used in the drive-through canopy) and the angle of visibility using the Kennebunkport formula.

Staff recommends **APPROVAL** of PUD-658 Detail Site Plan as submitted contingent submittal of Detail Light Plans that are in compliance with PUD-658 Development Standards and the Tulsa Zoning Code.

*Note: Detail site plan approval does not constitute sign or landscape plan approval.*

Mr. Dunlap stated that staff has received additional information, but staff needs more information and the applicant is working with staff regarding this review. Staff recommends **APPROVAL** subject to additional standards for items that are listed on the site plan as Z-1 (northwest corner of the tract) and light A-1 (northwest corner).

**TMAPC Comments:**

Mr. Harmon asked how the TMAPC could render a judgment if all information is not submitted. In response, Mr. Dunlap stated that staff has received a great deal of information and the staff member who is reviewing detail site plans is very thorough. Staff is being consistent with the information needed to thoroughly review the detail site plan. The applicant is very capable of supplying the information and staff is comfortable with recommending approval.

**Applicant's Comments:**

**Ted Sack**, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that the information needed is from the electrical contractor who is working on the lighting. The contractor didn't supply the details regarding the shielding on the lighting and he is working on this information now.

Ms. Pace asked if the requested information has to do with light spillover. In response, Mr. Dunlap answered affirmatively. He explained that there are new standards, and in documenting the standards, staff has to determine what type of information should be submitted. He stated that Mr. Sack submitted the text, but failed to submit a diagram and that is what staff requires.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Westervelt "absent") to **APPROVE** the detail site plan for PUD-658, subject to the submittal of additional standards for areas listed Z-1 and A-1 on the detail site plan.

**Resolution Amending Fee Schedule for Processing PUD Detail Plans and Alternative Landscape Compliance requests in the City of Tulsa (Resolution No. 2308:840).**

**Staff Recommendation:**

**RESOLUTION  
ADOPTING AN AMENDED FEE SCHEDULE FOR  
PROCESSING OF PUD DETAIL PLANS AND  
ALTERNATIVE LANDSCAPE COMPLIANCE REQUESTS  
IN THE CITY OF TULSA**

**WHEREAS**, the Tulsa Zoning Code (Title 42, TRO) provides for the establishment of filing and processing fees for processing of PUD Detail Plans and Alternative Landscape Compliance requests, the amount of which shall be established by Resolution adopted by the Tulsa Metropolitan Area Planning Commission and approved by the Tulsa City Council; and

**WHEREAS**, the Tulsa Metropolitan Area Planning Commission, after due study and deliberation did review and adopt on May 1, 2002, the schedule of fees attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED**, pursuant to the authorization set forth in the Tulsa Zoning Code (Title 42.TRO) that the fees as shown in Exhibit A, attached hereto and made a part hereof shall be paid by persons submitting PUD Detail Plans and Alternative Landscape Compliance requests for processing, and

**BE IT FURTHER RESOLVED THAT** this Resolution shall take effect immediately upon its adoption by the Tulsa Metropolitan Area Planning Commission and the Tulsa City Council.

**APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2002.**

TULSA METROPOLITAN AREA PLANNING COMMISSION

By \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED BY THE CITY COUNCIL OF THE CITY OF TULSA, OKLAHOMA  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

By \_\_\_\_\_  
Council Chairman

ATTEST:

\_\_\_\_\_  
City Clerk

There were no interested parties wishing to speak.

**TMAPC Action; 7 members present:**

On **MOTION** of **PACE**, TMAPC voted 7-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Carnes, Bayles, Dick, Westervelt "absent") to **APPROVE** Resolution No. 2308:840 as recommended by staff.

\* \* \* \* \*

**Resolution Amending Fee Schedule for Processing PUD Detail Plans and Alternative Landscape Compliance requests within the unincorporated areas of Tulsa County (Resolution No. 2308:841).**

**Staff Recommendation:**

**RESOLUTION  
ADOPTING AN AMENDED FEE SCHEDULE  
FOR PROCESSING OF PUD DETAIL PLANS AND  
ALTERNATIVE LANDSCAPE COMPLIANCE REQUESTS  
WITHIN THE UNINCORPORATED AREAS OF TULSA COUNTY**

**WHEREAS**, the Tulsa County Zoning Code provides for the establishment of filing and processing fees for processing of PUD Detail Plans and Alternative Landscape Compliance requests, the amount of which shall be established by Resolution adopted by the Tulsa Metropolitan Area Planning Commission and approved by the Tulsa County Board of Commissioners; and

**WHEREAS**, the Tulsa Metropolitan Area Planning Commission, after due study and deliberation did review and adopt on May 1, 2002, the schedule of fees attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED**, pursuant to the authorization set forth in the Tulsa County Zoning Code that the fees as shown in Exhibit A, attached hereto and made a part hereof shall be paid by persons submitting PUD Detail Plans and Alternative Landscape Compliance requests for processing within the unincorporated areas of Tulsa County, and

**BE IT FURTHER RESOLVED THAT** this Resolution shall take effect immediately upon its adoption by the Tulsa Metropolitan Area Planning Commission and the Board of County Commissioners.

**APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2002.**

TULSA METROPOLITAN AREA PLANNING COMMISSION

By \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF TULSA, OKLAHOMA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

Board of County Commissioners of Tulsa County, Oklahoma

\_\_\_\_\_  
Robert Dick, Chairman

\_\_\_\_\_  
Wilbert Collins, Member

\_\_\_\_\_  
Earlene Wilson-Henkle, County Clerk

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

**TMAPC Action; 7 members present:**

On **MOTION** of **PACE**, TMAPC voted 7-0-0 (Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Carnes, Bayles, Dick, Westervelt "absent") to **APPROVE** Resolution No. 2308:841 as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 5:00 p.m.

Date Approved:



Chairman

ATTEST:

  
Secretary