

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2315

Wednesday, July 17, 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>
Bayles	Dick	Dunlap	Boulden, Legal
Carnes		Huntsinger	
Coutant		Matthews	
Harmon		Stump	
Hill			
Horner			
Jackson			
Ledford			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, July 12, 2002 at 1:00 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 1:30 p.m.

### Minutes:

#### **Approval of the minutes of June 26, 2002, Meeting No. 2313**

On **MOTION** of **HILL**, the TMAPC voted 7-0-1 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; Ledford "abstaining"; Bayles, Dick, Midget "absent") to **APPROVE** the minutes of the meeting of June 26, 2002, Meeting No. 2313.

### Minutes:

#### **Approval of the minutes of July 3, 2002, Meeting No. 2314**

On **MOTION** of **CARNES**, the TMAPC voted 7-0-1 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; Westervelt "abstaining"; Bayles, Dick, Midget "absent") to **APPROVE** the minutes of the meeting of July 3, 2002, Meeting No. 2314.

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**REPORTS:**

**Director's Report:**

Mr. Stump reported that TMAPC receipts for the months of May and June are significantly increased due to the new fee schedule. He indicated that the July report would be the first month that should reflect the increase in fees for the Board of Adjustment and zoning.

Mr. Stump stated that there are two items on the City Council agenda for July 18, 2002. He indicated that Mr. Dunlap would be representing TMAPC.

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**SUBDIVISIONS:**

**Lot-Splits for Ratification of Prior Approval:**

**L-19392 – Carole B. Finnell (2413)** (PD-15) (County)

8108 East 96<sup>th</sup> Street North

**L-19396 – Lloyd Garrison (2523)** (PD-14) (County)

Northwest corner Mingo and 136<sup>th</sup> Street North

**L-19397 – Bill Bell (2073)** (PD-21) (County)

2631 East 161<sup>st</sup> Street

**L-19400 – David Ward (2523)** (PD-14) (County)

North of Northwest corner Mingo and 136<sup>th</sup> Street North

**L-19402 – H. H. Dukes (863)** (PD-21) (County)

Southeast corner Lewis and 191<sup>st</sup> Street South

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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**CONTINUED ZONING PUBLIC HEARING:**

**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.

Update: This case was continued from a previous public hearing to allow the applicant to apply for a PUD. To date, no application has been filed on this and staff is unaware of any action being taken in that regard. Therefore, the previous recommendation for **DENIAL** still stands.

**Applicant was not present/**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HILL**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Midget "absent") to **DENY** of RS zoning for CZ-308 as recommended by staff.

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**APPLICATION NO.: PUD-628-4**

**MINOR AMENDMENT**

**Applicant:** Dr. Carl Fisher

(PD-18) (CD0-8)

**Location:** 9311 South Mingo

**Staff Recommendation:**

The applicant is requesting a minor amendment to the ground sign standards for PUD-628. The existing standards allow one ground sign not exceeding 12 feet in height and 32 square feet in display surface area per lot. The applicant is requesting a 14-foot high sign with 46 square feet of display surface area.

Three previous requests for amendments to the ground sign standards have been denied by the Planning Commission on this same lot. On February 27, 2002, the Planning Commission denied a request for a 14-foot high sign with 46 square feet of display surface area, the same requested change that is being requested now. On December 6, 2000, the Planning Commission denied a request for a 25-foot high sign with 176 square feet of display surface area and on February 7, 2001, the Planning Commission denied a request to permit a ground sign with a maximum display surface area of 64 square feet.

The sign standards for PUD-628 are as follows:

1. One ground sign not exceeding 12 feet in height and 32 square feet in display surface area shall be permitted on each lot.
2. Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

The lots abutting South Mingo Road have been approved for office uses and the existing sign standards are appropriate for the permitted uses in this PUD. Staff recommends **DENIAL** of the requested amendment.

**Applicant's Comments:**

**Dr. Carl Fisher**, 9311 South Mingo, Tulsa, Oklahoma 74133, stated that he would like to request a change in a sign variance request he made for July 3, 2002, which he had continued to today. He indicated that he would like to make a request for a minor sign variation, but at the same time propose that he reduce some of the external wall signage on his current building.

Dr. Fisher submitted photographs and a letter of support (Exhibit A-1 and Exhibit A-3). He stated that he would be willing to eliminate or reduce the wall signage on the west elevation in order to get the two-foot variation he is requesting for his ground sign. He explained that he is requesting a two-foot elevation in the existing ground sign. Dr. Fisher submitted a drawing with the new proposed signage. He explained that his building sets at a low level and there is a new building being built that would block the view of his building and ground sign from the south bound area on Mingo. He indicated that on the north side of his building there would be a new clinic that would further occlude his building. He commented that he does not have adequate exposure.

Dr. Fisher stated that the owner and developer of Cedar Ridge Business Park has surveyed the issue and he feels comfortable with the proposal requested. The owner doesn't feel that this would detract from the complex and has no problem with the additional signage requested.

Dr. Fisher concluded that he is a small businessman with ten employees. He stated that he is not asking for a big variance and he is trying to improve visibility for his new office and to inform the public of the free services he offers.

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

**TMAPC Comments:**

Mr. Harmon stated that looking at the pictures Dr. Fisher submitted the bottom of the sign is not visible because of the clutter and questioned how having a two-foot sign underneath the original sign help, because it would be even less visible.

In response, Dr. Fisher stated that the increased signage would be put between the pedestal and the existing sign, which would actually elevate the sign two feet and use the space for advertising. Dr. Fisher explained that he also has an optical shop, but it is not visible from the road because of the clinic setting low and the new clinic will obstruct the view of his building more.

Mr. Westervelt asked if the sign would be an LED sign and a programmable message center. In response, Dr. Fisher answered affirmatively. Mr. Westervelt asked if the message would be a scrolling and changeable signage. Dr. Fisher stated that it would be a scrolling message center with different messages. Dr. Fisher explained that he doesn't want to make his office look non-professional and he has spent a lot of time and money to make his office look professional. Dr. Fisher stated that he would eliminate or reduce wall signage in order to have the extra two feet of signage on the ground sign.

Mr. Westervelt asked staff if there are any requirements or restrictions regarding scrolling signs. Mr. Westervelt expressed concerns with this type of signage. Mr. Stump stated that there are regulations concerning flashing or changeable copy signs. Mr. Stump stated that it is restricted within 50 feet of the driving service of a signalized intersection, which this would not be. He further stated that it is restricted from being within 20 feet of a driving service of a street, which currently this would not be, but might be in violation when Mingo is widened. He explained that if the message changes every ten seconds or less, then it is not a changeable message sign. Mr. Stump further explained that if the sign doesn't scroll, but has a message and pauses for a few seconds then changes to a new message, it is not considered a scrolling message center. Mr. Stump commented that this regulation came about several years ago when QuikTrip wanted to change the price on signs every two or three seconds and came up with the fact that if it changes less often then it is considered as none changing signage. Mr. Stump stated that currently the proposed sign would be permitted because it is not within 20 feet of the driving service, but ultimately it may come into violation if it is a constant scrolling or moving message or flashing.

Mr. Westervelt asked Dr. Fisher how frequently he planned to have the intervals changing. In response, Dr. Fisher stated that he would meet the criteria or guidelines for a message center. Dr. Fisher commented that he doesn't have any intention of this proposal being anything like Creek Nation Bingo on 81<sup>st</sup> Street.

Mr. Westervelt asked Dr. Fisher if the Planning Commission were to approve his sign without the LED would he still want the request. Mr. Westervelt asked Dr. Fisher if the LED signage is the reason for this application. In response, Dr. Fisher stated that he definitely needs some type of change for the existing sign. Dr. Fisher explained that when he discussed this issue with the sign company their recommendation was to have the LED signage. Dr. Fisher stated that he did not come up with the idea for the LED signage, but rather the sign company

recommended it for better exposure. Dr. Fisher commented that he didn't consider the idea of changing the signage without the LED. Dr. Fisher stated that he doesn't know how else to answer Mr. Westervelt's questions.

Mr. Westervelt stated that he needs Dr. Fisher to tell him that if the LED changeable message sign was not approved, would he still want the additional two feet for the existing signage or leave the existing signage as it is presently. In response, Dr. Fisher stated that he understands what Mr. Westervelt is stating. Dr. Fisher stated that he has not seen a sign design other than what he is looking at today and this is what he is trying to get done by asking for the minor variation. Dr. Fisher commented that this doesn't mean that the sign company couldn't come up with something that was not an LED, but what he is submitting today is based on what the recommendations were. Dr. Fisher stated that this is not something that is out of Code according to what Mr. Stump stated.

Mr. Stump asked Dr. Fisher to be more specific about what wall signage he is proposing to eliminate. Dr. Fisher stated that the signage on the west wall has considerable more square footage than what he is requesting. Dr. Fisher explained that he would reduce the size or eliminate the signage on the west wall.

Mr. Stump stated that the PUD allows Dr. Fisher signage on two other walls that currently do not have signage. Mr. Stump asked Dr. Fisher if he would be willing to forgo any future signage on the other two walls. Dr. Fisher stated that he would agree to no future signage on the two walls that presently do not have signage.

Mr. Harmon asked if the existing wall signs are in compliance with the regulations. In response, Mr. Stump answered affirmatively.

**Interested Parties Comments:**

**Danny Mitchell**, Architect, 4111 South Darlington, Tulsa, Oklahoma 74135, representing Allergy Clinic of Tulsa and the building to the south, stated that he was present when this item was requested to be continued and encouraged the request. He explained that his client had not seen the drawings that were proposed and wanted that opportunity. He explained Dr. Fisher provided those drawings and his clients do not have any problems with this proposal. Mr. Mitchell submitted and read a letter of support from the Allergy Clinic of Tulsa (Exhibit A-3).

**TMAPC Comments:**

Mr. Westervelt asked Mr. Mitchell if his clients would want the same type of message center if this is approved for Dr. Fisher. In response, Mr. Mitchell stated that his clients would not want this type of LED message signage. He explained that the Allergy Clinic of Tulsa's signage was approved through the PUD and are not inclined to use this type of message reader and have no intent

to request this type of signage. Mr. Mitchell stated that based on the comments he has heard today, he would advise his clients that any attempt at something of this direction would be looked upon badly. Mr. Westervelt stated that perhaps that would be the case, but if this is approved for Dr. Fisher then he is aware that if another application comes in, then the Planning Commission would have a hard time to refuse it. Mr. Mitchell stated that his client to the south has no plans for a ground sign because of his building location. Mr. Mitchell explained that all of the buildings in this subject area set low and his tenants prefer to have the signage on the building for best exposure. Mr. Mitchell informed the Planning Commission that the restrictive covenants restrict ground signs without the specific approval of the architectural review committee. There are some controls other than the Planning Commission to make sure it doesn't become a sign war.

Mr. Westervelt expressed concerns that by approving the LED message center and the two additional feet to the existing signage it may set a precedent and other tenants would start requesting the same approval. Mr. Mitchell stated that he understands Mr. Westervelt's concerns.

Mr. Carnes stated that if the subject sign is raised two feet then everyone who has a sign in this town is going to come back and change the interpretation of rules that has been set in the sign industry. Once allowed, the Planning Commission would have to allow it throughout the City and County of Tulsa.

Mr. Harmon stated that he understands that a business likes to identify itself when clutter develops. He is not sure that a bigger and taller sign is the answer to the clutter.

Mr. Westervelt stated that he was becoming more comfortable with the concept of some additional signage in the front based on the offer from the applicant to diminish some of the other signage. This is OL zoning, but it is in a Corridor District which differentiates this office park from the office park up and across the street. The Planning Commission is getting an opportunity to diminish some of the other signage that is quite large and extremely large when viewed. He commented that the only issue he is struggling with is the LED message center and he is unsure how he feels about this or how he would vote at this point.

Mr. Jackson stated that if the LED doesn't move quickly it doesn't bother him because after ten seconds a vehicle would already be passing the sign. Mr. Jackson asked if the applicant could use the plastic slide cards in the two-foot section of the sign. In response, Mr. Stump stated that it is possible to have the manually changeable signage. Mr. Stump commented that on the LED signage the Planning Commission could impose restrictions that the message couldn't change more than twice a minute or four times a minute. Mr. Stump stated that the LED signage would look nicer than the manually changeable signs.

**Mr. Midget out at 2:04 p.m.**



Mr. Harmon recognized Dr. Fisher.

Dr. Fisher stated that he would meet the standards that are set because he doesn't want it to be gaudy or an unrealistic sign.

Mr. Westervelt asked Dr. Fisher if he is willing to take down all signage on every elevation except the south elevation. In response, Dr. Fisher answered affirmatively.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 5-3-1 (Bayles, Harmon, Jackson, Ledford, Westervelt "aye"; Carnes, Coutant, Horner "nays"; Hill "abstaining"; Dick, Midget "absent") to **APPROVE** the minor amendment for PUD-628-4 subject to the following conditions: approve the additional two feet of signage; removing the existing signage on the southwest building elevations prior to the installation of the proposed signage, only the southeast building elevation would be allowed wall signage; the LED message center shall not change any faster than once every 60 seconds.

\* \* \* \* \*

**APPLICATION NO.:** Z-6863/PUD-268-C      **RS-3/PUD to OL/PUD**

**Applicant:** Darin Akerman      (PD-18) (CD-8)

**Location:** East of the southeast corner of East 91<sup>st</sup> Street and South 92<sup>nd</sup> East Avenue

**Staff Recommendation for Z-6863:**

**RELEVANT ZONING HISTORY:**

**PUD-268-B June 1997:** All concurred in approval of a request for a major amendment on a portion of the original PUD-221 to allow medical and general office use on that portion of the PUD previously approved for multifamily development and located south of the southwest corner of East 9100 Street South and South Mingo Road.

**Z-6538 July 1996:** All concurred in approval of a request to rezone a 3.4-acre tract located on the east side of Mingo Road and south of East 91<sup>st</sup> Street from AG to CO. Approval was also granted for a Corridor Site Plan for an inline hockey facility.

**Z-6467/Z-6467-SP-1 January 1995:** Approval was granted for the rezone of a tract located on the east side of Mingo Road and north of the Creek Turnpike from AG to CO with approval of a Corridor Site Plan for a golf center.

**PUD-268-A October 1982:** A major amendment was approved for PUD-221 and on the subject property to allow a public service substation on the property.

**PUD-268/Z-5618 October 1981:** Staff and TMAPC recommended denial of a request to rezone 15 acres from RS-3 to RM-2 and recommended approval of RM-1/PUD on property located in the southwest corner of East 91<sup>st</sup> Street South and South Mingo Road and including the subject tract.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.46 acres, in size and is located west of the southwest corner of East 91<sup>st</sup> Street South and South Mingo Road. The property is sloping, non-wooded, vacant, and zoned RS-3/PUD-268.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. No. Lanes</b>
East 91 <sup>st</sup> Street	Secondary arterial	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, much of which is in a floodplain and therefore Development Sensitive, zoned RS-3/PUD-298; on the east by a church, zoned AG/PUD-268; and on the south, southeast and west by single-family dwellings, zoned RS-3/PUD-268.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

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

According to the Zoning Matrix the requested OL zoning **may be found** in accord with the Plan Map.

**STAFF RECOMMENDATION:**

Based on existing adjacent and nearby development, trends in the area and environmental constraints, staff cannot support the requested OL zoning and therefore recommends **DENIAL** of OL zoning for Z-6863.

**Related Item:**

**Staff Recommendation for PUD-268-C:**

The subject tract consists of 2.46 acres located approximately ¼ mile west of South Mingo Road on the south side of East 91<sup>st</sup> Street. The tract has frontage on 91<sup>st</sup> Street (a secondary arterial) and also on 92<sup>nd</sup> Street (a residential street). PUD-268 was approved by the City Council in January 1982. The subject tract

was part of Development Area A. Development Area A was approved by single-family dwellings.

In November 1982 the City Council approved PUD-268-A. This major amendment changed the permitted uses on the subject tract from residential to a Public Service substation. The conditions for approval were that Development Area A be reduced by 2.3 acres and that the maximum number of Dwelling Units permitted in Development Area A be reduced by ten.

The applicant is proposing that office uses with a maximum of 24,450 SF of building floor area be permitted on the subject tract.

The subject tract is zoned PUD-268-A/RS-3. An application (Z-6863) has been made to rezone the tract to OL. The subject tract is abutted on the west and also on the southeast corner by single-family dwellings zoned RS-3/PUD-268. There are single-family dwellings to the south of the tract, across East 92<sup>nd</sup> Street. The remainder of the east boundary is abutted by floodplain and a natural drainage way, zoned AG. There is also floodplain and natural drainage way to the north of the tract, across East 91<sup>st</sup> Street, zoned RS-3/PUD-298. Beyond this floodplain to the north are single-family homes zoned RS-3/PUD-298.

The presence of the floodplain serves as a natural buffer between the subject tract and area to the northeast and east.

Based on existing development, zoning and environmental constraints in the area, staff doesn't support the requested OL (Z- 6863) and believes the tract should be developed with low intensity residential uses. Therefore, staff recommends **DENIAL** of PUD-268-C.

If the Planning Commission finds that OL zoning is appropriate for the subject tract, staff submits 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	2.46 Acres	107,234 SF
Net	2.24 Acres	97,802 SF

**Permitted Principal Uses:**

Those uses included within Use Unit 11, excluding drive-in bank facilities, whether principal or accessory use.

**Maximum Building Floor Area:** 29,000 SF

**Maximum Building Height:**

One story (ground level only), not to exceed 32 FT.

**Maximum Number of Buildings:** Three

**Minimum Building Setbacks:**

From the centerline of East 91 <sup>st</sup> Street	100 FT
From the south boundary of the PUD	45 FT
From the west boundary of the PUD	30 FT*
From the east boundary of the PUD	
Abutting residential lots	30 FT *
Remainder of East Boundary	15 FT

\*Plus two feet of setback for each one-foot of building height exceeding 25 feet.

**Signs:**

There shall be a maximum of one business sign in the PUD which shall be a ground sign located along the East 91<sup>st</sup> Street frontage at the principal entry of the PUD. The sign shall not exceed 50 square feet of display surface area nor six feet in height and shall comply with other provisions of the OL district.

**Minimum Landscaped Area:**

35% of net lot area.

**Other Bulk and Area Requirements:**

As established within an OL district.

### **Building Façade & Construction Materials:**

Combination of stone/stucco or brick/stucco for all exterior walls of office buildings; and, composition shingles to be installed on all office building rooftops.

3. The PUD shall have a maximum of one access point onto East 91<sup>st</sup> Street. There shall be no access to 91<sup>st</sup> Street within the west 110 feet of the PUD. No access to East 92<sup>nd</sup> Street South is permitted. Each lot in the PUD shall have vehicular access to all other lots in the PUD through the use of mutual access easements. All access shall be approved by the Tulsa Fire Department and Traffic Engineering.
4. Landscaping and screening shall be in substantial compliance with the applicant's conceptual site plan. There shall be a landscaped strip adjacent to East 92<sup>nd</sup> Street right-of-way a minimum of 45 feet in width and there shall be a six-foot high screening wall or fence with brick columns a maximum of 25 feet apart, located along the northern portion of this landscaped area extending across the entire width of the PUD. A six-foot high screening wall or fence with brick columns a maximum of 25 feet apart shall connect to the east and west ends of the southern screening wall or fence and shall extend to the north along the entire west boundary of the PUD and to the north along the east boundary of the PUD a minimum of 75 feet to the north of the northwest corner of Lot 1, Block 1, Woodland Glen Extended. There shall be a landscaped strip a minimum of ten feet in width along the inside of these walls or fences. Parking areas within the PUD shall be screened from East 91<sup>st</sup> Street by berms and/or landscaping, which may include a double row of evergreen shrubs, to a height of at least three and one-half feet. Landscaping throughout the PUD shall meet or exceed the requirements of the Landscape Chapter and PUD Chapter of the Tulsa Zoning Code.
5. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

7. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
8. All trash, mechanical and equipment areas, 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.
9. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. 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 the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed 14 feet in height, nor be within 35 feet of the residential lots to the east and west.
10. 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.
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.

**Applicant's Comments:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, Tulsa, Oklahoma 74103, representing Mike Lester, stated that this matter was before the Planning Commission two weeks ago and it was continued in order to allow staff to develop standards. Mr. Johnsen reminded the Planning Commission that there

were several neighbors in support of this application and the one party objecting has since withdrawn his objection.

Mr. Johnsen stated that he believes that the consensus of the Planning Commission at the last hearing was that if properly done, a one story office complex would be a good neighbor. He indicated that his client and the land planner have reviewed the staff recommendation and it is very restrictive and the requirements are quite high. Mr. Johnsen stated that the staff recommendation as drafted is acceptable to the applicant.

**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 8-0-1 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; Westervelt "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of the OL zoning for Z-6863 and PUD-268-C per the conditions submitted by staff.

**Legal Description for Z-6863/PUD-268-C:**

A tract of land lying in the NE/4 of Section 24, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, more particularly described as follows, to wit: Commencing at a point on the North line of said NE/4 of Section 24, said point lying 1,508.70' West of the Northeast corner thereof; thence due South a distance of 50.00' to the point of beginning, said point being the Northeast corner of Lot 1, Block 1, of Woodland Glen Fourth, an addition to the said City of Tulsa, according to the recorded plat thereof; thence due South along the East line of said Block 1, a distance of 321.41' to the Southeast corner of Lot 4 of said Block 1; thence due East a distance of 190.00' to a point of curve; thence along said curve to the right, said curve having a radius of 265', a central angle of 17°33'17" a distance of 82.73' to a point; thence N 17°53'17" E a distance of 128.82' to a point; thence N 04°06'13" E a distance of 122.08' to a point; thence N 23°04'09" W a distance of 98.45' to a point; thence S 85°17'03" W a distance of 92.80' to a point; thence N 00°02'30" W a distance of 33.14' to a point lying 25.00' South of the said North line of the NE/4 of Section 24; thence S 89°37'44" W and parallel to said North line a distance of 188.63' to a point; thence due South a distance of 25.00' to the Point of Beginning, and located west of the southwest corner of East 91<sup>st</sup> Street South and South Mingo Road, Tulsa, Oklahoma, **From RS-3/PUD-268-A (Residential Single-family High Density/Planned Unit Development) To OL/PUD-268-C (Office Light District/Planned Unit Development).**

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## ZONING PUBLIC HEARING

**APPLICATION NO.:** CZ-310

**AG to AG-R**

**Applicant:** Jack D. Ramsey

(PD-21) (County)

**Location:** Southwest corner of East 131<sup>st</sup> Street and South Peoria

### Staff Recommendation:

### RELEVANT ZONING HISTORY:

None in this area.

### AREA DESCRIPTION:

**SITE ANALYSIS:** The subject property is approximately 21.35 acres in size and is located west of the southwest corner of East 131<sup>st</sup> Street South and South Peoria Avenue, Tulsa County. The property is gently sloping, non-wooded, vacant and zoned AG.

### STREETS:

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. No. Lanes</b>
East 131 <sup>st</sup> Street South	Secondary arterial	100'	2 lanes

**UTILITIES:** Water is supplied by a rural water company and sewer would be by septic systems or lagoons. The City of Glenpool would serve this area with water if the development were connected to the City sewer system.

**SURROUNDING AREA:** The subject tract is abutted on the north by vacant property and to the northwest by a church; zoned AG; to the east and west by single-family dwellings, zoned AG and to the south by vacant land, zoned AG.

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 21 Plan, a part of the Glenpool Comprehensive Plan, designates the subject property as Low Intensity – Residential.

### STAFF RECOMMENDATION:

Based on the Comprehensive Plan and the existing development in the area, staff recommends **APPROVAL** of CZ-310.

**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 **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of the AG-R zoning for CZ-310 as recommended by staff.

**Legal Description for CZ-310:**

A tract of land in the NE/4 of Section 12, T-17-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, described as follows: beginning at a point 528' West of the Northeast corner of the NE/4, thence S 0°00'01" 880.85' thence S 89°46'23" W 793.26', thence S 0°01'38" W 110.80', thence S 89°46'23" W 233.67', thence N 0°01'40" E 991.65' to the North line, thence N 89°46'23" E 1,026.50' to Point of Beginning, containing 21.35 acres more or less and located west of the southwest corner of East 131<sup>st</sup> Street South and South Peoria Avenue, Tulsa, Oklahoma, **From AG (Agriculture District) To AG-R (Agriculture – Residential Single-family, Rural District).**

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**Mr. Ledford announced that he would be abstaining from Z-6864 and PUD-299-C.**

**APPLICATION NO.:** Z-6864                      **RD/RM-1/PUD-299-B TO OL/PUD-299-C**

**Applicant:** Roy D. Johnsen                      (PD-18) (CD-8)

**Location:** Northeast corner of East 81<sup>st</sup> Street and South Harvard

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**Z-6786/PUD-299-B October 2000:** All concurred in approval of a request for a major amendment on the subject tract to rezone the property from RS-4/PUD-299-A to RD and RM-1 which would allow office and townhouse uses to be developed to the same standards that had existed prior to PUD-299-A.

**Z-6742/PUD-299-A January 2000:** All concurred in approval of a request to rezone the subject property from RM-1/RD/PUD-299 to RS-4/PUD-299-A for a 21 lot single-family development with private streets.

**Z-5759/PUD-299 October 1982:** A request to rezone the subject property from RS-1 to RM-0 and OL with PUD-299 was denied. Request was amended and approved for RM-1/RD/PUD development to allow 30 townhouse units on the north 2.3 acres with light offices approved for the remaining .9 acres on the southern portion.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.58 acres in size (gross) and is located on the northeast corner of East 81<sup>st</sup> Street South and South Harvard Avenue. The property is sloping, wooded, vacant, and zoned RD/RM-1/PUD-299-B.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. No. Lanes</b>
East 81 <sup>st</sup> Street	Secondary arterial	100'	4 lanes
South Harvard Avenue	Secondary arterial	100'	4 lanes

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

**SURROUNDING AREA:** The subject tract is abutted on the north and east by vacant property, which is zoned RD and is part of PUD-299-B; to the south by a commercial shopping center, zoned OL, CS and PUD-168; to the southwest by a commercial shopping center, zoned CS; and to the west by single-family dwellings, zoned RS-2.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Residential.

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

**STAFF RECOMMENDATION:**

Even though the District Plan calls for Low Intensity – Residential development on this site, it is abutted on one side by other than residential zoning and uses. The topography on the site and adjacent to it on the north and east are of some concern with development of other than Low Intensity, particularly because of the existing single-family residential uses outside the PUD. However, with some sensitivity in design and development, and with the RD zoning within the PUD immediately to the north and east, OL could be made compatible. The accompanying PUD-299C and staff recommendations regarding it appear to address these concerns and therefore staff recommends **APPROVAL** of OL zoning for Z-6864, provided that PUD-299C or some version of it is recommended for approval.

If the Planning Commission is inclined to recommend approval of this rezoning, staff should be directed to prepare appropriate amendments to the District 18 Plan Map.

**Related Item:**

**APPLICATION NO.:** PUD-299-C RD/RM-1/PUD-299-B TO OL/RD/PUD-299-C/MAJOR AMENDMENT

**Applicant:** Roy D. Johnsen (PD-18) (CD-8)

**Location:** Northeast corner of East 81<sup>st</sup> Street and South Harvard

**Staff Recommendation:**

The subject tract consists of 3.29 acres (net) located at the northeast corner of East 81<sup>st</sup> Street and South Harvard Avenue. The tract has 341 feet of frontage on 81<sup>st</sup> Street and 418 feet on Harvard Avenue. The Major Street and Highway Plan designates Harvard and 81<sup>st</sup> Street as secondary arterials.

PUD-229-B was approved by the City Council in October, 2000. The existing major amendment permitted office uses not exceeding 27,840 square feet of floor area and townhouses not exceeding 30 dwelling units.

This major amendment proposes office uses not exceeding 44,890 square feet of floor area (townhouse would not be included in this proposal).

The subject tract is zoned RD, RM-1/PUD-229-B. An application (Z-6864) has been made to rezone a portion of the tract to OL. The subject tract is abutted on the north and east by a single-family subdivision, zoned RS-1. To the west of the tract, across Harvard Avenue, is a single-family subdivision zoned RS-2. To the south, across 81<sup>st</sup> Street, is a shopping center zoned OL, CS, RS-1/PUD-168.

If Z-6864 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-229-C as modified by staff, to be: (1) consistent with the Comprehensive Plan if amended as recommended by staff; (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-299-C 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:

**Net Land Area:** 147,780 SF 3.29 Acres

**Permitted Principal Uses:**

Use Unit 11 uses, excluding drive-in bank facilities.

**Maximum Building Floor Area:** 44,890 SF

**Maximum Building Height:**

Within 180 feet of the north boundary or within 100 feet of the east boundary of the PUD:

One story, not to exceed 25 FT.

Remainder of the PUD:

Three stores, not to exceed 45 FT.

**Minimum Building Setbacks:**

From centerline of 81<sup>st</sup> Street 100 FT

From centerline of Harvard Avenue 100 FT

From north boundary of the PUD 40 FT

From east boundary of the PUD 60 FT

**Minimum Required Off-Street Parking:**

As provided within the applicable use unit of the Tulsa Zoning Code.

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

**Building Design Limitations:**

The submitted building elevation (Exhibit B) of the larger office building is conceptual and minor variation in building orientation and footprint may occur pursuant to finalization of the detail site plan. The buildings shall be constructed in substantial accordance with the architectural concepts depicted within the submitted building elevation.

**Signs:**

Signs shall comply with the restrictions in the OL zoning district. No ground sign shall be closer than 100 feet from an RS district.

**Access:**

There shall be a minimum of two access points to the PUD. There shall be a maximum of one access point to 81<sup>st</sup> Street and one access point to Harvard Avenue. All access shall be approved by Traffic Engineering and the Tulsa Fire Department.

3. A landscaped area not less than 25 feet in width and a six-foot high or higher screening wall or fence shall be located along the north and east boundaries of the PUD. There shall be minimum soil disturbance within the north 25 feet 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 adjacent residential areas. 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 the adjacent residential areas or street right-of-way. No light standard shall be located within 25 feet of the north or east boundaries of the PUD and no light standard nor building-mounted light shall exceed 15 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:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, Tulsa, Oklahoma 74103, representing Seminole Transport Gathering Company (STG), stated his client has purchased the subject tract for corporate offices. Mr. Johnsen cited the history of previous approvals for the subject tract.

Mr. Johnsen explained that the subject tract is very steep and it will be difficult to develop. He stated that there will be a pad for the headquarters with underground parking, plus retaining walls located down the slope that could be used as a water feature or something attractive at the corner.

Mr. Johnsen stated that to the north and east there is quite a difference before any single-family dwellings occur. It would be well removed from single-family areas and has a past history of office and townhouse use. The staff recommendation is detailed and restrictive and is acceptable to his client.

**Interested Parties Comments:**

**Drew Jenkinson**, 8008 South Louisville, Tulsa, Oklahoma 74136, stated that her property is the closest house to the east. She expressed concerns regarding the height of the proposed building. In response, Mr. Harmon stated that the single story buildings are 25 feet high and three story buildings have a maximum of 45 feet in height. Mr. Harmon further stated that he is not sure of the exact location where the buildings would be placed. Mr. Stump stated that the three story building has to be located on the southern portion near 81<sup>st</sup> Street and Harvard.

Ms. Jenkinson asked if the subject property is the property that is currently cleared. In response, Mr. Johnsen stated that he was unaware that the subject property had been cleared. Ms. Jenkinson requested a copy of the proposal. Mr. Johnsen provided a copy of the submittal to Ms. Jenkinson.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-1 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; Ledford "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of the OL zoning for Z-6864 as recommended by staff.

**Legal Description for Z-6864:**

A tract of land located in the SW/4 of Section 9, T-18-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the official U. S. Government survey thereof, being more particularly described as follows: the Southerly 335.00' of the Westerly 335.00' of the SW/4, Section 9, T-18-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma according to the official U. S. Government survey thereof, and located on the northeast corner of East 81<sup>st</sup> Street South and South Harvard Avenue, Tulsa, Oklahoma, **From RM-1 & RD (Residential Multifamily Low Density District & Residential Duplex District) To OL (Office Low Intensity District).**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-1 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; Ledford "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of PUD-299-C as recommended by staff.

**Legal Description for PUD-299-C:**

Lot 6, Block 3, Timbercrest Addition, a subdivision to Tulsa County, Oklahoma, according to the official recorded plat thereof, and located in the northeast corner of East 81<sup>st</sup> Street South and South Harvard, Tulsa Oklahoma, **From RM-1/RD/PUD-299-B To OL/RD/PUD-299-C.**

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**APPLICATION NO.:** PUD-441-3

**MINOR AMENDMENT**

**Applicant:** R. L. Reynolds

(PD-11) (CD-1)

**Location:** Northeast corner of West Pine and North Union

**Staff Recommendation:**

The applicant is requesting a minor amendment to add, as a permitted use in the west 660 feet of the PUD, a school offering a compulsory education curriculum.

PUD-441 was approved by the City Council in 1998. The PUD consisted 10.33 gross acres located at the northeast corner of West Pine Street and North Union Avenue. Selected commercial uses were permitted on the tract.

In 1992 TMAPC approved a minor amendment, which created two tracts. One tract was identified as the west 660 feet of the PUD and the other tract was identified as the remainder of the PUD. This minor amendment applies only to the west 660 feet of the PUD, which has been platted as Lot 1, Block 1, Gilcrease Hills Plaza. Initially a grocery store (Food Lion) was built on the subject tract. The tract is presently being used as a church.

The subject tract is abutted on the north by single-family dwellings, zoned RM-1 and on the east by the remainder tract of PUD-441 zoned RM-1 that has been approved for commercial uses. There are existing single-family dwellings to the south of the tract across Pine Street zoned RS-3. Single-family dwellings and commercial uses zoned CS/RM-1/PUD-232-B have been approved for the property west of the subject tract across Union Avenue.

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-441-3.

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

**Interested Parties Comments:**

**Larry Duke**, 1919 West Seminole Circle, Tulsa, Oklahoma 74127, Gilcrease Homeowners Association, stated that he recognizes that the underlying zoning is CS, but the change would allow for a more intensive use from a church to a



school. He commented that he fears that the applicant is using minor amendments to make major changes, i.e. mobile homes for classroom space, which would be followed by school buses and a playground. He requested the Planning Commission deny this application.

**TMAPC Comments:**

Mr. Westervelt asked if Mr. Duke's concerns are about mobile homes, buses and a playground. Mr. Westervelt asked Mr. Duke if he thought a playground was a negative use. In response, Mr. Duke stated that what would follow is a more intensive use than its current use, which is a church. Mr. Westervelt reminded Mr. Duke that there was a Food Lion grocery store originally on the subject tract. In response, Mr. Duke answered affirmatively. Mr. Westervelt asked Mr. Duke if it would change his opinion about the application if there were some sort of restriction on the mobile homes. In response, Mr. Duke answered affirmatively.

**Interested Parties Comments:**

**Dinah Manns**, 12121 South 273<sup>rd</sup> East Avenue, Coweta, Oklahoma 74429, stated that some of the founders met with the Gilcrease Homeowner's Association and recognized that they did not want the modular homes and the school has decided to eliminate that proposal. The school will not be using buses for transportation, except for field trips and then it would be through a contractor. The parents are required to bring the students to the school. In regard to the playground area, the church currently has rollaway basketball hoops that are used for outside activity and the school would use something similar and not have an entire playground.

**TMAPC Comments:**

Mr. Harmon asked Ms. Manns what her relationship to the applicant is. In response, Ms. Manns stated that she would be the future principal of the school.

Mr. Jackson asked Ms. Manns if this would be a charter school. In response, Ms. Manns stated that it may be a charter school, but they are still in the process of obtaining the charter. Ms. Manns stated that if the charter is not obtained, then the founders may try to do a private school; however, that has not been voted on by the Board.

**Applicant's Rebuttal:**

**R.L. Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma 74114, stated that his client has no intention of having modular type of buildings or trailers. He explained that his client is requesting that school use be approved for the subject property.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Reynolds if his applicant would mind if the Planning Commission restricted the use of modular classrooms, trailers, and on premise

bus parking. In response, Mr. Reynolds stated that his client wouldn't have a problem with those restrictions.

Mr. Ledford asked Mr. Reynolds what the hours of use would be for the playground activities. In response, Mr. Reynolds stated that he could accept whatever the Planning Commission would entertain. Mr. Reynolds suggested that no playground activity be allowed after 6:00 p.m.

**TMAPC Action; 9 members present:**

On **MOTION** of **JACKSON**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the minor amendment for PUD-441-3, subject to there being no modular classrooms, no school bus parking on the premises and there shall be no playground activity after 8:00 p.m.

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**APPLICATION NO.: PUD-518-4**

**MINOR AMENDMENT**

**Applicant:** Clay Vandebos

(PD-18) (CD-8)

**Location:** 8923 South Maplewood

**Staff Recommendation:**

The applicant is requesting a minor amendment to change the minimum building setback for a rear yard from 25 feet to 22 feet for the construction of a new residence on Lot 25, Block 3, Colefax Hill Addition.

Staff views the request to be an acceptable amendment with no detriment to surrounding neighbors and recommends **APPROVAL** of the minor amendment per the submitted site plan.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the minor amendment for PUD-518-4 per the submitted site plan as recommended by staff.

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**APPLICATION NO.:** PUD-221-F-1

**MINOR AMENDMENT**

**Applicant:** Charles Norman

(PD-17) (CD-6)

**Location:** South and east of southeast corner of East 41<sup>st</sup> Street and South 129<sup>th</sup> East Avenue

**Staff Recommendation:**

PUD-221 was approved by the City of Tulsa in 1979 and originally included the 160 acre tract at the southwest corner of East 41st Street and South 129th East Avenue.

Development Area A in the original PUD at the southeast corner of East 41st Street and South 129th East Avenue was originally approved for commercial use; however, by a major amendment designated as PUD-221-A, Development Area A was approved for multifamily use with a 400 unit multifamily project constructed within Development Area A and platted as Observation Point.

Development Areas D, E and the south half of Development Area B were platted as Quail Ridge, Blocks 1 through 10, and developed as a single-family and duplex subdivision. Lot 11 of Block 9 at the southeast corner of East 43rd Place and South 129th East Avenue may be used for light office uses.

The applicant is the owner of the remainder of the land within PUD-221 as follows:

North part of Area B	3.0 Acres
Area C	20.27 Acres
Area F	17.42 Acres
Area G	7.63 Acres
Area H	3.53 Acres
Area I	3.25 Acres
Area J	3.33 Acres
Area K	20.28 Acres
Area L	9.27 Acres
Total:	87.98 Acres

As shown on Development Area Map, Exhibit C hereto. By PUD-221-B, Development Areas C, F, G, J and K were further amended.

Development Area C, consisting of 20.27 acres, was amended to allow 458 multifamily dwelling units at a density of 22.6 units per acre.

Development Areas F and K were combined to allow 146 single-family dwelling units on RS-3 sized lots and 28 duplex dwelling units on 14 lots.

Development Area G was amended to allow 72 multifamily dwelling units with a density of 9.43 units per acre.

Development Area J was allowed 26 dwelling units at a density of 7.95 units per acre.

Development Areas H and I on East 41st Street remain as originally approved in PUD-221 in 1979, with institutional uses, churches and schools permitted, and 24 townhouses or patio homes permitted in Development Area H, and 26 townhouses or patio homes permitted in Development Area I.

A lot in the north part of Area B was amended by PUD-221-D in 1990 to permit a children's daycare center.

Additional amendments were approved in 1999 by PUD-221-F affecting Development Areas C, F, K, G and H. Development Area C was approved for church and private school use. A part of Development Area F was approved as a private school, leaving the remaining 32.64 acres of Development Area F and K unchanged, allowing 124 single-family dwelling units and 14 duplex dwelling units. A part of Development Area G and a part of Development Area H were approved for private school use.

Development Area L is limited by PUD-221 to use for stormwater drainage and open space.

The applicant requests approval of a minor amendment to Amend PUD-221-F to combine the north half of Development Area B and Development Areas C, F, G, J and K into a single development area to permit detached single-family dwelling units on lots developed under the standards, conditions and bulk and area requirements of the RS-3 zoning district.

Development Areas H and I would remain as originally approved in PUD-221 for institutional uses or low density townhouses or patio homes. Development Area L would also remain as originally approved in PUD-221 for stormwater drainage.

Staff views the request to be an acceptable amendment with no detriment to the surrounding area and is consistent with the stated purposes and standards of the PUD Chapter. Therefore, staff recommends **APPROVAL** of PUD-221-F-1.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he is in agreement with the staff recommendation. He explained that the subject application is for all of the property that remains undeveloped within the original PUD. Development Area A is Observation Pointe Apartments, which were built in the late 1970's. The drainage area in Development Area L is very wide and extremely rocky and it will remain as it is, which is stormwater passage.

The Technical Advisory Committee is approving the collector street on east/west basis in the quarter section because it would not be feasible to build a bridge. Development Area H and I on 41<sup>st</sup> Street would remain as originally approved (limited for institutional use) and hopefully a church or small school would develop on this property. All of the remaining property would be developed into single-family residences under the RS-3 Subdivision Regulations.

**TMAPC Comments:**

Mr. Harmon asked Mr. Norman how many units per acre this application would allow. In response, Mr. Norman stated that theoretically RS-3 would allow about 5.1 lots per acre, but as a practical matter usually 3.5 lots per acre.

**Interested Parties Comments:**

**Virginia Ivie**, 13210 East 46<sup>th</sup> Street, Tulsa, Oklahoma 74134, stated that she lives in Quail Ridge that adjoins the subject property. She expressed concerns regarding the traffic flow on 129<sup>th</sup> East Avenue. She explained that there are already traffic problems on 129<sup>th</sup> East Avenue and she is concerned about the increase in traffic with the new homes.

Ms. Ivie stated that along 43<sup>rd</sup> the drainage collapses a little more each time it rains and she is concerned that a car would go off into the drainage area. She stated that she would like to see the plat that has been proposed in order to know what is planned. Ms. Ivie concluded by stating that she isn't against development, but would like to work a solution out with the developers in order to keep from having a boxed-in place that would make egress and ingress difficult.

**TMAPC Comments:**

Mr. Westervelt explained to Ms. Ivie that in the existing Development Area C the applicant could currently build 22.6 units per acre. In Development Area G he could build 9.43 units per acre and currently 7.95 units per acre in Development Area J. Mr. Westervelt stated that these areas are already approved. Mr. Westervelt explained that the proposal before the Planning Commission today is far less intense and would be less traffic than the existing zoning. Ms. Ivie stated that she wasn't aware of the proposal because all she has received is the notice that there would be a public hearing. Mr. Westervelt asked Ms. Ivie if she would be in favor of the less intense proposal that is before the Planning Commission today rather than the original approval, which is more intense. Ms. Ivie stated that certainly that would be something to be considered, but she has never received anything that shows where each one of these developments would be located and what is going to be built in them. Ms. Ivie further stated that she is in favor of less density, but that is not the problem, she is concerned with the traffic issues. Ms. Ivie commented that she assumed that the applicant would have to have at least two outlets and hopefully at least one onto 41<sup>st</sup> Street, but according to Mr. Norman this would be impossible.

Mr. Stump stated that he would like to make it clear to Mr. Norman that the issue regarding 41<sup>st</sup> Street has not been decided and please do not assume that by

making such a statement that he would not have to extend a roadway to 41<sup>st</sup> Street when the subdivision plat comes before TAC. The requirement was there for the school and the church facility that was previously approved and as part of the circulation on the originally approved PUD there was access to 41<sup>st</sup> across the drainageway. Staff would recommend that the Planning Commission still require an access to 41<sup>st</sup> Street as part of this development. Ms. Ivie stated that the traffic pattern is her main concern.

Mr. Ledford stated that the existing PUD was at a greater density than what is being asked for today. What is being considered today is strictly the rezoning back to RS, strictly single-family housing zoning. There would be an opportunity for the neighborhood to see the preliminary plat and the layout of the streets, lots and blocks, etc. as they continue in the development cycle. The plans would also have to go to all the technical advisory people, which is stormwater management, traffic engineering and these concerns would be addressed by those technical staff personnel. The city would be looking at this with great detail and all these issues would be considered, including access to 41<sup>st</sup> Street. If Traffic Engineering feels that a second point of access to 41<sup>st</sup> Street would be required, then it would be required for the developer to build that access.

**Applicant's Rebuttal:**

Mr. Norman stated that the basis for his statement with respect to the crossing of 41<sup>st</sup> Street was because it had been considered by Public Works and Traffic Engineering at a pre-development conference in the last ten days. He explained that it has been accepted that for single-family development he would not be required to build a connection to 41<sup>st</sup> Street. He requested that Mr. Stump withdraw his suggested recommendation that it be required in connection with this amendment and consult with those people who have already reviewed the problem in more detail.

Mr. Norman stated that there is a collector street that proceeds south to the west of the centerline of the section, which was closed at the request of the neighborhood and concurrence of QuikTrip. This was done because of some drainage problems to the south at 51<sup>st</sup> Street. There would be north/south collector street in the west half of that section. There would be a new street introduced that would go to the east and be required to connect to stub streets. The plan is that the street would be connected into an east/west collector that would eventually connect to 129<sup>th</sup> and 145<sup>th</sup>.

Mr. Norman stated that there are several of these development areas that would permit more dwelling units presently and could be platted without abutting 41<sup>st</sup> Street and not even raise this issue. He explained that what he is trying to bring is a comprehensive new plan for single-family development. He requested that the staff recommendation be approved without any conditions imposed other than what was in the written submittal.

**TMAPC Comments:**

Mr. Stump stated that he feels it is really dangerous for the Planning Commission to assume that the private meetings between certain Public Works individuals and the applicant's Engineer set policy for the Planning Commission on the development of subdivisions without the Technical Advisory Committee (TAC) involved and participating. TAC could be looking at this application on a totally different basis than a planner and other members of the TAC might look at it and come to different conclusions.

Mr. Norman stated that he is not here to debate this with staff, but predevelopment conferences are suggested by Public Works and their Planning Department, as well as being referred to in the Subdivision Regulations and it may be private in staff's context, but there were seven or eight representatives of various City Departments at the predevelopment conference. For staff to describe this as a private meeting when it is with public officials is inappropriate because it is part of the process that he is trying to comply with. Mr. Norman concluded that the plat would be prepared and filed in accordance with those predevelopment discussions that are supposed to raise major issues that would affect the preparation and design of the plat.

Mr. Harmon stated that he respects Mr. Norman's expertise in this process, but he doesn't think a second point of access is unreasonable. In response, Mr. Norman stated that it wouldn't be unreasonable if it was physically possible, but it would require a bridge 250' wide and some considerable height. Mr. Norman explained that these are issues that were considered to approve the elimination of the north/south collector street in the south half of this section because of a similar drainage issue north of 51<sup>st</sup> Street.

Mr. Ledford stated that he agrees that there is need to be careful at the Planning Commission level to restrict or add additional requirements as far as access because there are adequate safeguards through the TAC process, the preliminary platting and the final platting. Experts would be reviewing this and giving their recommendation based on years of experience and education. Mr. Ledford stated that he doesn't want to tie an additional point of access to the subject property until the Planning Commission has heard from TAC.

Mr. Westervelt stated that Ms. Ivie raised legitimate issues regarding traffic and Mr. Norman has had his predevelopment meeting. If the Planning Commission approves the staff recommendation the plat would still be reviewed and then the Planning Commission would let the applicant know if it is acceptable at that time. This discussion today is a little premature and if the staff recommendation is approved today subject to the final plat, it does not prohibit access nor does it require access at this time. Mr. Westervelt asked Mr. Norman if he would be comfortable with this. In response, Mr. Norman stated he would. Mr. Norman explained that he made the statement in order to be completely candid and talk about the practical concerns that have been a problem in developing the subject

property for a long time. Mr. Westervelt stated that he agrees with staff and Mr. Ledford and he is not ready to concede the Planning Commission's right to see the plat in zoning, but he is not willing to guarantee that there would be access somewhere where there would be physical problems with later on.

**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the minor amendment for PUD-221-F-1 per staff recommendation.

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**OTHER BUSINESS:**

**APPLICATION NO.:** PUD-306-H/Z-6677-SP-1 **DETAIL SITE PLAN**

**Applicant:** Eric Sack, Sack Associates, Inc. (PD-18) (CD-2)

**Location:** Northwest corner of 98<sup>th</sup> Street South and Riverside Parkway

**Staff Recommendation:**

The applicant is requesting approval of a detail site plan for a restaurant. The proposed use is in conformance with PUD-306-H/Z-6677-SP-1 Development Standards.

The proposed building meets all setback requirements, height restrictions and minimum requirements for net landscaped area. Principal access to the site is from a 50' wide mutual access easement which connects to Riverside Parkway across from the existing median break.

The bulk trash container is screened as required and parking exceeds minimum requirements. The PUD requires that all parking lot lighting be hooded and directed downward and away from adjacent residential. Parking lot lighting proposed allows for up to a 45 degree tilt above horizontal, but is generally positioned to be directed away from residential to the east. In addition, the PUD required that no light standard or building-mounted light is to exceed 25 feet in height. Verification of lighting height has yet to be provided.

Staff recommends **APPROVAL** of PUD-306-H/Z-6677-SP-1 Detail Site Plan contingent upon verification that parking lot lighting and any building-mounted lights do not exceed 25 feet in height.

(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.

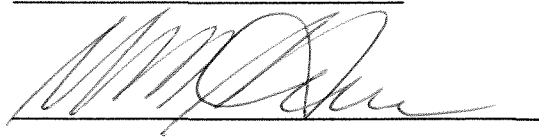
**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the detail site plan for PUD-306-H/Z-6677-SP-1, subject to verification that parking lot lighting and any building-mounted lights do not exceed 25 feet in height as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 3:00 p.m.

Date Approved:



Chairman

ATTEST:



Secretary