

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2374

Wednesday, April 7, 2004, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Bayles	Alberty	Romig, Legal
Coutant	Ledford	Chronister	
Harmon	Midget	Dunlap	
Hill	Miller	Fernandez	
Horner	Westervelt	Huntsinger	
Jackson		Matthews	

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, April 5, 2004 at 11:20 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, 1st Vice Chair Jackson called the meeting to order at 1:42 p.m.

Minutes:

Approval of the minutes of March 3, 2004, Meeting No. 2371

On **MOTION** of **HILL** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the minutes of the meeting of March 3, 2004, Meeting No. 2371.

Minutes:

Approval of the minutes of March 17, 2004, Meeting No. 2372

On **MOTION** of **CARNES** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the minutes of the meeting of March 17, 2004, Meeting No. 2372.

REPORTS:

Chairman's Report:

Mr. Jackson reported that some items on the agenda would be out of order today. Items No. 7, 8 and 10 would be heard before Item No. 2.

Worksession Report:

Mr. Jackson reported that there would be a worksession immediately following this meeting in Room 1101, City Hall.

Director's Report:

Mr. Alberty reported that the City Council has not scheduled any PUDs or zoning cases. However, there is a final plat for APAC on the April 8, 2004 agenda.

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19653 – John Folks (9129) (PD-23) (County)
15608 West 41st Street South

STAFF RECOMMENDATION:

Coyote Trail runs through the west side of Tract 2. The owner of Tract 1 desires to purchase the property that lies west of Coyote Trail (Tract 3) to tie to their existing tract in order to have street frontage. Both resulting tracts would meet the bulk and area requirements.

Tract 2 has street frontage on West 41st Street, which is designated as a secondary arterial on the Major Street and Highway Plan (MSHP), requiring 50' right-of-way from the center of the street be given to Tulsa County. Currently, there is a 24.75' statutory right-of-way along West 41st Street.

Coyote Trail is also designated as a secondary arterial on the MSHP with no existing right-of-way easements to Tulsa County. Thus the entire 100' right-of-way (50' on either side of the centerline) for Coyote Trail that is located on the subject property is required for lot-split approval.

The owner of Tract 2 is not willing to give the required right-of-way to Tulsa County on either West 41st Street or on Coyote Trail and is asking for a waiver of the Subdivision Regulations Section 6.5.1.(c)(3), requiring right-of-way be given to the City of Tulsa/Tulsa County in accordance with the MSHP.

Considering the current and planned development surrounding this property, staff recommends **DENIAL** of the waiver of Subdivision Regulations; however, staff recommends **APPROVAL** of the lot-split application with the condition that the required rights-of-way on West 41st Street and Coyote Trail be given to Tulsa County.

Applicant's Comments:

John Folks, 4111 South Darlington, Tulsa, Oklahoma 74103, stated that the applicant is also asking for a waiver of the easement requirement. The property owners of Tract 2 are present today. Mr. Folks indicated that he is representing the applicant, who is the owner of Tract 1.

Mr. Folks stated that as Coyote Trail has developed, the owner of Tract 1 does not have access to the road. Because of the property being split over the years, it is impossible for the owner of Tract 1 to access 41st Street.

Mr. Folks explained that his client has worked with his neighbor to purchase a small portion of land from Tract 2 in order to access the road. The Tract 2 piece of property is not being split in half and it is not a major development. He requested the Planning Commission to make an exception to grant the waiver. The owner of Tract 1 is willing to grant an easement to the County along Coyote Trail for the property he would gain from the lot-split. The property is already divided by the roadway.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Harmon stated that if any of this is to be approved, the right-of-way should be obtained. He further stated that he can't see any reason for waiving the right-of-way of easement that would be required for future development.

Mr. Romig reminded the Planning Commission of legal technicalities that would be involved in exactions of this nature. Whatever exaction the Planning Commission makes has to be related to the problems the development would cause later. When asking for 100 feet of right-of-way on the entire length of Coyote Trail, the TMAPC has to show that it is somehow related to what is being done today, which is the lot-split: Does this particular lot-split necessitate the dedication of right-of-way or that much right-of-way?

Mr. Harmon asked Mr. Romig when would there be a time when the Planning Commission wouldn't look for the right-of-way needed. In response, Mr. Romig stated that the Planning Commission looks at the right-of-way on what is being split and what development concerns come from that particular tract being split. As the other areas are developed, then those areas are looked at at that time.

Mr. Harmon stated that it is impossible to know how it would develop. In response, Mr. Romig stated that is why the exactions can be made now, but they have to be somewhat related to what the present action is.

Mr. Carnes asked Mr. Romig if the Planning Commission should only ask for the right-of-way on the portion that is being requested for a lot-split. In response, Mr.

Romig stated that he believes that to be true, unless the Planning Commission can find that there would be more problems associated with development and demands that the development would make on right-of-way. What development on the subject tract would cause an increase in traffic enough to have a need to make the entire right-of-way be dedicated now?

Mr. Harmon stated that the Planning Commission should look longer-range because Coyote Trail is developing all along it. There are houses being built continually along Coyote Trail. Mr. Harmon asked if the right-of-way situation being looked at today cannot be related to the entire development of the subject area but only to the subject lot. In response, Mr. Romig stated that the Planning Commission is making a demand for dedication because of the lot and the Planning Commission can not punish these people for what someone else has done. Mr. Harmon stated that he doesn't think of it as punishment but rewarding them by giving them a better road.

Mr. Harmon stated that traffic would undoubtedly be increased because the applicant wants the lot-split in order to gain access to Coyote Trail. That is an indication that that traffic would increase.

Mr. Harmon stated that he would move to approve the lot-split application with conditions that the required right-of-way be given to Tulsa County.

On **MOTION** of **HARMON** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **DENY** the waiver of Subdivision Regulations for L-19653 and **APPROVE** the lot-split application L-19653 with the condition that the required rights-of-way on West 41st Street and Coyote Trail be given to Tulsa County as recommended by staff.

L-19664 – Trudy Morris (0333)

(PD-3) CD-3)

1029 North Harvard

STAFF RECOMMENDATION:

The driveway for Tract 1 encroaches upon the east 10' of Tract 2, and the owner of Tract 2 is requesting to split that ten feet off and tie it to Tract 1. A waiver of the Subdivision Regulations is being requested because Tract 1 would have more than three side lot lines.

The Technical Advisory Committee has requested that a utility easement be given on the subject ten feet. Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of

the waiver of Subdivision Regulations and of the lot-split, with the condition that a utility easement on the east ten feet of Tract 2 be filed at the Tulsa County Courthouse.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

On **MOTION** of **CARNES** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19664 with the condition that a utility easement on the east ten feet of Tract 2 be filed at the Tulsa County Courthouse as recommended by staff.

L-19668 – Raymond Crawford (9230)

(PD-23) (County)

6552 West 42nd Street

STAFF RECOMMENDATION:

The applicant has requested to split Tract C off Tract B and tie it to Tract A. The proposed tracts meet the RS bulk and area requirements; however, both tracts would result in having more than three side lot lines. The applicant is seeking a waiver of the Subdivision Regulations that a tract not have more than three side lot lines.

The Technical Advisory Committee had no concerns with this application. Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

Applicant was not present.

There were no interested parties wishing to speak.

On **MOTION** of **HARMON** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19668 as recommended by staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- L-19336 – Ruby Prince** (8212) (PD-8) (CD-8)
7507 South Elwood Place
- L-19662 – John Moody** (9212) (PD-6) (CD-4)
1704 South Madison
- L-19665 – Kyle Smalygo** (2323) (PD-14) (County)
7054 East 149th Street North
- L-19667 – Steve Richey** (9430) (PD-18) (CD-5)
10102 East 47th Place
- L-19669 – Mike Marrara** (9306) (PD-4) (CD-4)
1919 East 7th Place
- L-19670 – Charlie Backus** (6305) (PD-21) (County)
18880 South Harvard
- L-19671 – Gary Brummett** (9110) (PD-23) (County)
814 West 10th Street
- L-19673 – P. A. McGinley** (9307) (PD-4) (CD-4)
1222 South Lewis
- L-19676 – Mike Tolson** (2418) (PD-14) (County)
15718 North 102nd East Avenue

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

PRELIMINARY PLAT:

Avalon Park at Memorial – (8326)

(PD-26) (CD-8)

10600 South Memorial (continuance to 5/5/04 requested by staff)

STAFF RECOMMENDATION:

Mrs. Fernandez stated that staff recommends a continuance on this plat because it doesn't meet the PUD conditions.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **CONTINUE** the preliminary plat for Avalon Park on Memorial to May 5, 2004 at 1:30 p.m.

Wind River – (8333)

(PD-26) (CD-8)

West of the northwest corner of East 121st Street and Yale Avenue
(continuance to 5/5/04 requested by staff)

STAFF RECOMMENDATION:

Mrs. Fernandez stated that staff is recommending a continuance to May 5, 2004; however, the attorney would like a continuance to April 21, 2004. She explained the many concerns and issues that need to be worked out before the April 21st meeting.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he represents the developer for this application. He explained that he hopes to have resolved most of the issues in the next two weeks.

INTERESTED PARTIES:

Ray Biery, 9709 South Maplewood, Tulsa, Oklahoma 74137, stated he has no objection to the two-week continuation.

TMAPC Action; 6 members present:

On **MOTION** of **HILL**, TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **CONTINUE** the preliminary plat for Wind River to April 21, 2004 at 1:30 p.m.

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-703

OL/OM/OH TO PUD

Applicant: Roy Johnsen

(PD-7) (CD-2)

Location: Southwest corner of West 21st Street and South Main

STAFF RECOMMENDATION:

Mr. Dunlap stated that staff recommends a continuance for a new notice. There is no date certain at this time.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **CONTINUE** PUD-703 to new date of notice per staff recommendation.

FINAL PLAT:

Fleming Addition – IL (3204)

(PD-16) (CD-6)

12716 East Pine

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 7.1 acres.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

On **MOTION** of **HARMON** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the final plat for Fleming Addition per staff recommendation.

Crosstown Church of Christ – (9304)

(PD-3) (CD-4)

3400 East Admiral Place

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 3.4 acres.

The following issues were discussed March 18, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CH and RM-2 with BOA case #19751. Is Jamestown to be vacated? *Applicant responded it is in the process of being vacated.*
2. **Streets:** Provide for a pedestrian access easement from the bridge to the underpass. A waiver is required for the west half of Admiral's right-of-way. Recommend 50-foot right-of-way for Admiral Place east of Jamestown. Recommend standard corner radius or a reduced radius with waiver. Provide book and page of the street vacation. Dedicate street right-of-way in Section IA. Include language for a pedestrian access easement. On the conceptual plan sidewalk replacement or relocation is required. Label adjacent subdivision and freeway.
3. **Sewer:** The 11-foot utility easement adjacent to Block 2 Walnut Park needs to be at least 15 feet. Add 15-foot sanitary sewer easement over the existing sanitary sewer that will continue to be used after the relocation is complete. All existing sanitary sewer to be abandoned must be either removed or filled.
4. **Water:** Is the two-inch waterline to be vacated? If so, it needs to be labeled or if not, an easement is needed.
5. **Storm Drainage:** No comments.

6. **Utilities: Cox:** A pipeline will need to be relocated at owners' expense.
PSO: Please coordinate with the service engineer. **ONG:** Okay.

7. **Other: Fire:** No comment.

GIS: Point of Beginning and reference to plat 759 is unclear and not valid.
Please provide section corner references and monuments with bearings and distance to POB. Surrounding subdivision names are needed.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below:

Waivers of Subdivision Regulations:

1. A waiver to the requirement for right-of-way dedication along Admiral west of Jamestown is requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

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

7. A 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 therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

On **MOTION** of **HORNER** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the preliminary plat and waivers of Subdivision Regulations for Crosstown Church of Christ, subject special conditions and standard conditions per staff recommendation.

Hadley Meadows – (2324)

(PD-14) (County)

149th Street North and Mingo Road

STAFF RECOMMENDATION:

This plat consists of five lots, two blocks, on 7.1 acres.

The following issues were discussed March 18, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG with RE zoning pending. Show square footages of lots.

2. **Streets:** A 17.5-foot perimeter easement may be required along North Mingo.
3. **Sewer:** Aerobic system is proposed.
4. **Water:** Washington County RWD # 3 will serve the site.
5. **Storm Drainage:** No comment.
6. **Utilities: ONG:** Add standard language.
7. **Other: Fire:** No comment.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his satisfaction.

Standard Conditions:

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

6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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 therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.

19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

On **MOTION** of **HORNER** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the preliminary plat for Hadley Meadows, subject to special conditions and standard conditions per staff recommendation.

Bogart Center – (9401)

(PD-17) (CD-6)

18701 East Admiral Place

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 2.4 acres.

The following issues were discussed March 18, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL. A hotel use is planned for the site (through Board of Adjustment approval).
2. **Streets:** Driveway scales to 20 feet less than minimum of 24 feet. Suggest generous radius at driveway.
3. **Sewer:** Sewer is available.
4. **Water:** No comment.
5. **Storm Drainage:** Language is needed for stormwater detention easement.
6. **Utilities:** No comment.
7. **Other: Fire:** No comment.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

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

5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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 therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.

19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

On **MOTION** of **HORNER** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the preliminary plat for Bogart Center, subject to special conditions and standard conditions per staff recommendation.

PLAT WAIVER:

BOA 19725- (934)

(PD-3) (CD-3)

7 North Harvard, Lot 22 and N/2 Lot 21, Block 4, Walnut Park

STAFF RECOMMENDATION:

The platting requirement was triggered by BOA 19725 which granted a special exception for a cell tower in an RM-2 zoning district.

It is the policy of TMAPC to waive the platting requirement for open air activities (Use Unit 2. Subsection 1202.B) such as cell towers. Therefore, staff recommends **APPROVAL** of the requested plat waiver for BOA-19725.

Applicant was not present.

There were no interested parties wishing to speak.

On **MOTION** of **CARNES** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the plat waiver for BOA-19725 per staff recommendation.

* * * * *

CHANGE OF ACCESS ON RECORDED PLAT:

Lots 3 and 4, Block 3, Resubdivision of Second Research and Development Center – (2593) (PD-18-C) (CD-5)

North of East 49th Street South, east of South Memorial

STAFF RECOMMENDATION:

This application is made to allow a change of access along South Memorial Drive. The proposal is to move an existing access farther south.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

Applicant was not present.

There were no interested parties wishing to speak.

On **MOTION** of **HILL** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the change of access on recorded plat for Lots 3 and 4, Block 3, Resubdivision of Second Research and Development Center per staff recommendation.

* * * * *

Lot 1, Block 1, All Saints Anglican Church – (2183) (PD-18-C) (CD-8)
4004 East 91st Street South

STAFF RECOMMENDATION:

This application is made to allow a change of access along East 91st Street. The proposal is to add a 40-foot limited access.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

On **MOTION** of **HORNER** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the change of access on recorded plat for Lot 1, Block 1, All Saints Anglican Church II Addition per staff recommendation.

REQUEST TO REVISE AUTHORIZATION FOR AN ACCELERATED BUILDING PERMIT

Camp Shalom Amended II Addition (PUD-307-B) (PD-18) (CD-2)
8306 East 71st Street South and South Wheeling Avenue

STAFF RECOMMENDATION:

The applicant is requesting a full building permit for the expansion of the existing facility. The Planning Commission previously approved an authorization for an accelerated release of a building permit for this project on February 4, 2004 for a shell permit. Staff has no objection to the change in the type of building permit requested for this facility/campus. The project is progressing smoothly.

Staff recommends **APPROVAL** of the request.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

On **MOTION** of **CARNES** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson “aye”; no “nays”; none “abstaining”; Bayles, Ledford, Midget, Miller, Westervelt “absent”) to **APPROVE** the request to revise authorization for an accelerated building permit as requested per staff recommendation.

* * * * *

TULSA ZONING CODE PUBLIC HEARING

Proposed Amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code Text, Section 1212a.)

Consider an ordinance amending the Tulsa Zoning Code to require the Board of Adjustment review those uses with a spacing requirement to ensure that the requirement is met.

STAFF RECOMMENDATION:

Mr. Alberty stated that this item was suggested by the City Council when the spacing requirements for Adult Entertainment were being discussed. City Council recently approved the changes to the spacing, and in addition to those spacing requirements, there was some concern due to the fact since some of those uses would be located as a matter of right without any public notice. The City Council had asked the Legal Department and staff to consider advertising so that a public notice would be given when some of the uses within Use Unit 12a were being proposed. The Legal Department has come up with some suggestions and there were some concerns about making those uses only by special exception.

Mr. Alberty stated that staff does not have suggested language for the Planning Commission today and it is simply on the agenda primarily for presentation, and if the Planning Commission should agree with what is being proposed, then he would suggest that staff prepare the appropriate portions of the Code and bring them back to the Planning Commission to present as information only prior to transmitting to the City Council.

Mr. Romig stated that Legal would like to make sure that any use that has a spacing requirement is treated the same. Whether the use is an adult oriented type of business, a bar, private clubs, etc., they should all be treated equally. A concern of the City Council was that bars and sexually oriented businesses receive some sort of review so that neighborhoods are given a warning that they are coming into their neighborhoods and give them a chance to have a say. The best way to do this is to send all of these spacing requirements to the Board of

Adjustment where notice would be given and the sole function of the BOA would be to ensure that the spacing requirements are met.

TMAPC COMMENTS:

Mr. Harmon asked if the business would still go before the BOA if it met all of the requirements. In response, Mr. Romig stated that it would still go before the BOA to make sure all of the spacing requirements are met.

Mr. Carnes asked Mr. Romig what the Planning Commission should do today. In response, Mr. Romig stated that this was for information only and to make the Planning Commission aware that this would be coming back.

Mr. Alberty stated that today's hearing was advertised and there may be interested parties in the audience. If that is not the case, then the proper procedure would be for the Planning Commission to instruct the staff to prepare the amended portions of the text and bring it back for consideration before being transmitted to the City Council.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Miller, Midget, Westervelt) "absent") to direct staff to draft proposed amendments to the Zoning Code with appropriate wording.

ZONING PUBLIC HEARING

Application No.: C-338

RE to CG

Applicant: Perry Cleveland

(PD-15) (County)

Location: North of northwest corner of East 99th Street North and North Garnett

STAFF RECOMMENDATION:

CZ-189/PUD 469 July 1991: The TMAPC approved a 698.7-acre PUD on part of the former Bailey Ranch that allowed AG-R, RS, OL, CS and IL surrounding the RE zoning within which this property lies on three sides (north, east and west). This PUD and zoning change designated RS on the areas surrounding the subject property; CS and OL at the intersections at East 106th Street North,

East 96th Street North and Mingo Road, and at the southwest corner of East 106th Street North and North Garnett. The IL uses were to be located in the southwest corner of East 96th Street North and Mingo Road along the railroad. These areas were later annexed into the City of Owasso in 1994 and 1998.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.5 acres in size and is located north of the northwest corner of East 99th Street North and North Garnett Road. The property is flat, non-wooded, contains a nonconforming fencing business and is zoned RE.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
North Garnett Road	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract is served with water from Washington County Rural Water District 3, and sewer is septic system.

SURROUNDING AREA:

The subject property is abutted on the north by commercial/industrial uses and vacant land zoned CS; on the south by vacant land and a sports center, zoned RE; on the west by single-family residential uses, zoned RE; and on the east by single-family residential uses, zoned RS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Owasso Land Use Master Plan – 2010, designates the subject property as Rural Residential/Agriculture. The requested CG zoning is **not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Staff cannot support the requested CG zoning or any commercial zoning in the alternative. This is clearly a case of spot zoning and an intrusion into an otherwise single-family residential area on the east and west. The only commercial zoning is at the intersection of Garnett Road and East 101st Street North, north of and adjacent to the subject tract. The commercial facility to the south of the subject property is nonconforming. Therefore, staff recommends **DENIAL** of CG zoning for CZ-338.

Applicant's Comments:

Robert Buss, 12150 East 96th Street North, Owasso, Oklahoma 74055, representing the applicant, cited the surrounding properties and uses. Mr. Buss submitted photographs (Exhibit A-3). He commented that there is a fence company on the subject property and has been in existence for 36 years. He

indicated that when the Zoning Code was adopted the subject property became a legally non-conforming use.

Mr. Buss stated that his client is requesting CG for mini-storage purposes or in the alternative a CS designation. Mr. Buss submitted a printout from the County Assessor's Office indicating the appraisal amount (Exhibit A-2). The subject property has been and will continue to be surrounded by other commercial operations.

Ms. Matthews stated that she would like to clarify a statement that Mr. Buss made. Regarding objections, staff did receive a letter from the City of Owasso and they do not support his application. The residential property to the east is part of the Bailey Ranch Estates PUD, which is a very large development and surrounds the subject property on three sides.

TMAPC COMMENTS:

In response to Mr. Harmon, Ms. Matthews stated that this is a commercial endeavor on RE zoning. It may be legal non-conforming or it may be illegal non-conforming.

Mr. Carnes asked staff if the subject property is currently being used as commercial. In response, Ms. Matthews stated that it was difficult to determine. She explained that one week ago the site had been cleared and there was a pad present. On either side of the small pad there was a fencing company without the proper zoning. Mr. Carnes asked Ms. Matthews if staff had any problems with CS zoning on the subject property. In response, Ms. Matthews stated that it would not be in accord with the plan. Mr. Carnes stated that the zoning would make in accord with the present use. In response, Ms. Matthews stated that changing the zoning to fit the present use does not make it right.

Mr. Buss requested a copy of the letter from Owasso. Ms. Matthews provided Mr. Buss with a copy.

Mr. Buss explained that the fence company and the surrounding commercial uses have been in existence for approximately 36 years. He doesn't believe that there is any public detriment by allowing the rezoning. The mini-storage facility would be cleaning the subject property up.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Buss if has been contacted by any of the other owners in the subject area at all. In response, Mr. Buss stated that he has not received any objections and he has not had any conversations with the surrounding property owners.

Dennis Stacey, 9203 North 161st East Avenue, Tulsa, Oklahoma 74138, stated that he owns the fencing company and he had discussed this proposal with several neighbors. He indicated that the neighbors thought the mini-storage would be an improvement over the fencing company.

Mr. Jackson asked staff what type of zoning mini-storage would be allowed. In response, Ms. Matthews stated that mini-storage is a Use Unit 16 and the applicant would be required to go before the Board of Adjustment with CS zoning. It is allowed in the office categories but requires Board of Adjustment approval. She further stated that the applicant was advertised for CG and the Planning Commission could approve the lesser zoning.

Mr. Harmon stated that he would not like to see intrusion into a residential area, but if none of the neighbors have complained about it and the CS adjoins it to the north with several commercial uses within the subject area, he can't help believing that CS may be appropriate.

Mr. Dunlap informed the Planning Commission that mini-storage could go in OL with a special exception from the Board of Adjustment. OL zoning could be considered since it is a lesser intense zoning district than CG.

Ms. Hill asked if the applicant could return with a PUD in order to have the mini-storage in an OL. In response, Mr. Dunlap stated that this would work under a PUD, but he is not sure the applicant would choose to submit a PUD or go before the Board of Adjustment. Ms. Hill stated that she would prefer a PUD in order to have protection for the neighborhoods.

Ms. Matthews informed the Planning Commission that if the applicant is granted OL and he goes before the BOA, then the BOA could place conditions. If they are granted the lesser zoning category, then the applicant will have to go before the BOA; however, the Planning Commission would not see it again except for the plat waiver.

Mr. Jackson stated that whatever designation that is given, the applicant will have to screen, meet the parking requirement and setbacks and have landscaping requirements to deal with.

Mr. Buss requested that CS zoning would be approved.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 5-1-0 (Carnes, Coutant, Harmon, Horner, Jackson "aye"; Hill "nay"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt) "absent") to recommend **DENIAL** of CG zoning for CZ-338 as recommended by staff and recommend **APPROVAL** of OL zoning for CZ-338 as recommended by the Planning Commission.

Legal Description for CZ-338:

The East 905' of the North 210' of the S/2, NE/4, SE/4, less the West 525' thereof and less the East 50' for road, Section 18, T-21-N, R-14-E, Tulsa County, State of Oklahoma, and located north of the northwest corner of East 99th Street North and North Garnett Road, Tulsa, Oklahoma, **From RE (Residential Single-Family, Estate District) To OL (Office Low Intensity District).**

Application No.: Z-6940

RE-3 to OM

Applicant: Dr. Susanne Thompson

(PD-10) (CD-1)

Location: Southeast corner of West Edison and North 27th West Avenue

STAFF RECOMMENDATION:

PUD-413-B April 1995: All concurred in approval of a major amendment to the PUD to add Use Unit 13, redesign the development areas and amend the signage requirements.

PUD-413-A September 1989: A major amendment was submitted which proposed two restaurant sites rather than one, the elimination of the shopping area and an increase in the office floor area; with the conference center and retirement residence, originally approved, to remain. The major amendment was approved subject to conditions.

Z-6103/PUD-413 June 1986: Request to rezone a 10.6-acre tract located on the northeast corner of Keystone Expressway and North 25th West Avenue from RM-1 and RS-3 to CS, OL, RM-1 and PUD for a mixed-use development. Staff was not supportive of the PUD as presented and recommended denial. TMAPC recommended approval subject to restrictions and conditions of the PUD.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 0.78 acres in size and is located on the southeast corner of West Edison Street and North 27th West Avenue. The property is flat, non-wooded, contains two single-family dwellings, accessory buildings and vacant land, and is zoned RS-3. It contains four double-frontage lots (facing Edison Street and backing onto West Easton Court).

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
West Edison Street	Secondary arterial	100'	4 lanes
27 th West Avenue	N/A		2 lanes

UTILITIES: The subject tract has municipal water and sewer

SURROUNDING AREA:

The subject property is abutted on the north by single-family residential development, zoned RS-3; on the west by a hardware store, zoned CS; on the east by a bank and medical offices, zoned OL; and on the south by single-family residential development, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 10 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 OM zoning **is not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

The majority of the existing nearby development is single-family, and is residential on two sides. Most are one story in height. The Comprehensive Plan nor existing physical facts support the requested OM zoning, and therefore staff cannot recommend it. However, the properties in question appear to be isolated lots between nonresidential uses. They have exposure to two (and in the corner lot's case, three) streets and staff could recommend OL zoning in the alternative, since that has typically been designated as transitional zoning and use, and is limited to one story. Staff therefore recommends **APPROVAL** of OL zoning for Z-6940 and **DENIAL** of OM. If the applicant wishes a two-story development, staff recommends application for a PUD or application for a BOA action to allow the second story.

Staff notes that the proposal is to expand existing medical and related offices in the area. Medical offices are in Use Unit 11, which are allowed under OL, but limited to one story in height. Screening will be necessary on sides abutting R districts, which are to the north and south. This may affect the entrance location into the development, if zoning is granted, since the primary entrance on the existing medical facility appears to be off of Edison and one of the R districts is north of that. No screening except a fence that lines up with the north-facing (front) wall of the facility exists there currently. The lot frontage, drive and parking lot on the north are currently unscreened. The south is screened, except for a curb cut into a parking area on that side of the building. Some Board of Adjustment action regarding the screening requirements may be necessary if the primary entrance is to be from either the north or south of the property.

Susanne Thompson, 2131 West Xyler, Tulsa, Oklahoma 74127, stated that she currently owns the office on the two lots next to the proposed rezoning of the four lots. She explained that she would like to expand in order to have another office building. She stated that she would like to have OM zoning in order to have two stories to have offices upstairs.

Ms. Thompson stated that she has had not problems with the residents in the past and they seem to like what she has done in the subject area. She further stated that she has redeveloped the subject area and brought some jobs to the area.

TMAPC COMMENTS:

Mr. Carnes asked Ms. Thompson if she was requesting OM zoning in order to have two stories. In response, Ms. Thompson answered affirmatively.

In response to Mr. Harmon, Ms. Matthews indicated that there are single-story buildings all around the subject property.

Mr. Carnes stated that the applicant asked for OM zoning in order to have two stories and the Planning Commission knows what type of use is going in to the proposal. He further stated that he would move to approve the OM zoning. Mr. Harmon seconded the motion for OM zoning.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt) "absent") to recommend **APPROVAL** of OM zoning for Z-6940.

Legal Description for Z-6940:

Lots 1, 2, 3, and 4, Block 1, Easton Heights Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the southeast corner of West Edison Street and North 27th West Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To OM (Office Medium Intensity District).**

* * * * *

Application No.: PUD-704/Z-5620-SP-12 **PUD/CORRIDOR SITE PLAN**

Applicant: Charles Norman (PD-18) (CD-8)

Location: South of southeast corner of East 91st Street and South Memorial Drive

STAFF RECOMMENDATION:

The PUD and Corridor Site Plan proposes an automobile dealership with one development area on approximately 12 acres located south of the southeast corner of East 91st Street and South Memorial Drive.

The subject tract is zoned CO. The tract is abutted on the north by commercial and office uses zoned CO; on the east by a stormwater detention facility zoned CO and single-family dwellings zoned RS-3; and on the south by multifamily dwellings and office uses zoned CO. There are automotive uses to the west of the tract across South Memorial Drive.

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-704/Z-5620-SP-12 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-704/Z-5620-SP-12 subject to the following conditions:

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

Land Area:

Net	12.08 Acres	526.116SF
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Permitted Uses:

Those uses included within Use Unit 10, Off-Street Parking Areas; Use Unit 11, Offices, Studios and Support Services; Use Unit 12, Entertainment Establishments and Eating Establishments other than Drive-Ins; Use Unit 13, Convenience Goods and Services; Use Unit 14, Shopping Goods and Services; and the Display and Sale of New and

Used Automobiles and Light Trucks, and Services and Repair of Automobiles and Light Trucks as included within Use Unit 17 and uses customarily accessory to permitted principal uses.

Maximum Land Coverage by Buildings: 30%

Maximum Aggregate Building Floor Area: 135,000 SF

Maximum Building Height: 35 SF

Unoccupied architectural features 46 SF

Architectural features may not cover more than 25% of the floor area of the building or buildings with which such features are associated.

Minimum Building Setbacks:

From the centerline of South Memorial Drive:

From the north 300 feet of South Memorial frontage 100 FT

From the south 200 feet of South Memorial frontage 200 FT

From south 225 feet of the west boundary of the PUD 5 FT

From the east boundary of the PUD, adjacent to the stormwater detention area 20 FT

From the remainder of the east boundary of the PUD 300 FT

From the south boundary of the PUD 20 FT

Maximum access points on South Memorial Drive: Two

Off-Street Parking

As required by the applicable use unit of the Tulsa Zoning Code.

Landscape Open Space:

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

For purposes of calculating the landscaping required under Section 1002 of the Zoning Code, the Memorial street yard shall be considered as 100 feet from the South Memorial Drive right-of-way line.

Vehicle Storage:

No wrecked or dismantled vehicles may be parked or stored unless screened by an opaque masonry wall not less than six feet in height.

Screening:

All vehicle storage and vehicle preparation areas shall be screened from adjoining properties by an opaque masonry wall a minimum of six feet in height, and all customer parking areas and vehicle display areas shall be screened from adjoining residentially-zoned property by an opaque masonry wall a minimum of six feet in height, as shown on Exhibit B, Landscape Concept.

Signage:

- A. One ground sign for each 150 feet of frontage on South Memorial Drive not to exceed three ground signs; the total display surface area of the three signs shall not exceed 400 square feet with a maximum of 250 square feet of display surface area for a sign and a maximum of 25 feet in height. Only one face of double-faced signs shall be considered in the calculation of the permitted display surface area.
- B. Wall signs other than directional signs shall be permitted only on the west, south and north facing building walls and shall not exceed two square feet of display surface area per lineal foot of building wall to which attached. No east facing wall signs shall be permitted.

General Requirements:

- A. Internal automobile service and work areas shall not be visible from South Memorial Drive or East 91st Street South.
- B. Automotive body work, repair and painting shall be permitted only within the principal automobile service building; and shall be set back a minimum of 400 feet from the south 236.98 feet of the east boundary, and also 400 feet from the east 597.23 feet of the south boundary of the PUD.
- C. Building exteriors shall be primarily concrete, masonry or Dryvit.
- D. External public address or pager/speaker system is prohibited.

- E. Promotional signage (including inflatable advertising) shall be located in front of the front building line and shall not exceed the height of the principal building.
3. Landscaping and screening shall be in substantial compliance with Exhibit B, Landscape and Screening Concept Plan and the PUD text. All landscaping shall meet or exceed the requirements of the PUD chapter and the Landscape Chapter of the Tulsa Zoning Code. The location of the perimeter masonry wall may be modified during detail site plan approval by TMAPC.
 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, screening fences 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. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
 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 20 feet in height within the south 236 feet of the east 597 feet of the PUD and no light standard shall exceed 30 feet.
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. 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 residential public street. The maximum vertical grade of private streets shall be ten percent.
12. 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. The developer shall pay all inspection fees required by the City.
13. 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.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
15. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

16. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments for March 18, 2004:

PLANNED UNIT DEVELOPMENT FOR REVIEW:

PUD 704 CARMAX/ Z-5620-SP12

East side of Memorial Drive, south of East 91st Street

Water – Existing waterline along Memorial.

Stormwater – Verify that the detention pond is sized for the ultimate development that includes this site.

Wastewater – Sanitary sewer must be provided to all lots in the proposed development.

Transportation – No Comment.

Traffic - Recommend a mutual access easement adjacent to and for the benefit of State Farm.

GIS – No comments.

General – No comments.

CORRIDOR SITE PLAN:

PUD 704 / Z-5620-SP12

East side of Memorial Drive, south of East 91st Street

Water – No comments.

Stormwater – No comments.

Wastewater – No comments.

Transportation – No comments.

Traffic – Waiver of a corridor collector street is required and recommended.

GIS – No comments.

General – No comments.

Transportation Planner Comments for PUD-704 / Z-5620-SP-12:

L RTP: Memorial Dr. south of 91st St planned six lanes.

A sidewalk is required along the Memorial frontage.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, asked if there were any interested parties signed up for this application. In response, Mr. Jackson informed Mr. Norman that there were two interested parties.

Mr. Norman stated that Carmax is an upscale dealership for used cars. Carmax operates 42 centers in 20 states and 15 of the centers are associated with or collocated with a new car dealership. This will be the first Carmax facility in Oklahoma.

Mr. Norman submitted photographs of the proposed facility (Exhibit B-1). He explained that staff recommended that he request a height exception for the unoccupied architectural feature that is a design logo for this type of store. He indicated that he had a pre-design meeting in early November with the staff and the City officials. Mr. Norman cited the uses surrounding the proposed site.

Mr. Norman explained that this facility operates on a different site plan from the typical dealership. He indicated the display areas and uses. He stated that the customers are not allowed to drive into the display area. The southeast corner, which is closest to the interested parties, is to be used for vehicle storage and to prepare cars for the sales lot.

Mr. Norman requested some modifications to the staff recommendation. He explained that there is an existing screening fence, which is eight feet in height in some areas and six feet in height in others. The distance on the north side is approximately 30 feet and the 50 foot buffer area extends another 20 feet into that thicket area, which will be cleared for the vehicle storage, except that his client would try to maintain as many of the acceptable varieties of trees in that area of the fence. He requested to modify the screening wall and locate it 50 feet into the property, with the landscaping on the outside and then 20 feet from the north. He believes that it would be a better solution to not build a masonry wall next to the existing screening fences. He requested that a detail landscape plan be submitted locating the masonry screening wall along that setback area rather than along the property boundary.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Norman if his client would maintain the landscaping outside of the masonry wall. In response, Mr. Norman answered affirmatively.

Mr. Dunlap stated that staff would agree with Mr. Norman's modification regarding the masonry wall and landscaping.

INTERESTED PARTIES:

Joe Johnson, 12222 State Farm Boulevard, Tulsa, Oklahoma 74146, representing State Farm, stated that he has no objections to the proposal. He commented that the proposal would probably help reduce foot traffic and improve the State Farm property.

Jim Wallace, 9236 South 85th East Avenue, Tulsa, Oklahoma 74133, stated that he has no objections to the proposal after hearing Mr. Norman's proposal. He expressed concerns regarding noise where they would be cleaning the cars.

Applicant's Rebuttal:

Mr. Norman stated that the vehicle service area is 450 feet from the back of the residential lots.

Mr. Norman explained that the screening wall will go around the subject property and State Farm owns an undeveloped parcel adjacent to the subject property that would be their responsibility to fence. He further explained that the screening wall on the subject property would stop at Carmax's property line.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt) "absent") to recommend **APPROVAL** of PUD-704/Z-5620-SP-12 Detail Corridor Site Plan per staff recommendation and the location of the perimeter masonry wall may be modified by TMAPC during detail site plan approval. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

Legal Description for PUD-704/Z-5620-SP-1:

A tract of land lying in the NW/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: Beginning at the northwest corner of said NW/4; thence N 89°37'44" E a distance of 938.03' along the N line of said NW/4; thence due South a distance of 343.27' a distance to the point of beginning; thence due South a distance of 377.80'; thence due East a distance of 300.00'; thence due South a distance of 236.98'; thence S 89°37'44" W a distance of 597.23'; thence due North 225.00'; thence S 89°37'44" W a distance of 580.80'; thence due N a distance 500.00'; thence N 89°37'44" E a distance of 325.00 feet; thence due South a distance of 50.00', thence N 89°37'44" E a distance of 150.00 feet; thence due S 58.28'; thence N 89°37'44" E a distance of 403.02 feet to the point of beginning, and located south of the southeast corner of East 91st Street South and South Memorial Drive, Tulsa, Oklahoma, **From CO (Corridor District) To CO/PUD (Corridor District/Planned Unit Development [PUD-704]).**

* * * * *

Application No.: CZ-339

AG to RMH

Applicant: Jim Coleman

(PD-23) (County)

Location: Southeast corner of West Highway 51 and Coyote Trail

STAFF RECOMMENDATION:

CZ-238/PUD-584 June 1998: Approval was granted for a request to rezone a two-acre tract located east of the subject tract on the north side of Highway 51 from AG to CS with a Planned Unit Development to permit commercial, office and a mini-storage facility.

CZ-194 November 1991: A request to rezone a 12.5-acre tract located north of the railroad right-of-way and in the northwest corner of Highway 51 and South 265th West Avenue from AG to IL for a boat storage facility. Staff and TMAPC recommended denial of IL zoning; however, the County Commission approved the request for IL zoning.

CBOA-1046 December 1991: The County Board of Adjustment approved variances of the building setbacks from 75 feet to 10 feet on the south; a 50-foot setback from the north property line; and an eight-foot setback on the west boundary, all of which abutted AG-zoned property, for the expansion of a boat and RV storage facility. The property is located north of the railroad at the northwest corner of Highway 51 West and South 265th West Avenue.

CZ-181 May 1990: A request to rezone a three-acre tract located west of the northwest corner of Highway 51 West and South 265th West Avenue, from AG to CG. TMAPC and the County Commission approved CG zoning.

CZ-144 March 1986: All concurred in approval of a request to rezone a .7-acre tract located on the southwest corner of Highway 51 West and Coyote Trail and west of the subject property, from AG to CS.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 21.2 acres in size and is located on the southeast corner of Highway 51 West and South Coyote Trail (South 265th West Avenue). The property is hilly with several small valleys. The elevation drops precipitously from the highway. It is wooded, vacant and zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
Highway 51 West	Primary arterial	120'	4 lanes
South 265 th West Avenue	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract is located outside the City of Tulsa and the City of Sand Springs service areas; however, this area is served by Water District 1 for water.

SURROUNDING AREA:

The subject property is abutted on the east by vacant land, zoned AG; to the west by a convenience store, zoned CS; to the south by single-family dwellings and manufactured homes, zoned AG and RE; and to the north, across Highway 51 is vacant property, zoned AG and to the northeast is a mini-storage facility, zoned CS/PUD-584. Of the five properties to the south (zoned AG), only one of them appears to have frontage on a dedicated roadway and it is possible that the lots were illegally split.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject property is not within any adopted district plans. The Development Guidelines, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, provide for evaluation of the existing conditions, land uses, existing zoning and site characteristics for the goals and objectives of areas that have not been specifically defined for redevelopment. Under the terms of the Development Guidelines, the property would qualify as a part of a Type II Node (10 acres of medium intensity zoning on each corner of the intersection). According to the Development Guidelines, the requested RMH is in accord with the Zoning Matrix.

STAFF RECOMMENDATION:

As noted, the requested rezoning is in accord with the Development Guidelines. However, due to the extreme topography of this site and adjacent RE zoning/development existing to the south, staff has some reservations about recommending approval of the requested RMH under straight zoning. Absent a PUD application, staff cannot support the requested RMH zoning and recommends **DENIAL** of that rezoning for CZ-339. Staff could support AG-R or RE zoning in the alternative.

Applicant's Comments:

Jim Coleman, P.O. Box 351, Mannford, Oklahoma 74044, stated that he understands that there have been letters written regarding this proposal that cited traffic issues. He commented that the only zoning he could apply for to allow mobile homes/modular homes in Tulsa County is RMH, which is called a mobile home park district. He explained that it is not his intention to have a mobile home

park. He described the proposal with 19 lots on three-fourths to two acres. This would not increase the traffic significantly and would not impact the intersection in the subject area. Each lot would have its own sewage system and each lot would be restricted to certain criteria and standards. He cited the various developments he has developed in the subject area. He explained that he wouldn't want to develop something on the subject property that would impact his other developments.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Coleman if he intended to have modular homes or double-wide mobile homes. In response, Mr. Coleman stated that they would be manufactured homes, which are double-wide mobile homes that are newer than 2000 on permanent foundations with restrictions. Mr. Coleman cited the restrictions.

Mr. Alberty stated that the applicant could plat the subject property within the AG district, providing he met the minimum lot sizes of the AG district. The applicant could have mobile homes or modular homes without changing the zoning. When the applicant applied for the RMH zoning, staff had no indication of how the property would be developed. RMH allows a greater density and it also implies a mobile home park. According to the existing plat, there are a couple lots that could be approved for mobile homes without changing the zoning. The problem would be with the lots that are less than what the AG district requires.

Mr. Jackson asked staff if mobile homes were allowed in AG-R districts. In response, Mr. Alberty answered negatively.

Mr. Alberty stated that AG requires a minimum of two acres in order to have a mobile home.

Mr. Coleman stated that it would be economically unfeasible to build a subdivision with only ten lots. In the subject area, the property value does not sell at a high rate. The subdivision immediately adjoining the subject property was built in 1963 and there are approximately 50 lots. Approximately 50 percent of the lots are vacant at this time.

Mr. Jackson asked Mr. Coleman if he considered filing a PUD with restrictions. In response, Mr. Coleman stated that when he applied for the zoning he was advised to file for RMH because some of the lots would be smaller than the minimum criterion for AG zoning. Mr. Coleman stated that there is not enough room on the subject property for sewage lagoon disposal, but in the proposed density each lot could have an individual septic system.

Mr. Harmon stated that he is concerned with the RMH zoning. He expressed concerns that RMH would allow too much density.

Ms. Matthews stated the topography on the subject property is very severe in some parts. It basically drops into a ravine along the highway. Staff would be comfortable with a PUD due to the topographical reasons and because of the septic and sewage issues. Staff would not like to see the densities that would be allowed by an RMH zoning.

Mr. Jackson asked staff if they would prefer RMH with a PUD. In response, Ms. Matthews stated that it would depend on what the applicant submits as a PUD, but it would give more assurances.

Mr. Harmon asked what type of zoning would be best for the underlying zoning with a PUD.

Mr. Dunlap stated that an RE zoning with a PUD would permit the density he is requesting and mobile homes.

Mr. Coleman stated that he would be acceptable to RE zoning with a PUD.

Mr. Alberty explained why a Planned Unit Development would be submitted and how it protects neighborhoods.

INTERESTED PARTIES IN OPPOSITION TO CZ-339:

Ray Russell, 26204 West 27th, Sand Springs, Oklahoma 74063; **Dow Decker**, 3700 Coyote Trail, Sand Springs, Oklahoma 74063; **Doreen Riesen**, 28803 Blue Ridge Drive, Sand Springs, Oklahoma 74063 (Submitted a Petition opposing CZ-339, Exhibit C-3 and photographs, Exhibit C-1); **Allen Slayten**, 26012 West 27th, Sand Springs, Oklahoma 74063; **Johnnie Griffin**, 26005 West 27th, Sand Springs, Oklahoma 74063; **Jackie Watson**, 2734 South 259th West Avenue, Sand Springs, Oklahoma 74063; **Robert Talley**, 26013 West 27th, Sand Springs, Oklahoma 74063; **Sheila Saul**, 26162 West 27th Street South, Sand Springs, Oklahoma 74063; **Judy Wagoner**, 26245 West 27th Street South, Sand Springs, Oklahoma 74063.

INTERESTED PARTIES COMMENTS IN OPPOSITION OF CZ-339:

Concerns expressed regarding drainage and sewage going into the creek basin, which feeds into Keystone Lake; dangerous intersection Highway 51 and Coyote Trail and more traffic would be generated if the subject property were developed; low water pressure now and when the proposed lots were located on the water line then it would cause more problems with pressure, which would be a fire hazard; the subject property drops 70 feet from the street to the bottom of development; do not want mobile homes next to the residential neighborhood; the development would ruin the view from the residential subdivision adjacent to the subject property; the entrance to the subject property is on a blind corner and would be very dangerous; there is only three car lengths from the highway before entering the proposed development, which would create a backup onto the highway at one of the most dangerous intersections; stick-built homes should be

the only type of homes allowed on the subject property to keep from impacting the property values; would not like to look at mobile homes when looking out over the property; new homes have been built in the adjacent subdivision in 2000 and has shown that people will build houses and move into the subject area; the proposal would be detrimental to existing homes equity;

TMAPC COMMENTS:

Mr. Dunlap informed the Planning Commission and interested parties that the sewer, water drainage, access, etc., would be addressed at the platting process.

Mr. Harmon reminded the interested parties that the subject property is already zoned AG and the applicant could have mobile homes on the subject property today without coming to the Planning Commission.

Ms. Hill asked Mr. Russell if he was opposed to this development or any development of the subject property based on the concerns he has expressed today. In response, Mr. Russell stated that from the traffic and sewage standpoint he would be concerned with any development.

Ms. Hill asked Mr. Decker if he was opposed to this development in particular or any development with restrictions in place with a PUD. In response, Mr. Decker stated that the only thing he could see located on the subject property is a petting zoo for children.

Ms. Hill clarified that she asked the interested parties if they are opposed to this particular development or if they were opposed to on-site built homes as well. In response, Mr. Griffin stated that he would not build on the subject site no matter how much money he had to build the home. He further stated that he believes in people being allowed to develop land and make a living at it, but not at other people's expense. He commented that in his opinion, if something like the proposal is allowed (mobile homes or stick-built homes), people will die at the before-mentioned intersection.

Applicant's Rebuttal:

Mr. Coleman stated that the interested parties that indicated that their properties about the proposal are misleading because there is a 100-foot buffer. He explained that the lots between his property and the existing subdivision are lots that were illegally split several years ago. One of the lots has a double-wide mobile home located on it and the lot next to it has abandoned cars that have been stripped.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Coleman if he planned to have mobile homes, factory-built homes or modular homes that are on a permanent foundation. In response, Mr. Coleman stated that they are one and the same in real estate. Mr. Coleman further stated that he and his wife are retired real estate appraisers and know the

difference in the construction of the units Mr. Harmon is talking about. A single-wide mobile home on a permanent foundation is considered a permanent dwelling by VA and FHA. All are moved to the property on axles and all have the axels taken off. It doesn't mean that they cannot repossess the homes.

Mr. Harmon stated that there are modular homes that are delivered on a trailer and set on a permanent foundation by crane. In response, Mr. Coleman stated that he is considering a mobile home, which the Tulsa County Assessor calls modular homes. Mr. Coleman further stated that he would not restrict his development to mobile homes nor would he restrict it to modular homes.

Mr. Jackson asked Mr. Coleman if he would restrict the double-wide mobile homes to have asphalt pitched roofs. In response, Mr. Coleman stated that he believes that all of the mobile homes that are manufactured after 2000 have composition-style roof, except the single-wide homes. It would be similar to the surrounding homes in the subject area. Even if some of the homes in the adjoining subdivision are older and look bad, but he doesn't want to get into those issues. He indicated that there are mobile homes in the subject area on unrestricted property completely surrounding the adjoining subdivision. Mr. Coleman concluded by citing the location of mobile homes in the subject area. He reiterated that he places restrictions on his developments.

Mr. Jackson asked Mr. Coleman if he would be willing to accept RE zoning and submit a PUD. In response, Mr. Coleman answered affirmatively.

Ms. Hill asked Mr. Coleman if he would be purchasing the homes for the development or if the residents would be purchasing the homes. In response, Mr. Coleman stated that subject to the restrictive covenants of the subdivision and being controlled by the developer, the residents would purchase their own homes and have them moved onto their property.

Mr. Harmon stated that he can appreciate the concerns of the neighbors because they want to be certain of what is going into the area and that it would be pleasing to the eye. Based on what Mr. Coleman has stated, this would not be a mobile home park, but a permanent community with homes that would be affordable. Mr. Harmon conclude that he could support the RE zoning and a PUD filed to implement the applicant's concept.

Mr. Carnes expressed concerns with how many houses would be allowed. In response, Mr. Romig stated that this is a straight zoning application.

Mr. Jackson reminded the Planning Commission that this is a straight zoning case and the PUD can't be designed today. The applicant would have to return to INCOG and get with staff regarding filing a PUD.

Ms. Hill stated that the Planning Commission is only voting on what is before the Planning Commission today and not whether or not the applicant will return with a PUD.

Mr. Jackson stated that the Planning Commission is proposing to rezone the subject property to RE zoning and if the applicant would like to come in with modular housing, then he would have to file a PUD and have restrictive covenants.

Mr. Harmon stated that he would move for RE zoning, but he wanted it in the record that Mr. Coleman has verbally agreed to return with a PUD.

Mr. Alberty reminded the Planning Commission that AG zoning required two-acre lots and there could only be ten lots with this proposal. If the motion is to deny RMH and approve RE, there is no consideration for mobile homes. The applicant has two options if this is rezoned RE. He could file a PUD and request mobile homes or he could go to the County Board of Adjustment and request a special exception. The only consideration for the Planning Commission today is for the zoning. Whether the applicant agrees to today's discussion is immaterial because the Planning Commission is only considering the density today. Staff felt that the RMH is too dense for the conditions. The applicant will have to file a plat and the number of lots will depend on how he can arrange the lots and whether or not he can develop the plat as he has proposed today. During the platting process and a PUD submittal is when all of the other issues would be handled.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt) "absent") to recommend **DENIAL** of RMH zoning and in the alternative recommend **APPROVAL** of the RE zoning for CZ-339 per staff recommendation.

Legal Description for CZ-339:

A tract of land in the S/2, NE/4, Section 18, T19N, R10E, Tulsa County, State of Oklahoma, being more particularly described as follows: Commencing at a point on the East Right-of-Way line of Coyote Trail (a county highway 80' wide), said point being N00°13'50" E a distance of 150' and N 89°34'47" E a distance of 40' from the Southwest corner of said NE/4 of Section 18. Thence N 89°34'47" E and parallel to the South line of the NE/4 a distance of 600' to the Point of Beginning; thence N 00°13'50" E a distance of 458.24'; thence S 89°34'47" W a distance of 470.21' to a point on the East right-of-way line of Coyote Trail; thence N 45°34'14" E along said right-of-way line a distance of 256.70' to a point of curvature; thence on a curve to the left having a central angle of 25°10'56", a radius of 517.46' for a length of 227.43'; thence N 86°47'34" E a distance of 292.26'; thence N 03°12'26" W a distance of 175.0' to a point on the South right-

of-way of State Highway 51; thence N 86°47'34" E along said South right-of-way line a distance of 391.06' to the westerly line of the U.S. Government Corps of Engineers westerly line the following (4) four courses: thence S 00°17'05" E a distance of 350.88'; thence S 89°55'55" E a distance of 165.46'; thence S 33°57'53" E a distance of 596.79'; thence S 89°58'44" E a distance of 329.96'; thence leaving said Corps of Engineers boundary S 0°41'21" E a distance of 181.83° to a point on a line 150° North of and parallel to the South line of said NE/4 of Section 18; thence S 89°34'47" W along said parallel line a distance of 1,342.96° to the Point of Beginning, containing 21.24 acres, more or less, and located on the southeast corner of Highway 51 West and South Coyote Trail, a/k/a South 265th West Avenue, Sand Springs, Oklahoma, **From AG (Agriculture District) To RE (Residential Estate District).**

* * * * *

Application No.: PUD-308-2

MINOR AMENDMENT

Applicant: Charles Coggins

(PD-5) (CD-5)

Location: 8123 East 19th Street South

STAFF RECOMMENDATION:

PUD-308 was approved by the City in 1983. A maximum of 27 townhouse units are permitted on this approximately 2.17 acre tract located east and north of the northeast corner of South Memorial Drive and East 21st Street.

The following minimum building setbacks have been approved:

Minimum Building Setbacks:

From North Boundary of the PUD	25 feet
From East Boundary of the PUD	20 feet
From South & West Boundaries of the PUD	
a) From covered patio and storage building:	17.5 feet
b) From main structure:	24 feet

The applicant is proposing a minimum required rear yard of 18 feet and a minimum required front yard of 20 feet. If approved, the setback from the west and south boundaries of the PUD would be reduced from 24 feet to 18 feet. The setback from the north boundary of the PUD would remain at 25 feet and from the east boundary 20 feet.

The south and west boundaries are abutted by commercial uses. Staff finds that the request does not substantially alter the character of the development and is minor in nature. Therefore, staff recommends **APPROVAL** of the request subject to the following conditions:

1. Minimum Building Setbacks:

From north boundary of PUD	25 feet
From east boundary of PUD	20 feet
From south boundary of PUD	18 feet
From west boundary of PUD	18 feet
From interior rear lot lines	18 feet
From private street right-of-way	20 feet

2. All other conditions of PUD-308, as amended shall apply.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

On **MOTION** of **CARNES** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the minor amendment for PUD-308-2, subject to conditions per staff recommendation.

Related item:

Application No.: PUD-308-2

DETAIL SITE PLAN

Applicant: Charles Coggins

(PD-5) (CD-5)

Location: 8124 East 19th Street South

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new residential townhouse development, Use Unit 7a. The proposed use is in conformance with PUD development standards.

The proposed buildings comply with maximum building height permitted and provide adequate off-street parking as required by the zoning code. Building setbacks, if PUD-308-2 is approved by TMAPC, will also be in compliance with development standards.

Staff recommends **APPROVAL** of PUD-308 detail site plan as proposed on condition of TMAPC approval of PUD-308-2.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

On **MOTION** of **HORNER** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the detail site plan per staff recommendation.

Application No.: PUD-355-C-1

MINOR AMENDMENT

Applicant: R. L. Reynolds

(PD-18) (CD-8)

Location: West of northwest corner of East 91st Street and South Yale Avenue

The applicant is requesting a minor amendment to reduce the number of required off-street parking spaces for Development Area 2 from 89 to 62 as approved by the Board of Adjustment in Case No. BOA-19769 (see enclosed BOA material). There is no other change to PUD-355-C as a result of this request.

PUD-355-C was approved by the City Council June 7, 2001. Development Area 2 contains 1.295 gross acres and has been approved for the following uses:

Those uses permitted by right in the CS zoning district, excluding those uses located in Use Unit 12A of the City of Tulsa Zoning Code.

The following minimum off-street parking standards were approved:

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

The Board of Adjustment motion for approval reads as follows:

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Stephens "absent") to APPROVE a Variance from Section 1212.D. Off-Street Parking and Loading Requirements to reduce the number of required parking spaces from 89 to 62 in a 14,620 SF mixed-use commercial center presently containing use unit 11, 12, 13, and 14 in order to permit a 1,636 sq. ft. coffee shop (Use Unit 12) and a 1,550 sq. ft. retail establishment (Use Unit 14), finding there are mutual access and cross parking agreements with the other tenants; and finding the parking study is justification for the variance, on the following described property:

Lot 2, Block 1, Southern Woods Park, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Based on the Board of Adjustment findings, staff finds the request to be minor in nature and recommends **APPROVAL** subject to the following conditions:

- 1) All conditions of BOA Case No. BOA-19769 shall apply.
- 2) All other conditions of PUD-355-C shall apply.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

On **MOTION of HORNER** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the minor amendment for PUD-355-C-1, subject to the Board of Adjustment's action, per staff recommendation.

* * * * *

Application No.: PUD-591-A-2

MINOR AMENDMENT

Applicant: Darin Akerman

(PD-6) (CD-9)

Location: South and southwest corner of East 47th Street and South Gary Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to revise the bulk and area requirements of the PUD.

PUD-591-A was approved by the City Council in August 2000. The PUD consists of approximately 2.23 (gross) acres located south of the southwest corner of East 47th Street and South Gary Avenue. The PUD has been approved for a maximum of seven single-family dwelling units. The existing standards that the applicant is proposing to revise are as follows:

Minimum Lot Width:	100 FT
Minimum Livability Space per Dwelling Unit per Lot:	6,000 SF
Minimum Livability Space in entire PUD:	50,000 SF
Minimum Lot Area:	10,000 SF

The applicant is requesting the following revisions:

Minimum Lot Width:	65 FT
Minimum Livability Space per Dwelling Unit per Lot:	5,000 SF
Minimum Livability Space in entire PUD:	46,000 SF
Minimum Lot Area:	9,000 SF

The underlying zoning is RS-1 and RS-2. The requested revisions would be compatible with the bulk and area requirements section of the PUD chapter. Staff finds that the request does not substantially alter the character of the development. Therefore, staff recommends **APPROVAL** of the request subject to the condition that all other requirements of PUD-591-A as amended remain in effect.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Joe Wooten, 3144 East 47th Street, Tulsa, Oklahoma 74105, asked if the subject minor amendment had anything to do with changing the current zoning. In response, Mr. Dunlap explained that the zoning has not changed.

On **MOTION** of **HILL** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** the minor amendment for PUD-591-A-2, subject to conditions as recommended by staff.

OTHER BUSINESS:

Application No.: PUD-683

DETAIL SITE PLAN

Applicant: Darin Akerman

(PD-14) (County)

Location: South of southwest corner of East 136th Street and North Yale Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new propane storage and distribution facility, Use Unit 26. The proposed use is in conformance with PUD development standards.

Proposed locations of the propane storage tank, truck parking and fueling area are in compliance with required setbacks. At this time, no building is proposed. Landscaping and screening are in substantial compliance with development standards.

All access is to be approved by the Tulsa County Engineers. Such approval has not yet been submitted.

The lighting plan as proposed does not comply with development standards. Furthermore, several of the light fixtures are proposed in the street right-of-way.

Staff recommends **APPROVAL** of PUD-683 with the following conditions: (1) approval of all access by the Tulsa County Engineers; and (2) site lighting plan that complies with development standards.

(Note: Detail site plan approval does not constitute sign plan approval.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

On **MOTION** of **CARNES** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson “aye”; no “nays”; none “abstaining”; Bayles, Ledford, Midget, Miller, Westervelt “absent”) to **APPROVE** of the detail site plan for PUD-683, subject to the conditions per staff recommendation.

Application No.: PUD-333-A

DETAIL SITE PLAN

Applicant: B. Scott Barrett

(PD-18) (CD-9)

Location: 5623 South Lewis Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new drive-through bank and ATM, Use Unit 11. The proposed uses are in conformance with PUD development standards.

The proposed bank complies with maximum building floor area, and meets minimum setbacks for the building walls, drive-in canopy and ATM. The PUD standards do not specify maximum building height permitted, but refer to the OL district for all ‘Other Bulk and Area Requirements’. Those standards set the maximum height permitted at one story. The site plan notes specify a proposed height of 20.11 feet, but not the number of stories. Because the elevations show the plate at nine and ten feet, the site plan notes need to include ‘one-story’ to clarify compliance and assure any space above the first floor is not intended for habitable purposes.

Proposed parking and access drives are in compliance with setbacks from the north and east boundaries, but an access drive on the southeast corner of the site encroaches several feet into the 15-foot setback established for the east 35 feet of the south boundary.

A landscaped area of not less than fifteen feet in width is required along the east 110 feet of the north boundary. Although the site plan per ‘sheet DS1.1’ appears to be in compliance, the ‘Landscape Strip Plan’ also on ‘sheet DS1.1’ shows a 14-foot landscaped strip along the north boundary. In addition, the Landscaped Plan, ‘sheet LS1.1’, shows this same area as 14.6 feet in width, correctly excluding curbs from counting toward required landscaped area. The full fifteen feet must be provided, excluding the curb, and should be on all related plans. The landscaped areas along the east and south boundaries of the PUD are in compliance with standards, and landscaping per the Landscape Plan (with

exception of the required fifteen-foot strip along the north boundary) is in compliance with development standards and the zoning code. An eight-foot paneled and preformed masonry wall with steel supports is proposed along the PUD boundaries as required by development standards with exception of where existing trees, as noted on the Landscape Plan, are intended to remain.

Proposed site circulation is in compliance with PUD standards, with the primary circulation for the drive-through and ATM being located in the west 75 feet of the PUD and the access drive on the north side of the building being one-way eastbound, and no more than eighteen feet in width. Access to the site must be approved by Traffic Engineering. Verification of this approval has not yet been submitted.

Parking lot lighting per the Lighting Plan is in compliance with development standards and the zoning code. A security camera is shown on the building's east elevation to provide monitoring of the parking on the site's east side as required by development standards.

Staff recommends **APPROVAL** of PUD-333-A Detail Site and Landscape Plans with the following conditions: (1) regarding height permitted, that site plan notes include 'one-story' to clarify compliance with development standards and assure any space above the first floor is not intended for habitable purposes; (2) regarding setback of the access drive from the east 35 feet of the south boundary, that the drive be brought into compliance with the required 15-foot setback; (3) regarding the required landscape area along the east 110 feet of the north boundary, that a full 15 feet be provided per development standards and shown on all related plans; and (4) approval of Traffic Engineering of the proposed access.

(Note: Detail site plan approval does not constitute sign plan approval.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

On **MOTION** of **HORNER** the TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Ledford, Midget, Miller, Westervelt "absent") to **APPROVE** PUD-333-A Detail Site and Landscape Plans with the following conditions: (1) regarding height permitted, that site plan notes include 'one-story' to clarify compliance with development standards and assure any space above the first floor is not intended for habitable purposes; (2) regarding setback of the access drive from the east 35 feet of the south boundary, that the drive be brought into compliance with the required 15-foot setback; (3) regarding the required landscape area along the east 110 feet of the north boundary, that a full 15 feet be provided per development standards

and shown on all related plans; and (4) approval of Traffic Engineering of the proposed access, per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 4:05 p.m.

Date Approved:

4.28.04

Garth J. Jahn
Chairman

ATTEST: *Nancy M. Bayles*
Secretary