

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2393

Wednesday, October 20, 2004, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, October 18, 2004 at 3:50 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, 2nd Vice Chair Hill called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Ms. Hill reported that Ms. Coutant has a report on Brandon Jackson.

Ms. Coutant stated that Brandon Jackson was involved in a bad motorcycle accident several weeks ago. She further stated that she talked with him yesterday and found that he has had surgery on his foot and now he is waiting to have surgery on the bone and then a skin graft. He is in physical therapy in the morning and afternoon. He sounds good, but there is a lot more to go through. He has friends from OSU and Langston living in Dallas and they stop by to check on him all of the time.

Mr. Horner stated that Brandon's mother and aunt have been staying with him since the accident. He will be in the hospital in Dallas for another three to four weeks. He doesn't remember anything about the accident. His spirits are good and he appreciates all the phone calls, cards and letters.

Director's Report:

Mr. Alberty reported that the receipts for September 2004 are keeping with the same trend. The receipts are less than this time last year. There is a total of City and County receipts for Zoning Land Division and Board of Adjustment of \$18,000.66; for the same period in 2003, the receipts were at \$22,622.00. Year-to-date is down approximately \$20,000.00.

Mr. Alberty reported on the items for the City Council agenda October 21, 2004.

SUBDIVISIONS:

LOT-SPLIT FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19701 – Misty Dorsey (6407) (PD-20) (County)

Approximately ½ mile north of northwest corner of East 201st Street and Garnett Road

STAFF RECOMMENDATION:

The applicant has applied to split 12.5 acres into a 2.5-acre and a ten-acre tract. Both proposed tracts meet the AG zoning bulk and area requirements.

Garnett Road is designated as a secondary arterial on the Major Street and Highway Plan requiring 100' right-of-way, 50' on either side of the centerline. There is an existing statutory right-of-way easement of 24.75'.

This application received a prior approval on June 14, 2004, on the condition that 50' right-of-way be given to Tulsa County along Garnett Road. However, since that time, the applicant has asked for a waiver of the Subdivision Regulations requiring the 50' easement be given to Tulsa County.

The Technical Advisory Committee reviewed this application on October 7, 2004, and recommended denial of the waiver. Therefore, staff recommends **DENIAL** of the waiver of Subdivision Regulations, and recommends **APPROVAL** of the lot-split, with the condition that 50' right-of-way from the center of the road be given to Tulsa County along Garnett Road.

The applicant was not present.

INTERESTED PARTIES:

Thomason Goyer, 19804 South Garnett, Bixby, Oklahoma 74008, stated that she objects to the waiver. She explained that the waterline and telephone lines run directly in the subject area. In the future, if there is an expansion of the road, it would cost the County to move the lines. The applicant's property is 197 feet deep and she shouldn't be granted the 25 feet.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford, "aye"; no "nays"; none "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to **DENY** the waiver of Subdivision Regulations for L-19701, and **APPROVE** the lot-split for L-19701, with the condition that 50' right-of-way from the center of the road be given to Tulsa County along Garnett Road.

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LOT-SPLIT TO RESCIND PREVIOUS APPROVAL:

L-19750 – John Anderson (8328)

(PD-26) (CD-8)

3721 East 104th Street

STAFF RECOMMENDATION:

In January 2004, L-19657 was approved to split Parcel A from Tract 2 and tie it to Tract 1, and to split Parcel B from Tract 1 to be tied to Tract 2. The purpose of this split was to give Tract 2 access to the waterline along Louisville. Deeds were filed at the County Courthouse with language restricting the transferring of the parcels without including the respective tracts unless the TMAPC approved such transfer.

Since that time, a waterline has been installed along East 140th Street, and the owner of Tract 2 has relocated the water service line to connect onto the City's waterline along East 104th Street and disconnected the service from South Louisville.

With the water service being located along East 104th Street, Tract 2 no longer needs the ten-foot strip that runs along the south of Tract 1. The applicant is asking to rescind the tie language for Parcel B to Tract 2 required through L-19657, noting that parcel B would then be tied to Tract 1 through L-19750.

Staff notes that the ten-foot strip is no longer necessary for Tract 2 in order to have water service. Therefore, the panhandle configuration would be removed. Staff recommends **RESCINDING** the tie language for Parcel B of L-19657 and recommends **APPROVAL** of the current lot-split request, L-19750, subject to Parcel B being tied to Tract 1.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; none "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to **RESCIND** the tie language for Parcel B of L-19657 and to **APPROVE** the current lot-split request L-19750, subject to Parcel B being tied to Tract 1.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19726 – J. D. Berray (9201) (PD-1) (CD-4)

808 East 3rd Street

L-19736 – Freeda Peggs (9002) (PD-23) (County)

620 South 193rd West Avenue

L-19739 – Sack & Associates, Inc. (9323) (PD-6) (CD-5)

Southwest corner Broken Arrow Expressway and Sheridan Road

L-19745 – Gentra Sorem (8306) (PD-18) (CD-2)

Northeast corner East 71st Street and Yorktown

L-19746 – Houston Johnson (7426) (PD-20) (County)

16728 South 161st East Avenue

L-19751 – Stephen Mendenhall (8321) (PD-18) (CD-8)

3912 East 91st Street

L-19753 – Tulsa Development Authority (9305) (PD-4) (CD-4)

Southeast corner East 6th Street and Lewis

STAFF RECOMMENDATION:

All these lot-splits are in order and staff can recommend **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; none "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

FINAL PLAT:

Newton Plaza Addition – (0227)

(PD-11) (CD-1)

Nogales and West Newton Street

STAFF RECOMMENDATION:

This plat consists of two lots in two blocks on one acre.

All release letters have been received for this final plat and staff recommends **APPROVAL** of the final plat for Newton Plaza Addition.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **LEDFORD**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; none "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to **APPROVE** the final plat for Newton Plaza Addition per staff recommendation.

The Village at Sparta – (7335)

(PD-20) (County)

East of the Northeast corner of 181st Street and South Sheridan Road

STAFF RECOMMENDATION:

This plat consists of 34 lots in seven blocks on 70 acres in two phases.

All release letters have been received fro this final plat and staff recommends **APPROVAL** of the final plat for The Village at Sparta.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; none "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to **APPROVE** the final plat for The Village at Sparta per staff recommendation.

MINOR SUBDIVISION PLAT:

Barnes Elementary – (1326)

(PD-15) (County)

West of the Northwest corner of East 76th Street North and Memorial Drive

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 20 acres.

The following issues were discussed (plat was continued from September 16, 2004 TAC) October 7, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG with a Special Exception (CBOA-2123) approved 8/17/2004.
2. **Streets:** Relocate the west access to provide storage on 76th Street North for one to two east-bound buses with safe clearance of future gate arms. The owner of record in the dedication does not match the face of the plat and is assumed to be the Owasso School District rather than Barnes Elementary. Suggest widening the inbound lane of the bus entry (west access).
3. **Sewer:** Owasso service area.
4. **Water:** Water will be served by Rural Water District # 3 Washington County.
5. **Storm Drainage:** Add “stormwater detention easement” to the Reserve A and B labels. Add storm sewer to the title to Section I.C, and add the standard language for storm sewers in that section. Requirements for drainage flowing onto or off of the site cannot be determined without the addition of contours to this plan.
6. **Utilities:** No comment.
7. **Other: Fire:** No comment.

Staff recommends **APPROVAL** of the Minor Subdivision plat as all release letters have been approved for the plat. The plat is 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 County Engineer 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 County Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the County Engineer.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the County Engineer.
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 County Engineer 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 County Engineer 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.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; none "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to recommend **APPROVAL** the minor subdivision plat for Barnes Elementary, subject to special conditions and standard conditions per staff recommendation.

Lifestyles Lighting Showroom – (8312)

(PD-18) (CD-7)

7202 South Mingo

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.70 acres.

The following issues were discussed October 7, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-342-A. All PUD setbacks and conditions must be met.
2. **Streets:** Include standard language to dedicate public street right-of-way. The existing guardrail should be redesigned or the hazardous ditch north of the driveway eliminated.
3. **Sewer:** On the north side, move the new sanitary sewer service line outside of the utility easement.
4. **Water:** Clarify waterline easement and dedicate by plat or separate easement. A waterline easement may have to be dedicated before right-of-way dedication.
5. **Storm Drainage:** Clarify location map. Show point of beginning and match dimensions on plat. A PFPI will be required.
6. **Utilities:** No comment.
7. **Other: Fire:** No comment. The consulting engineer for the project had taken care of all the comments by the TAC meeting date.

Staff recommends **APPROVAL** of the Minor Subdivision Plat subject to the special and standard conditions below. The required release letters have been received.

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.

TMAPC Action; 7 members present:

On **MOTION** of **LEDFORD**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; none "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to recommend **APPROVAL** the minor subdivision plat for Lifestyles Lighting Showroom, subject to special conditions and standard conditions per staff recommendation.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6958

OL/RS-3 to CO

Applicant: Tim Terral

(PD-17) (CD-6)

Location: North of northwest corner of East 11th Street and South 123rd East Avenue.

Mr. Ledford announced that he would be abstaining from this item.

STAFF RECOMMENDATION:

BOA-19109 June 2001: The Board of Adjustment upheld the decision of the Neighborhood Inspector, finding the property abutting the subject property on the south was in violation of the Zoning Code by operating a vehicle towing and storage business in a CS zoning area.

Z-6520 January 1996: All concurred in approval of a request to rezone a tract located on the northwest corner of East 7th Street and South 123rd East Avenue from RS-3 and OM to CS for commercial uses.

Z-6480/PUD-539 August 1995: Approval was granted for a request to rezone a tract located between East 7th Street and East 11th Street and east of South 123rd East Avenue, east of the subject property, from RM-1, RS-3, RS-2, and CS to PUD-539 for a proposed commercial development allowing boat sales, and a mini-storage.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 9.23 acres in size. It is located north of the northwest corner of East 11th Street South and South 123rd East Avenue. The property is flat and partially wooded. The western portion is used for off-street parking and the eastern lots are vacant. The property is zoned OL and RS-3.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 11 th Street South	Secondary arterial	100'	4 lanes
South 123 rd East Avenue	Residential	50'	2 lanes

UTILITIES: Municipal water and sewer appear to be available.

SURROUNDING AREA:

The subject property is abutted on the north by a church, zoned RS-3 and Skelly Drive, zoned RS-2. To the east are boat sales use and related activities, zoned CS; to the south is vacant paved land (apparently a former parking lot) and a retail/office strip center, zoned CS/PUD-392; farther south across East 11th Street is East Central High School, zoned RS-3; and to the west are the Lowrance offices and manufacturing buildings, zoned CH and OL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity – No Specific land use/Corridor.

According to the Zoning Matrix the requested CO is in accord with the Plan for Low Intensity – No Specific land use and for Low Intensity - Corridor.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and surrounding land uses/trends in the area, staff can support the requested rezoning and therefore recommends **APPROVAL** of CO zoning for Z-6958.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Donald Thomas, 816 South 123rd East Avenue, Tulsa, Oklahoma 74128, stated that he lives next door to the subject property. He expressed concerns regarding the fencing/screening and that in the past it has not been kept in good condition.

Mr. Thomas indicated that he is not opposed to the application, but he would like to know how it would impact his property.

TMAPC COMMENTS:

Mr. Harmon informed Mr. Thomas that he should call Neighborhood Inspections regarding the existing fence problems.

INTERESTED PARTIES:

Dale McKenzie, 702 South 123rd East Avenue, Tulsa, Oklahoma 74128, stated that he has concerns regarding traffic in the subject area. The streets are not equipped for commercial traffic.

Applicant's Rebuttal:

Jerry Ledford, Jr., Tulsa Engineering and Planning, 6737 South 85th East Avenue, Tulsa, Oklahoma 74133, discussed the fencing issue around the existing commercial and the current property as it exists. The property to the north of the interested party is zoned RS-3 and there is no fencing requirement between his residential and the RS-3. He explained that if this application is approved for CO zoning, then a detail site plan will be submitted, and at that time, the fencing issues would be addressed. The detail site plan will have to return to the Planning Commission and the City Council.

Mr. Ledford stated that there is no access on 123rd East Avenue. There would not be access allowed onto 123rd East Avenue until it is brought up to a higher standard. Mr. Ledford stated that the proposed warehouse expansion, which will be 37,000 SF and attached to the existing Lowrance facility, will not generate traffic onto 123rd East Avenue. The existing access points will be utilized, which are Skelly Drive and 11th Street.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; none "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to recommend **APPROVAL** CO zoning for Z-6958 per staff recommendation.

Legal Description for Z-6958:

A tract of land located in Lot 3, Block 1, Lowrance Square, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof and being more particularly described as follows: the Easterly 130.00' of Lot 3, Block 1, Lowrance Square, less the Southerly 50.00' thereof; and Lots 35 through 37, Plainview Heights Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, and located north of the northwest corner of East 11th Street South and South 123rd East Avenue, Tulsa, Oklahoma, **From RS-3 & OL (Residential Single-family High Density District & Office Low Intensity District) To CO (Corridor District).**

ZONING PUBLIC HEARING

Application No.: Z-6959

AG to IL

Applicant: Roy Johnsen

(PD-16) (CD-1)

Location: West side of US 75 between East 46th Street and East 56th Street North

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

STAFF RECOMMENDATION:

October 2001 Z-6837: All concurred in approval of a request to rezone property south of the subject site (south of East 56th Street North) from AG to IM and IH.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 116.2 acres in size. It is located along the west side of U. S. Highway 169 between East 46th Street North and East 56th Street North. The property is flat and partially wooded. The property is vacant and zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 56 th Street North (access road)	Primary arterial	150'	4 lanes
East 46 th Street North	Secondary arterial	100'	4 lanes

UTILITIES: Municipal water and sewer appear to be available.

SURROUNDING AREA:

The property is bordered on the east by US 169, zoned AG; on the west by vacant, agricultural and large-lot single-family residential land, zoned AG; on the southwest by vacant land, zoned IL; on the south by East 46th Street North (Port Road), zoned AG; and on the north, across East 56th Street North by the North side Wastewater Treatment Plant, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District Number Two. This special district was designated for industrial uses and other airport-related uses.

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

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing nearby zoning patterns and land uses, and roadway access to the site, staff can support the requested rezoning and therefore recommends **APPROVAL** of IL zoning for Z-6959.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that he is representing Green Hill Properties, L.L.C., owners of the subject property. He cited the surrounding properties and their zonings. He requested the Planning Commission to approve the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-1 (Bayles, Carnes, Coutant, Harmon, Hill, Horner "aye"; no "nays"; Ledford "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to recommend **APPROVAL** IL zoning for Z-6959 per staff recommendation.

Legal Description for Z-6959:

Two tracts of land located in the Southeast Quarter (SE/4) and the Northeast Quarter (NE/4) of Section 7, Township 20 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma; being more particularly described by metes and bounds as follows, to-wit:

TRACT A

Commencing at the SE corner of the SE/4, Section 7, T-20-N, R-14-E, I.B.&M.; thence S 88°32'21" W along the south line of said SE ¼ a distance of 659.39 feet to the SW corner of the SE/4 SE/4 of said SE /4; thence N 1°28'02" W along the west line of said SE/4 SE/4 SE/4 a distance of 608.70 feet to the Point of Beginning; thence N 1°28'02"W a distance of 1367.73 feet to the SE corner of the NW/4 NE/4 of said SE/4; thence S 88°36'59" W along the south line of said NW/4 NE/4 SE/4 a distance of 1269.32 feet; thence N 1°30'03"W a distance of 659.38' to the north line said SE/4; thence N 88°38'31" E a distance of 609.81 feet to the NW corner of said NW/4 NE/4 SE/4; thence N 1°28'43"W along the west line of the SE/4 NE/4 of said Section 7 a distance of 181.00 feet to the south line of a special warranty deed to the City of Tulsa recorded in book 1981 at page 97; thence N 88°38'31" E along said south line a distance of 1319.88 feet to the east line of said SE/4 NE/4; thence S 1°27'23" E along the said SE/4

NE/4 a distance of 181.00 feet to the SE corner of said SE/4 NE/4 being on the westerly right-of-way of U.S. Highway 169; thence S 88°38'31" W along the south line of said SE/4 NE/4 being on said highway right-of-way a distance of 43.50 feet; thence along a curve to the left being on the said highway right-of-way and having a radius of 8744.40 feet, a chord bearing of S 14°57'50" W, a chord distance of 85.96 feet for a curve distance of 85.96 feet; thence S 88°38'31" W along said highway right-of-way a distance of 82.20 feet; thence S 1°27'22" E along said highway right-of-way a distance of 30.00 feet; thence N 88°38'31" E along said highway right-of-way a distance of 79.20 feet; thence along a curve to the left being on the said highway right-of-way and having a radius of 8744.40 feet, a chord bearing of S 9°46'07" W, a chord distance of 896.17 feet for a curve distance of 896.56 feet; thence S 8°19'10" W along said highway right-of-way a distance of 454.50 feet; thence S 26°03'10" W along said highway right-of-way a distance of 593.20 feet; thence S 45°02'10" W along said highway right-of-way a distance of 87.10 feet to the Point of Beginning, and containing 42.49 acres, more or less.

TRACT B

Commencing at the SE corner of the NE/4, Section 7, T-20-N, R-14-E, I.B.&M.; thence N 1°27'23"W along the east line of said NE/4 a distance of 356.00 feet to the Point of Beginning being on the north line of a general warranty deed to the City of Tulsa recorded in book 437 at page 188; thence S 88°38'31" W along said north line a distance of 1319.95 feet to the west line of the SW/4 SE/4 of said NE/4; thence N 1°28'43" W a distance of 303.24 feet to the NW corner of said SW/4 SE/4 NE/4; thence N 88°39'59" E a distance of 660.03 feet to the SW corner of the NE/4 SE/4 of said NE/4 ; thence N 1°28'03" W a distance of 658.96 feet to the NW corner of said NE/4 SE/4 NE/4; thence S 88°41'27" W a distance of 660.16 feet to the SW corner of NE/4 of said NE/4; thence N 1°28'43" W along the west line of said NE/4 NE/4 a distance of 1258.48 feet to the southerly right-of-way of E 56th St N; thence N 88°44'23" E along said southerly right-of-way a distance of 258.90 feet; thence S 87°45'32" E along said southerly right-of-way a distance of 1064.12 feet to the east line of said NE/4 NE/4; thence S 1°27'23" E along the east line of said NE/4 NE/4 a distance of 2153.72 feet to the Point of Beginning, and containing 56.51 acres, more or less.

And

Two tracts of land located in the Northwest Quarter (NW/4) of Section 8, Township 20 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma; being more particularly described by metes and bounds as follows, to-wit:

TRACT C

Beginning at the SW corner of the NW/4, Section 8, T-20-N, R-14-E, I.B.&M.; thence N 1°27'23" W along the west line of said NW/4 a distance of 181.00 feet to the south line of a special warranty deed to the City of Tulsa recorded in book 1981 at page 97; thence N 88°39'30" E along said south line a distance of 61.99

feet to the westerly right-of-way of U.S. Highway 169; thence along a curve to the left being on said highway right-of-way and having a radius of 8694.40 feet, a chord bearing of S 14°06'59" W, a chord distance of 187.80 feet for a curve distance of 187.81 feet to the south line of said NW/4; thence S 88°42'47" W along the south line of said NW/4 being on said highway right-of-way a distance of 11.60 feet, and containing 0.15 acres, more or less.

TRACT D

Commencing at the SW corner of the NW/4, Section 8, T-20-N, R-14-E, I.B.&M.; thence N 1°27'23" W along the west line of said NW/4 a distance of 356.00 feet to the Point of Beginning being on the north line of a general warranty deed to the City of Tulsa recorded in book 437 at page 184; thence N 1°27'23" W along the west line of said NW/4 a distance of 2153.72 feet to the southerly right-of-way of E 56th St N and the westerly right-of-way of U.S. Highway 169; thence N 88°45'37" E along said highway right-of-way a distance of 127.14 feet; thence S 54°16'23" E along said highway right-of-way a distance of 425.30 feet; thence S 9°38'23" E along said highway right-of-way a distance of 156.40 feet; thence S 1°23'27" W along said highway right-of-way a distance of 409.70 feet; thence S 12°19'59" W along said highway right-of-way a distance of 808.23 feet; thence S 14°59'37" W along said highway right-of-way a distance of 570.86 feet to said north line of a general warranty deed to the City of Tulsa; thence S 88°39'30" W along said north line a distance of 113.47 feet to the Point of Beginning, and containing 17.07 acres, more or less.

The property is located on the west side of U. S. Highway 169 between East 46th Street North and East 56th Street North, Tulsa, Oklahoma, From: AG (Agriculture District) To: IL (Industrial Light District)

Application No.: Z-6960

RS-3 to OL

Applicant: Bradley Lewis

(PD-6) (CD-9)

Location: 1324 East 35th Place

STAFF RECOMMENDATION:

July 2004 Z-6944: Approval was granted for the rezoning of the two lots adjoining the subject property on the west, from RS-3 to OL for office use.

April 1994 Z-6436: The TMAPC and City Council approved rezoning from RS-3 to PK on a site north of the subject property.

January 1994 Z-6430: The TMAPC and City Council approved rezoning from RS-3 to PK on a property north of the subject parcel.

June 1992 PUD 488: The TMAPC and City Council unanimously approved rezoning from CH, OL and RS-3 to CH/OL/RS-3/PUD to add a seven-lane drive-in to an existing bank north of the subject property. The TMAPC recommended increasing the proposed screening fence height to 8' and making the width of the landscaped area on the east boundary a minimum of 12'. The City Council concurred.

December 1991 Z-6334: All concurred in granting a rezoning from RS-3 to CH and PK on a site south and west of the subject property.

November 1991 PUD 474: All concurred in granting a rezoning from RS-3 to OL/PUD 474 on a property north of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 100' x 140' in size. It is located east of the southeast corner of East 35th Place and South Peoria Avenue. The property is flat and non-wooded, contains a single-family dwelling, and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 35 th Place	Residential	50'	2 lanes
South Peoria Avenue	Urban arterial	80'	4 lanes

UTILITIES: Municipal water and sewer appear to be available.

SURROUNDING AREA: The property is bounded on the north by a shopping center/office development and associated parking, zoned CH and PUD-474; to the east by single-family residential uses, zoned RS-3; to the west, a vacant tract recently rezoned OL for office use; and to the south by single-family residential uses, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as being in the Northern Brookside Business Area Special District. This property is the final site on the east side of Peoria south of East 35th Place that is within the boundary of the Northern Brookside Business Area Special District. Its eastern boundary aligns with that of the PUD north of it.

According to the Zoning Matrix the requested OL **may be found** in accord with the Plan due to the property's location within a Special District.

STAFF RECOMMENDATION:

Based on the Brookside Infill Development Design Recommendations and the District 6 Detail Plan, both parts of the adopted Comprehensive Plan for the Tulsa Metropolitan Area; trends in the area and surrounding uses, staff can support the requested rezoning and therefore recommends **APPROVAL** of OL zoning for Z-6960.

Applicant's Comments:

Steve Lewis, representing Bradley Lewis, 1861 East 15th, Tulsa, Oklahoma, 74104, submitted a letter of support from David Paddock, Brookside Infill Development Task Force (Exhibit A-2). He requested that the Planning Commission approve the staff recommendation.

INTERESTED PARTIES:

Guy deVerges, 1343 East 35th Place, Tulsa, Oklahoma 74105, stated that the last time he was before the Planning Commission opposing an application, he was advised to obtain a copy of the Brookside Plan, which he now has. He indicated that he discussed this issue with his neighbors and they are concerned about traffic, trash, proper screening and redevelopment consistent with the neighborhood.

Mr. deVerges stated that the Brookside Plan does recommend that the subject property be zoned OL, but that is not where it stops. It gives specific details on how redevelopment is to be done. Mr. deVerges cited several specific details from the Brookside Plan, which he believes are not being enforced at the current time. Mr. deVerges submitted photographs (Exhibit A-1) showing the trash issues that are currently a problem in his neighborhood. He commented that there is no way to enforce the recommendations of the Brookside Plan through the building codes in his neighborhood. It was proposed that building codes be changed because of the Brookside Plan, but it has never been done. Once the zoning is changed on the subject lot, anything could be built on the subject property regardless of the neighborhood except for setback and height consideration.

Mr. deVerges cited other issues regarding parking and the fact that the parking problems have not been addressed for Brookside at this time. He demonstrated parking problems in his neighborhood with pictures of cars parking in the street (Exhibit A-1).

Mr. deVerges stated that the subject property has an existing home on it that is in excellent condition and there is no reason why it this building should be destroyed. He believes that the existing home is an architecturally significant structure in his neighborhood. He indicated that he is for development in Brookside, but he is for development with a plan. There are currently six remaining houses on the block and four are rental properties. He believes that this trend will continue because the businesses are encroaching into the

neighborhood and the traffic is a problem. He indicated that he would probably place his property on the market as rental property and move away from Peoria because there is no control over development. Mr. deVerges concluded by requesting that the subject application be delayed until the requirements for the subject area be added to the building codes in order to have a way to enforce the Brookside Plan.

Applicant's Rebuttal:

Mr. Lewis stated that this is a development with a plan and it falls within the Brookside Plan. The enforcement problems that have been mentioned exist now and denying this application will not help the problem that Mr. deVerges has cited. He requested the Planning Commission to follow the Brookside Plan and approve the zoning change.

Mr. Horner recognized Mr. deVerges.

Mr. deVerges stated that his wife spoke with the owner of the subject property and currently he has no plan of redevelopment. The owner is waiting to see who will lease the subject property to decide what will happen to it. He reiterated that if the subject property is to be rezoned, there should be a way to do so with some control.

TMAPC COMMENTS:

Mr. Ledford asked Mr. Alberty to enlighten the Planning Commission about some of the issues Mr. deVerges has requested for review. In response, Mr. Alberty stated that the Brookside Infill Development Plan and Brookside Plan establish boundary lines to provide transition from the commercial district and the commercial development along Peoria. The subject property falls within the east boundary for transition development. Most of the pictures shown were taken in areas that were existing commercial development where there is really no control from the City standpoint. Hopefully, neighborhood compliance will prevail in a situation where there are open trash containers, but there is no legal control. The control that could be imposed on any future development would be through a PUD. Today the Planning Commission has an OL zoning request that would permit whatever the OL zoning would permit as a matter of right, which is primarily professional office, office-type development, predominately 30% of coverage and meeting parking requirements. There would be screening requirements as well.

Mr. Ledford refer to an email received from Steve Carr, Public Works and Development Department, which stated that the use of a PUD development is encouraged, but it does not state that it is an necessity by the Brookside Plan. In response, Ms. Matthews stated that this is correct. She explained that there was some resistance on the part of, not only the business owners in the area, but also on the part of some of the Planning Commissioners, to make a PUD mandatory.

It is impossible to make a PUD mandatory in the first place, and to include any language to lead one to think it is mandatory was objectionable.

Mr. Carnes stated that the Brookside Infill Plan took a long time to develop and he believes that this application is in accordance with the Plan.

Mr. Harmon stated that the Brookside Infill Plan does have some good guidelines and recommendations, but invariably it cannot be taken verbatim. Each case is reviewed separately and he believes this is appropriate zoning for the subject lot.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; none "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to recommend **APPROVAL** OL zoning for Z-6960 per staff recommendation.

Legal Description for Z-6960:

Lot 6, Block 4, Oliver's Addition, an addition in the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof and located east of the southeast corner of East 35th Place South and South Peoria Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To OL (Office Low Intensity District).**

Application No.: CZ-348

AG to RE

Applicant: Ronald G. Hood

(PD-19) (County)

Location: South of southeast corner of East 61st Street and South Harvard

STAFF RECOMMENDATION:

CZ-279 December 2002: A request to rezone an 8.9-acre lot, located on the southeast corner of East 131st Street South and South Garnett Road from AG to CS was denied.

CZ-278 February 2001: A request to rezone a 62-acre tract located south and east of the southeast corner of East 131st Street and South Garnett Road and abutting the subject property on the north, from AG to RE. All concurred in approval of RE zoning.

CZ-231 April 1997: All concurred in approval of a request to rezone a ten-acre tract located on the southwest corner of East 131st Street and South 121st East Avenue from AG to RS for residential development.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property contains approximately 7.8 acres. It is located south of East 131st Street South and east of Garnett Road. The property is gently sloping, partially wooded, contains a single-family dwelling and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 131 st Street South	Secondary arterial	100'	2 lanes
South Garnett Road	Secondary arterial	100'	2 lanes

UTILITIES: The Broken Arrow Engineering Department has indicated there is a new 12" water line that is lying parallel to an 8" water line along the north side of East 131st Street South, serving both the north and south sides. There is no municipal sewer service; all lots would be development with septic or alternate systems.

SURROUNDING AREA:

The subject property is abutted on the north by a single-family residential development on large lots, zoned RE; to the south, east and west are scattered single-family homes, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Future Development Guide 2003 Update for the City of Broken Arrow designates the property as Level 2 – Urban Residential. The Broken Arrow City Planning Commission recommended approval of this application, which it heard on referral, on Thursday, September 23, 2004.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing nearby development and the City of Broken Arrow's approval of the rezoning, staff recommends **APPROVAL** of RE zoning for CZ-348.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Ron Gibson, 13305 East 117th Place, Broken Arrow, Oklahoma 74012, stated that he lives in the residential subdivision immediately to the north. He expressed concerns for his property values. Mr. Gibson cited the size of the lots and restrictive covenants for his subdivision. He expressed concerns regarding the size of the lots in the proposed project being smaller lots. There are concerns about ingress/egress and for higher traffic volumes.

Mr. Gibson stated that there is no homeowners association in his neighborhood at this time. He requested that the restrictive covenants of his subdivision be joined to the covenants for the new proposal regarding maintenance on the roads.

TMAPC COMMENTS:

Ms. Matthews stated that Mr. Gibson's concerns would have to be addressed during the platting process.

Ms. Hill suggested Mr. Gibson discuss this with Ms. Matthews regarding his concerns, which would be addressed during the Technical Advisory Committee.

Mr. Gibson stated that he would be willing to meet with anyone at any time. He asked if the zoning request will be approved as far as the plat and then the covenants are to be discussed and determined later. In response, Ms. Matthews stated that the subject property has not been platted at this time. The next step will be to plat the subject property.

In response to Ms. Matthews, Mr. Gibson asked if he would still have an opportunity to address his concerns during the platting process. In response, Ms. Matthews stated that issues he has addressed can be discussed during the platting process. Ms. Matthews reminded Mr. Gibson that restrictive covenants are between the property owner and the seller. The County is not party to the covenants. In response, Mr. Gibson stated that he understands that, but the County would have an obligation to ensure that if it were rezoned in the residential area, that some of the concerns would be addressed from a safety standpoint. In response, Ms. Matthews stated that when the Planning Commission reviews the final plat, one of the issues they do review is the safety and it is certainly a concern of the TAC.

Ms. Coutant stated that the applicant is requesting RE zoning, which is ½ acre lots. In response, Mr. Gibson stated that this would be 50% smaller than the lots in his subdivision.

Ms. Hill asked staff what density the applicant could have on this size of property. In response, Ms. Matthews stated that RE allows two per acre.

Mr. Ledford stated that the underlying zoning for the property to the north is RE and that is the same zoning the subject property is requesting.

Ms. Matthews stated that with the right-of-way for streets and the topography that may need to be addressed, the applicant could probably develop approximately ten homes on the seven-plus acres.

Applicant's Rebuttal:

Ron Hood, 13422 South 121st East Avenue, Broken Arrow, Oklahoma 74012, stated that South 117th Place East has a road that is a County road and does not belong to the addition. It is an access that directly stubs with power and water and was intended for additional development. The lot Mr. Gibson purchased is zoned RE and the adjacent ten acres are also zoned RE. The same protections would go with the requested RE zoning as the surrounding properties.

Mr. Hood stated that it is his intention to not plat the subject property. He indicated that the lots are proposed to be in excess of one acre. He commented that his home is adjacent and it is not his intention to have anything that would detract from his own property value.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; none "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to recommend **APPROVAL** to approve RE zoning for CZ-348 per staff recommendation.

Legal Description for CZ-348:

A tract in the S/2, NW/4 of Section 8, T-17-N, R-14-E of the IBM, County of Tulsa, Sate of Oklahoma, according to the U. S. Government survey thereof, more particularly described as follows, to-wit: Commencing at the Southeast corner of said S/2, NW/4; thence N 89°50'21" W along the South line thereof a distance of 247.87'; thence N 0°09'39" E a distance of 525.00'; thence N 89°50'21" W a distance of 684.55' to the Point of Beginning ; thence N 0°05'41" W a distance of 795.41' to a point on the North line of said S/2, NW/4; thence N 89°54'25" W a distance of 429.10'; thence S 0°05'41" E a distance of 795.41'; thence S 89°50'21" E a distance of 429.10' to the Point of Beginning, and located south and east of the southeast corner of East 131st Street South and South Garnett Road, Broken Arrow, Oklahoma **From AG (Agriculture District) To RE (Residential Single-Family, Estate District).**

Application No.: PUD-710

RS-1 to PUD

Applicant: Roy D. Johnsen

(PD-18) (CD-7)

Location: Southwest corner of East 61st Street and South Harvard

STAFF RECOMMENDATION:

No rezoning activity has occurred in this vicinity in recent years.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately four acres in size and is located south of the southwest corner of East 61st Street South and South Harvard Avenue. The property is gently sloping, partially-wooded, was formerly the site of a single-family residence that has been demolished, and is zoned RS-1. A large pond lies on the western part of the property.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 61 st Street South	100'	Secondary arterial	4
South Harvard Avenue	100'	Secondary arterial	4

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The subject property is abutted on the north, south, and east by single-family dwellings, zoned RS-1 and to the west by Southern Hills Country Club, zoned RS-1. Immediately to the south is a vacant lot that apparently was once in single-family residential use and is zoned RS-1.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity - Residential. According to the Zoning Matrix, the requested RS-1/PUD zoning is in accord with the Comprehensive Plan.

This proposal is for redevelopment of a former single-family residential property that has 264' of frontage on South Harvard Avenue. The western boundary adjoins Southern Hills Country Club and the eastern, northern and southern boundaries adjoin single-family residential uses and zoning. This is an infill development for ten single-family detached units inside a gated community, preserving the existing lake and mature trees on the site. No underlying zoning change from RS-1 is contemplated.

The existing RS-1 zoning is in accord with the District 18 Plan, and the property is generally surrounded by RS-1 intensity uses. 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-710 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 project site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-710, subject to the following conditions.

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

Development Standards - Residential Development Area

Gross land area	4.002 acres
Permitted uses:	Detached single family residences and customary accessory uses
Maximum Dwelling Units:	10
Minimum Lot Size:	8500 SF
Minimum Lot Width	68 FT (measured at the front building line)
Maximum Building Height:	2 stories/35 FT
Minimum Yards	
From centerline of Harvard	85 FT.
From north boundary of PUD	10 FT
From interior drive	
Lots 5 and 8	15 FT*
Other lots	20 FT
From interior side lot line	
one side yard	5 FT
other side yard	5 FT
Lot 10, Block 1	0 FT (north lot line)
Rear yard	20 FT
Minimum Livability Space Per Lot	3700 SF**
Minimum Common Area Livability Space	34,680 SF**
Other Bulk and Area Requirements	As provided within an RS-1 District

Off-street parking

Within each lot, not less than 2 off-street spaces within an enclosed garage shall be provided and not less than 16 guest parking spaces shall be provided.

* Garages openings facing the interior private drive shall be set back not less than 25 feet.

** Livability Space is defined as open space not allocated for parking or drives.

Access and Circulation

Each lot shall derive its access from an interior private drive which may be gated at the point of access to Harvard. A second point of access is not provided and it is required that all dwellings have sprinkler facilities meeting RF 1312 standards.

Perimeter Screening

Perimeter fencing along the west boundary and portions of the north and south boundaries shall be wrought iron, not to exceed eight (8) feet in height, provided however, masonry columns are permitted. Other perimeter fencing shall be masonry and/or wrought iron with masonry columns not exceeding eight (8) feet in height. The existing masonry wall, which fronts onto South Harvard Avenue and extends west along a portion of the north and south boundaries, will remain and be improved.

Staff recommends a landscaping/screening element, comprising shrubs and trees listed in and in accordance with Section 1003, City Zoning Code, be included along the southern boundary of the PUD within the designated Reserve Area.

Utilities

All utilities are existing at the site or available by customary extension. Stormwater detention facilities shall be provided.

Site Plan Review

For the purposes of site plan review requirements, the approved final plat shall constitute the required detailed site plan, provided however, detailed site plans of proposed perimeter screening and entry and gating facilities shall be submitted to the Planning Commission for review and approval.

Platting Requirement

No building permit shall issue until the area comprising the planned unit development has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Council of the City of Tulsa, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved planned unit development and the City of Tulsa shall be a beneficiary thereof.

Expected Schedule of Development

Development of the project is expected to commence within six (6) months and to be completed as market conditions permit.

3. 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.
4. 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.
5. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by the TMAPC.
6. 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.

TAC Comments for October 20, 2004:

Water – Water line extension will be required.

Stormwater – Offsite water appears to enter the site. Overland drainage easements will be required to convey this water.

Wastewater – Sewer line extension will be required to provide service to all lots.

Transportation – Turnaround at end is substandard; does not meet minimum of 96'. [It was noted at the TAC meeting that because all lots are to be sprinklered, the 96' turnaround is not necessary.]

Traffic – Construct a private street to Minor Residential Street standards. An exception as to street width of 24' shall be listed on the PUD. Traffic has no objection to the proposed 24', subject to the proposed 16 off-street parking spaces.

General – Change III to read from "...meeting RF 1312" to "...meeting NFPA 13 R" [Item 2. Access and Circulation].

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing Kenneth Klein, stated that the subject property is known as "The Azalea House", located a few hundred feet south of 61st on the west side of Harvard. Mr. Johnsen submitted site plans (Exhibit B-1) and cited the relationship of the subject property to the surrounding properties.

Mr. Johnsen stated that the subject project is proceeding as a PUD under RS-1 zoning and no change in the underlying zoning is proposed. The density would be of ten dwelling units, which would be permitted within a PUD under the existing RS-1 zoning. The minimum lot size will be 8500 square feet and that is net of all of the common areas. He commented that if the subject property was developed without the PUD, it could possibly have nine homes with a cul-de-sac. He believes that having only nine homes would be a gross misuse of the subject property, given its topography, character and relationship to Southern Hills. This is one of the tracts that should be developed with a PUD.

Mr. Johnsen stated that Mr. Klein has carefully planned this project and it has been revised numerous times. His client has made a special effort to meet with the neighbors in the immediate area. There is considerable support of the project and there are several not supportive. However, Mr. Klein did make personal visits with all of the property owners and discussed his concepts and change his plan to try to accommodate their concerns. Mr. Klein also met with Southern Hills and answered their concerns.

Mr. Johnsen addressed the concerns regarding the perimeter screening. The neighbors did not want the subject project all walled in. The existing home has been removed and along the front part of the north and south boundary is an existing concrete wall, as well as along the Harvard frontage. The greater part of the existing wall will be retained. The balance of the south and north boundaries, as well as the west boundary, would be screened with a combination of walls and wrought iron, with particular emphasis on remaining open for a view of the lake.

Mr. Johnsen stated that the proposal is an infill project and he believes that this project is consistent with the infill concepts that were developed from the Infill Task Force. The value of the homes anticipated from this project will be a ten-million dollar project and would be tenfold in the City's tax base, which will generate benefits to the school system and other economic benefits.

Mr. Johnsen stated that the subject proposal meets the Comprehensive Plan. RS-1 is one of the lowest-density single-family districts and there would be single-family next to single-family, which is fundamental in compatibility. The infill study has shown that different lot sizes can be near each other and still be compatible, which will increase property values rather than lower them.

Mr. Johnsen cited the restrictions that are included within the PUD development standards. Drainage will be addressed during the platting process. There will be a detail site plan for the gate structure and the entry features, as well as perimeter screening and landscaping.

Mr. Johnsen stated that the exhibit refers to four dwelling units per acre and it should be 2.5 dwelling units per acre. Mr. Johnsen compared the proposal to other subdivisions in the City of Tulsa that have had a positive impact on the City.

Mr. Johnsen stated that the Fire Marshal indicated that all of the homes should have sprinklers and with this in place, Traffic Engineering, the Fire Marshal's office and the TAC, as a whole, stated they have no objection to this project, given the private drive that is proposed.

INTERESTED PARTIES:

Ed Mascarin, 3203 East 62nd Street, Tulsa, Oklahoma 74136, representing Club Terrace Estates, Betty Newman, Dave Sullivan, Bob Rozene, and Club View Estates, which means he represents four of the five residences to the south of the proposed PUD. Mr. Mascarin stated that all of the residents oppose the proposed PUD. He further stated that he purchased his home for its view, serenity, and the understanding that these amenities would not change. All of the homes in the area are zoned RS-1 with beautiful homes and expansive lot sizes.

Mr. Mascarin stated that the approximate 16 acres that are affected by the proposed PUD have 11 homes. The PUD is proposing ten homes on four acres, and if the RS-1 prevails, then obviously the lots would be consistent with what exists. The view from his study, kitchen, family room and bedroom all face the back of Southern Hills with an unobstructed panorama and is one of the primary reasons he purchased the home. The view to his north is of a beautiful lake with fountains and swans floating about, which is currently in the process of being destroyed. Heavy equipment is being run from dawn to dusk seven days a week. These views will be replaced with a parking lot in the center of his backyard and

to the north by rooftops of five homes. Mr. Mascarin displayed photographs of his view from various locations of his property (did not submit as an exhibit).

Mr. Mascarin stated that the proposed ten homes will increase traffic and cause problems to an existing safety problem. The ingress/egress is directly across from the center median of Harvard. The proposed plan will violate a 1952 covenant that restricts any building to be constructed within 100 feet of the south boundary.

Bill Lissau, 6131 South Gary, Tulsa, Oklahoma 74136, stated that he owns the property north of the subject property. He expressed concerns with the property changing hands before the development is completed. He wanted to know what assurance he has if the PUD proposed today that the lake would stay and he would continue to have the view he has.

Applicant's Rebuttal:

Mr. Johnsen stated that the parking lot Mr. Mascarin spoke of is actually a guest parking lot that is strategically placed along the private drive. What is omitted from Mascarin's drawing is the landscaped area along the south boundary with a combination of wrought iron and masonry fencing, which would be subject to detail site plan review to establish the efficiency of it. The parking lot in the southwest corner of the subject property is actually five guest parking spaces with a landscaped area and there will probably be some masonry in that stretch at some point, as well as wrought iron. The staff recommendation specifically mentions that there shall be submitted a landscape plan for the south landscaped area. He commented that he doesn't believe Mr. Mascarin's exhibits are fair as to what will actually be in place.

Mr. Johnsen stated that the lake is a part of the plan and if it needs any more conditioning than what the concept shows, then he would accept it. Mr. Klein intends to complete this development and he has spent two or three years on it to this point. The existing home was in very bad shape and it was necessary to remove it. The pond needed reworking and had heavy sediment, and all of that needed to be done whether or not this application is approved. This proposal is the best alternative that provides good use of the property and takes into account the interests of the nearby property owners.

Mr. Johnsen stated that the traffic allegations are not substantiated by the facts. He explained that the median on Harvard extends to 61st Street with turning lanes and is four lanes from the subject property to the north. The streets are built to City standards on Harvard and will provide good access to the subject property because there is a median north of it. RS-1 is one of the lowest single-family densities and lowest generated of traffic in all of the land uses, except for some sort of AG use. He understands that Mr. Lissau would like to make sure that this project moves forward with what is being represented and if there are any additional conditions that need to do that, then he would accept them. Mr.

Johnsen indicated that he could submit a detail site plan on the lake area if it is needed. He concluded that the subject project meets all the standards that the Planning Commission has imposed over the recent years and how the projects are to be done.

TMAPC COMMENTS:

Ms. Bayles stated that she would like to thank Mr. Johnsen for his condition that he suggested the Planning Commission might make as far as the lake is concerned. It would be a consideration to the neighborhood that they would welcome.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-1 (Bayles, Carnes, Coutant, Harmon, Hill, Horner "aye"; no "nays"; Ledford "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to recommend **APPROVAL** of PUD-710, subject to conditions per staff recommendation.

Legal Description for PUD-710:

That part of the E/2, NE/4, NE/4 of Section 5, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows: Beginning at a point 265.07' South of the Northeast corner of said Section 5; thence South a distance of 264'; thence West 660.44' to the West line of said E/2, NE/4, NE/4; thence North a distance of 264' to a point being 264.6' South of the North line of said Section 5; thence East a distance of 660.33' to the Point of Beginning; and located south of the southwest corner of East 61st Street and South Harvard Avenue, Tulsa Oklahoma, **From RS-1 (Residential Single-family Low Density District) To RS-1/PUD (Residential Single-family Low Density District/Planned Unit Development [PUD-710]).**

Application No.: PUD-468-7

MINOR AMENDMENT

Applicant: Jeffrey Levinson

(PD-18) (CD-7)

Location: Northwest corner of East 71st Street and South Mingo Road

STAFF RECOMMENDATION:

The request affects Lot 5(B), Block 1, Sam's Center, one of nine lots approved in July 1991, PUD-468, for uses permitted by right in a CS district. The McDonald's Corporation was the applicant and is operating a fast-food restaurant on Lots 6 and 5(A), Block 1, Sam's Center. The proposal is to develop a frozen custard concession on the currently unused Lot 5(B). The applicant also will file an

application for a lot-split of Lot 5 into Lot 5(A), which will be tied to Lot 6, and Lot 5(B), which will be the frozen custard establishment. This minor amendment doesn't change the allowed uses under PUD-468 and only involves Lot 5(B).

The request would increase the commercial floor area permitted on Lots 2-7, Block 1, Sam's Center by 2,200 square feet, from 27,100 to 29,300 square feet. The increased floor area of 2,200 square feet is to be available only to Lot 5(B) and is considerably less than the allowed 15% change for a minor amendment [Section 1107(H)4, City Zoning Code]. The PUD Development Standards would be amended to allow development of Lot 5(B) in accordance with the submitted site plan, especially with regard to the street frontage [110' for Lot 5(B)] on East 71st Street South and the total required land area in Lot 5, Block 1, Sam's Center. All other Development Standards in PUD-468 will remain as approved.

Staff finds this proposed amendment to be minor in nature and therefore recommends **APPROVAL** of PUD-468-7.

Applicant's Comments:

Jeff Levinson, 9308 South Toledo, Tulsa, Oklahoma 74136, stated that he is in agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; none "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to **APPROVE** the minor amendment for PUD-468-7 per staff recommendation.

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OTHER BUSINESS:

Application No.: PUD-523

DETAIL SITE PLAN

Applicant: Mark Capron

(PD-18) (CD-8)

Location: 8131 South Memorial Drive

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new office building. The use, Use Unit 11, Office, Studios and Support Services, is in conformance with development standards.

The proposed building is in conformance with Development Standards regarding floor area, setbacks, building height, and parking. The lighting plan is in compliance with Development Standards and the Zoning Code; however, street yard area does not meet requirements of the Zoning Code and Development Standards.

Staff recommends **APPROVAL** of PUD-523, detail site plan contingent upon its compliance with street yard requirements.

(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.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; none "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to **APPROVE** the detail site plan for PUD-523, subject to compliance with street yard requirements per staff recommendation.

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Application No.: PUD-584

DETAIL SITE PLAN

Applicant: Jim Coleman

(PD-23) (County)

Location: East of northeast corner of West Highway 51 and 263rd West Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a Mini-Storage and Office Building. The proposed uses are in conformance with Development Standards.

The proposed site, partially constructed, meets floor area, building height and setback requirements. Native landscape will be preserved to provide screening as required. Number of parking spaces proposed meets zoning requirements; however, spaces are not detailed on the site plan. Site lighting is provided by standard street lights. Development Standards require that lighting be hooded and directed downward and away from adjacent residential. No residential uses are adjacent to the site.

Staff recommends **APPROVAL** of PUD-584 detail site plan contingent proper paving and striping of all parking.

(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.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; none "abstaining"; Jackson, Midget, Miller, Westervelt "absent") to **APPROVE** the detail site plan for PUD-584, subject to proper paving and striping of all parking per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 2:50 p.m.

Date Approved:

11/3/04

Mary E. Hill
2nd Vice Chair
Acting Chair

Chairman

ATTEST:

[Signature]

Asst. Secretary