

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2403

Wednesday, February 16, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------|-----------------------|----------------------|-----------------------|
| Bayles | Ledford | Alberty | Romig, Legal |
| Carnes | | Armer | |
| Dick | | Chronister | |
| Harmon | | Fernandez | |
| Hill | | Huntsinger | |
| Horner | | Matthews | |
| Jackson | | | |
| Midget | | | |
| Westervelt | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, February 14, 2004 at 9:35 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, Chair Westervelt called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Westervelt reported that there are some changes to the agenda that he would like to address first. Item 6 was mistakenly placed on the agenda and it has been scheduled for the February 23, 2005 meeting. Councilor Baker has asked that Item 9 (Z-6977/PUD-708-A) be continued to March 2, 2005. It was Councilor Baker's understanding that both sides are in agreement with the continuance. He explained that normally the Planning Commission would allow the interested parties to discuss this item; however, there is a hearing-impaired person wanting to participate in this hearing and based on Councilor Baker's request, the interpreter has been dismissed and we are unable to entertain discussion on this item without violating the Americans with Disabilities Act. Item 9 will be heard on March 2, 2005.

Application No.: Z-6977/PUD-708-A

RS-3/PUD/HP to RS-3/PUD

Applicant: Charles Norman

(PD-6) (CD-4)

Location: Southeast corner of East 15th Street and South Utica

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-1 (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; Bayles "abstaining"; Ledford "absent") to **CONTINUE** Z-6977/PUD-708-A to March 2, 2005.

Mr. Westervelt reported that Item 21, proposed amendments to the Subdivision Regulations, will be moved up on the agenda and has received a request for a continuance.

Items 5, 10, and 16 are all related and the Planning Commission will hear item 10 first. Additionally, Items 4 and 20 are related items.

Director's Report:

Mr. Alberty reported that the plans are to have the initial draft on the Board of Adjustment Study to the worksession on February 23, 2005, barring more illness or unavailable people to continue the work on the project.

Mr. Alberty reported that there are no new items on the City Council agenda from zoning or PUDs. The County Commission will hear an appeal on their Monday agenda of an application that was recommended for denial.

COMPREHENSIVE PLAN PUBLIC HEARING:

Resolution amendment the Major Street and Highway Plan to realign 65th West Avenue, north of Pine/Young to follow along the 73rd West Avenue section line.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to recommend **APPROVAL** of the resolution amending the Major Street and Highway Plan per staff recommendation.

SUBDIVISIONS:

Review and Consider Proposed Amendments to the Subdivision Regulations and Resolution Adopting Same.

TMAPC COMMENTS:

Mr. Westervelt stated that the Planning Commission has received a letter from the Homebuilders Association requesting a continuance.

INTERESTED PARTIES:

Joshua Fowler, Executive Vice President for the Homebuilder's Association, 11455 East 43rd Street, Tulsa, Oklahoma 74146, stated that he did submit a letter requesting a continuance. He explained that the reason he has asked for this request is that the Homebuilder's Association, which is ultimately affected by these amendments were not part of those discussions and he would like to have a more time to review and make some comments about some of the changes that are being proposed. He indicated that he has held a couple of meetings already and a partial list of the concerns are included within the letter submitted requesting the continuance. Mr. Fowler asked for a continuance to March 16, 2005.

Mr. Westervelt explained that the subcommittee will be meeting again to go over the concerns that the Homebuilder's Association has listed.

TMAPC Action; 9 members present:

On **MOTION** of **HILL**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **CONTINUE** the proposed amendments to the Subdivision Regulations and Resolution to March 16, 2005.

Mr. Midget out at 1:44 p.m.

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19790 – Jeffrey Levinson (9335) (PD-18) (CD-7)
6640 East 60th Place

STAFF RECOMMENDATION:

The proposal is to split a 115.5' x 3.47' parcel off Tract 1 and tie it to Tract 2, due to an encroaching rock wall in the rear property. Both resulting tracts would meet the RS-3 bulk and area requirements; however, both tracts would have more than three side lot lines. The applicant is requesting a waiver of the Subdivision Regulations that no tract has more than three side lot lines.

The Technical Advisory Committee had no concerns regarding this lot-split. Staff believes this lot-split would not have an adverse affect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, with the condition that the parcel being split off Tract 1 be tied to Tract 2.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split, with the condition that the parcel being split off Tract 1 be tied to Tract 2 per staff recommendation.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19792 – Roy Johnsen (8202)

(PD 8) (CD 2)

Northeast corner of West 71st Street and US-75

STAFF RECOMMENDATION:

This lot-split is in order and staff recommends **APPROVAL**.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8-0-0 members present:

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

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

FINAL PLAT:

Gilcrease Hills Estates Addition – (0234)

(PD 11) (CD 1)

1143 North 24th West Avenue

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 21.6 acres.

All release letters have been received and staff recommends **APPROVAL** of the final plat.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Larry Duke, 1919 West Seminole, Tulsa, Oklahoma 74127, representing Gilcrease Hills Homeowners Association, stated that he opposes this final plat.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the final plat for Gilcrease Hills Estates Addition per staff recommendation.

RELATED ITEM:

Application No.: PUD-699

DETAIL SITE PLAN/LANDSCAPE PLAN

Applicant: Sisemore, Weisz & Assoc. Inc.

(PD-11) (CD-1)

Location: 1143 North 24th West Avenue

STAFF RECOMMENDATION:

The applicant is proposing a new eighty unit multi-family elderly housing development comprising twenty residential buildings and a community center. The proposed use, Use Unit # 8, Multi-Family Dwelling and Similar Uses, is in conformance with Development Standards.

The proposed development meets land area, livability space and building setback requirements and complies with maximum number of dwelling units permitted. Proposed lighting and parking comply with Development Standards and the Zoning Code. Four bulk trash containers are planned and screening will be provided as required. No guard houses or security gates are proposed. A sidewalk is provided along North 24th West Avenue, but does not extend the full length of the property as required.

Proposed landscaped lot area and street yard are in compliance with Development Standards and the Zoning Code. The applicant proposes to satisfy screening requirements by replacing the dense forestation along the east boundary in common with the adjacent single-family residential neighborhood with approximately 250 new trees. These trees will be located within a 1.8 acre planting area along the east boundary of Development Area 'B'. Existing vegetation is to remain within the entire southern portion of Development Area 'B', with exception of the southwest region which will retain natural vegetation at a depth of 17.5' along and adjacent to the property line in common with single-family residential.

Staff recommends **APPROVAL** of PUD-699 detail site plan and landscape plans as proposed.

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

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Larry Duke, 1919 West Seminole, Tulsa, Oklahoma 74127, representing Gilcrease Hills Homeowners Association, stated that his primary concern is with the change of the plans, according to what he was initially informed. Now most of the trees will be cut down and there has been discussion about the replacement size and ratio. There are concerns about the stormwater drainage facility and how the subject property owner intends to get rid of the excess water.

TMAPC COMMENTS:

Mr. Westervelt stated that he knows that Mr. Duke has been in front of the TMAPC frequently enough that he understands that the Planning Commission doesn't regulate or make decisions with regard to stormwater issues. The subject property owner must accept what they accept now and pass no more than what they are passing now, regardless of how much impervious surface they put on the site. They will be forced to detain their water or contribute it to a regional facility, based on whatever Public Works requires of the applicant. Without meeting the criteria, the applicant is unable to move forward. In response, Mr. Duke stated that he does understand all of this.

Mr. Westervelt asked staff to explain the tree issues that Mr. Duke has raised. In response, Ms. Matthews stated that the applicant did a tree survey and they are replacing the trees on a one-for-one basis with a slightly smaller six-inch caliper. The trees will be in accord with the tree section of the Zoning Code. Ms. Matthews indicated that the interested parties are welcome to come to the INCOG office and see the survey and information provided by the applicant.

Mr. Harmon asked staff why the sidewalk requirement was dropped. In response, Ms. Matthews stated that the sidewalk requirement was dropped due to the topography. The applicant didn't feel that they could comply with the Americans' with Disabilities Act due to the topography being steep in the subject area.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the detail site plan and landscape plan for PUD-699 per staff recommendation.

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Ms. Bayles stated that she would be abstaining from the following item.

Application No.: PUD-648-3

MINOR AMENDMENT

Applicant: Roy Johnsen

(PD-8) (CD-2)

Location: Northeast corner of West 71st Street and Highway 75

STAFF RECOMMENDATION:

This application is for a minor amendment to increase the allowable building height from 26' to four stories (48' maximum building height on south elevation and 62'8" on north elevation) for medical offices. Previous minor amendments have been approved to increase the allowable signage area from 50 square feet to 63.3 square feet and for a lot-split in Development Area D to reallocate floor area. The current application is to allow that floor area to be used. Underlying zoning is CO.

At the February 2, 2005 TMAPC public hearing, it was noted that Tulsa Airport Authority had a question about the height of the proposed building and its possible conflict with air traffic for Jones Riverside Airport. The applicant has since requested an FAA study of the project, which will determine in large part its feasibility. If the FAA determines there will be no or minimal impacts, staff can support the original recommendation for approval.

Staff can support the request if the FAA study results are favorable, as the intent was implied in the previous minor amendment. Therefore, staff recommends **APPROVAL** of PUD-648-3.

NOTE: This was continued from February 2, 2005 in order for the applicant to discuss with staff from the Tulsa Airport Authority possible conflicts with flight

tracks at the Jones Riverside Airport. No additional information has been received in that regard.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that he has made a filing with the FAA and requested a study. The facts that are applied to this case look favorable and that there won't be any prohibition or requirement that won't be acceptable. He indicated that he is in agreement with the staff recommendation and contingency for approval.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-1 (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; Bayles "abstaining"; Ledford "absent") to **APPROVE** the minor amendment for PUD-648-3, subject to the FAA determining there will be no or minimal impacts per staff recommendation.

RELATED ITEM:

Application No.: PUD-648

DETAIL SITE PLAN

Applicant: Bruce Henley

(PD-8) (CD-2)

Location: 6802 South Olympia Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a new four story medical office building. The proposed use, Use Unit #11, Office, Studios and Support Services, conforms to development standards.

The proposed office building complies with maximum floor area permitted and meets west, east and south setbacks. Proposed building height complies with development standards subject to TMAPC approval of PUD 648-3. A stairway is shown on building's north elevation which extends into the north setback and 17.5' Utility Easement. The applicant has agreed to remove the stairway.

Parking meets minimum requirements and design standards. The proposed landscaped area and street yard meet minimum requirements. A dumpster and two mechanical areas are proposed. All are to be screened, with the generator and air conditioners being screened in part by a combination of landscaping and retaining walls. Detail of this screening has not yet been submitted.

Full cut-off light fixtures, which greatly reduce glare, are proposed for parking lot lighting. However, the current lighting plan is incomplete.

Staff recommends **APPROVAL** of PUD-648 detail site plan subject to the following: (1) TMAPC approval of Minor Amendment Request PUD 648-3; (2) compliance with north building setback and perimeter easement; (3) approval of detail screening of the dumpster and mechanical areas; and (4) approved lighting plan in conformance with Development Standards and the Zoning Code.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-1 (Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; Bayles "abstaining"; Ledford "absent") to **APPROVE** the detail site plan for PUD-648, subject to TMAPC approval of Minor Amendment Request PUD-648-3; (2) compliance with north building setback and perimeter easement; (3) approval of detail screening of the dumpster and mechanical areas; and (4) approved lighting plan in conformance with Development Standards and the Zoning Code per staff recommendation.

RELATED ITEM:

Mr. Harmon out at 1:54 p.m.

AUTHORIZATION FOR AN ACCELERATED RELEASE OF BUILDING PERMIT

Olympia Medical Park II – (8202)

(PD 8) (CD 2)

North of the northeast corner of West 71st Street
and US 75, PUD 648/Z-6001

STAFF RECOMMENDATION:

This request is for an accelerated building permit in the Olympia Medical Park II Addition. This is requested for "site utilities, site pavement, retaining walls, and foundation" permits as "occupancy is required by 12/31/05 to maintain qualification for existing depreciation schedule (tax regulation)".

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plat per Section 2.5 of the updated Subdivision Regulations.

The preliminary plat was approved on January 19, 2005 by TMAPC. The accelerated permit can be considered if the preliminary plat has been approved.

The Technical Advisory Committee did not object to the proposal, but did express concern about the number of processes occurring on the site including a lot-split, a detail site plan, and a new subdivision plat for part of the total property in the PUD. The PUD requirements must all be met for the site. Staff is of the opinion that any accelerated building permit approval needs to be tied specifically to the approved detail site plan (continued from the 1/19/05 TMAPC meeting because of several issues, including concerns of the airport staff).

TMAPC COMMENTS:

Mr. Westervelt asked if this request causes some consternation that we are turning loose the footings and groundwork and foundation and there is no type of approval from the FAA. In response, Mr. Midget stated that he thought about this as well, but the footing and foundation would not impact flight patterns and the applicants would be doing this at their own risk. If the FAA gives the applicant an unfavorable report, then the applicant would have to remove the footings, etc.

Ms. Matthews confirmed Mr. Midget's statement that the applicant is continuing at his own risk.

Mrs. Fernandez stated that the accelerated release of a building permit wouldn't affect any conditions the FAA might put on the building regarding lights or antennas or conditions on the height.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-1 (Carnes, Dick, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; Bayles "abstaining"; Harmon, Ledford "absent") to **APPROVE** the authorization for an accelerated release of building permit for Olympia Medical Park II, at the applicant's own risk per staff recommendation.

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Mr. Harmon in at 2:00 p.m.

CONTINUED PUBLIC HEARING ZONING CODE AMENDMENTS:

Consider amending the Zoning Code regarding modular homes and mobile homes.

STAFF RECOMMENDATION:

Definitions for Mobile Home, Manufactured Home, Modular Home, Manufactured Home Dwelling, Single-Family Detached Dwelling.

Dwelling, Manufactured Home: A manufactured home or a mobile home used as a detached dwelling.

Dwelling, Single-Family Detached: A modular home, building or structure, other than a manufactured home or mobile home, containing one dwelling unit designed for occupancy by not more than one family.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. This definition shall include any structure that meets all the requirements of the *National Manufactured Housing Construction and Safety Standards Act of 1974* (42 U.S.C. §§5401, *et seq.*). For mobile homes built prior to June 15, 1976, a label certifying compliance to the *Standard for Mobile Homes*, National Fire Protection Association (NFPA) 501, American National Standards Institute (ANSI) 119.1, in effect at the time of manufacture, is required. For purposes of these provisions, a mobile home shall be considered a manufactured home. It does not include recreational vehicles.

Mobile Home: A manufactured home designed and constructed in accordance with the *National Manufactured Housing Construction and Safety Standards Act of 1974* (42 U.S.C. §§5401, *et seq.*). For mobile homes built prior to June 15, 1976, a label certifying compliance to the *Standard for Mobile Homes*, *National Fire Protection Association* (NFPA) 501, American National Standards Institute (ANSI) 119.1, in effect at the time of manufacture, is required.

NEW DEFINITION:

Modular Home: A structure, transportable in one or more sections, which after transportation is erected on a permanent foundation and is built in compliance with the laws of the state of Oklahoma and ordinances of the City of Tulsa governing the design, construction, quality of materials, erection, installation, use and maintenance of the structure, including but not limited to building, mechanical, plumbing, electrical and fire code ordinances.

Permanent Foundation: A foundation which meets requirements established in Title 51 Tulsa Revised Ordinances.

STAFF RECOMMENDATION:

Mr. Alberty stated that this had been continued a number of times and primarily staff has been working with the Legal Department to get the proper language. Mr. Midget brought to staff's attention that there should be one more check made on the definitions and the language has been adjusted. The Legal Department has come to a conclusion and that is before the Planning Commission today. Mr. Alberty reminded the Planning Commission that the public hearing was held in 2004 and the City Council sent it back for some clarifications. This has allowed staff and Legal to take another look and make some changes that make it clear. Staff recommends **APPROVAL** of the definitions for Mobile Home, Manufactured Home, Modular Home, Manufactured Home Dwelling, Single-Family Detached Dwelling per staff recommendation.

Mr. Boulden stated that he would like to point out that the significant change is that there is a definition of a modular home that does require that a modular home comply with all of the Codes of the City of Tulsa. The definition of modular home has been injected in the definition of single-family detached dwellings, which makes sure that the modular homes could be placed in a residential area, as in contrast to the manufactured home and the mobile home, which would have their own zoning classification.

Mr. Boulden pointed out that the definition of manufactured home was changed, so that is language that came out of the residential two-family and one-family dwelling code with some minor deletions as to restrictions on size that wasn't relevant. Now there is a manufactured home definition that is definitely consistent with the Residential Dwelling Code.

TMAPC COMMENTS:

Mr. Westervelt thanked staff, Mr. Midget and the Legal Department for the time they have spent on this item.

There were no interested parties wishing to speak.

Ms. Bayles stated that she would like to make the motion for approval. She further stated that she would like to compliment Dwain Midget for the fact that this came to the Planning Commission regarding affordable housing. There are aspects of this definition that have both negative consequences and well as positive. The time that has been spent on this item has addressed the issues as fully as possible. The City should be extremely proud of this and Mr. Midget's contribution.

Mr. Midget thanked Ms. Bayles.

TMAPC Action; 9 members present:

On **MOTION** of **BAYLES**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to recommend **APPROVAL** of amending the Zoning Code with the definitions for mobile home, manufactured home, modular home, manufactured home dwelling, single-family detached dwelling per staff recommendation.

CONTINUED ZONING PUBLIC HEARING

Application No.: PUD-574-3

MINOR AMENDMENT

Applicant: Sisemore, Weisz & Assoc., Inc.

(PD-18) (CD-8)

Location: North of northeast corner of East 81st Street and South Memorial Drive

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to waive screening fence requirements on the north and east property line of the site and a waiver of the five-foot wide landscape edge and street yard area on the western portion of the site. Applicant indicates an Alternative Landscape Plan and detail western portion of the site plan applications will be submitted either concurrently or shortly after this application.

The application affects Development Area B of PUD -574, Remington Plaza. PUD-574-2, approved January 29, 2003, waived the screening requirement on the east boundary of Development Area C, due to existing screening and landscaping installed by developers of the multifamily residential uses on Development Area A, adjacent to it. TMAPC approval of the waiver was conditioned as follows: "A six-foot high screening fence or wall or an adequate landscape buffer approved by the TMAPC shall be provided on the east boundary or Development Area C if the existing screening fence is removed." Development Area B in subject application also abuts the multifamily development in Area A, and staff can support that waiver with similar conditions. Therefore, staff recommends **APPROVAL** of PUD-574-3. (See related case AC-076 for additional information on the detailed landscape plans.)

TMAPC COMMENTS:

Mr. Harmon asked staff why the screening fence has been waived. In response, Ms. Matthews stated that the subject area is developed and the property

immediately to the north was granted a waiver for the screening fence because of the multifamily to the east had heavily landscaped and screened.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the minor amendment for PUD-574-3 per staff recommendation.

RELATED ITEM:

Application No.: PUD-574

DETAIL SITE PLAN

Applicant: Sisemore, Weisz & Assoc. Inc. (PD-18) (CD-8)

Location: North of the northeast corner of East 81st Street and South Memorial

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for commercial retail center. The proposed uses, Use Unit 12, Eating Establishments Other than Drive-Ins, and Use Unit 14, Shopping Goods and Services, conform to development standards.

The proposed site meets building setback, height and floor area restrictions. Access is provided by two drives onto a Mutual Access Easement which connects to Memorial Road. Parking and lighting comply with the Zoning Code and Development Standards. The proposed dumpster will be screened in conformance with Development Standards.

Although the site meets minimum lot landscaped area, the street yard area and minimum landscaped strip adjacent to Memorial are less than what is required by the Zoning Code. An Alternative Compliance Landscape Plan, AC-076, and Minor Amendment PUD 574-3 are requested to satisfy these issues. In addition, a waiver of the screening requirements for the north and east property lines are included in the Minor Amendment request.

Staff recommends **APPROVAL** of PUD 574 detail site plan contingent upon TMAPC approval of Alternative Compliance AC-076 and Minor Amendment PUD 574-3.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the detail site plan for PUD-574; subject to TMAPC approval of Alternative Compliance AC-076 and Minor Amendment PUD 574-3 per staff recommendation.

RELATED ITEM:

Application No.: AC-076

ALTERNATIVE LANDSCAPE PLAN

Applicant: Sisemore, Weisz & Assoc. (PD-18) (CD-8)

Location: North of the northeast corner of East 81st Street and South Memorial

STAFF RECOMMENDATION:

The applicant is requesting approval of an Alternative Compliance Landscape Plan for a Commercial Retail Center. The plan complies with the Zoning Code and Development Standards regarding minimum lot landscaped area, street yard trees and parking lot trees. However, proposed street yard area is 9.42% rather than the 15% required by the Zoning Code, and a two foot wide landscaped strip is proposed adjacent to the Memorial Road r-o-w as opposed to the five foot required by the Zoning Code (*Minor Amendment request PUD 574-3*). To compensate for the diminished street yard area yet meet the purposes of the Landscape Chapter to "promote the beautification of the City of Tulsa" and "promote reasonable ... replenishment of valued trees and vegetation", the applicant is proposing 11 additional trees to the 14 required.

Staff finds that the plan, although not meeting the technical requirements of the Landscape Chapter, is equivalent to or better than the requirement of the Code. Therefore, staff recommends **APPROVAL** of AC-076 alternative compliance landscape plan contingent upon TMAPC approval of PUD 574-3.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the alternative compliance landscape plan for AC-076, subject to TMAPC approval of PUD-574-3 per staff recommendation.

ZONING PUBLIC HEARING

Application No.: Z-6978/PUD-713

AG to RS-1/PUD

Applicant: Sack & Associates/Ted Sack

(PD-26) (CD-8)

Location: 6020 East 118th Street South

STAFF RECOMMENDATION Z-6978:

PUD-677 February 2003: An application for a Planned Unit Development on a 13-acre tract adjoining the subject property to the south was approved for a single-family development. All concurred in approval of the PUD.

PUD-610 June 1999: All concurred in approval, per modifications as recommended by TMAPC, for a Planned Unit Development on a five-acre tract located on East 118th Street between South Fulton and South Hudson Avenues, for a gated residential development with a maximum of six lots.

Z-6663 PUD-596 December 1999: A request to rezone a 14.3-acre tract located south and west of the southwest corner of East 116th Street and South Hudson Avenue from AG to RS-2/PUD. All concurred in denial of the requested RS-2. RS-1 zoning with a Planned Unit Development for 34 single-family homes with private streets was approved. The property abuts the subject tract on the west.

Z-6541 PUD-548 October 1996: A request to rezone fifteen acres located on the south side of East 116th Street at South Hudson, from AG and RS-1 to RS-2 with a Planned Unit Development overlay for residential development. All concurred in approval of RS-2/PUD with modifications to the private street width.

Z-6531 May 1996: Staff and TMAPC recommended denial of a request to rezone a 34-acre tract located west of the subject tract and on the south side of East 116th Street from RS-2. City Council approved RS-1 zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 15 acres in size; it is located west of the southwest corner of East 116th Street South and South Sheridan Road. The property is gently sloping, heavily wooded, vacant, and zoned AG.

STREETS:

| Exist. Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|-------------------------------------|-------------|----------|----------------|
| East 116 th Street South | Residential | N/A | N/A |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The subject property is abutted on the north by single-family development, zoned RS-2; adjoining land on the east and west contain single-family dwellings on large lots, zoned AG; to the south and southwest by single-family homes, zoned RS-1.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the Comprehensive Plan for the City of Tulsa, designates the subject property Low Intensity – Residential. According to the Zoning Matrix, the requested RS-1 is in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

The request is compatible with existing nearby land uses and zoning, and is in accord with the Comprehensive Plan. Therefore, if the TMAPC deems it appropriate to recommend approval of the accompanying PUD-713 or some variation of it, staff recommends **APPROVAL** of RS-1 zoning for Z-6978.

STAFF RECOMMENDATION PUD-713:

This proposal is for a large-lot single-family residential (RS-1 underlying zoning) development involving 23 lots. Primary access to The Estates of River Oaks will be from East 116th Street South, with emergency access provisions from the property immediately south. This development will have private streets, decorative screening and a controlled access gated entry. Developments of similar density exist to the north, west and farther east across South Sheridan Road.

Staff can support the requested PUD-713 and recommends **APPROVAL**, based on the following conditions.

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

The Estates of River Oaks
Planned Unit Development No. 713

DEVELOPMENT STANDARDS

AREA:

| | | |
|--------|--------------|------------|
| Gross: | 15.027 acres | 654,588 SF |
| Net: | 14.686 acres | 639,717 SF |

PERMITTED USES:

Those uses included as a matter of right in Use Unit 6, Single Family Dwelling, including customary accessory uses such as parking and landscaped areas and security gate houses.

MINIMUM LAND AREA PER DWELLING UNIT: 16,000 SF

MAXIMUM NUMBER OF LOTS: 30

MINIMUM LOT AREA: 13,500 SF

MAXIMUM BUILDING HEIGHT: 35 FT

MINIMUM LIVABILITY SPACE PER DWELLING UNIT: 7,000 SF

OFF-STREET PARKING:

Two enclosed off-street parking spaces per dwelling unit and at least two additional off-street parking spaces per dwelling unit.

MINIMUM YARDS:

Front:
Residences: 30 FT

Side:
One side 5 FT

| | |
|---|-------|
| Other side | 10 FT |
| Side Yard adjacent to East 116th Street South | 25 FT |
| Rear: | 25 FT |

PRIVATE STREETS:

| | |
|----------------|-------|
| Minimum width: | 26 FT |
|----------------|-------|

All base and paving materials shall be of a quality and thickness which meet the City of Tulsa standards for minor residential public streets.

ENTRY IDENTIFICATION SIGNS:

| | |
|--|--------|
| East 116th Street South Maximum display surface area: | 150 SF |
|--|--------|

3. Landscaping and screening shall be in substantial compliance with the PUD Landscape and Screening Concept Plan and PUD text. All landscaping shall meet or exceed the requirements of the PUD chapter and the Landscape Chapter of the Tulsa Zoning Code.
4. A detail landscape and screening plan for the perimeter of the property shall be approved by the TMAPC prior to the issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. No building permit shall be issued until a subdivision plat has been approved by the TMAPC and filed of record.

TAC Comments for February 16, 2005:

Water – A water main extension contract or gift line contract will be required for extending a water main line to serve this project site. A kill service letter

from the owner/developer may be required if the existing domestic water service line will not be used.

Stormwater – There are erosion problems in the drainageways below this site. It is important to control drainage to ensure that there is no adverse impact off the site. This includes quantities, velocities, and durations for all frequencies. All roof drainage must be piped to the storm sewer system, where it will be conveyed into the on-site stormwater detention facilities. Describe where the discharges from the detention facilities go off-site. It also requires that the stormwater sewer line along the east side on the south end will require a deep cut to make it work. It may be easier to have a detention facility on the east side since the drainage currently goes to the east.

Applicant mentioned at TAC meeting (2/03/05) that the planned stormwater drainage system will not carry all runoff, but will pick up most of it and all that is due to this development.

Wastewater – The concept plan shows service to all lots, while the utilities comment on page 6 state that four lots will be on septic. We prefer all lots to be served. The concept plan did not show where the proposed sanitary sewer line connects. That needs to be shown.

Applicant described three alternatives regarding the wastewater system. Two alternatives involved linking in to the sanitary sewer systems of two existing adjacent developments and one involved sewerage all but four lots, which would have septic systems until such time as sanitary sewer was available to them.

Transportation – All three cul-de-sacs will either 1) need to be shortened to less than 150', or 2) require 96' diameter (curb-to-curb turnarounds), per Fire Marshal. Sidewalks are required on East 116th Street South, a collector street. Transportation will support a variance of this sidewalk requirement. Transportation recommends widening south side of 116th Street by ten feet for full length of frontage. Plat will require 30' ROW dedication on East 116th Street South.

Traffic – Recommend that the reserve for the 26' private street be a minimum of 30'. Label the access easement south of 118th Street as an "emergency" access easement, per the development concept. Recommend designing an adequate pedestrian access way through the entry gate wall and continuing a sidewalk north to connect with a required collector street sidewalk along 116th Street East.

Cox Cable – Needs additional easements for Lots 5-8 and 9-12 in the back.

General – Need to add landscape and fencing easement to the north side. Suggest landscape easement around the perimeter of the property to

maintain a buffer of trees. Discussion about ownership/possible development of properties east of subject site to Sheridan (trust deeds for the three lots).

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Kurt Davis, 11732 South Sheridan Road, Bixby, Oklahoma 74008, stated that his property adjoins the subject property to the east for the full 1320 feet. The north 660 feet is the ten-foot ownership for a waterline to his home. The south 660 feet adjoins his property directly.

Mr. Davis stated that he doesn't have any objection to the RS-1 zoning, but he does have concerns about the development. He requested a landscape buffer between the subject property and his property on the east side. He explained that the reason for the request is because the applicant has 17.5-foot utility easement and many of the mature oak trees will be removed. The second concern is whether the onsite stormwater retention would prevent water flowing onto his property. There is a 25' to 40' grade at the top of the development to his property and he sees approximately nine arrows on the exhibit that directs water flow toward his property. He indicated that there is already a water flow problem on his property. If all of the water is retained onsite, then he wouldn't have a problem. He would like a commitment from Mr. Sack that the onsite stormwater retention will prevent water flowing onto his property.

Mr. Westervelt explained that the Planning Commission doesn't deal with the stormwater issues and he will have to direct his concerns with Public Works. Public Works' requirement is stringent and the applicant can't pass onto the surrounding properties any more than is passing right now.

Mr. Davis asked if the Planning Commission had any input regarding the stormwater. In response, Mr. Westervelt stated that the Planning Commission doesn't deal with this issue, the applicant will have to make an application for his plat through Public Works and Public Works will determine if the detention is satisfactory and if it isn't the applicant will not be able to receive a building permit. This is outside of the Planning Commission's purview.

Mr. Davis stated that ten years ago he was before the Planning Commission for Woodfield Development and it was approved, which required stormwater retention. Ever since the beginning of construction, he has had problems.

Mr. Westervelt suggested that Mr. Davis visit with Public Works regarding the stormwater concerns. In response, Mr. Davis stated that he has already discussed this with Public Works and they were receptive.

Mr. Davis expressed concerns with the possibility of septic tanks being used.

Ms. Bayles asked Mr. Davis if he had any comments that are relative to any of the other comments that are shown, such as water, transportation or traffic. In response, Mr. Davis stated that he doesn't see any traffic problems, but 116th Street needs to be improved.

INTERESTED PARTIES:

Laurie Krimbill, 5620 East 114th Street, Tulsa, Oklahoma 74137, stated that this development is shocking to her. She indicated that she discussed this with the subject property owner several years ago and thought that they would be building one large estate home on all of the acreage. She explained that she purchased the property in order to someday own a home with a wooded area. She requested that the applicant save as many trees as possible.

Ms. Krimbill walked away from the microphone.

Ms. Krimbill stated that she owns 6246 East 116th Street, Tulsa, Oklahoma 74137, but resides at 5620 East 114th Street, Tulsa, Oklahoma 74137.

REBUTTAL:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that the subject property is on 15 acres and he is proposing a PUD with private streets. The property is on top of a hill and the drainage goes in all directions. He is proposing onsite detention and he has met with Development Services and been through a TAC review on the PUD. He is aware of all of the conditions in the subject area. The street will come from the top of the hill to minimize any cuts and will limit destroying mature trees. It is the owner's desire to keep as many of the trees as possible throughout the development of the subject property.

Mr. Sack indicated that he has met with Mr. Davis and is aware of his concerns. He explained that he has done many subdivisions in the subject area and soil is sandy and he is aware of the soil erosion problems, which will be addressed through the development process.

Mr. Sack stated that there will be 23 lots, .5-acre size that will possibly tie into 121st and Sheridan sewer in the near future.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Sack to keep the two interested parties informed as to the progress regarding the water retention.

Mr. Midget asked Mr. Sack to address the landscaping issue. In response, Mr. Sack stated that there will be two detention areas, which will have landscaping and he plans to maintain as many of the trees as possible. This will be a gated community and there will be an access gate along the front with

additional trees planted along the frontage. There will be some beautification along 116th Street as well. He plans to require that developers tie into the storm sewer system and there will be a storm sewer system along the east boundary to intercept the water. He commented that he doesn't believe there is a need for a landscape buffer because all of the abutting properties are similar in use. It will be residential abutting residential.

Mr. Harmon stated that he understands that the Planning Commission doesn't deal with stormwater issues, but he believes Mr. Sack answered all of the issues. In response, Mr. Sack stated that Stormwater Management is requiring that a storm sewer system be built in order to pick up the water that is going off the subject property in order to control it. There will be a storm sewer system that will abut the east boundary line and take the water back over into the detention ponds.

Ms. Bayles asked if the statements at the TAC meeting regarding stormwater were true statements. In response, Mr. Sack stated that he believes that the statement is true.

Ms. Bayles asked if there was any relevant zoning history for PUD-548 and PUD-596. In response, Ms. Matthews stated that usually staff lists the past five years.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to recommend **APPROVAL** of the Z-6978 for RS-1 zoning per staff recommendation and recommend **APPROVAL** of PUD-713, subject to the conditions per staff recommendation.

Legal Description for Z-6978/PUD-713:

The E/2, E/2, NW/4, SE/4 and the W/2, W/2, W/2, NE/4, SE/4 of Section 34, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, State of Oklahoma according to the U. S. Government survey thereof, and located west of the southwest corner of East 116th Street South and South Sheridan Road, Tulsa, Oklahoma, **From** AG (Agriculture District) **To** RS-1/PUD (Residential Single-family Low Density District/Planned Unit Development [PUD-713]).

Mr. Westervelt out at 2:25 p.m.

Application No.: Z-6979/Z-6979-SP-1 CORRIDOR SITE PLAN

Applicant: Roy Johnsen (PD-17) (CD-6)

Location: 4343 South 113th East Avenue

STAFF RECOMMENDATION Z-6979:

Z-5637-SP-1 September 2004: Approval was granted for a Detail Corridor Site Plan that allowed offices, support services, a bank with drive-through facility on property located on the southeast corner of East 43rd Street and South Garnett Road.

Z-6851 March 2002: All concurred in approval of a request to rezone a three-acre tract located on the northeast corner of East 43rd Street South and South Garnett Road from SR to CS for the Boy Scouts of America office and retail shop.

Z-6582 March 1997: All concurred in approval of a request to rezone a 10.9-acre tract located on the southwest corner of East 41st Street and South Garnett Road from CO to CS for retail use.

Z-5444-SP-4 November 1995: Approval was granted for a Detail Corridor Site Plan which allowed a 200-unit multifamily apartment complex on property south of the southwest corner of East 41st Street and South Garnett Road.

Z-5413 July 1980: A request to rezone a 4.7-acre tract located west of the northwest corner of East 41st Street and South Garnett Road from AG to CS and FD. All concurred in approval of the south 2.8 acres for CS zoning with the balance being rezoned to FD.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 15 acres in size; it is located south of East 41st Street South on the east side of East 118th Street South. The property is gently sloping, non-wooded, contains an office building and is zoned SR.

STREETS:

| Exist. Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|-------------------------------------|-------------|----------|----------------|
| South 118 th East Avenue | | 50' | 2 lanes |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The subject property is abutted on the north, south and west by vacant property, zoned SR and CO, and to the east by the Occidental Technology Center, zoned SR.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District 2, Industrial Research Area. Research and related land uses are encouraged to locate there. The requested CO **may be found** in accord with the Comprehensive Plan by virtue of its location within a Special District.

STAFF RECOMMENDATION FOR Z-6979-SP-1:

The subject property is not within a designated corridor on the District Plan, but development trends and roadway improvements in the area indicate that corridor-intensity development may be appropriate here. At some point it is likely that South 118th East Avenue will be extended south and connect, directly or indirectly, with State Farm Boulevard, forming a corridor collector street system. Staff therefore recommends **APPROVAL** of CO zoning for Z-6979. (Related case is Z-6979-SP-1, Corridor Site Plan.)

Staff further suggests that if the TMAPC deems this rezoning appropriate, they direct staff to prepare District Plan amendments to reflect a Corridor designation on this property and perhaps a larger area adjacent to it.

The applicant is requesting approval of a corridor site plan for an existing two-story, 442,000-120,560 square foot office building and 5,000-square foot expansion located on a 15-acre site with access to and frontage on 118th East Avenue. Proposed uses are trade and technology training and the uses permitted by right within an SR District and the uses permitted by right within an OM District.

The property is presently zoned SR Scientific Research. Properties to the immediate east and north are similarly zoned SR and include an energy research center and various office uses. A large tract located to the west and south and extending to the Broken Arrow Expressway was rezoned from SR to CO Corridor District in 1982 pursuant to rezoning application Z-5637 and is undeveloped.

With the modifications recommended by staff, staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds Z-6979-SP-1 to be: (1) in harmony with the existing and expected development of surrounding areas; (2) a unified treatment of the development possibilities of the site; and (3) consistent with the stated purposes and standards of the Corridor Zoning Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of Z-6979-SP-1 subject to the following conditions:

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

2. Development Standards

| | | |
|--|---|-------------------|
| Net Land Area: | 45 <u>14.98</u> acres | |
| Permitted Uses: | Trade and technology training and the uses permitted by right within a SR District and the uses permitted by right within an OM District. | |
| Maximum Floor Area: | | |
| Existing Building | 442,000 | <u>120,560</u> SF |
| Future Expansion of Existing Building | | 5,000 SF |
| Total | 447,000 | <u>125,560</u> SF |
| Allocation of Maximum Floor Area: | | |
| Business, Trade and Technology Training | | 41,000 SF |
| Uses Permitted by Right within a SR District and the uses Permitted by right within an OM District | 76,000 | <u>84,560</u> SF |
| Maximum Building Coverage: | 30% | |
| Maximum Building Height: | 2 stories | |
| Minimum Building Setbacks: | <u>Permitted</u> | <u>Existing</u> |
| From 118 th E. Ave. r-o-w | 100 ft. | 248 ft. |
| From north boundary | 75 ft. | 195 ft. |
| From east boundary | 50 ft. | |
| Cooling tower | | 75 ft. |
| Mechanical building | | 120 ft. |
| From south boundary | 75 ft. | 150 ft. |
| Minimum Parking Ratio: | As provided within the applicable use unit. | |

| | |
|--------------------------|---|
| Minimum Landscaped Area: | As existing and depicted in the corridor site plan less building expansion area |
| Enclosure Requirement | Use Unit 22 (Scientific and Research) uses and trade and technology training uses shall be conducted solely within enclosed buildings. |
| Existing Improvements | The existing improvements, including landscaping and parking, as may be modified to include the proposed expansion area, shall constitute the required corridor district site plan. |

3. Future Buildings

No additional buildings shall be approved or constructed without submission and approval of supplemental corridor district detail site plans and corresponding development standards in accordance with Section 805 and other applicable sections of the Zoning Code.

4. Access and Circulation

Access is restricted to the existing drives onto 118th East Avenue (corridor collector street) as approved as part of this corridor site plan.

5. Platting Requirement

No Zoning Clearance Permit or Building Permit shall be issued until the conditions of Section 805.E have been met by the filing of a subdivision plat or TMAPC approval of a plat waiver.

Mr. Westervelt in at 2:29 p.m.

TMAPC COMMENTS:

Ms. Bayles asked if there would be a possibility for dormitories. In response, Ms. Matthews stated that there could be some dormitories if they are found to be a customary/accessory use.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated the in regard to the dormitory question, there are none proposed or intended. This is an existing office building and the school use will be inside the building and there

is a limitation on the amount of floor area that can be devoted to that. This facility could not be properly converted into any type of housing.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-1 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; Westervelt "abstaining"; Ledford "absent") to recommend **APPROVAL** of the CO zoning for Z-6979 per staff recommendation and recommend **APPROVAL** of corridor site plan for Z-6979-SP-1, subject to conditions per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-6979/Z-6979-SP-1:

Lot 1, Block 3, Southpark Center Addition (Block 1, Lots 1 through 4, Block 2 and Lot 1, Block 3, an addition to the City of Tulsa) and located at 4343 South 118th East Avenue, Tulsa, Oklahoma, **From SR (Scientific Research District) To CO (Corridor District).**

Application No.: PUD-342-A-4

MINOR AMENDMENT

Applicant: Darin Franz

(PD-18) (CD-7)

Location: 7222 South Mingo

STAFF RECOMMENDATION:

This application is for an amendment to increase the allowed maximum building height from 26' to 31' to accommodate a pitched roof on the main part of the building. This appears to be minor in nature and should have little or no negative impact on adjacent uses. Therefore, staff recommends **APPROVAL** of PUD-342-A-4 as requested.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the minor amendment for PUD-342-A-4 per staff recommendation.

* * * * *

Application No.: PUD-378-A-10 **MINOR AMENDMENT**

Applicant: Donald East (PD-26) (CD-8)

Location: 10127 South 78th East Avenue

STAFF RECOMMENDATION:

This application is for a minor amendment to change the originally-approved building footprint for Lot 9, Block 1, The Village. This is apparently a revision to the minor amendment that was approved in July, 2002 on the same lot. Staff views the request to be acceptable, with little or no detrimental impact on adjacent properties. Therefore, staff recommends **APPROVAL** of PUD-378-A-10.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the minor amendment for PUD-378-A-10 per staff recommendation.

* * * * *

Application No.: PUD-378-A-11 **MINOR AMENDMENT**

Applicant: Donald East (PD-26) (CD-8)

Location: 10119 South 78th East Avenue

STAFF RECOMMENDATION:

This minor amendment is to change the originally-approved building footprint for Lot 7, Block 1, The Village. The new site plan meets or exceeds the citing requirements of the restrictive covenants and Deed of Dedication and does not substantially reduce the livability space. Therefore, staff recommends **APPROVAL** of PUD-378-A-11.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the minor amendment for PUD-PUD-378-A-11 per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-206-C

DETAIL SITE PLAN

Applicant: Joel Slaughter

(PD-18) (CD-8)

Location: Southwest corner of East 91st Street and South Sheridan

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new shopping center. Proposed uses, Use Unit #11 (Office), Use Unit #12 (Eating Establishments), Use Unit #13 (Convenience Goods and Services) and Use Unit #14 (Shopping Goods and Services) conform to development standards.

The proposed building(s) meet permitted floor area, height restrictions and setbacks. Landscaped street yard and lot area meet minimum requirements. Proposed lighting complies with development standards and the Zoning Code. A six-foot wood stockade fence will be provided along the west property line adjacent to the residential neighborhood. In addition, a minimum 15-foot landscaped area with trees planted no less than 35' apart will be provided along this west property line as required by development standards.

Proposed parking meets minimum space requirements. However, the aisle in conjunction with the parking bay in the northwest corner of the site does not meet design standards. The applicant has sufficient area to comply with these requirements and has agreed to make the necessary changes.

The proposed trash dumpster does not meet setback requirements and conflicts with required parking on the adjacent site to the south. The applicant has agreed to remove the dumpster.

Staff recommends **APPROVAL** of PUD 206-C detail site plan contingent upon removal of the proposed trash dumpster and bringing the parking and aisle in the northwest corner of the site into compliance with the Zoning Code.

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

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Terry Caldwell, 9109 South Norwood Avenue, Tulsa, Oklahoma 74137, stated that he borders this development and is currently under negotiation with Mr. Slaughter regarding the screening fence that borders the neighborhood. He indicated that Mr. Slaughter has discussed this issue with the neighborhood and have kept them informed. However, at this time there is not a completed agreement regarding the fence. He is concerned that if the site plan is approved today that the neighborhood would not be in a very prudent business position to continue negotiations.

Mr. Caldwell stated that he believes that a precedent has been set when the amendment for Body by Michael came before the Planning Commission. The Planning Commission required that the developer build an eight-foot Woodcrete fence. Now there is a piecemeal type of fence going on. The developers are the same and are in a position to build a much less quality-oriented fence for purposes of visual barrier and sound barrier. There would be less quality involved if this is allowed. He commented that he doesn't believe Mr. Slaughter wants to do this, but he doesn't want to build the full eight-foot Woodcrete fence. The neighborhood is willing to negotiate this issue with Mr. Slaughter and is in the spirit of cooperation. He indicated that he is here before the Planning Commission to seek their advice on what to do about this issue. If he is unable to get the Planning Commission's help today, then he would like to request a continuance to see if the negotiations could be accomplished.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Caldwell what he was looking for in his negotiation. In response, Mr. Caldwell stated that he is requesting that the developer install a similar material that would still be sound-barrier quality (more than a wood fence and possibly less than Woodcrete but similar). There may be something that doesn't cost as much as Woodcrete but would perform close to the same function as a sound barrier. He indicated that he has been searching for that and believes that he is close to finding a product that would work, but have not determined what it would cost.

Ms. Bayles asked Mr. Caldwell if he was talking about four properties that would be adjacent to the subject property.

Shea Fite, 9406 South Oxford Place, Tulsa, Oklahoma 74137, president of the homeowners association, Sheridan South HOA, stated currently there are seven properties adjacent to the Waterford Plaza. Mr. Slaughter has been very forthright coming to the neighborhood and trying to work something out. What he is hoping for is an eight-foot sound barrier. He believes that there has been a precedent set with the Body by Michael. Mr. Slaughter and his client have not told the neighborhood that they would not consider a different type of screening, but nothing is finalized.

Mr. Jackson asked Mr. Fite what is currently bordering the property today. In response, Mr. Fite stated that there is a six-foot perimeter fence that is currently between Body by Michael and the neighborhood, as well as the subject property. Mr. Fite further stated that there is a Woodcrete fence currently between the neighborhood and the post office, which was previously a Food Lion grocery store.

Mr. Westervelt stated that there is Woodcrete at the Post Office, then Woodcrete behind Body by Michael.

Mr. Harmon asked Mr. Fite if he was talking about a fence for sound barrier or something more dramatic. In response, Mr. Fite stated that the Woodcrete fence provides more sound proofing than a wood fence would provide. He recognized that this type of fencing is expensive and the neighbors are hoping to find something similar, but costs less.

Mr. Westervelt asked Mr. Fite if the neighbors are looking for some type of concrete buffer and the developer is looking at some type of wooden screening. In response, Mr. Fite stated that he believes that this is the current situation.

REBUTTAL:

Joel Slaughter, 6670 South Lewis, Suite 201, Tulsa, Oklahoma 74136, stated that he has met with the owners. He pointed out that he has met the requirements of the PUD and has worked with the City of Tulsa. He met with the homeowners association and on the first visit they discussed the screening issues and took information, but weren't really looking for a solution. The second meeting was to discuss the cost of the fence the neighborhood was requesting and the cost of the fence that is required to be provided and other options. There was a discussion about having more trees or denser foliage and the answer from the neighborhood was that they wanted a Woodcrete fence and it was understood that it would be at the developer's costs. He offered to pay for half if the neighborhood would pay for half and it was denied. He offered to pay for half and offer their services to take the fence on to 91st Street at cost. Again, the neighborhood denied this offer. They informed the developer that they wanted the Woodcrete fence at the developer's cost. Today he received a letter from the neighborhood association around noon and it was to request more negotiations and discuss what other opportunities there might be. They requested a response

by 1:30 p.m. today in writing, which would have allowed him one and a half hour to respond.

Mr. Slaughter stated that his discussion with the neighborhood has been that he would work with them and try to make the development what is acceptable to both parties.

Mr. Westervelt asked Mr. Slaughter if he would like more time in order to respond to their letter. In response, Mr. Slaughter stated that he has met the requirements and he doesn't want to hold this project up. He reiterated that he is willing to work the neighborhood, but he is not sure they are willing to work with him. He found out at noon today that they are, but two weeks ago they were not willing to work with him. He again stated that he will work with the neighbors, but they want it in writing today before 1:30 p.m.

Mr. Westervelt stated that having an agreement in writing is not unusual. In response, Mr. Slaughter agreed that it is good to have it in writing.

Mr. Jackson asked staff what the PUD document requires for screening. In response, Ms. Matthews stated that the PUD requires a six-foot wooden screening fence. Mr. Jackson asked Mr. Slaughter what the spacing in the back is for. In response, Mr. Slaughter stated that there is a 14-foot drive aisle and then there is 15 to 20 feet of green space. He indicated that he is required to provide trees at 35 feet on center within the green space and then the wood fence. Mr. Jackson asked Mr. Slaughter what type of noise the neighbors thought his buildings would create. In response, Mr. Slaughter stated that there were questions about what would be driving up to the buildings. There is no refuse or parking in the back of the building. Mr. Jackson asked if there are any loading bays. In response, Mr. Slaughter stated that there are no loading bays, but there are standard-doors in the back.

Mr. Westervelt asked Mr. Slaughter how the Planning Commission was able to get him to volunteer the Woodcrete fence in that particular location. In response, Mr. Slaughter stated that it was a minor amendment and he believes there were some stairs at the rear of the building. He indicated that there were many additional conditions placed on the property for Body by Michael.

Mr. Slaughter stated that the interested parties mentioned a precedent earlier and the Body by Michael and the Food Lion would be considered precedents. Before developing Body by Michael, the southern portion of the subject development was before the Planning Commission. It was agreed upon to be a wood fence and today it is a wood fence, and therefore the precedent could go either way.

Mr. Jackson asked Mr. Slaughter if he is still willing to pay for half of the fence if the neighbors want to improve the wood fence. In response, Mr. Slaughter

stated that this is what was on the table at the last point. Mr. Jackson asked Mr. Slaughter if he is in agreement to pay half of the upgraded fence. In response, Mr. Slaughter stated that he is in agreement to something of that nature and he is willing to go above the six-foot wood fence. The question is what type of fence, how much would it cost and does it have to be Woodcrete or can it be some other medium. Mr. Slaughter stated that he is required to meet the minimum, which is a six-foot wood fence and he is committed to making it more than a six-foot wood fence. In response, Mr. Jackson asked Mr. Slaughter if he is willing to do this at half the cost. In response, Mr. Slaughter stated that he would share the costs if the neighbors are willing to do the same.

Mr. Jackson stated that the Planning Commission doesn't deal with civil matters, but he would like to talk with the interested parties again.

Mr. Westervelt recognized the interested parties to order to find out how close they are to working this issue out.

Mr. Fite stated that they have not closed the door on negotiations. At the last meeting they had come to an agreement, where the neighbors had felt that the applicant had committed to spending up to \$18,000.00 on some sort of fence, which is much more than a six-foot wood fence.

Mr. Jackson asked Mr. Fite if the homeowners are willing to share the cost of the improved fencing. In response, Mr. Fite stated that the homeowners association cannot provide funds and are powerless to provide funds for this particular fence. He explained that he has not told Mr. Slaughter no, but at the same time he walked away from the last meeting stating that the homeowners association would love to help, but are not able to. It would require the homeowners abutting the subject property to help pay for the fence. Mr. Jackson asked Mr. Slaughter if he has asked the adjacent neighbors to see if they are willing to help with the cost. In response, Mr. Fite stated that he did and five homeowners were present in the meeting. There were also two homeowners who were not present because those two homes are presently in bankruptcy and are not represented. The five that were represented did not offer in any way to pay for half of the cost.

Ms. Bayles asked Mr. Fite if it is the design that is the reason for the request for the additional height and sound barrier or is it the variety of uses within the PUD that are concerning concern. In response, Mr. Fite stated that this would be a good question for Mr. Caldwell. Mr. Caldwell stated that his concerns are the variety and intent for use. He explained that he is pleased with the design and he is happy that the development is going in. In his mind there is no difference in the subject development from that of Body by Michael and for that reason, he can't understand why Mr. Slaughter is not offering to build the same fence that he was previously required to build under very similar circumstances with the same parties.

Mr. Westervelt stated that the Planning Commission had an opportunity through the minor amendment of the last PUD to open the negotiation to help Mr. Slaughter to come to the right decision on his masonry wall. In this particular PUD, he meets the standards by building a wooden screening fence and the Planning Commission doesn't have any ability to help persuade him in the same manner for this project. Mr. Westervelt commented that he doesn't disagree with Mr. Fite and Mr. Caldwell, personally, because it would be nice to have the similar materials across these last four lots. It would be a good thing to do if the budget and project would allow that to happen.

Mr. Caldwell stated that there has been a precedent set and this is the same border and same neighborhood and involved with the exact same developer. For this reason he believes that potentially it is opened up for this PUD. As a resident, he feels that he is being treated inconsistently and that the protection that was provided for the previous homeowners is not being offered to him.

After a lengthy discussion it was determined that the applicant meets all of the PUD requirements and the Planning Commission doesn't have a legal right to require the interested parties' request.

Mr. Boulden stated that Mr. Westervelt is correct and that the Planning Commission is interpreting the conditions of the PUD correctly.

Mr. Alberty stated that the PUD has been approved with conditions and the only step being considered today is if the applicant's site plan meets the approved conditions. Staff is saying that the detail site plan meets all of the requirements. Staff doesn't believe that they are in any position to require anything extra or in addition to what was approved under the PUD. The minor amendment did open the door before, but the applicant has not requested any additional relief through a minor amendment that would allow the Planning Commission to impose new conditions. The site plan is submitted and meets the conditions of approval. Staff understands and sympathizes with the neighborhood, but their hands are tied.

Mr. Caldwell requested a continuance in order to research his possible rights.

Mr. Jackson asked staff what the underlying zoning is. In response, Ms. Matthews stated that she believes it is CS. Mr. Jackson stated that in the Zoning Code the screening fence would be a six-foot wood fence for CS-zoned property. The PUD also requires a six-foot wood fence and the applicant filed a PUD and used the standards that are in the Zoning Code. He has told the interested parties that he is willing to do something different, but the Planning Commission can't impose a higher standard upon him; however, if he wishes to do that on his own, then it would be between negotiations of the homeowners and the developer.

Mr. Caldwell asked what the harm would be to have a continuance. In response, Mr. Jackson asked what would be the good of a continuance since the applicant is meeting all of the requirements. Why should the applicant be penalized two more weeks when he has already stated that he would work with the neighbors regarding the screening fence rather than refusing altogether?

Mr. Caldwell stated that he is a resident and a lay-person in this regard, and he is simply asking for a continuance in order to research his rights and potentially have the Planning Commission protect them if that is the proper course of action.

Mr. Jackson stated that TMAPC staff and Legal staff have already informed the Planning Commission that the applicant has met all of his requirements and he doesn't see where the residents could come up with any more information than is already available to make the decision today. If Mr. Slaughter would not be opposed to a continuance, then that would be a different situation.

Mr. Westervelt stated that from a standpoint of negotiation, if the Planning Commission is powerless, then there is no benefit to holding this up. The Planning Commission doesn't have any ability to assist the residents in their negotiations because the applicant has met his regulatory requirements.

Mr. Caldwell stated that if research the residents performed caused the Planning Commission to change their opinion in that regard then it would certainly be important.

Mr. Westervelt stated that if Mr. Caldwell would like to request a continuance he is certainly welcome to ask for it.

Mr. Caldwell requested a continuance for as long as possible and at least two weeks.

Mr. Bayles asked if it was extraordinary that the Planning Commission has heard the application and now receives the request for a continuance.

Mr. Westervelt stated that it is extraordinary, but he was waiting to see if anyone could see any benefit from a continuance.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-1-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Westervelt "aye"; Midget "nays"; none "abstaining"; Ledford "absent") to **DENY** the request for a continuance because there are no legal grounds.

Mr. Westervelt asked Mr. Slaughter if he had any interest in volunteering anything. In response, Mr. Slaughter stated that he has discussed this issue with the residents and he has agreed to work with them, on what is beneficial to both.

Mr. Horner stated that the six-foot fence, the 16-foot trees and the ten-foot green space seems that it is overly abundant for noise abatement. Mr. Horner further stated that he would make a motion for approval of the detail site plan because it meets the standards and meets everything that the PUD provides. It seems that the negotiations, especially exerted by Mr. Slaughter, are at an impasse. If the homeowners and Mr. Slaughter want to come to an agreement, that is their privilege.

Ms. Hill stated that she would like to see some continuity of the fence all the way across the back, but given the fact that it can't be imposed, she will support the motion.

Mr. Midget stated that he would like to reiterate Commissioner Hill's statement. He would also like to see some continuity. It would do well as a good neighbor if this would be done. He would hope that the neighbors and Mr. Slaughter would be able to work something out that is fair and equitable to both parties.

Mr. Westervelt stated that he too agrees with the previous comments. He would hope that Mr. Slaughter and the neighbors are able to work something out. He assured Mr. Slaughter that if there is another minor amendment for this PUD he could assure him that there would be additional requirements regarding the continuity of the fencing.

Mr. Harmon stated that he would supporting the motion, but he does agree with the statements regarding continuity. From an investment standpoint, a masonry fence has the average life of about 25 years and a wood fence has approximately five. It would be a good investment to install the Woodcrete fence.

Ms. Bayles stated that the Planning Commission wants to make sure and maintain the vitality that exists between the business district and the residents. For this to be long term she is sure that Mr. Slaughter will do the right thing.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the detail site plan for PUD-206-C, subject to the proposed trash dumpster and bringing the parking and aisle in the northwest corner of the site into compliance with the Zoning Code per staff recommendation.

* * * * *

INTERESTED PARTIES:

Sidney Lee, 6642 East 60th Place, Tulsa, Oklahoma 74145, stated that the Planning Commission is first class. He explained that he was present for Item 2, L-19790 and didn't realize it had already been acted on. He stated that he is in favor of the lot-split.

The Planning Commission thanked Mr. Lee for his kind words.

Commissioners' Comments

Mr. Midget asked Mr. Alberty to allow him time to meet with Jack Page, Councilor Turner, and Patrick Boulden to explain what has been done regarding the modular home definitions before transmitting to the City Council. He doesn't want to see this on the City Council agenda until he has had that opportunity.

Mr. Jackson asked staff to include the Home Builder's Association during the Subdivision Regulations amendments. He requested that Josh Fowler be contacted. In response, Mr. Alberty stated that he would include Mr. Fowler and there will be a committee meeting on the proposed changes and the concerns that have been raised.

Mr. Harmon requested that HP zoning be included in a worksession in order to talk about it and learn more about what HP zoning is and it is applied and why it is applied. In response, Mr. Alberty stated that this is a reasonable request and he will make sure that it is accommodated.

Ms. Bayles stated that she believes that 1998 was the last time there was any type of meeting between the three Boards. Clearly there are some considerations relative to looking at Historic Preservation as a whole and the defining characteristics of the district and the fact that these districts do not exist without a vibrant historic business district primarily on its perimeter. The Planning Commission needs to be looking at the development trends that area occurring now and future trends. The Brookside area demonstrated that communication is key between the merchant association and the residential association to adopt design guidelines and she would like to see this methodology happen in the subject area.

Mr. Westervelt suggested that this be included in a worksession and determine if any joint meetings are necessary.

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

Date Approved:

4/6/05

Stacy M. Bayles

Chairman

ATTEST:

Mary E. Hill
1st Vice Chair Secretary

