

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2411

Wednesday, May 4, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Bayles	Alberty	Boulden, Legal
Carnes	Dick	Chronister	
Harmon	Horner	Fernandez	
Hill	Ledford	Huntsinger	
Jackson		Matthews	
Midget			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, April 29, 2005 at 11:46 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Ms. Hill reported that there are several housekeeping items that need to be taken care of.

Ms. Hill stated that there has been a request for a continuance for Item 12, PUD-694-A/Z-6916-SP-2 to May 18, 2005.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **CONTINUE** PUD-694-A/Z-6916-SP-2 to May 18, 2005.

Ms. Hill stated that Item 17, PUD-441-4 will require a new notice and is unable to be heard today. This will be readvertised for a later hearing.

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Ms. Hill stated that there has been a request for a continuance for Item 14, Z-6987 to June 1, 2005.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **CONTINUE** Z-6987 to June 1, 2005.

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Director's Report:

Mr. Alberty reported that the first item of discussion is the appointment to the Transportation Policy Committee. This is a member of the commission who serves on the Transportation Policy Committee for INCOG. He informed the Planning Commission that there needs to be a replacement for Jerry Ledford. If anyone is interested in serving on this committee, please let staff know.

Mr. Alberty reported that there are other committee appointments that need to be made and he would like to discuss this at the next worksession.

Mr. Alberty reported that the TMAPC receipts are still down compared to last year. For the year total the receipts are still down approximately \$27,000.00 over the same period of time last year.

Mr. Alberty reported that there are four items on the City Council agenda this Thursday evening.

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Ms. Hill read the public hearing information.

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19813 – Sand Springs Home (9002)

(County)

504 South 193rd West Avenue

STAFF RECOMMENDATION:

The applicant has applied to split Parcel A from Parcel B and add it to the property to the south. Both proposed tracts will meet the AG bulk and area requirements; however, 193rd West Avenue is designated as a secondary arterial, requiring that 50' of right-of-way from the centerline of the road be given to Tulsa County for public use. Because 193rd West Avenue does not have access to US-412 (to the south) and dead-ends at the Tulsa/Osage county line (to the north), the applicant is requesting a waiver of Subdivision Regulations Section 6.5.1.(c)(3) requiring right-of-way be given to the City of Tulsa/Tulsa County in accordance with the Major Street and Highway Plan.

The TAC has requested the full 50' right-of-way along 193rd West Avenue. Staff recommends **DENIAL** of the waiver of Subdivision Regulations for 50' of required right-of-way, but **APPROVAL** of the lot-split, subject to the right-of-way being given to Tulsa County. Should the Planning Commission approve the waiver and lot-split, staff requests that it be approved on the condition that 30' of right-of-way from the center of the road be given to Tulsa County along 193rd West Avenue.

TMAPC COMMENTS:

Mr. Harmon stated that the TAC wants 50 feet, but the staff is recommending 30 feet. In response, Ms. Chronister stated that TAC can require the 50 feet because it is a secondary arterial, which recommends or requires 50 feet from centerline. TAC recommended denial of waiving the 50-foot requirement and Tom Raines with the County Engineer's office also recommends 50 feet of right-of-way; however, if the Planning Commission decided to waive it, he would like a minimum of 30 feet.

Mr. Harmon asked if the Planning Commission recommends the 30 feet, then there is no need for the waiver of the Subdivision Regulations. In response, Ms. Chronister stated that it would require a waiver from the 50 feet requirement down to 30 feet.

Mr. Midget it was discussed whether or not this road would ever have access to Highway 412. In response, Ms. Chronister stated that it was not discussed, but there was a discussion that possibly a portion of the subject street should be reviewed and maybe reclassified.

Mr. Boulden asked Ms. Chronister what the statutory right-of-way width would be. In response, Ms. Chronister stated that she believes it is 24.75 feet. Mr. Boulden

asked if the amount of right-of-way being requested is in addition to that. Ms. Chronister stated that it would be inclusive of that, with an additional 5.25 feet. Mr. Boulden stated that his point is that there is right-of-way existing and he would like it to be clear whether it is an addition or not. Technically, no more than the statutory right-of-way is needed or requested.

Mr. Midget asked if the 50 feet that TAC is requesting is in addition to what already exists. Mr. Boulden stated that he understood staff to say that it was inclusive of the statutory right-of-way that already exists. Mr. Boulden stated that it is actually a smaller amount in addition to what the statutory is.

Applicant's Comments:

Terry Ryan, representing the Sand Springs Home, 15 West 2nd, Sand Springs, Oklahoma 74063, stated that the stretch of road that is being discussed is only 8/10ths of a mile long and it has no ingress/egress to Highway 412. The nearest entrance is 209th West Avenue or 177th West Avenue. He commented that the overpass is only wide enough for a two-lane road and if it were to be widened to a four-lane, then the traffic would bottleneck under the overpass. He indicated that these issues are the reason he would like to only dedicate 30 feet instead of the full 50 feet.

Mr. Carnes asked Mr. Ryan if he is in agreement with the 30-foot right-of-way. In response, Mr. Ryan answered affirmatively.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 5-1-0 (Ard, Carnes, Hill, Jackson, Midget "aye"; Harmon "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **DENY** the waiver of Subdivision Regulations for 50 feet of required right-of-way, and **APPROVE** the waiver of Subdivision Regulations for 30 feet of required right-of-way to be given to Tulsa County along 193rd West Avenue.

TMAPC COMMENTS:

Mr. Ard asked if the Planning Commission needed to vote on the lot-split.

Mr. Midget stated that he thought the waiver of the Subdivision Regulations took care of the lot-split.

Mr. Ard stated that he thought the waiver of the Subdivision Regulations had to do specifically with the right-of-way easement.

Mr. Alberty stated that it would depend on what his motion stated and his motion didn't state that.

Mr. Midget stated that it was the intent of his motion that the lot-split be granted and the Subdivision Regulations be waived for the 30-foot right-of-way dedication.

Mr. Boulden requested that the motion be restated and revote.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 4-2-0 (Carnes, Hill, Jackson, Midget "aye"; Ard, Harmon "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **APPROVE** the lot-split for L-19813 and the waiver of the Subdivision Regulations for the 30 feet of right-of-way from the center of 193rd West Avenue be given to Tulsa County.

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LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19826 – R. L. Reynolds (9318) (PD 6) (CD 9)

2207 East 26th Street

L-19828 – Paul Layson (6304) (County)

18842 South Yale

L-19829 – David Brown (2324) (County)

15506 North 91st East Avenue

STAFF RECOMMENDATION:

Ms. Chronister stated that these lot-splits are all in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 6-0-0 members present:

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

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Ms. Hill announced that item 9 will be taken prior to the final plat.

Application No.: PUD-635-1

MINOR AMENDMENT

Applicant: QuikTrip Corporation

(PD-17) (CD-1)

Location: 4613 South 129th East Avenue

STAFF RECOMMENDATION:

This application is for a minor amendment to remove a portion of the tract from the PUD and convey it to the Union School District for the construction of a roadway to serve the school. Upon approval of this amendment and a consequent lot-split, this portion will no longer be part of the QuikTrip Corporate campus. Staff can support this amendment and therefore recommends **APPROVAL** of PUD-635-1.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **APPROVE** the minor amendment for PUD-635-1 per staff recommendation.

RELATED ITEM:

FINAL PLAT:

Union Elementary School # 12 – (9428)

(PD 17) (CD 6)

North of East 51st Street and West of 145th East Avenue

STAFF RECOMMENDATION:

Mrs. Fernandez stated that this plat consists of one lot in one block, on 40.3 acres.

Mrs. Fernandez indicated that all release letters have been received and staff recommends **APPROVAL**.

Mrs. Fernandez informed the Planning Commission that several letters have been submitted, including one this morning from Union Public Schools, in response to the letter that is in the agenda packet concerning the roadway. She indicated that the roadway will be built by Tulsa County, then given to the City of Tulsa and the City of Tulsa will provide maintenance after the construction.

INTERESTED PARTIES:

Jarod Mendenhall, Assistant Superintendent for Union Public Schools, 5656 South 129th East Avenue, Tulsa, Oklahoma 74134, stated that he is present today in case the letter from Union Public Schools had not been delivered in time. He indicated that the school is going to work with the neighborhood association as best as possible. He explained that the interested party is asking that the buses be rerouted, and at this time, the school hasn't drawn their district boundaries. He wouldn't be able to determine which entrance the buses will take at this time. It was requested that all of the employees and all of the people who report to the school not come through the neighborhood. He is at a loss as to what else he can do, but responded that he would do his very best to work with the neighborhood association to make sure that people take the 145th East Avenue access.

TMAPC COMMENTS:

Mr. Harmon complimented Mr. Mendenhall for the letter he wrote to the neighborhood association. He stated that the letter addresses the issues and the response was in a positive light.

INTERESTED PARTIES:

James Mautino, 14628 East 12th Street, Tulsa, Oklahoma, stated that on this particular issue there were meetings, and Quail Ridge has asked that they be given consideration on using 145th East Avenue. It would make it a lot easier to get the buses in and out on 145th than it would be to drive down through the addition itself. The neighborhood would like to reduce the amount of traffic on 135th East Avenue.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **APPROVE** the final plat for Union Elementary School #12 per staff recommendation.

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PRELIMINARY PLAT:

Troost Lofts at Cherry Street – (9307)

(PD 6) (CD 4)

South of the southwest corner of East 14th Street and Troost

STAFF RECOMMENDATION:

This plat consists of seven lots, one block, on .38 acres.

The following issues were discussed April 21, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RM-2. Limits of No Access need to be shown.
2. **Streets:** No homeowners' association is mentioned. Need some mechanism to ensure minimum standards for MAE maintenance. There is a lack of visitor parking. The 16-foot width proposed may or may not be adequate. The MAE needs to go to the alley with paving. Delete the reference to "Garnett Road" or delete LNA language in Section I.F. Need to address the responsibility of pavement maintenance. Please show or address visitor parking. The 16-foot paving width may not be adequate.

The consulting engineer stated that he will establish a homeowners association and will pave the mutual access easement to the alley.

3. **Sewer:** All pipes will be ductile iron since it is under pavement and near the water lines.
4. **Water:** All water mains must be ductile iron pipe under pavement, as well as in areas where the water and sewer mains horizontal separation is less than ten feet. A fire hydrant will be needed at the entrance.
5. **Storm Drainage:** Please direct all roof drainage to the private drive to keep it off adjacent residential properties.
6. **Utilities:** Okay.
7. **Other: Fire:** The fire department representative was not present. Use a 17.5-foot perimeter utility easement unless the ten-foot easement is acceptable to the utility companies.

Staff recommends **APPROVAL** of the preliminary plat subject to a **20-foot paving width for the mutual access easement, a homeowners' association being established and responsible for maintenance of the mutual access easement, visitor parking being shown, the paving for the mutual access easement extending to the alleyway, and to the special and standard conditions below.**

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system, if it is to be privately operated, on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Mrs. Fernandez informed the Planning Commission that the Fire Marshal's representative is changing and the new representative to the TAC would have preferred a 20-foot mutual access with paving.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that he is representing Amanda Dally, who is a developer who is currently doing this type of development in the Texas area. This seems to be a very popular and good infill type of development.

Mr. Sack stated that this particular area is zoned for apartments. An apartment building could be built on these two lots and he wouldn't be here before the Planning Commission today. However, it will be townhouses with individual ownership and that requires a townhouse subdivision plat.

Mr. Sack stated that the issue is the width of the access drive. The access drive goes from Troost Avenue (26-foot wide) to a ten-foot alleyway. The actual width of the mutual access easement is 20 feet and there is workable room around the fire truck or emergency type vehicle. The paving width is 16 feet in width, and in many places exceeds the 20-foot width. He requested the 16-foot width of the access drive. He commented that he had a predevelopment meeting with Development Services and the Fire Marshal, and at that time, the Fire Marshal had approved the 16 feet. Recently the representative of the Fire Marshal's office has changed and yesterday the new representative requested 20 feet. After discussion the new representative agreed to adhere to what the previous representative had agreed on, which would be the 16-foot width. The new representative would like to discuss the 20 feet if it can be worked out. He concluded that he has already been to TAC and he has already committed to a ten-foot easement on the back of each of these and can't separate them anymore. He requested approval of the 16 feet of paved access and there will be a 20-foot mutual access and utility easement, but only a 16-foot drive. Mr. Sack stated that he knows that the new representative didn't contact Mrs. Fernandez about the latest agreement, but he did talk with Harold Tohlen and he is aware of the agreement.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Sack if the new representative from the Fire Marshal's office is in agreement with the 16-foot access. In response, Mr. Sack stated that he is in agreement with the 16-foot paved access. Mr. Sack commented that the 20-foot width is something new that has come up through the conversations regarding cul-de-sacs.

Mr. Ard asked if the developer is planning a gate for the community. In response, Mr. Sack stated that it would be open driveway and there is no visitor parking plan because the Code doesn't require any visitor parking.

Mr. Midget asked Mr. Sack if he is requesting 16 feet of paving, but there would be 20 feet of mutual access and utility easement.

Mr. Midget stated that he could make a motion to approve the preliminary plat per staff recommendation with the 16-foot paving width, with the understanding that there would be a 20-foot mutual access easement.

Mr. Carnes stated that he could agree with that motion, but he would also like to note that this has been approved by everyone and he personally doesn't like the idea that there is no visitor parking. He wouldn't like to send a message that the Planning Commission would approve proposals in the future without visitor parking.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **APPROVE** the preliminary plat for Troost Lofts at Cherry Street, subject to special conditions and standard conditions, per staff recommendation, and subject to 16 feet of paving width for the mutual access easement, with the understanding that there will be a 20-foot mutual access easement as modified by the Planning Commission.

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One Utica Place – (9318)

(PD 6) (CD 4)

Southeast corner of 22nd Place and South Utica Avenue

STAFF RECOMMENDATION:

This plat consists of 11 lots, one block, one reserve area on 4.35 acres.

The following issues were discussed April 21, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-680. (The old plat on this site was called Utica Place.) Show latest approved PUD standards in covenants and on face of plat.
2. **Streets:** Property line at intersection of Utica and 22nd Place should have 25-foot radius per subdivision regulations or request a waiver. Please label "Courtyard Villa Lots" and show the "MAE" and/or "Garage Access Easement" referenced in covenants Section II.J. In Section II i, explicit references are to "Access Easement" and "Access & Utility Easement" and "... as depicted on the plat" and are not consistent with what is, in fact, depicted on the plat. Section II J also refers to "MAE" labels on plat that are

not shown on plat. References to labels on the plat should be exact. Sidewalk is required on South Utica, a collector street, per MSHP and subdivision regulations, or waiver from TMAPC. Is the MAE part of the Reserve A? It appears that the private street is accessible only by way of the MAE. Label both 14-foot lanes as access easements. Show LNA restrictions along Utica as per Section IG and show an Emergency Access per the site plan. Discuss Reserve B shown on the west side of the concept but not on the plat.

3. **Sewer:** The ten-foot sanitary sewer easement along the west side of the underground detention easement must be increased to 15 feet. As previously indicated during the review of the SSID and PFPI submittals, the proposed seven-foot easement south of the underground detention is not acceptable and must be increased to a 15-foot easement located between the proposed retaining wall and the underground detention. The proposed sanitary sewer line adjacent to the underground detention facility will require a minimum 15-foot wide easement so the line can be accessed for maintenance. The retaining wall/screening wall and the underground detention wall must be outside of the sanitary sewer easement.
4. **Water:** Do not use taps, sleeves, or valves; cut in tees with sleeves. Center all water mains within the restricted waterline easement. Use one valve at fire hydrant location. The water main along the service road will need to be located on the east side of that roadway.
5. **Storm Drainage:** The private storm sewer on the south side needs to be placed in a reserve and maintained by the homeowners' association. Section I E – the terms detention easement and D/E do not agree with the plat, which calls it an underground detention easement. Generally, the wording in this section is for above-ground facilities. It needs to be rewritten to address the underground facility. The private storm sewer needs to be addressed. The covenants refer to a private drive and the plat shows street. Please clarify. It appears the storm sewer is in the restricted waterline easement.
6. **Utilities: PSO:** More easements are needed.
7. **Other: Fire:** Fence and landscape easement not shown. No utility easements are shown. Comments about addresses have been made previously on different submittals but have not been shown on this document. Please add/coordinate with Development Services to add this information. Location map needs to be completed to show adjacent properties and plats. Covenants need to be consistent with plat.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Mrs. Fernandez informed the Planning Commission that there has been a request for a waiver of the Subdivision Regulations by the consulting engineer. Including a waiver of a 17.5-foot utility easement request and a waiver of the sidewalk requirement along South Utica Avenue until a sidewalk is constructed either north or south of the subject tract. There is also a request for a waiver of the 25-foot radius requirement at the intersection of South Utica Avenue and East 22nd Place South, as per correspondence from Sack and Associates, Inc.

Mrs. Fernandez stated that staff doesn't have a problem with two of the requests for waivers, but recommends **DENIAL** of the waiver of the sidewalk requirement and with that, staff could recommend **APPROVAL** with the conditions in the agenda packet.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that obviously he is in agreement with the two recommendations. The sidewalk issue along Utica is the only request left unsettled. Earlier there was a preliminary plat that was approved; however, he was not the consultant for the project at that time. In meeting with the developer of the project, he understands that there was an agreement made on the sidewalk along Utica for this development. This issue did not come up in the subdivision approval the first time around and he believes that was an indication that maybe there was something worked out. He commented that he is unable to find anything in the minutes or notes that indicate one way or the other. The developer is of the opinion that there was an agreement worked out with Public Works about the sidewalk. There is no sidewalk to the south across the Cascia Hall campus and there is no sidewalk to the north across Utica Square. Mr. Sack indicated that the developer is willing to build a sidewalk at any time that there is a sidewalk on either property to the north or to the south. He doesn't believe that he should be penalized and have to build a sidewalk. The developer would rather landscape the property and beautify the area as opposed to building a sidewalk that has no place to go from one end to the other.

TMAPC COMMENTS:

Mr. Ard stated that when the first preliminary plat came through, there wasn't direct access from the cul-de-sac onto Utica. In response, Mr. Sack stated that there is an emergency access onto Utica from the cul-de-sac and it was on the original preliminary plat. The emergency access was agreed to and talked about all the way through the process. The emergency access would be a crash gate onto Utica for emergency vehicles only.

Mr. Harmon stated that the sidewalk is an amenity that everyone should expect, and if the argument is that there are no sidewalks on either side, then a sidewalk would never be built anywhere in town. He commented that he doesn't see the sidewalk requirement as an imposition. He stated that if there is a good

contractor with ready-mix concrete onsite it is not that hard to build a good sidewalk. For the future of Tulsa, it is very important to have sidewalks on every development.

INTERESTED PARTIES:

Greg Jennings, 2260 South Troost, Tulsa, Oklahoma 74114, stated that he agrees with Mr. Harmon's comments regarding sidewalks. He reminded the Planning Commission that he requested that sidewalks be installed in order to have access to Utica Square, which is a much-used shopping center. After that meeting he received several responses. One of the responses was that it would be a PFPI and require a sidewalk to nowhere. His comment during the meeting was that somebody has to start the process and there has to be someone has to step in at some point to put a sidewalk in. The argument that the sidewalk would go to nowhere is actually not true. He explained how from 24th Place, anyone living in the area would be able to walk through the neighborhood and go up to 24th Street, cross Utica Avenue and get on the sidewalk on the subject property and walk to Utica Square. He agreed that there are no sidewalks along Cascia Hall's property, but installing this sidewalk would help the neighborhood.

Mr. Jennings stated that Utica Square has music during the summer months and when this is happening, the parking lot is shut down and the only way to access Utica is by walking. To access Utica Square at the corner of 21st and Utica and the other neighborhood is sometimes not ideal. The neighborhood would have to walk a good distance to get to a sidewalk. The addition of the sidewalk is important and it should not be waived.

TMAPC COMMENTS:

Mr. Harmon asked staff what their recommendation is regarding the sidewalk. In response, Mrs. Fernandez stated that staff is not in favor of the waiver of the sidewalk requirement. Mrs. Fernandez stated that the reason staff is not in favor of the waiver is because this is a new mixed use infill development project. This is vacant property and this will be the standard for future infill development projects in Tulsa. This will add residential uses and traffic, which is surrounded by schools, shopping, and neighborhoods. All of the types of uses proposed are ones that sidewalks should be put in for. This is not a case like the one several weeks ago where there was a stable neighborhood and the sidewalk requirement was waived because only one house on the block was being redeveloped or remodeled. This proposal is a new development and it should require sidewalks.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **APPROVE** the preliminary plat for One Utica Place and the waiver of Subdivision Regulations of the 17.5' utility easement and a waiver of the 25' radius requirement at the intersection of South Utica Avenue and East 22nd Place South (the northwest corner of the subject tract), subject to the special

conditions and standard conditions, subject to the required sidewalks being in place per staff recommendation.

* * * * *

Harvard Heights – (6309)

(County)

Southeast corner of East 191st Street and Harvard Avenue

STAFF RECOMMENDATION:

This plat consists of eight lots, one block, on ten acres.

The following issues were discussed April 21, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RE.
2. **Streets:** Right-of-way dedication on Harvard north from East 191st Place needs to have eight feet added (for 58 feet) for right-turn lane per Major Street and Highway Plan. Property lines at intersections with arterials need to have 30-foot radii per Major Street and Highway Plan. Please label the radii dimensions at intersection of 191st Street and East 191st Place street names. County Engineer does not request sidewalks for this addition. Show Limits of No Access on 191st Street South.
3. **Sewer:** Aerobic systems are proposed.
4. **Water:** Okmulgee RWD # 6 will supply water.
5. **Storm Drainage:** May need detention easement. Please consult with County Engineer. May need language for detention easement and facilities. Please add language for the stormwater drainage easement. Detention may be required.
6. **Utilities: ONG:** Standard language needs to be included in covenants.
7. **Other: Fire:** Fire service must approve of plat proposed. Show point of beginning. Obtain and show street address for each lot. The first "Whereas" is not needed. Need language for all types of easements and street rights-of-way dedications. Section 3, delete the word "general" from section heading. Section 3.A, the last sentence reference to a 100-foot limit is conflicts with the 35-foot building line shown on the plat; reference to "... any public thoroughfare right-of-way" is ambiguous as to property line or paved surface. Section 3.I, "regardless of number of children" could be construed to prohibit having a paid babysitter. Section 3.J, first sentence, is not clear as to the meaning of "kept upon any lot." On page 10, the "acceptance of

plat" signature block should be removed; that acceptance is shown by a TMAPC stamp and dated within the stamp.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued

compliance with the standards and conditions.

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Applicant's Comments:

David Washington, Spradling & Associates, 8556 East 101st Street, Tulsa, Oklahoma 74133, stated that he is in agreement with all of the conditions except for the construction of sidewalks. Mr. Washington explained that due to the remote area and it being rural, he would like a waiver of the sidewalks.

TMAPC COMMENTS:

Mr. Harmon stated that with the site being in a remote area, he understands that it is not developed yet and he asked if this is the sole reason for not wanting to develop sidewalks. In response, Mr. Washington answered affirmatively.

Mr. Harmon stated that if things progress normally, in time the area will be developed all around the subject property. Mr. Harmon stated that he believes sidewalks should be placed on the subject property.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **APPROVE** the preliminary plat for Harvard Heights, subject to special conditions and standard conditions per staff recommendation, which includes sidewalks being required.

* * * * *

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-533-A

MAJOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-5) (CD-5)

Location: Northwest corner of East 27th Street and I-44

STAFF RECOMMENDATION:

RELEVANT ZONING HISTORY:

PUD-90 June 1970: Approval was granted to transfer the twenty-five acre tract located on the north and the south side of East 25th Place South and on the east

side of South Memorial Drive from CDP 16 to a Planned Unit Development PUD-90 for a mixed use development.

Z-5158/PUD-212 August 1978: Approval was granted to rezone and abandon the PUD-90 standards on a 10.5-acre tract located on the southeast corner of East 25th Place and South Memorial Drive from RM-1 and RS-3/PUD to RM-2/PUD-212 to convert the existing recreational center and day nursery into apartments.

PUD-550 December 1996: Approval was granted, subject to conditions, for the proposed mixed commercial/industrial development on a sixty-acre parcel located on the south side of East 21st Street and west of South 91st East Avenue. Limited CS uses were proposed for the north eight acres fronting East 21st Street and the U. S. Post office, postal processing and distribution facilities and light industrial (IL) uses were proposed for the remainder of the tract.

PUD-564 and PUD-564-A May 2003: PUD-564 was approved by the City Council in August 1997 which permitted the expansion of an existing automobile and light truck sales on the property located on the south side of Skelly Drive and east of South Memorial Drive. PUD-564-A was approved to include an eight acre tract originally the Carpenter's Union property and to permit office use for the auto and truck dealership.

PUD-550-A September 2004: A major amendment to PUD-550 was approved to include a hotel/motel use within PUD-550, on a 1.7-acre tract located in the southwest corner of PUD-550.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is located to the northwest of Skelly Drive, is zoned CS/OM/PUD, and vacant. Topography is relatively flat and non-wooded. Access is from East 27th Street and Skelly Drive, which is two-way at this point, but becomes one-way approximately south of East 27th Street.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Skelly Drive	Freeway	Varies	Two (one each way) in front of property, changing to one-way at approximately East 27 th Street
East 27 th Street	N/A	N/A	Two

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north by multifamily residential uses and duplexes, zoned RM-2; on the west by the Clear Channel Events Center, zoned CS; to the south and southwest by a small townhouse-type residential development, part of PUD-533 (a cul-de-sac was planned and dedicated to the City but never developed and is not part of this application); on the south by an older motel, zoned CS; and on the southeast by Skelly Drive, zoned RS-2. To the northeast beyond the residential property is the previously-mentioned U.S. Postal facility, zoned IL, and the site of an approved but not yet developed hotel/motel site, both of which are in PUD-550.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 5 Detail Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Medium Intensity-Residential land use. According to the Zoning Matrix, the requested (and existing) CS/OM/PUD is **not** in accord with the Comprehensive Plan. However, that area was approved and platted for a residential development that was never completely built and which has subsequently been developed in commercial (CS) and office (OM) uses. The plan, therefore, should be amended to reflect the actual and approved uses and should not be used as a basis for recommendation in this case.

STAFF RECOMMENDATION:

The requested use is Use Unit 17, Automotive and Allied Activities, in this case, to sell agricultural and related equipment. The location is adjacent to Skelly Drive, which is one-lane each way for two-lane traffic directly in front of the site, but changes to one-way at approximately East 27th Street. Industrial, commercial and related uses have been developed adjacent to and farther north of the subject site, with some older residential uses immediately adjacent to it on the north and west. No change in the underlying zoning is requested, although the requested Use Unit 17 uses are basically industrial in effect. The proposed use is agriculturally related, and not a use normally associated with the office and commercial zoning categories in urbanized areas. Therefore, staff cannot agree to the requested outdoor storage or display of merchandise within 300' of a residential area, which affects primarily the used equipment display area north of the apartments off of 85th East Avenue. The outside display in the Skelly Drive access frontage (new equipment) is acceptable, but the storage of the used equipment near the apartments is not. Based on existing uses, zoning and trends in the area, with these reservations, staff can support the requested major amendment PUD-533-A, and recommends **APPROVAL** conditioned upon the following:

1. The applicant's outline development plan and text be made a condition of approval, unless modified herein.
2. Development Standards:

The property which is the subject of this Planned Unit Development consists of 7.9 acres of land situated on the north side of Interstate 44 approximately 1700 feet northeastwardly from the northeast corner of South Memorial Boulevard and Interstate 44. The property is hereinafter referred to as the "Subject Property."

The Subject Property has approximately 1050 feet of frontage on the Interstate 44 service road. The southwest corner of the Subject Property adjoins 27th Street South, which extends westwardly to South Memorial Boulevard. The nearby Interstate 44 frontage properties, both northeastwardly and southwestwardly from the Subject Property, are developed and/or zoned for either commercial or light industrial uses. The west interior boundary of the Subject Property is adjoined by commercial development and other interior boundaries of the Subject Property are adjoined by multifamily developments.

In 1972 the Subject Property was zoned CS Commercial Shopping (5.4 acres) and OM Office Medium Intensity (2.5 acres) pursuant to rezoning application Z-4293. In 1995, the Subject Property was submitted and approved (TMAPC 4/26/95, City Council 5/18/95) as PUD-533. The approved planned unit development designated the Subject Property for retail commercial and office use and a proposed printing and publishing establishment.

This amendment to PUD -533 is to permit the development of the Subject Property as "John Deere Place", which is a dealership of traditional agricultural implements coupled with products meeting an increasing market for consumer goods and services related to home and business landscaping.

The agricultural implement sales and services is a use included within Use Unit 17 Automotive Sales and Services, which may be permitted by special exception within a CS District or permitted within an approved planned unit development. PUD - 533 did not include Use Unit 17 and accordingly this amendment is herein submitted to permit the proposed agricultural implement sales and service and limit the Use Unit 17 uses to the proposed agricultural implement sales and services. Amendment of the underlying general zoning districts is not required nor proposed.

The application is submitted to establish an alternative to the uses and development standards permitted by the approved PUD - 533. In the event that the Property is not developed as an agricultural implement sales and service establishment, the permitted uses and development standards of PUD -533 shall remain applicable.

A. Development Standards - Area A-1 (agricultural implement sales and services)

Net land area: 7.9 acres

Permitted uses: Sales and services of agricultural implements and uses customarily accessory thereto including consumer goods, equipment and services related to home and business landscaping and uses permitted by right within a CS District, excluding Use Unit 12 A.

Maximum building floor area: 50,000 sq. ft.

Minimum building setbacks:
From Interstate 44 right of way 120 ft.
From north boundary 40 ft.
From other boundaries 100 ft.

Maximum building height: 30 ft.

Off-street parking: As required by the applicable use unit.

Minimum Landscaped Area 10% of net lot area

Operational Limitations:

1. Outside repair or service of vehicles is prohibited.
2. External public address or pager/speaker system is prohibited.
3. Used equipment display shall be limited to the area depicted on the Conceptual Site Plan along the westernmost boundary of the PUD.
4. No heavy-duty earth-moving type of equipment shall be stored or offered for sale on the subject location. No agricultural tillage, planting and harvesting equipment shall be displayed with the exception of tractors, hay balers and related haying equipment.
5. ~~No outdoor storage or display of equipment shall be allowed within 300' of a residentially used area, unless display is within the Skelly Drive access road frontage area per Item C.~~

Landscaping and Screening

Lighting:

Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be designed to prevent the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area or street right-of-way. No light standard shall exceed 25 feet in height.

Signs:

Signs shall be limited to:

- (1) An architectural feature incorporated into the building front and symbolizing a plowshare and depicting the John Deere logo shall be permitted and the logo shall be included as part of the permitted display surface area of wall signage which shall not exceed 2.0 feet of display surface area per lineal foot of the building wall or canopy to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (2) one ground sign located along Interstate 44 identifying the principal business, not exceeding 30 feet in height and 200 square feet of display surface area, and
- (3) one outdoor advertising sign presently located along Interstate 44 and which may be relocated to another location along Interstate 44, subject to review and approval of a detailed sign plan.

B. Development Standards - Area A-2 (existing multifamily, zoned CS)

It is proposed that the remaining area of the original PUD-533 (total area less the area proposed as Development Area A-1) be designated as Development Area A-2 and that the development standards as initially established by PUD-33 shall remain applicable to Development Area A-2.

C. Landscaping and Screening

Landscaping within Development Area A-1 shall meet the requirements of the landscape chapter of the Tulsa Zoning Code. The street yard (as

defined by the landscape chapter of the Zoning Code) shall be established as an area 50 feet in width extending along the public street boundaries of the PUD. A landscaped area of not less than 10 feet in width and a screening fence shall be located along the perimeter boundaries of Development Area A-1 (excepting the common boundary with Interstate 44). A landscaped area of not less than 50 feet in width shall be located along the right of way of Interstate 44 which may include vehicle and equipment display area not exceeding 25 percent of the required landscaped area.

D. Access and Circulation

Access shall be limited to the Interstate 44 service road and East 27th Street South.

E. Site Plan Review

Development areas may be developed in phases and no building permit shall issue until a detailed site plan (including landscaping) of the proposed improvements has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the development concept and the development standards. No certificate of occupancy shall issue for a building until the landscaping of the applicable phase of development has been installed in accordance with a landscaping plan and phasing schedule submitted to and approved by the Tulsa Metropolitan Area Planning Commission.

F. Platting Requirement

Development areas may be developed in phases, and no building permit shall issue until the development phase for which a permit is sought 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.

G. Expected Schedule of Development

Development is expected to commence within 12 months and to be completed within 12 months thereafter.

TAC comments for April 27:

General – Add wording in a section of the PUD for City of Tulsa utilities that are existing and being proposed.

Water – Relocate water line in easement.

Sanitary sewer – Abandon sanitary sewer line.

Transportation – Show existing service road and rights-of-way lines.

Traffic – Provide “Limits of No Access” on 85th East Avenue and East 26th Street.

INCOG Transportation Planning – Entry into the PUD is along the I-44 frontage road (Skelly Drive). Highway frontage roads are considered arterials. Sidewalk construction is encouraged, if nonexistent, or maintained if existing. Consideration for access to public transportation should be included in the development.

TMAPC COMMENTS:

Mr. Jackson asked if this proposal backs up to the Virginia Lynn Apartments. In response, Ms. Matthews stated that Virginia Lynn is adjacent and to the north of the subject property.

Mr. Harmon asked if this would be yard type of equipment or dozers. In response, Ms. Matthews stated that the applicant has eliminated combines from their stock of inventory and mostly they would be aimed at the yard type or large-lot residential.

Mr. Ard asked if they would be allowed access on 87th East Avenue or from East 26th at the northeast corner. In response, Ms. Matthews stated that there wouldn't be any access from 26th Street and she believes that the only access will be from Skelly or 27th and then onto Skelly. Ms. Matthews explained that it is residential to the north and they wanted to cut down on the potential for industrial type traffic. Use Unit 17 is an industrial type use and staff would not want that type of traffic on a residential street.

Mr. Ard asked staff if the recommendation included no access to the north on South 87th East Avenue. In response, Ms. Matthews stated that it is part of the written plan to not have access there.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing Green Country Agricultural and Lawn Equipment, stated that he doesn't believe that the proposal is the typical farm implement dealership that the Planning

Commission might be familiar with. This is called John Deere Place and it is a corporate initiative from John Deere to change and establish a type of use that has traditional farm implements, but is designed to respond to the increasing market for lawn equipment (riding lawnmowers, etc.). There will be AG implements present, but after discussion with the principal and organization, their prediction is that with a site like this with the concepts of John Deere Place, that they will be about 65% consumer type of equipment and 35% of traditional agricultural equipment. In Use Unit 17 allows car dealerships, RV dealerships and a number of things that are automotive in relationships. This request is only for the agricultural implements as conditions in the subject PUD.

Mr. Johnsen cited the history of the subject property, which is currently zoned CS and OM. Mr. Johnsen cited the existing developments surrounding the subject site. He commented that the existing four-plexes are in need of maintenance, which are zoned CS and could be torn down and redeveloped for commercial purposes or used as they presently exists for commercial purposes.

Mr. Johnsen stated that his client has seven acres of land on I-44 approved for commercial use, and he is requesting an opportunity to have a John Deere Place. The present location for the John Deere store is in Rogers County outside the city limits of Tulsa. The significance in that is, if they move to this location and take what has been underutilized property and put it to a productive use, it is bringing significant jobs and sales tax to the City of Tulsa and Tulsa County. He estimated that the sales tax would be approximately \$200,000.00 annually.

Mr. Johnsen cited the surrounding uses and zonings. He commented that the character along I-44 is not traditional retail. He stated that he met with staff regarding this application. Mr. Alberty expressed concerns regarding the use because his image of it was the typical use in an industrial district of combines and used equipment lined up side-by-side across the front. He indicated that his client owns a facility in Pryor, Oklahoma and they have the opportunity to move the heavy equipment to Pryor. In response to staff's concerns about the frontage, he has attempted to develop standards that would address those concerns. He reminded the Planning Commission that there are no single-family neighborhoods abutting the subject property and it is all multifamily or commercial. Mr. Johnsen cited the limitations of operation he has proposed for the subject property. He indicated that staff imposed a condition that would not work with this proposal. He explained that the condition that there be no outdoor storage or display of equipment within 300 feet of property used for residential or an R district would not work for his client. He further explained that if the 300-foot requirement was enforced as suggested by staff, his client wouldn't have a place for the inventory. In a PUD the requirement can be modified and he believes that he has circumstances that would warrant doing so. He stated that the apartments on the southwest corner are zoned commercially and he believes that it is a matter of time before they go to a commercial use. The representatives of this project talked with the owners of the surrounding

properties, which are owned by Mr. Pena (received a letter of support Exhibit A-2), Mr. Morris (Mr. Morris did have an objection, but he is unsure of what it is and Mr. Morris is not present today) and Mr. Wright of the Virginia Lynn Apartments (received a letter of support Exhibit A-2). The residential properties are not objecting to the proposal, and with the standards placed on the PUD, plus the landscaping and fencing, he believes that the purpose of all of this has reasonably been met and this staff recommendation can be deleted and have an effective and compatible use of the subject property.

TMAPC COMMENTS:

Mr. Harmon stated that he understands that the John Deere Place is a dealership/franchise type and they could only have certain items at this location. In response, Mr. Johnsen answered affirmatively.

Mr. Harmon asked Mr. Johnsen if John Deere would enforce the conditions of the PUD. In response, Mr. Johnsen stated that he doubts the franchise is written in that fashion. He explained that the John Deere Company has agricultural business and there are agricultural implements and that would be within that dealership category. The consumer lawn equipment would be another aspect of that. Mr. Johnsen said he doubted that they would enforce it, but the dealer may get be in trouble with John Deere if he doesn't achieve the concept of the John Deere Place, which is intended to be an attractive dealership, with both limited agricultural equipment, consumer lawn equipment and related items.

Mr. Harmon stated that he would like to be reassured that this is more than a concept and that John Deere Place is a real franchise document. In response, Mr. Johnsen stated that he believes that it is because there is an initiative, and the dealerships are in place and this is an approach that John Deere is asking them to do. Mr. Johnsen commented that Mr. Cole feels so strongly about the concepts that he has written these requirements into the PUD and they will be enforceable by the City of Tulsa as part of this PUD process.

Mr. Harmon stated that he doesn't see anything in the conditions that would prevent the dealership from taking large equipment in for a trade-in. In response, Mr. Johnsen stated that they would write the trade-ins out of the conditions, which would state that used equipment couldn't be displayed. Mr. Harmon expressed concerns that trade-in equipment could pile up and start looking like a junk yard. Mr. Johnsen reminded Mr. Harmon that only 5% of the area is in used equipment. Mr. Johnsen stated that he would accept a condition that the trade-in and display of used equipment on the grounds would meet the standards for the new equipment. Mr. Johnsen further stated that he would accept a condition to make sure that the trade-in is consistent with the types of products that are being sold new.

Chris Cole, 15615 East Pine Street, Tulsa, Oklahoma 74116, partner of Green Country Ag and Lawn, stated that he would take anything in on trade, but they

will not be housed on the subject property because he has the other facility in Pryor, Oklahoma. The larger equipment and the tillage equipment will be moved to Pryor, Oklahoma, and the Tulsa facility will become a consumer and commercial equipment facility.

Mr. Harmon asked Mr. Cole if the condition was written into the PUD that the larger equipment that is traded in couldn't be stored onsite and it would be taken to the Pryor site. In response, Mr. Cole stated that he wouldn't have any problem with that and he would say, as a general rule, he would not be trading for that type of equipment anyway. Mr. Harmon asked what would happen if someone had a crawler and wanted to change for a 2040 John Deere. In response, Mr. Cole stated that he does not handle track-tractors or motor patrols, etc., because there is not market for resale.

In response to Mr. Ard, Mr. Johnsen stated that the used equipment display area would be at 5% or 15,800 SF, which would be 100' x 50' in a corner.

Ms. Hill asked Mr. Johnsen what the typical hours of operation would be for this facility. In response, Mr. Johnsen stated that it would be Monday through Friday, 8:00 a.m. to 5:00 p.m. In the summer they work from 7:30 a.m. to 6:00 p.m., and on Saturdays it would be 8:00 a.m. to 12:00 p.m. and they would be closed on Sundays.

Ms. Hill asked if the facility would perform repair work. In response, Mr. Johnsen stated that they do repair work on site. Ms. Hill asked if the repair work is conducted during the same hours as sales. Mr. Johnsen stated that the repair shop would close at 5:00 p.m.

Mr. Boulden asked Mr. Johnsen about the mowing test area and whether it is a part of the landscaping requirement and related to the repair of the machinery. In response, Mr. Johnsen stated that the test mowing area would be for the consumer to try out the equipment before purchasing. The required landscaping that has to be irrigated and meet the tree requirements is the perimeter north ten feet and a minimum of 50 feet along I-44. Some 25% can be used for display of merchandise offered for sale. The mowing area is made of grass and not hay. Mr. Boulden asked Mr. Johnsen to clarify the display areas. Mr. Johnsen stated that the display area is all of it and there could be equipment on any part of it. Mr. Boulden asked if everything on the east could possibly be display area. Mr. Johnsen stated that it could, but not to exceed 25%. Mr. Johnsen explained that the concept plan shows rectangular display areas and they would probably be paved with special equipment on them for more prominent display. Mr. Boulden asked how the 25% is determined without a specific display area being designated. Mr. Johnsen stated that the drawing is to scale and there is a minimum of 50 feet in width and 1,050 feet in length along I-44, and it wouldn't be hard to figure how much is being occupied for display area.

INTERESTED PARTIES:

Councilor James Mautino, District 6, 200 Civic Center, stated that he has been asked to intervene for District 5. He commented that he would like to commend the staff on their detailed explanation in the staff report.

Councilor Mautino explained that he was invited out to view the dealership on Pine Street, which is in another county, and he is pleased that they are willing to move to Tulsa County. He indicated that he met with Mr. Scott and Mr. Cole and discussed this proposal at length. The concept that they gave him is that it would be more than an implement store. Councilor Mautino indicated that he is in agreement with this proposal and is happy to see it coming to Tulsa.

Councilor Mautino stated that he has not always been on the same side of proposals with Mr. Johnsen and he is happy to say that this is one time they are on the same side.

Mr. Harmon made a motion to recommend **APPROVAL** of the major amendment for PUD-533-A per staff recommendation, with the caveat that no heavy-duty earth-moving type of equipment be stored or offered for sale at this location.

Mr. Midget stated that he believes that there was an issue about the staff recommendation prohibiting outdoor storage within 300 feet of a residential use or district. He indicated that he would be opposed to this and requested that the motion be amended to allow the outdoor storage so he could support the motion.

Ms. Matthews stated that staff could add some language that would restrict the maximum display area for the new equipment to 13,125 SF, which would be what the applicant is showing on his map, and the maximum storage area for used equipment to 15,800 SF, which is what the applicant stated he calculated. This could be added as number five or however the Planning Commission would like it to be.

Mr. Johnsen stated that if the Planning Commission agreed with his proposal, then the only thing necessary is to strike the one requirement because the applicant and staff have agreed on all of the other requirements. He suggested that number five be deleted from the staff recommendation. If the Planning Commission would like additional conditions on the trade-in equipment, then they could add that the "...heavy equipment will not be taken in as trades and displayed at the subject location".

Mr. Harmon stated that his concern was that heavy earth-moving type of equipment not be stored or sold at this location. He explained that he is not talking about balers or tractors because he doesn't consider that heavy equipment.

Mr. Midget suggested that the Planning Commission add to number four that "...displayed or stored". Mr. Harmon suggested "...no heavy-duty earth-moving type of equipment not displayed or stored" and deleting item number five.

Ms. Hill recognized Councilor Mautino.

Councilor Mautino stated that he went to the present location several times and he did not see any of the types of equipment that Mr. Harmon is concerned about.

Mr. Harmon stated that he understands that it would be rare, but just to be sure that it doesn't become cluttered with huge equipment is his main concern.

Mr. Ard requested that the vote be restated.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of the major amendment for PUD-533-A per staff recommendation as modified by the Planning Commission and adding the language to Item Number 4 that no heavy-duty earth-moving type of equipment shall be stored or offered for sale on the subject property and delete Item Number 5 concerning the 300-foot limitation. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-533-A:

Lot 6, Tri-Center Village, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, less and except a tract of land situated in Lot 6, being more particularly described as follows, to-wit: Beginning at the Northeast corner of Lot 3, said Tri-Center Village, said point being the West right-of-way line of South 85th East Avenue, thence N 00°37'30" W and parallel to the West line of said Lot 6 for 20.40'; thence N 60°37'30" W for 0.0'; thence along a curve to the right with a radius of 50.00' for 261.80'; thence S 00°37'30" E for 12.57' to the northwest corner of Lot 4, said Tri-Center Village; thence S 00°37'30" E and along the West line of said Lot 4 for 8.00'; thence S 89°34'25" W for 50.00' to the Point of Beginning, and less and except Beginning at a point on the Easterly line of said Lot 6 a distance of 243.34' Northeasterly of the Southeast corner of said Lot 6; thence Southeasterly along a jog in said Easterly line a distance of 25.00'; thence Northeasterly along said Easterly line a distance of 388.25'; thence S 51°19'53" W a distance of 389.05' to the Point of Beginning, and located on the northwest corner of East 27th Street South and Skelly Drive, Tulsa, Oklahoma, **FROM CS/PUD (Commercial Shopping Center District/Planned Unit Development [PUD-533]) TO CS/ PUD (Commercial Shopping Center District/Planned Unit Development [PUD-533-A])**.

Application No.: PUD-179-U-1

MINOR AMENDMENT

Applicant: Tang & Associates

(PD-18) (CD-8)

Location: 8522 East 71st Street

STAFF RECOMMENDATION:

This application is for a minor amendment to reduce the east building setback from the required 50' to 46.5' for Jared Jewelry. Staff can support this amendment, so long as the other provisions of the adopted PUD can be met. With that proviso, staff recommends **APPROVAL** of PUD-179-U-1, finding that it will have no adverse impact on surrounding properties and will be in keeping with the adopted PUD-179.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **APPROVE** the minor amendment for PUD-179-U-1 per staff recommendation.

Application No.: PUD-703-1

MINOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-7) (CD-9)

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

STAFF RECOMMENDATION:

This application is to modify the wall height restriction from seven feet to thirteen feet and to permit use of Reserve Area B for part of the yard for Lot 9, Block 1. According to the original revised text of PUD-703, Reserve Area B, at the western ten feet of the PUD, was to be maintained as landscaped open space. Underlying zoning is OL and OH. According to the Zoning Code, Section 1107.H.9, this request meets the definition of a minor amendment and therefore staff recommends **APPROVAL** of PUD-703-1.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that this is similar to the project that is under construction by Mr. Coury to the east of Main Street. The subject property is to be developed in a similar manner as the property on 22nd Street and Main. However, on the east end of the subject property there is a steep grade to Boulder. Mr. Johnsen submitted photographs of the subject property (Exhibit B-1). The City rules that the right-of-way is under 12 feet from the curb to the east, and within the first five feet, the grade can't exceed two percent, but in hilly areas, after that the grades can be deeper. His client is proposing a retaining wall and from Lot 9 to the west, there would be fill over to the retaining wall. The filling will be approximately the same level as the pad site for the house, five feet of dirt work that is basically a retaining wall, and then above that there will be six feet, which will give the screening of the house and the swimming pool area. Due to the topography the highest point of the fence is 10.9' at one point. The low end is on the Boulder side and what would be seen is (eleven feet over) a brick retaining wall and above five feet, then it is screening the yard of Lot 9 for the single-family dwelling that will be in place. This proposal is not uncommon in the subject area. Mr. Johnsen cited other screening walls in the subject area along Riverside and Boston Square.

Mr. Johnsen explained that his client would like to have the screening fence on the property line. He indicated that the highest point will be 10.9 feet but he requested 13 feet because when he filed the application his client wasn't sure exactly how the slopes would be worked out. He commented that infill is difficult and it is essential to make the best use of the subject lot. PUDs permit modifications of the wall heights limitations and that is what he is asking for.

INTERESTED PARTIES:

Greg Jennings, 2260 South Troost, Tulsa, Oklahoma 74114, stated that he is not concerned about the part about Reserve Area B. The wall is an issue that he could potentially be concerned about. Mr. Jennings submitted photographs (Exhibit B-1). He expressed concerns that a 13-foot wall would be built on top of the grade level, which is six feet. That would be almost a 20-foot wall, but Mr. Johnsen is stating that this is not the case and he hopes not. If the wall is done in a manner that the grade from the inside of the wall is only six or seven feet he doesn't have a problem with it. However, if he is turning the corner and looking at a 20-foot wall he would not be very happy. He explained that compounding sends a negative statement to the neighborhood.

Applicant's Rebuttal:

Mr. Johnsen stated that the elevations are shown and the maximum height of 10.8 feet measured from the Boulder side and the inside fence is six feet in height.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **APPROVE** the minor amendment for PUD-703-1 per staff recommendation.

* * * * *

Application No.: 579-A-3

MINOR AMENDMENT

Applicant: Charles Norman

(PD-18) (CD-8)

Location: 10109 East 79th Street South

STAFF RECOMMENDATION:

This application is to provide outdoor storage of oxygen tanks, which are vital to hospital operations and governed strictly by National Fire Protection Association regulations. Under those regulations, oxygen must be stored above ground outdoors or in a noncombustible building that is adequately ventilated and used solely for oxygen storage. Because any structure, wall or fence that restricts ventilation is prohibited under these regulations, this minor amendment also seeks a waiver of the requirement to screen any mechanical equipment from public view at ground level. Instead, the applicant asserts that the tanks will be located adjacent to the hospital's loading docks and other service areas, and not readily visible from East 79th Street due to the landscaping that is proposed. Furthermore, a 17.5' landscaped area and a 6' screening fence along the west property line will screen the storage tanks from the west for all but the highest parts of the tanks.

Staff can support this request, finding it a necessary and critical use for the hospital. Use of alternate means of screening by landscaping and fencing should alleviate any negative impacts that might result from this use. Staff therefore recommends **APPROVAL** of PUD-579-A-3.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, representing the Cancer Treatment Center, stated that he does agree with the staff recommendation and requested that staff recommendation be approved.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **APPROVE** the minor amendment for PUD-579-A-3 per staff recommendation.

ZONING PUBLIC HEARING

Application No.: CZ-358

AG TO RE

Applicant: Smalygo Properties

County

Location: East of northeast corner of East 146th Street North and Highway 75

STAFF RECOMMENDATION:

CZ-330 November 2003: Approval was granted for a request to rezone eighty acres adjoining the subject property on the east, from AG to RE for residential development.

CZ-326 August 2003: All concurred in approval of a request to rezone an eleven-acre tract located on the southwest corner of East 146th Street North and North Sheridan Road from AG to CS.

CZ-325 August 2003: A request to rezone a small 2.5-acre tract located south and east of the southeast corner of East 146th Street North and Highway 75 North and west across East 146th Street from the subject tract, from AG and OL to CS zoning. The request was denied.

CZ-324 August 2003: Approval was granted by TMAPC and the County Commission to grant RE from AG zoning on a 341-acre tract located south and east of the southeast corner of East 146th Street and Highway 75 and directly south of the subject property.

CZ-302 APRIL 2002: The TMAPC and County Commission approved rezoning from AG to AG-R on a property located north of East 136th Street North and east of the North Sheridan Road alignment, east of the subject property.

CZ-267 JUNE 2000: Both Commissions approved rezoning from AG to RE on an eighty-acre parcel north of East 146th Street North and east of the North Sheridan Road alignment.

CZ-160 December 1987: A request to rezone the northeast, southeast and southwest corners of East 146th Street North and Highway 75 from AG to CG for commercial development. All concurred in approval of CG zoning on 15 acres at each of the three corners with 100' OL buffering around each CG tract. In 1991 the tract located on the northeast corner was annexed into the Collinsville City Limits but later, by court order the annexation was reversed and the CG/OL zoning remained.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately forty acres in size. The tract is located north and east of the northeast corner of East 146th Street North and Highway 75 north. The property is flat, non-wooded, vacant and zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 146 th Street North	Primary arterial	120'	2 lanes
Highway 75 North	Expressway	varies	4 lanes

UTILITIES: The subject tract has access to a 4" Washington County Rural Water District #3 line along 96th Street North. Sanitary sewer service is currently unavailable, so on-site septic systems for each lot will be required.

SURROUNDING AREA:

The property is abutted on the north and west by vacant property; to the south and east by residential development currently under construction.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject tract would qualify as a Low Intensity-No Specific land use subarea under the Metropolitan Development Guidelines, an adopted part of the Comprehensive Plan for the Tulsa Metropolitan Area. The requested RE zoning is in accord with those guidelines.

STAFF RECOMMENDATION:

Based on the Metropolitan Development Guidelines and development trends in the area, staff recommends **APPROVAL** of CZ-358.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of the RE zoning for CZ-358 per staff recommendation.

Legal Description for CZ-358:

A tract of land situated in the SW/4 of Section 22, T-22-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows, the E/2 of the SE/4 of the SW/4, and the E/2, of the NE/4, of the SW/4, all in Section 22, T-22-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, and located east of the northeast corner of East 146th Street North and Highway 75 North, **From** AG (Agriculture District) **To** RE (Residential Single-family, Estate District).

* * * * *

Application No.: Z-6988

RS-2 TO OL

Applicant: Jeffrey Levinson

(PD-6) (CD-9)

Location: 3323 East 45th Street South

STAFF RECOMMENDATION:

PUD-642 January 2000: All concurred in approval of a Planned Unit Development for a proposed office park development. The property is located north of the subject tract and south of the southeast corner of East 41st Street and South Harvard Avenue.

Z-6532 May 1996: All concurred in approval of a request to rezone the lot located on the southwest corner of East 45th Street South and South Harvard Avenue from RS-1 to OL.

PUD-351-A October 1989: A major amendment was approved to permit a drive-in banking facility, and on property located north of the northeast corner of East 45th Street and South Harvard Avenue and abutting the subject property.

Z-5920/PUD-351 May 1984: Approval was granted to rezone a small 62' x 100' tract located on the southeast corner of a larger one acre parcel located on the east side of South Harvard and north of East 45th Street from RS-1 to OL. Approval was also granted for the requested PUD on the one acre tract which included this small parcel. The PUD proposed office development and to exceed the one-store limitation in the OL zoned district. The PUD was approved subject to conditions regarding the second story windows that faced residential homes.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is located within an apparently stable single-family residential neighborhood. The property adjacent on the west (RS-2) is also the subject of a rezoning request for OL zoning. The site contains a single-family residence.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Harvard Avenue	Secondary arterial	100'	4 lanes
East 45 th Street South	Residential	60'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property lies adjacent to a single-family residence on the west and also under application for OL zoning (Z-6987), from RS-2; is across the street from a single-family residence, zoned RS-2, on the south; is adjacent to office/commercial uses, zoned PUD-351, on the north; and a single-family residence, zoned RS-2, on the east.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Detail Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this site as Low Intensity-Residential land use. The requested OL zoning **is not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Staff cannot support this request, seeing it as an intrusion into a stable single-family residential area. Therefore, based on the Comprehensive Plan and existing land uses, staff recommends **DENIAL** of OL zoning for Z-6988.

TMAPC COMMENTS:

Mr. Harmon asked staff if the proposal was in a PUD they would look at it in a different light. In response, Ms. Matthews stated that it would depend on what they wanted to do in the PUD. Ms. Matthews further stated that whether it is in a PUD or not, it would still not be contiguous because the property to the west would still be isolated. Staff would have to consider the fate of the both of the lots, as well as the two lots across the street directly south.

Mr. Midget asked if the lot to the west is residential. In response, Ms. Matthews stated that it is residential.

Applicant's Comments:

Jeffrey Levinson, 9308 South Toledo, Tulsa, Oklahoma 74136, representing Stricker, Inc., stated that the plans call for a small office of approximately 3,000 SF and the appearance would be remain residential in character. He explained

that he is very mindful of the staff recommendation. He commented that the easiest thing to do would be to dismiss the application; however, he doesn't think it is the right thing to do in this circumstance.

Mr. Levinson stated that the character of South Harvard Avenue has changed dramatically. He commented that Harvard from 41st to 51st is solid office space. Mr. Levinson demonstrated a zoning line along Harvard that cuts out the subject property and he doesn't believe that it is fair. He requested that the Planning Commission approve the request.

TMAPC COMMENTS:

Mr. Midget stated that he is confused if Mr. Levinson is advocating dismissing this application or advocating to approve it. In response, Mr. Levinson stated that there are two separate items on the agenda. The two items are adjacent lots and the first was continued and will not be heard today, and the second item is an entirely different case that has nothing to do with the other lot. He further stated that he would like the Planning Commission to consider Case Z-6988.

INTERESTED PARTIES OPPOSING Z-6988:

Kathy Bochart, 3331 East 45th Street, Tulsa, Oklahoma 74135, Lot 14, **Steve Novick**, Vice President of Ranch Acres Association, 3843 South Florence Place, Tulsa, Oklahoma 74105; **Penny Tipton**, 3709 East 43rd Place, Tulsa, Oklahoma 74135; **Lorena Siblett**, 3337 East 45th Street, Tulsa, Oklahoma 74135; **Steve Sembritzky**, 4525 South Jamestown, Tulsa, Oklahoma 74135; **Weyman Ryker**, 4344 South Jamestown, Tulsa, Oklahoma 74135; **Doug Powers**, 3324 East 45th Street, Tulsa, Oklahoma 74135; **Bob Dennis**, 4367 South Jamestown; **Les Hilst**, representing his parents, 3336 East 46th Street, Tulsa, Oklahoma 74135.

COMMENTS OF INTERESTED PARTIES OPPOSING Z-6988:

Concerns with water runoff due to the paving for a 3,000 SF building; concerns with heavy office use; lack of necessity; currently the grassy lawns retain the water and there is no water problem; the existing lots are for single-family residences and the only paving is a single-car-width driveway; required parking for the offices would require too much paving and cause water runoff problems for the neighborhood; due to the slope of the existing lot, there is no way to drain the water runoff to the street; the neighborhood has had bad experiences with promises about the drainage to the street; the reason for the zoning line being as it is today is due to the neighbors fighting the zoning changes; if Lot 13 is turned into a parking lot there should be curbing to redirect the water and a 12-foot fence to prevent the cars visiting the lot disturbing the residential homes; two businesses would be operating at the subject lot and that is not a low usage; Tulsa doesn't need any more office light because there are numerous empty offices all over Tulsa; the neighborhood is well established and there is no reason to have this into the residential area; support staff's report that this application be denied; with the continuance of the Z-6987, which is immediately to the west of the subject property, staff correctly points out that this is a request

for spot zoning; Z-6987 and Z-6988 should be heard together to prevent spot zoning; the properties on 45th Street are facing north and south and they are all residential properties, the zoning line mentioned by Mr. Levinson has properties facing east and west; Mr. Novick submitted photographs (Exhibit C-1); to approve Z-6988 on its own is spot zoning and if both Z-6987 and Z-6988 were approved it would be sticking the edge of offices into a neighborhood where it doesn't exist and it would cause a domino effect; once this is rezoned light office, then at some point and time these residential homes could be torn down and one- or two-story office buildings could be placed there; Ms. Tipton submitted a letter from Amber Munoz (Exhibit C-2); Ms. Tipton stated that she is in agreement with the staff recommendation for denial; severe water drainage problems; more traffic; Mr. Sembritzky submitted photographs (Exhibit C-1); stormwater detention areas depreciate the value of the homes when they are located next to each other; various existing businesses have become a nuisance for some of the neighbors adjacent to them; changing the zoning creates problems for the existing homeowners and their property values decrease; the homes could be sold if the owners would lower the prices on the properties; when one buys a home he/she is not just buying the house, but buying into a neighborhood, and if the rules are changed, it would be at the expense of everyone in the neighborhood; commercial development has negatively impacted the neighborhood; developers have built in the subject area without following the approved plans; keep residential and preserve the integrity of the neighborhood; neighbors bought into the neighborhood understanding that the properties facing Harvard are commercial and office, but not buying into the start of a entry into the neighborhood being office and commercial; the attraction of the neighborhood is that they have big lots and the subject property would be attractive to someone wanting live on it as residential; there are new homes and homes that have been renovated in the neighborhood; the large lots are attractive to office and business because they can do a lot with the large lots, but it should remain residential; neighbors were promised that the only properties allowed to be rezoned for office or commercial would front and have access onto Harvard; after an exception was made to allow a property without access to Harvard to rezone (East 46th Street) it has opened the door for more exceptions.

TMAPC COMMENTS:

Mr. Ard asked Ms. Bochart if the two houses to the west of her property appear to be vacant. In response, Ms. Bochart stated that Lot 13 has been vacant for three years and it has literally been abandoned by Eddie and Jimmie Monnet. The lot is never mowed and the trash is never cleaned up. The weeds are knee high and the City has been called regarding this. Lot 12 is vacant, but it is now owned by Mr. Robert Bryant.

Mr. Jackson asked staff to explain the stormwater management process. Ms. Matthews stated that during the platting process Stormwater Management will look at how the applicant will handle the stormwater and the applicant can't

increase the amount of stormwater that is currently running off. They will have to have a drainage plan to carry the water to the storm sewers.

Ms. Bochardt stated that those are good rules and they are very reassuring, but having lived with this office light development that fronts Harvard, she doesn't believe that it would actually be accomplished. She now has a 50-year-old tree that is in danger of being gutted by the PUD north of her. They collected stormwater on their parking lot and it is dumped onto her property. The City sent two men out to look at the problem and they told her they would look into it and get back with her last summer.

Mr. Jackson stated that on new development, the water is required to be pumped down into the existing stormwater drainage system. In response, Ms. Bochardt stated that they were supposed to do that with the water off of the lots that front Harvard. The lots were supposed to drain to Harvard and they don't do that.

Mr. Jackson stated that under the current stormwater management system, the water goes directly into the stormwater management system. In response, Ms. Bochardt stated that after 50 years, she doesn't have any confidence that the Planning Commission's rules and regulations will not be waived or a variance given.

Mr. Jackson stated that the subject lot appears to be 100' x 180'. Ms. Bochardt stated that the first three lots that are on 45th Street sold the back 100' off of what was a 300' deep lot in order to allow the PUD behind them to be created.

Mr. Jackson asked staff to explain the percentage of pavement in an OL district. In response, Ms. Matthews stated that there is a 30% floor area and the applicant will have to meet the parking requirement. If the property is 180' x 100', then the applicant could probably have a 5,400 SF building. Ms. Bochardt stated that she understands, but she is not willing to withdraw an objection because of promises or expectations or that the rules state something. She commented that she has had those rules before and a Comprehensive Plan for the subject area and it wasn't followed.

Mr. Harmon reminded the interested parties that the Planning Commission has no jurisdiction over stormwater drainage and in the final analysis, the Planning Commission has no power to do anything that is identified as a problem today; however, there are agencies to go to and places where this can be addressed, but this isn't the place for it. Mr. Sembritzky stated that the only problem is that if the Planning Commission approves this application as an OL change, then it becomes a problem for the neighborhood. Mr. Harmon stated that the applicant cannot bring new drainage into the neighborhood and they would be responsible for moving the stormwater to a drain, but the Planning Commission doesn't enforce that.

Mr. Midget requested that interested parties only address concerns that haven't been expressed and try not to repeat the same concerns. He assured the interested parties that he is not trying to be rude, but there are several more items on the agenda and the rebuttal.

INTERESTED PARTIES IN FAVOR OF Z-6988:

Linda Schafer, 3312 East 45th Street, Tulsa, Oklahoma 74135, stated that she lives across the street to the west of the subject property. The subject property has been ignored and abandoned for three years. She indicated that she is in favor of the zoning change because a new, improved office would be better than the house that is currently on the property. Ms. Schafer doesn't believe that it would devalue her property and she has not experienced any water runoff at her property.

TMAPC COMMENTS:

Mr. Ard asked Ms. Schafer to verify where she lives on the case map. In response, Ms. Schafer pointed out her lot and explained that part of her backyard is zoned OL.

Applicant's Rebuttal:

Jeffrey Levinson, 9308 South Toledo, Tulsa, Oklahoma 74136, stated that several things have been stated that do not make sense and are contradictory. He commented that Mr. Novick is with the Ranch Acres Homeowners Association and he is not with the HOA that covers the subject property. Mr. Novick stated that there were no commercial lots that didn't face directly onto Harvard, and the last speaker indicated that there are properties rezoned commercially that do not face directly onto Harvard. On East 46th Street, there are lots that do not face Harvard and they have commercial buildings on them.

Mr. Levinson stated that his client is proposing light office and light office is considered a buffer between commercial and residential. He further stated that he understands what the neighbors believe will happen to the subject lots because they are abandoned and they are not in pristine condition. Mr. Levinson requested that the Planning Commission approve this application.

TMAPC COMMENTS:

Mr. Carnes stated that he would make a motion to deny this application.

Mr. Harmon seconded, with the comment that if Lots 12 and 13 came to the Planning Commission with a PUD, then this might be worthy of further consideration. He commented that he believes that today's application would be spot zoning.

Mr. Midget stated that he is a strong proponent of infill development, but only when the infill development is compatible with the neighborhood. The way this

application is written would be injurious to the neighborhood with straight zoning of OL.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to recommend **DENIAL** of the OL zoning for Z-6988 per staff recommendation.

Application No.: CZ-357/PUD-715

AG to CS/RE/PUD

Applicant: Sisemore, Weisz & Associates (County)

Location: West of southwest corner of East 96th Street North and Highway 75

STAFF RECOMMENDATION FOR CZ-357:

CZ-306 May 2002: TMAPC recommended approval of CS zoning on the south 660' and denial of commercial zoning on the balance of a 6.6 acre tract located in northeast corner East 86th Street and Highway 75 North for retail commercial use. The County Commission concurred with the recommendation.

CZ-276 December 2000: A request to rezone a 31 acre tract located on the southeast corner of East 96th Street North and High 75 North southeast corner East 96th Street and Highway 75 North from AG to CS was withdrawn by the application prior to public hearing

CZ-264 May 2000: A request to rezone a 3.8 acre tract located north of the subject property and in the northwest corner of East 96th Street North and Highway 75 North from RS to CS for a mini-storage facility. TMAPC recommended approval of CS zoning on south 150' of the tract and denial of the balance.

CZ-214 Dec 1994: TMAPC and Staff recommended denial of a request to rezone a 3.8-acre tract located on the northwest corner of East 86th Street North and North Yale, from AG to CG but recommended approval of CS in the alternative. The County Commission concurred in approval of CS zoning.

CBOA-1014 April 1991: The County Board of Adjustment approved, per conditions, a variance of the maximum 60' height for a transmitting tower to 360' in a CS-zoned district and on property located west of the northwest corner of East 86th Street North and U. S. Highway 75.

CZ-097 December 1983: A request to rezone a 5.91-acre tract located on the northwest corner of 86th Street North and U. S. Highway 75 from AG to CS. Staff recommended denial with TMAPC approving the south 330' of the tract for CS zoning; the County Commission approved CS on the entire 5.91 acres.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, vacant and zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 96 th Street North	Secondary arterial	100'	2 lanes
Highway 75 North	Expressway	varies	4 lanes

UTILITIES: The subject tract has access to a 4" Washington County Rural Water District #3 line along 96th Street North. Sanitary sewer service is currently unavailable, so on-site septic systems for each lot will be required.

SURROUNDING AREA:

The property is abutted on the north by a boat/mini-storage facility, zoned CS and farther north are large lot single-family dwellings, zoned RS; on the west by large lot single-family dwellings, zoned AG; on the east by a church, zoned AG; and on the south by large lot single-family dwellings and vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This site does not meet the criteria for a Type II node (at the intersection of a primary and secondary arterial, ten acres on each corner) and therefore the requested CS portion is **not** in accordance with the Metropolitan Development Guidelines. The requested RE portion **is** in accord with the Guidelines.

STAFF RECOMMENDATION:

Although the CS portion is not in accord with the Metropolitan Development Guidelines, the requested boundaries align with the CS zoning to the north. Based on this fact and that it is in a proposed PUD, staff can support CS/RE zoning for CZ-357, if the TMAPC can support the accompanying PUD-715. With this caveat, staff recommends **APPROVAL** of CS/RE for CZ-357.

STAFF RECOMMENDATION FOR PUD-715:

CZ-306 May 2002: TMAPC recommended approval of CS zoning on the south 660' and denial of commercial zoning on the balance of a 6.6 acre tract located in northeast corner East 86th Street and Highway 75 North for retail commercial use. The County Commission concurred with the recommendation.

CZ-276 December 2000: A request to rezone a 31 acre tract located on the southeast corner of East 96th Street North and Highway 75 North southeast corner East 96th Street and Highway 75 North from AG to CS was withdrawn by the application prior to public hearing

CZ-264 May 2000: A request to rezone a 3.8 acre tract located north of the subject property and in the northwest corner of East 96th Street North and Highway 75 North from RS to CS for a mini-storage facility. TMAPC recommended approval of CS zoning on south 150' of the tract and denial of the balance.

CZ-214 Dec 1994: TMAPC and Staff recommended denial of a request to rezone a 3.8-acre tract located on the northwest corner of East 86th Street North and North Yale, from AG to CG but recommended approval of CS in the alternative. The County Commission concurred in approval of CS zoning.

CBOA-1014 April 1991: The County Board of Adjustment approved, per conditions, a variance of the maximum 60' height for a transmitting tower to 360' in a CS-zoned district and on property located west of the northwest corner of East 86th Street North and U. S. Highway 75.

CZ-097 December 1983: A request to rezone a 5.91-acre tract located on the northwest corner of 86th Street North and U. S. Highway 75 from AG to CS. Staff recommended denial with TMAPC approving the south 330' of the tract for CS zoning; The County Commission approved CS on the entire 5.91 acres.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, vacant and zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 96 th Street North	Secondary arterial	100'	2 lanes
Highway 75 North	Expressway	varies	4 lanes

UTILITIES: The subject tract has access to a 4" Washington County Rural Water District #3 line along 96th Street North. Sanitary sewer service is currently unavailable, so on-site septic systems for each lot will be required.

SURROUNDING AREA: The property is abutted on the north by a boat and mini-storage facility, zoned CS, and farther north are single-family dwellings, zoned RS; on the west by a large-lot single-family residence, zoned AG; on the east by a church, zoned AG; and on the south by vacant land, zoned AG. Across

the highway east of the church are large-lot single-family homes and vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This site does not meet the criteria for a Type II node (at the intersection of a primary and secondary arterial, ten acres on each corner) and therefore the requested CS portion is **not** in accordance with the Metropolitan Development Guidelines. The requested RE portion **is** in accord with the Guidelines.

STAFF RECOMMENDATION:

This application is to develop a mechanical/plumbing business on the frontage (approximately 330') of East 96th Street North with CS underlying zoning (Development Area A) and a limited number of large-lot single-family residences south of that and having RE underlying zoning (Development Area B). Separating the commercial use from the residential uses will be by a 6' screening fence and an 80' greenspace. At some point, the greenspace area will include a public or private roadway as access to the single-family residential properties on the southern two-thirds of the property. The proposed CS-zoned area will align with the existing CS zoning to the north across East 96th Street.

Based on the following conditions, staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-715 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 PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-715 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 Area A*

Gross land area (109,635 SF)	2.517 A.
Net land area (94,001 SF)	2.157 A.
Existing zoning	AG
Proposed zoning	CS/PUD

Permitted uses: All uses allowed by right or by Special Exception within a Commercial Shopping (CS) zoning district; and a mechanical/plumbing business use (Use Unit 15).

Minimum building and structure setbacks:

From the northern PUD Development Area A boundary	50'
From the southern PUD Development Area A boundary	30'
From the eastern PUD Development Area A boundary	30'
From the western PUD Development Area A boundary	30'

Screening requirements: A 6' opaque screening fence shall be constructed and maintained along the full length of the east, west and south PUD Development Area A boundary lines. Trash enclosure screening and other screening requirements as set forth by the Tulsa County Zoning Code shall also be installed and appropriately maintained.

Other bulk and area requirements:	Per Tulsa County Zoning Code requirements
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Off-street parking:	Per Tulsa County Zoning Code requirements
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Minimum landscape requirements:	Per Tulsa County Zoning Code requirements
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Signage:	Per Tulsa County Zoning Code requirements
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Development Standards – Development Area B*

Gross land area	7.481 A. (325,863 SF)
Net land area	7.426 A. (323,489 SF)
Existing zoning	AG
Proposed zoning	RE/PUD

Permitted uses: Uses allowed by right within an RE zoning district (Use Unit 1, Area wide Uses by Right; and Use Unit 6, Single-Family Dwelling).

Minimum lot width	150'
Minimum lot area	22,500 SF
Minimum land area	26,250 SF
Maximum structure height	26' **
Minimum livability space per lot	12,000 SF

Minimum building and structure setbacks

From public or private roadways	35'
From rear property/lot lines	25'
From all side property/lot lines	15'

* The boundaries of the development areas are conceptual and minor modification may be made pursuant to final platting; however, the acreage of the development areas shall not be altered by more than 10%.

** Maximum structure height restriction shall not apply to architectural elements such as chimneys, cupolas, spires and non-habitable building structure features.

Platting requirements: The project site shall be included within a subdivision plat **or plats** submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Board of County Commissioners, and duly filed of record in the Tulsa County Clerk's office. **If required by ODOT, one access point from East 96th Street North or any access road off of it may be allowed as part of the platting process.** (Underlined and bold captioned text added as part of the TMAPC recommendation).

Site plan review: A planned unit development Detail Site Plan for PUD Development Area A shall be submitted to and approved by the Tulsa Metropolitan Area Planning Commission. A landscape plan shall also be submitted to and approved by the Tulsa Metropolitan Area Planning Commission staff for PUD Development Area A.

Anticipated development schedule: It is the intent of the owner to commence site grading and development activities within the commercial/business portion of the PUD (Development Area A) following preliminary plat and earth change permit approvals, expected to occur in late spring, 2005. Project completion and occupancy of the proposed mechanical/plumbing shop is anticipated to occur in fall, 2005. No immediate plans are proposed for development of the residential portion of the PUD (Development Area B).

3. No zoning clearance permit shall be issued for a lot within the PUD Development Area A until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscape areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot in Development Area A shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, or will be installed at the appropriate time for planting, 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 Development Area A in 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. Flashing signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in an adjacent residential area. Lighting standards shall not exceed 30' in height.
8. The County Engineer or a professional engineer registered in the State of Oklahoma shall certify to the appropriate County 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.

9. Access and circulation shall be provided as delineated in the PUD-715 Conceptual Site Development Plan and the PUD development standards. All curbs, gutters, base and paving materials used shall be of a quality and thickness that meet Tulsa County standards.
10. No building permit shall be issued until the requirements of Chapter 11, Tulsa County 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 County beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
13. In Development Area A, there shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage within this PUD.

TAC comments for May 4, 2005:

Stormwater – It appears that stormwater is crossing the site. Therefore, Overland Drainage Easements may be needed. Add a sentence in the second paragraph regarding stormwater drainage.

Transportation – Ensure all Major Street and Highway Plan and ODOT right-of-way requirements are met. Proposed revised Subdivision Regulations require sidewalks on arterial streets.

Traffic – Recommend a public stub street to the south for future development of the interior. Recommend relocating the commercial access to the side street rather than the arterial. May need a mutual access easement to the future residential development to the south, in the interior of the property.

Water – Question about the capacity of the Rural Water District to handle the commercial plumbing/mechanical sales portion; information from the district is that it services a 6,000 SF building.

General – Roadway to service future residential or other development to the south should be platted at time of platting the commercial use on the north in order to ensure access.

INCOG Transportation Planning – East 96th Street North is designated as a secondary arterial. Sidewalks should be constructed if nonexisting or maintained if existing. *[No sidewalks exist anywhere in this vicinity, no were any pedestrians observed at time of field check.]*

Applicant's Comments:

Darin Akerman, Sisemore, Weisz and Associates, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that his client is a local mechanical plumbing business that would like to have a larger location for their facility.

Mr. Akerman stated that his in agreement with the staff recommendation. He explained that initially the commercial portion of the ten-acre site would be platted and the owners have no real interest in the rear portion of the subject property any time in the near future and anticipate large residential lots in the future.

Mr. Akerman stated that there is one item he would like to discuss after talking with the County Engineer, Tom Raines. The screening requirement that is proposed is around the commercial area on the west, south and east lines. After talking with Mr. Raines, he has discovered that ODOT is proposing that the at-grade intersection at 96th and Highway 75 become an overpass sometime in the future. If this is the case, the ramp down from the overpass would be in front of the subject property or somewhere along the northwesterly point of the subject site. If this is the case, then the access from the subject site would be ramping up to get out. He would like to be able to recommend that one access point across the screening fenced area to the future roadway shall be allowed during the platting process if required.

TMAPC COMMENTS:

Mr. Midget asked Mr. Akerman if he meant that the access would be "if required if a change in road grade is made by ODOT". In response, Mr. Akerman answered affirmatively. Mr. Midget stated that otherwise there would be an access off of 96th Street.

Mr. Carnes asked staff if there was a problem with this request. In response, Ms. Matthews stated that she doesn't see a problem with this at the present time, but it would have to be reviewed during the platting process.

INTERESTED PARTIES:

Sandra Farney, 9611 North Yale, Route 1, Box 615, Sperry, Oklahoma 74073, stated that there was a homeowner's association meeting Saturday evening. There were several concerns and they forwarded some questions to the Planning Commission in writing. Ms. Farney read the concerns and questions. Ms.

Farney asked that this case be denied until there is an effort to meet with the homeowners and find out the answers to all the questions.

TMAPC COMMENTS:

Mr. Midget stated that once this is approved by the Planning Commission, if they are so inclined, then it would go to the Board of County Commissioners for a final decision. The interested parties would have another opportunity before this is final. Ms. Farney stated that she would like to make herself available to meet with the owner.

INTERESTED PARTIES:

Thurman Rowe, 4110 East 96th Street North, Route 1, Box 416, Sperry, Oklahoma 74073, stated that he is the adjacent land owner and he is opposed to this application. He explained that he has lived on his property for 26 years and this would impact his home. He indicated that he enjoys living the country life and this would make it commercial and it would affect the value of his property. He explained that he tried to purchase the subject property in 1980 and they would never sell it to him. In 2003 he learned it was for sale and he checked the value of the property and offered the owner \$500.00 per acre above the market value and they still wouldn't sell it to him.

Mr. Rowe requested the subject application be denied because it would negatively impact his property.

Applicant's Rebuttal:

Mr. Akerman stated that on the north side of 96th Street there is a mini-storage project approved in 2000, which was built out without a PUD to his knowledge. On the north side of 96th Street there is a Park Meadow Subdivision with RS-3 zoning. He explained that his proposal is not as concentrated as the RS-3 subdivision. He proposes large residential lots for the balance of the subject property. The zoning is appropriate and the PUD protections have been added. Mr. Rowe's home is approximately 200 feet away from the commercial businesses is proposed.

Mr. Akerman stated that he did meet with Rural Water District 3 staff and they were supportive of the small mechanical business use.

TMAPC COMMENTS:

Mr. Ard asked Mr. Akerman if he has had any conversations with the church. Mr. Akerman stated that there has been conversation with Mr. Rowe, but he doesn't think there has been any conversation with the owners of the church property. The church received notice and he is not sure that they responded to INCOG.

Mr. Ard asked if this use would allow outside storage of equipment. Ms. Matthews stated that the CS zoning would not allow outside storage.

Mr. Akerman stated that his client would have a large building and most of their use is contained within the building. There would be some areas that they would like to have some of the equipment from job site temporarily stored, but it would be fully contained with a six-foot perimeter screening fencing around the entire site. The intent is not to have the site 80 percent full of storage equipment.

Ms. Matthews reminded Mr. Akerman that he can't have storage within 300 feet of a residential area and there are two pieces of RE zoning to the south, which would be owned by the applicant. Mr. Akerman stated that he would look at the zoning regulations and abide by those.

Mr. Midget asked Mr. Akerman to explain the screening that would be next to Mr. Rowe's property. Mr. Akerman stated that there is an 80-foot area between the westerly boundary of the commercial property (Development Area A) and Mr. Rowe's property line. The future roadway would be located at this point and it would be an additional buffer from the commercial area as the setback of the building itself on the commercial property. Mr. Midget asked Mr. Akerman if this would be landscaped. Mr. Akerman stated that this is the intent when the future roadway is placed in there then the landscaping would be installed generally in that fashion.

INTERESTED PARTIES:

Bill Field, 3009 East Knoxville Street, Broken Arrow, Oklahoma 74102, stated that he currently pastors the church that would neighbor this project. This sounds like the start of a mini-industrial park. The decision made today has an effect on any consideration that the County would make. There is a possibility that the applicant would come back three years from now and rezone the back portion because there is already CS zoning on the front.

Mr. Field stated that he met with Gary Evans, ODOT, and he indicated that there is nothing planned for at least eight years along Highway 75 in the subject area.

Councilor Mautino stated that when he lived in the County there were some zoning changes made that really affect his home today. CS in itself is not detrimental to the neighborhood as what the Use Units carry. This is a Use Unit 15 and he wants to put a plumbing business in. If the applicant would keep his business fully contained inside a building, it wouldn't be a problem.

Councilor Mautino stated that there were three lots in his district that developed in Use Unit 15, which he opposed and they ended up in court. There was a judgment that they should keep their outside storage cleaned up. He commented that there have been problems with these areas and Neighborhood Inspections. It is the nature of the businesses that do not keep their property cleaned up and they have outside storage.

Councilor Mautino stated that a Use Unit 15, which is a plumbing contractor, next to a church does nothing for the area.

Applicant's Rebuttal:

Mr. Akerman stated that there is a lot of commercial and other types of development that are on arterial roadways. The diversity is found anywhere in the city and some county areas as well.

Mr. Akerman stated that there will be screening around the perimeter of the subject site, landscaping (which exceeds the Code), and paved parking. He indicated that the church has gravel parking and there are some standards that have not been met there, because there are no trees or landscaping. He commented that he is not here to slam the adjacent properties, but he wanted to bring this out that this particular use with the landscaping and the proposed plan will be a good fit.

TMAPC COMMENTS:

Mr. Harmon stated that he does believe that the PUD will give the church and the neighborhoods the protection that they need. Any time there is a rezoning, it is controversial. This PUD provides what the Planning Commission is looking for and he is prepared to make a motion that it be approved per staff recommendation and that one additional access on the west side of Development Area A be allowed in connection with any right-of-way or access conditions or restrictions by ODOT.

Mr. Ard stated that this strikes him as a piecemeal zoning in the subject area and he is concerned that the church to the east is going to be isolated. It is surrounded by primarily residential property with the exception of the mini-storage to the north of it. He has driven Highway 75 and he sees a lot of small, piecemeal types of commercial developments and he is not sure that a particular CS zoning in this location provides a service to the neighborhood or the greater community at this point. He commented that he would not be in favor of this application.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **5-1-0** (Carnes, Harmon, Hill, Jackson, Midget "aye"; Ard "nay"; none "abstaining"; Dick "absent") to recommend **APPROVAL** of the CS/RE zoning for CZ-357 per staff recommendation and recommend **APPROVAL** of PUD-715 per staff recommendation and that one additional access on the west side of Development Area A be allowed in connection with any right-of-way or access conditions or restrictions by ODOT.

Legal Description for CZ-357/PUD-715:

The East 250.00' of the North 440.00' of the E/2, W/2, NW/4, NE/4 less highway right-of-way Section 21, T-21-N, R-13-E of the IBM, Tulsa County, Oklahoma according to the U. S. Government survey thereof, **From** AG (Agriculture District)

To CS (Commercial Shopping Center District); and the E/2, W/2, NW/4, NE/4 less the East 250.00' of the North 440.00' thereof and less highway right-of-way, Section 21, T-21-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government survey thereof, **From** AG (Agriculture District) **To** RE (Residential Single-family, Estate District); and the proposed Planned Unit Development (PUD-715) on the following described property: the E/2, W/2, NW/4, NE/4 less highway right-of-way, Section 21, T-21-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government survey thereof and located west of the southwest corner of East 96th Street North and Highway 75 North, Tulsa, Oklahoma, **From** AG (Agriculture District) **To** CS/RE/PUD (Commercial Shopping Center District/Residential Single-family, Estate District/Planned Unit Development).

* * * * *

OTHER BUSINESS:

Application No.: AC-077

ALTERNATIVE COMPLIANCE LANDSCAPE PLAN

Applicant: Sisemore, Weisz & Associates (PD-4) (CD-4)

Location: 13th and Wheeling/Bell Tower

STAFF RECOMMENDATION:

The applicant is requesting approval of an alternative compliance landscape plan for the Bell Tower Complex to revise the previously approved landscape plan. The proposed changes, requested because the plant materials were difficult to maintain in their previous location, do not meet requirements of the Zoning Code. Section 1002.B.2 of the landscape chapter requires that parking be a maximum 100' from a landscape area containing a minimum 100 square feet. To compensate for this requirement, the applicant proposes to add eight Maple trees to the previously planned twelve located adjacent to the building on the west and east sides. Also, the applicant proposes to remove five bald cypress trees from the south elevation and replace them with two Urbanite Ash trees, to be located in landscaped islands on each end of the parking bay adjacent to the building's south elevation. Because there is significant landscaping and trees on the site's perimeter, twenty trees in the south parking area and trees adjacent to the building's west and east elevations, the proposed changes comply with the intent of the landscape requirements.

Staff recommends **APPROVAL** of AC-077 alternative compliance landscape plan as proposed.

(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:

Greg Jennings, 2260 South Troost, Tulsa, Oklahoma 74114, stated that he would much prefer that the alternative compliance take place than screening fences and walls. He appreciates that this is being done in this instance and encourages it be done in the future.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **APPROVE** the alternative compliance landscaping plan for AC-077 per staff recommendation.

Application No.: PUD-600-C

DETAIL SITE PLAN

Applicant: Robert A. Lemons

(PD-18) (CD-8)

Location: 4501 East 93rd Place

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a residential neighborhood pool and clubhouse. The proposed use is conformance with the approved concept plan.

The proposed building meets building height and setback requirements. The site will be screened on the north and west by the perimeter subdivision walls; the east and south will be screened by a six-foot wood privacy fence.

Staff recommends **APPROVAL** of PUD-600-C detail site plan as proposed.

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

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **APPROVE** the detail site plan for PUD-600-C per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 4:31 p.m.

Date Approved:

6-22-05

Stanley M. Bayles

Chairman

ATTEST:

Walter M. Quinn

Secretary

