

TULSA METROPOLITAN AREA PLANNING COMMISSION

For Meeting No. 2559

September 2, 2009, 1:30 PM

175 East 2nd Street, 2nd Level, One Technology Center

Tulsa City Council Chambers

CONSIDER, DISCUSS AND/OR TAKE ACTION ON

Call to Order:

REPORTS

Chairman's Report:

Worksession Report:

Comprehensive Plan Report:

Report on the update of the Comprehensive Plan

Director's Report:

Review TMAPC Receipts for the Month of July 2009

1. Minutes of August 19, 2009. Meeting No. 2557

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

2. **LC-195** – Adrian Watts, Jr. (8419)/Lot Combination (County)
North of East 101st Street and East of South Mingo Road, 10205 East 101st Street
3. **LC-205** – John Elder (9131)/Lot Combination (County)
Northeast corner of West 61st Street and South 167th West Avenue
4. **LS-20333** – Sack and Associates, Inc (8201)/Lot-Split (PD 18) (CD 2)
Northwest corner of South Riverside Parkway and South Peoria Avenue, 6720 South Peoria Avenue East
5. **PUD 379 C –** (8302) Amendment to Deed of Dedication (PD 18) (CD 7)
West of South Memorial Drive and North of East 71st Street
6. **PUD 379 C –**(8302) Plat Waiver (PD 18) (CD 7)
West of South Memorial Drive and North of East 71st Street

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

PUBLIC HEARINGS

7. **Cedar Hills Amended –**(8419) Minor Subdivision Plat (PD 18) (CD 8)
North of East 101st Street, East of South 106th East Avenue
8. **BOA – 20933 –**(0330) Plat Waiver (PD 2) (CD 3)
Northeast corner of East Seminole Street and North Quaker Avenue

9. **Z-7140/Z-7140-SP-1 – Roy Johnsen/TEP – Tim Terral**

AG to CO

South of southwest corner of South Maybelle Avenue and West 81st Street South (Corridor Site Plan to establish a conceptual site plan with designation of development areas, allocation of uses and intensity of uses, development standards and use conditions.)

(PD-8) (CD-2)

OTHER BUSINESS

10. **Review and Discuss TIGER Grant Application concerning I-244 bridge over the Arkansas River.** (James Wagner, Senior Transportation Planner/INCOG)
11. **Review and Consider TMAPC Meeting dates for 2010.**
12. **Commissioners' Comments**

ADJOURN

PD = Planning District/CD = Council District

NOTICE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526

Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG.

Ringin/sound on all cell phones and pagere must be turned off during the Planning Commission.

Visit our website @ www.tmapc.org

The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.

TMAPC Mission Statement

TMAPC RECEIPTS
Month of July 2009

----- Current Period -----				----- Year To Date -----				
	ITEM	CITY	COUNTY	TOTAL RECEIVED		CITY	COUNTY	TOTAL RECEIVED
ZONING								
Zoning Letters	13	\$70.00	\$70.00	\$140.00	13	\$70.00	\$70.00	\$140.00
Zoning	14	3,672.50	3,672.50	7,345.00	14	3,672.50	3,672.50	7,345.00
PUDs & Plan Reviews	47	3,266.00	3,266.00	6,532.00	47	3,266.00	3,266.00	6,532.00
Refunds	1	(200.00)	(200.00)	(400.00)	1	(200.00)	(200.00)	(400.00)
Fees Waived	0	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	0	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>\$6,808.50</u>	<u>\$6,808.50</u>	<u>\$13,617.00</u>		<u>\$6,808.50</u>	<u>\$6,808.50</u>	<u>\$13,617.00</u>
LAND DIVISION								
Minor Subdivisions	1	\$325.00	\$325.00	\$650.00	1	\$325.00	\$325.00	\$650.00
Preliminary Plats	1	605.00	605.00	1,210.00	1	605.00	605.00	1,210.00
Final Plats	4	1,697.00	1,697.00	3,394.00	4	1,697.00	1,697.00	3,394.00
Plat Waivers	4	500.00	500.00	1,000.00	4	500.00	500.00	1,000.00
Lot Splits	12	762.50	762.50	1,525.00	12	762.50	762.50	1,525.00
Lot Combinations	15	750.00	750.00	1,500.00	15	750.00	750.00	1,500.00
Access Changes	1	25.00	25.00	50.00	1	25.00	25.00	50.00
Other	0	0.00	0.00	0.00	0	0.00	0.00	0.00
Refunds	1	(150.00)	(150.00)	(300.00)	1	(150.00)	(150.00)	(300.00)
Fees Waived	0	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	0	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>\$4,514.50</u>	<u>\$4,514.50</u>	<u>\$9,029.00</u>		<u>\$4,514.50</u>	<u>\$4,514.50</u>	<u>\$9,029.00</u>
BOARDS OF ADJUSTMENT								
Fees	25	\$5,350.00	\$3,700.00	\$9,050.00	25	\$5,350.00	\$3,700.00	\$9,050.00
Refunds	0	0.00	0.00	0.00	0	0.00	0.00	0.00
JUNE CORRECTIONS			(550.01)	(550.01)				
Fees Waived	0	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	0	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>\$5,350.00</u>	<u>\$3,700.00</u>	<u>\$8,499.99</u>		<u>\$5,350.00</u>	<u>\$3,700.00</u>	<u>\$9,050.00</u>
TOTAL		\$16,673.00	\$15,023.00	\$31,145.99		\$16,673.00	\$15,023.00	\$31,696.00

Eller & Detrich
A Professional Corporation

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August 19, 2009

VIA E-MAIL – dfernandez@incog.org

Ms. Diane Fernandez
INCOG
201 West 5th, Suite 600
Tulsa, Oklahoma 74103

Re: PUD 379-C

Plat Waiver

Dear Diane:

Attached is a copy of the Declaration of Covenants and Restrictions under Planned Unit Development No. 379-C. The purpose of this Declaration is to permit the waiving of the platting requirements as provided in Section 1102 of the Tulsa Zoning Code by: (1) memorializing the PUD covenants and restrictions; (2) making the City of Tulsa a beneficiary to such covenants and restrictions; and (3) recording them in the land records so that any future title holder will be aware of the same.

This Declaration is necessitated because the subject property, Lot Two (2), Block One (1), THE VILLAGE AT WOODLAND HILLS, is a part of a Major Amendment to PUD No. 379 and was processed as Planned Unit Development 379-C which was approved last month.

Since the property is a platted lot, and the existing building will not be expanded as a result of PUD 379-C, the Applicant has requested that this notice be approved by the TMAPC and filed in the land records as provided by the Zoning Code.



www.EllerDetrich.com

2727 East 21st Street, Suite 200, Tulsa Oklahoma 74114-3533


5.1

Ms. Diane Fernandez
August 19, 2009
Page 2

Should you have any questions, please do not hesitate to call.

Sincerely,

ELLER & DETRICH
A Professional Corporation



R. LOUIS REYNOLDS

RLR:kfm
Enclosure

cc: Mr. Jamie Weaver
Patrick Boulden, Esq.

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**DECLARATION OF COVENANTS AND RESTRICTIONS
UNDER PLANNED UNIT DEVELOPMENT NO. 379-C**

(PUD 379-C)

THIS DECLARATION OF COVENANTS AND RESTRICTIONS UNDER PLANNED UNIT DEVELOPMENT NO. 379-C (this "Declaration"), is made and entered into as of this ____ day of September, 2009, by CRESTA GOLD FUND, L.P., a Delaware limited partnership ("Cresta").

RECITALS:

A. Cresta is the owner of certain real property located in the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as:

Lot Two (2), Block One (1), THE VILLAGE AT WOODLAND HILLS, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof (the "Property").

B. The Property was processed as a Major Amendment to Planned Unit Development No. 379-B such action being Planned Unit Development 379-C ("PUD 379-C") pursuant to Chapter 11 of Title 42 of the Tulsa Zoning Code, and was approved by the Tulsa Metropolitan Area Planning Commission (the "TMAPC") on July 15, 2009.

C. On September 2, 2009, the TMAPC, at a public hearing, waived the platting requirement for the Property and determined that the purpose of such platting could be achieved, by the recording of this Declaration in the Office of the Tulsa County Clerk.

COVENANTS AND RESTRICTIONS:

NOW, THEREFORE, in accordance with Title 42, Section 1102 of the Tulsa Zoning Code requiring the establishment of covenants and restrictions of record, inuring to and enforceable by the City of Tulsa, Oklahoma, a municipal corporation (the "City"), sufficient to assure the implementation and continued compliance with PUD 379-C and any amendments thereto, Cresta, for its successors, grantees and assigns, does hereby impose the following covenants and restrictions, which shall run with the land and which shall be enforceable by Cresta, the owner(s) of the Property or by the City.

1. ADDITIONAL DEVELOPMENT STANDARDS

A. Permitted Uses:

Uses permitted as a matter of right in the CS – Commercial Shopping Center District, Use Unit 12 – Eating Establishments Other Than Drive-Ins and Use Unit 12a Bar Only. No other Use Unit 12a use is permitted.

B. Restaurant and Bar Hours of Operation:

Restaurant and bar hours of operation shall not extend past 2:00 a.m.

2. TERM, AMENDMENT, ENFORCEMENT AND PARTIAL INVALIDITY

A. Term and Amendment:

The covenants and restrictions set forth herein shall be covenants and restrictions which shall run with the land and shall be binding upon and enforceable by Cresta, its successors, grantees and assigns and by the City, until September 1, 2025, at which time such covenants and restrictions shall be automatically extended for successive periods of ten (10) years; provided, however, such covenants and restrictions may be amended, terminated or modified, in whole or part, at any time by written instrument signed by majority of the owner(s) of the Property and the City and the provision of such instrument shall be binding from and after the date it is recorded.

B. Enforcement:

In the event Cresta or any of its successors, grantees or assigns or any person claiming under them, shall violate or breach any of the covenants and restrictions set forth herein or imposed hereby, any person or persons owning an interest in the Property, or the City, shall have the right to maintain an action at law or in equity against the person or persons attempting to violate any such covenants or restrictions to prevent violation or to recover damages for the violation thereof.

C. Partial Invalidity:

Invalidation of any of the covenants or restrictions set forth herein by judgment or other action shall not effect the validity of any other covenant or restriction and shall remain in full and force and effect.

3. PLAT, DEED OF DEDICATION AND CONFLICTS

A. Plat, Deed of Dedication and Conflicts:

Every owner by acceptance of a deed to any or all of the Property acknowledges that the Property and the use thereof are subject to covenants and restrictions of this Declaration. To the extent that this Declaration is in conflict with any term, condition and provision of the Plat or Deed of Dedication of THE VILLAGE AT WOODLAND HILLS, or any prior amendment thereto, the provisions of this Declaration shall control.

IN WITNESS WHEREOF, Cresta has caused this Declaration to be executed on the day herein set forth above.

**CRESTA GOLD FUND, L.P.,
a Delaware limited partnership**

By: CRESTA DEVELOPMENT COMPANY,
a Delaware corporation,
Its General Partner

By: _____
Name: _____
Its President

"Cresta"

APPROVED AS TO FORM:

TULSA METROPOLITAN AREA
PLANNING COMMISSION

By: _____
Assistant City Attorney

By: _____
Chairman

"TMAPC"

STATE OF TEXAS)
) ss.
COUNTY OF _____)

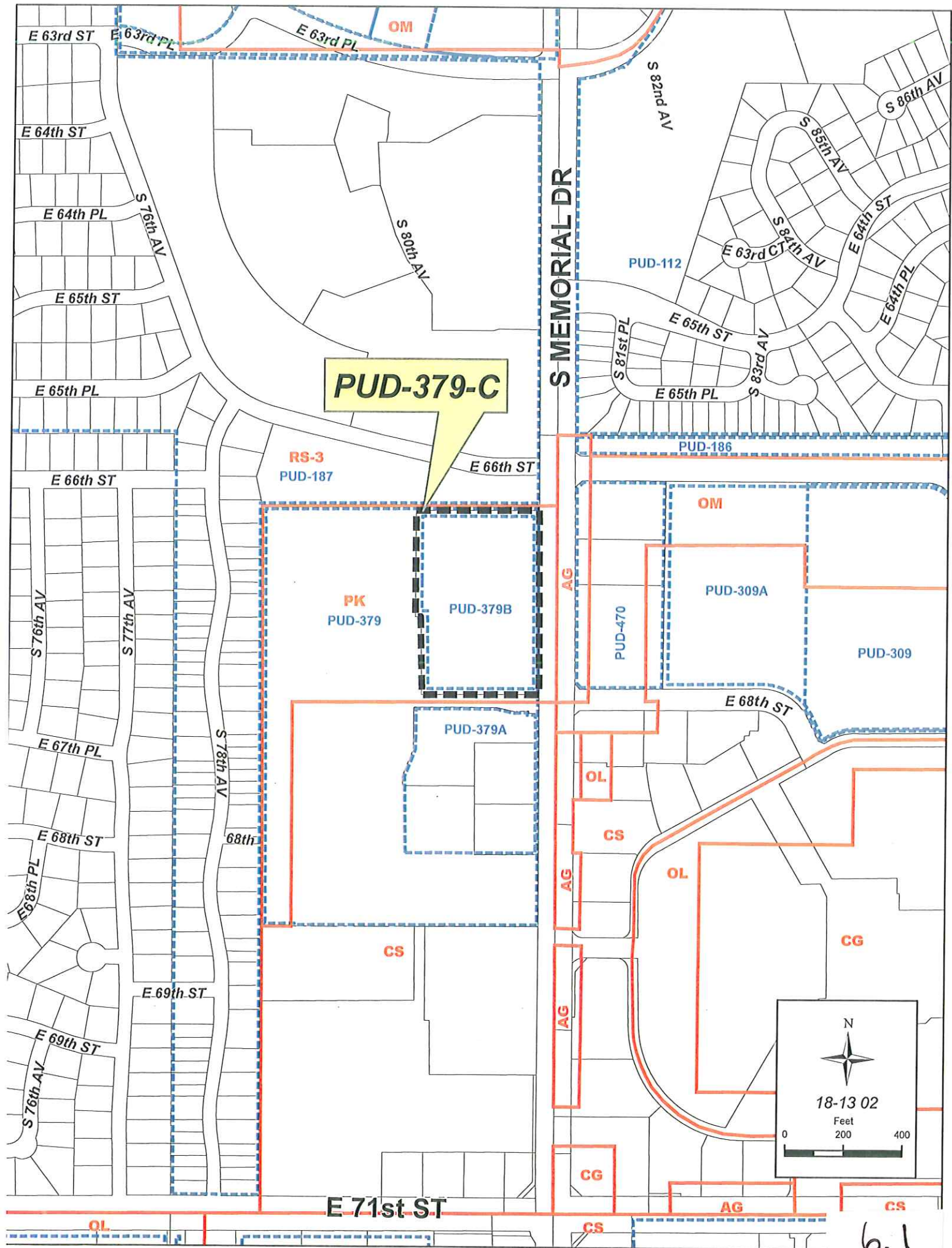
This instrument was acknowledged before me on this _____ day of September, 2009, by
_____ as President of Cresta Development Company, a Delaware corporation, as
General Partner of CRESTA GOLD FUND, L.P., a Delaware limited partnership

My Commission Expires:

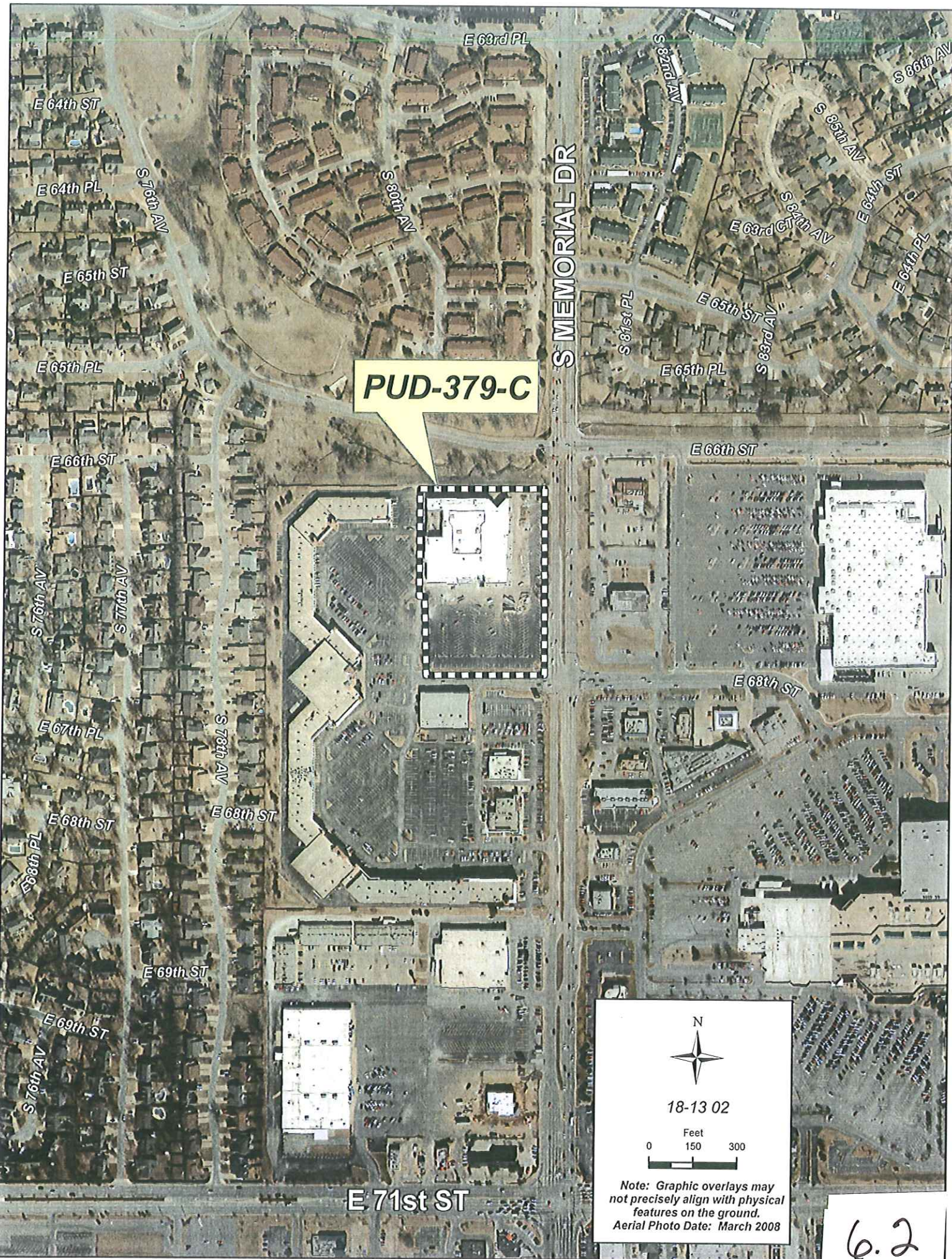
Notary Public

My Commission Number:

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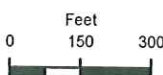
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PUD-379-C



18-13 02



Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: March 2008

6.2

PLAT WAIVER

September 2, 2009

PUD 379-C (8302) (PD 18) (CD 7)

West of South Memorial Drive and North of East 71st Street

The platting requirement is being triggered by a PUD major amendment.

Staff provides the following information from TAC at their August 20, 2009 meeting:

ZONING:

- TMAPC Staff: A plat waiver was previously granted to a major amendment for this platted property.

STREETS:

- The requirement for sidewalks was previously waived.

SEWER:

- No comment.

WATER:

- No comment.

STORM DRAIN:

- No comment.

FIRE:

- No comment.

UTILITIES:

- No comment.

Staff recommends **APPROVAL** of the plat waiver.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | Yes | NO |
|---|-----|----|
| 1. Has Property previously been platted? | X | |
| 2. Are there restrictive covenants contained in a previously filed plat? | X | |
| 3. Is property adequately described by surrounding platted properties or street right-of-way? | X | |

6.3

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		
10. Is this a Major Amendment to a P.U.D.?	X	
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		X
11. Are mutual access easements needed to assure adequate access to the site?		X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

RS-3
PUD-364

AG

CREEK TPK

GRACE CHAPEL DR

A-1

**CEDAR HILLS
AMENDED**

PUD-746

RS-3

E 101st ST

R-2
PUD-97

W ORLANDO CIR

RM

RD

102A
102

A-1

A-RE

A-R-1

A-RE

A-R-1

R-2

R-1

R-2



18-14 19

Feet

250

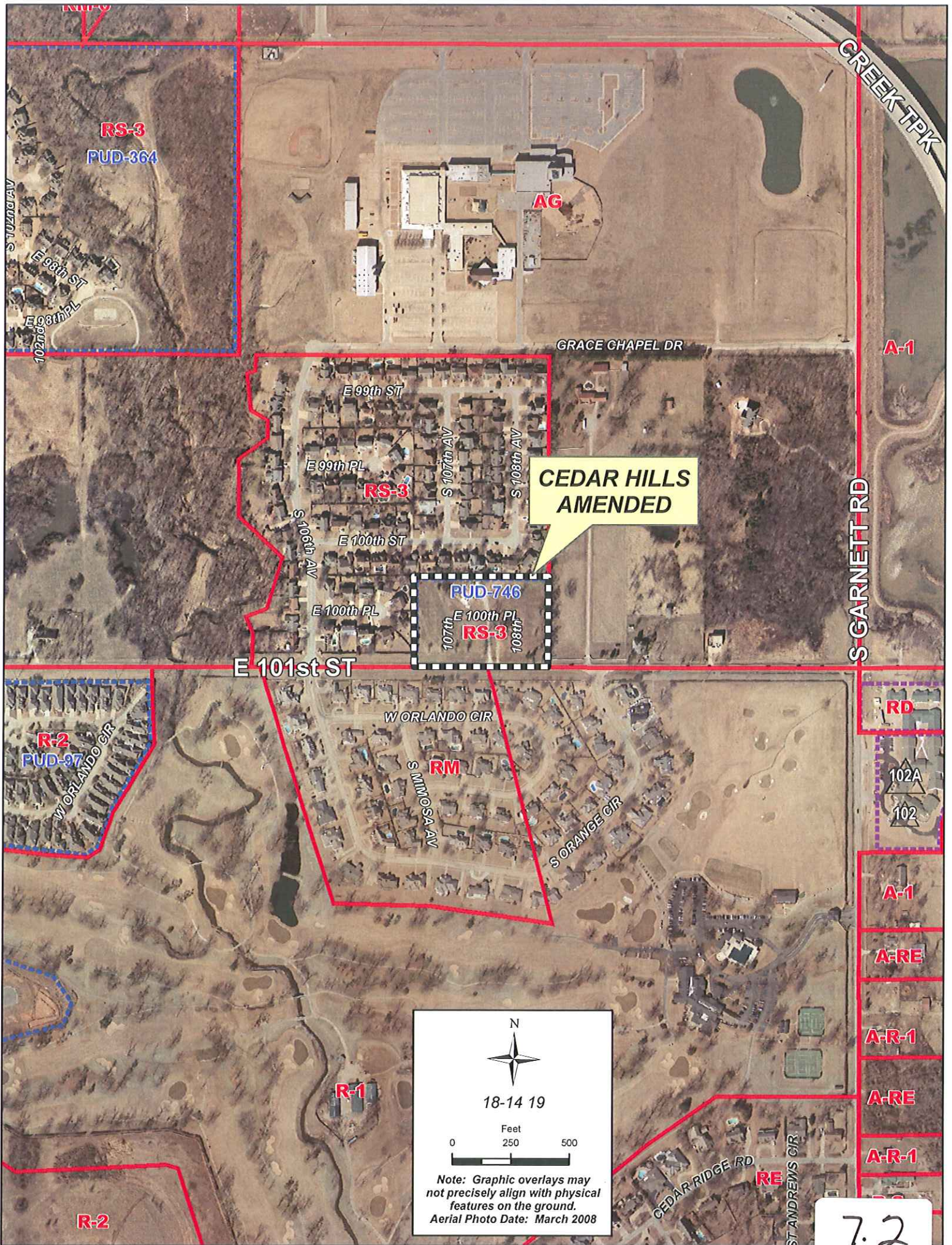
500

CEDAR RIDGE RD

RE

ST ANDREWS CIR

7.1



N

18-14 19

Feet
0 250 500

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: March 2008

Minor SUBDIVISION PLAT

Cedar Hills Amended - (8419) (PD 18) (CD 8)

North of East 101st Street, East of South 106th East Avenue

This plat consists of 14 Lots, 2 Blocks, on 4.29 acres.

The following issues were discussed August 20, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 746. The plat is a replat of the original Cedar Hills plat which was filed in August of 2008. There will be 14 lots instead of the original 8 lots. There are minor lot line changes from the original plat. All PUD requirements and standards must be listed in the restrictive covenants.
2. **Streets:** No comment.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** Plat number 6230 which is being amended by this plat, has a stormwater detention note which states: The Developer of "Cedar Hill" will pay a fee-in-lieu- of on-site stormwater detention as approved by the City of Tulsa and Tulsa County. This fee was never paid. A similar note must be added to this plat, and the developer must pay a, lots per acre based, fee of \$13,835.00 prior to release of this plat by the Development Services department of the City of Tulsa.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment. **GIS:** On the location map, label and highlight the platted area. Submit a subdivision control data form in which the first point shall be the Point of Beginning with two other points on or near the plat's boundary.

Staff recommends **APPROVAL** of the Minor plat subject to the TAC comments and the special and standard conditions below. All release letters have been received.

Waivers of Subdivision Regulations:

1. None requested.

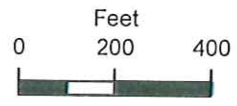
Special Conditions:

1. The concerns of the public works department staff must be taken care of to their satisfaction.

Standard Conditions:

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

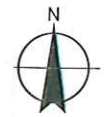
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or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

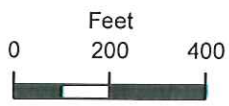


BOA-20933

20-13 30

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Aerial Photo Date: March 2008

BOA-20933

20-13 30

Note: Graphic overlays may not necessarily align with physical features o.

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PLAT WAIVER

September 2, 2009

BOA - 20933 (0330) (PD 2) (CD 3)

Northeast corner of East Seminole Street and North Quaker Avenue

The platting requirement is being triggered by Board of Adjustment case 20933 which permitted a day care use in an RS-3 zoning district.

Staff provides the following information from TAC at their August 20, 2009 meeting:

ZONING:

- TMAPC Staff: The property has been previously platted.

STREETS:

- Traffic study should be conducted to determine the suitability of 20 employees and 80 children in and out of a facility bordering a residential area. Sidewalks are required along Quaker and Seminole.

SEWER:

- No comment.

WATER:

- No comment.

STORM DRAIN:

- This site abuts residential properties, and the existing drainage route is towards those properties. The additional drainage from this site must be collected on-site, and then be directed towards the public drainage system along the roadways south and west of this site.

FIRE:

- No objections. Suggest owner get with architectural plan review staff about building code requirements for a day care center.

UTILITIES:

- No comment.

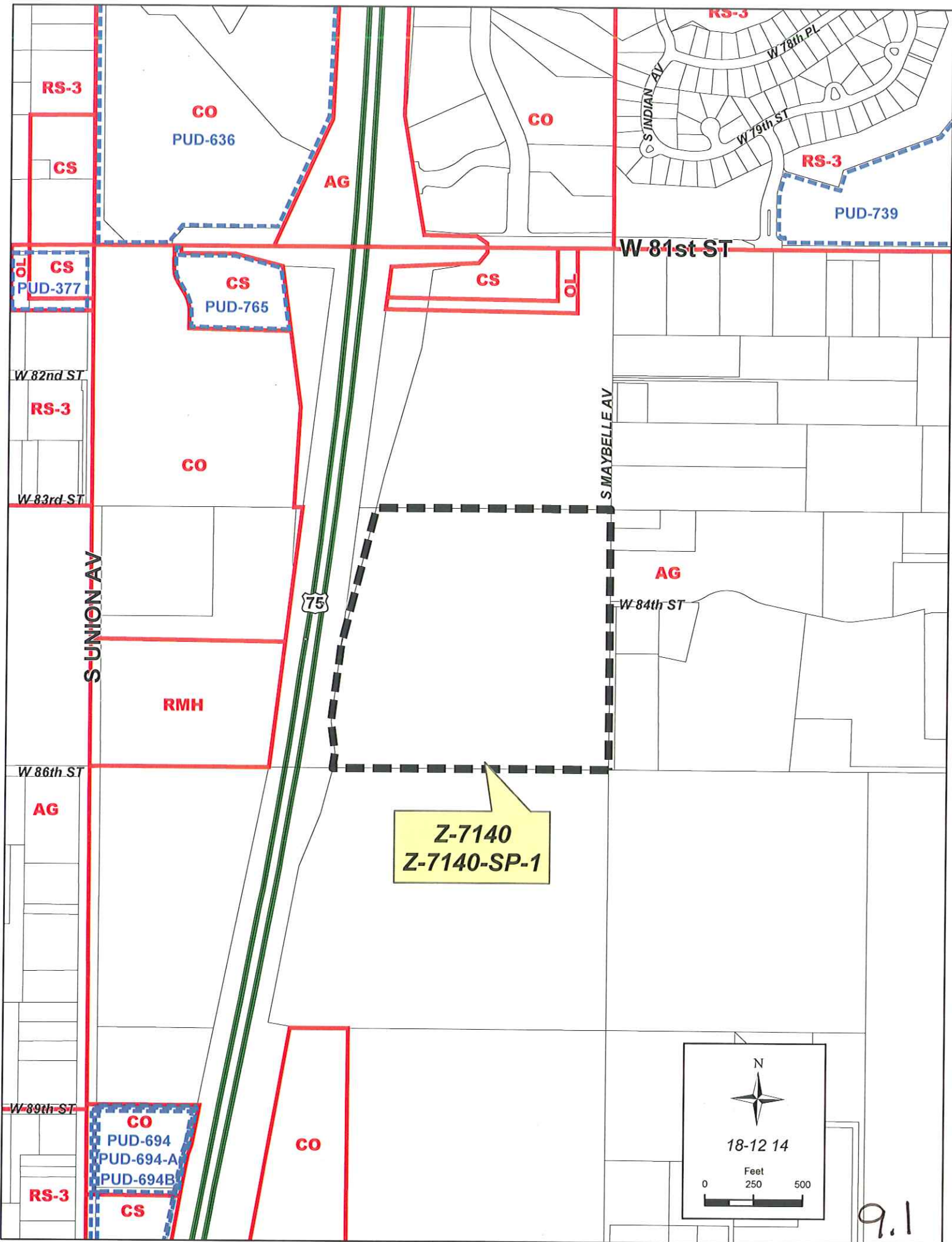
Staff recommends **APPROVAL** of the plat waiver. The Development Services staff recommended that the applicant discuss parking and building permit concerns with the permit staff as soon as possible especially those relating to parking spaces, building and fire codes, and traffic patterns.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | Yes | NO |
|---|-----|----|
| 1. Has Property previously been platted? | X | |
| 2. Are there restrictive covenants contained in a previously filed plat? | X | |
| 3. Is property adequately described by surrounding platted properties or street right-of-way? | X | |

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

- | | YES | NO |
|---|-----|----|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan? | | X |
| 5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived? | | X |
| 6. Infrastructure requirements: | | |
| a) Water | | |
| i. Is a main line water extension required? | | X |
| ii. Is an internal system or fire line required? | | X |
| iii. Are additional easements required? | | X |
| b) Sanitary Sewer | | |
| i. Is a main line extension required? | | X |
| ii. Is an internal system required? | | X |
| iii. Are additional easements required? | | X |
| c) Storm Sewer | | |
| i. Is a P.F.P.I. required? | | X |
| ii. Is an Overland Drainage Easement required? | | X |
| iii. Is on site detention required? | | X |
| iv. Are additional easements required? | | X |
| 7. Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | | X |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | | X |
| 8. Change of Access | | |
| a) Are revisions to existing access locations necessary? | | X |
| 9. Is the property in a P.U.D.? | | X |
| a) If yes, was plat recorded for the original P.U.D. | | |
| 10. Is this a Major Amendment to a P.U.D.? | | X |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | | |
| 11. Are mutual access easements needed to assure adequate access to the site? | | X |
| 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | | X |





18-12 14

Feet
0 250 500

Note: Graphic overlays may
not precisely align with physical
features on the ground.
Aerial Photo Date: March 2008

9.2

**TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT**

APPLICATION: Z-7140/Z-7140-SP-1

TRS 8214

Atlas 1584

CZM 51

PD-8 CD-2

TMAPC Hearing Date: September 2, 2009

Applicant: Roy Johnsen

Tract Size: 41.02± acres

ADDRESS/GENERAL LOCATION: South of southwest corner of South Maybelle Avenue
and West 81st Street South

EXISTING ZONING: AG

EXISTING USE: Vacant

PROPOSED ZONING: CO

PROPOSED USE: Residential

ZONING ORDINANCE: Ordinance number 11827 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7116/PUD-765 February 2009: All concurred in approval of a request for rezoning a 4.64± acre tract of land from AG to CS/PUD for retail use on property located on the southwest corner of Highway 75 South and West 81st Street South.

Z-7115/Z-7115-SP-1 February 2009: All concurred in approval of a request for rezoning a 25.97± acre tract of land from AG to CO and a Corridor Site Plan for mixed use development with retail, office, hotel and multifamily, on property located at the southwest corner of Highway 75 South and West 81st Street South and northwest of subject property.

BOA-20857 February 10, 2009: The Board of Adjustment accepted a verification of spacing requirement between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign per surveyor's certificate on page 10.6, on property located at the southeast corner of West 81st Street and Highway 75 and abutting north of subject property.

Z-7083/Z-7083-SP-1 January 2008: All concurred in approval of a proposed Corridor Site Plan on a 12± acre tract of land for the Tulsa Hills South development including multiple commercial, mixed use developments on property located on the northeast corner of West 91st Street South and U. S. Highway 75.

PUD-739 June 2007: All concurred in approval of a proposed Planned Unit Development on a 25± acre tract of land for a single-family development on property located on the northwest corner of West 81st Street South and South Elwood Avenue.

PUD-694-B/Z-6916-SP-3 January 2007: All concurred in approval of a proposed Major Amendment to a Planned Unit Development on a 8.3± acre tract of land to reallocate and approve Use Unit 21 from Development Area A (Lot 1) to Development Area B (Lot 2) in order

to meet the 1,200 foot spacing requirement for an outdoor advertising sign, on property located north of the northwest corner of West 91st Street and Highway 75 South.

Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006: All concurred in approval of a Corridor Site Plan on 176+ acres to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio, on property located east of US Highway 75 between West 71st and West 81st Streets.

PUD-694-A/Z-6916-SP-2 September 2005: A request for a major amendment to a PUD on a 4.61+ acre tract to allow a Use Unit 16 to permit a mini storage was approved on property located north of the northwest corner of West 91st Street and Highway 75 South.

Z-6916/PUD-694 December 2003: Approval was granted for rezoning request and a PUD on property located north of the northwest corner of West 91st Street and Highway 75 South. CS zoning was approved on the south 467' of the subject property and CO zoning was approved on the balance. PUD-694 was also approved subject to Use Unit 15 being removed as an allowable use.

PUD-636/Z-5457-SP/Z-4825-SP October 2000: All concurred in approval for a proposed Planned Unit Development, on a 108+ acre tract of land for a mixed use development including single-family townhouse dwellings, multifamily and commercial uses subject to conditions of the PUD located on the northwest corner of West 81st Street South and South Highway 75.

Z-4948-SP-3 March 2000: All concurred in approval of a proposed Corridor Site Plan on a 7.26+ acre tract of land to allow Use Unit 9 to place a 14'x70' mobile home on the site for residence for an employee/security/additional office and storage space, on property located south of the southeast corner of West 81st Street South and South Union Avenue and abutting west of subject property across Highway 75.

Z-4948-SP-2 January 1999: Staff recommended denial of a proposed Corridor Site Plan on a 4.7+ acre tract of land allowing Use Unit 21 for an outdoor advertising sign, on property located south of the southeast corner of West 81st Street South and South Union Avenue and abutting west of subject property across Highway 75. The TMAPC and City Council concurred in approval of the application.

Z-4948-SP-1 October 1985: All concurred in approval of a proposed Corridor Site Plan on a 14.94+ acre tract of land allowing Use Units 11 and 15 for an x-ray company, on property located south of the southeast corner of West 81st Street South and South Union Avenue and abutting west of subject property across Highway 75.

Z-5993/PUD-377 November 1984: All concurred in approval of request for rezoning a 2.06+ acre tract of land from RS-3 to OL/CS/PUD and a proposed Planned Unit Development for a printing and graphic art reproduction & associated sales business on property located on the southwest corner of West 81st Street South and West Union Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 41.02+ acres in size and is located south of southwest corner of South Maybelle Avenue and West 81st Street South. The property appears to be vacant and is zoned AG.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Maybelle Avenue	N/A	N/A	2

UTILITIES: The subject tract has municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by largely vacant land, zoned AG with residential single family uses along Maybelle Ave.; on the north by vacant land, zoned AG; on the south by vacant land, zoned AG; and on the west by U.S. 75.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within a Corridor, a designation generally for higher intensity types of development. According to the Zoning Matrix, the requested CO zoning is in accord with the Plan.

STAFF RECOMMENDATION FOR ZONING:

Staff has some concerns regarding new single-family residential development within areas that were originally planned for more intense development, typically mixed uses. If approved, this application may be setting the precedent for no or limited medium intensity uses on the north, south and east of the property in the future. Conversely, should medium intensity developments be approved adjacent to this site in the future, there is the potential to adversely affect this development. However, if the TMAPC deems the accompanying Corridor Site Plan appropriate, staff can recommend **APPROVAL** of CO zoning for Z-7140.

STAFF RECOMMENDATION FOR CORRIDOR SITE PLAN:

Corridor District Site Plan #Z-7140-SP-1, also known as Hyde Park, is a 41.02 gross acre tract (39.49 net acres). Concurrently with this application is re-zone application #Z-7140, requesting a change from AG zoning to Corridor (CO) zoning. Approval of this Corridor plan would be contingent upon the TMAPC approving the aforementioned rezone request.

Existing topography of the site is gently rolling with the high point of the property having an elevation of 717' and located in the south central portion of the project site. The site gently slopes from the high point to three low points located at the northeast, southeast and southwest corners of the site with elevations of 680', 681' and 690' respectively. Based on discussions with the City Stormwater Management team, three on-site detention facilities are required each being located in the general area of the site's low points. Exhibit A depicts a pond in the northeast corner of the site. This pond is proposed to maintain a static water level and will serve as an amenity and aid in necessary on-site detention. The detention facilities located in the southeast and southwest portions of the property are proposed as dry detention ponds.

Referring to Exhibit A, the proposed corridor district plan is for a single-family residential development with a maximum of 185 dwelling units in two development areas and private streets. Development Area A would have 55' x 100' lots while Development Area B would have 45' x 100' lots.

Principal access to the development would be from Maybelle Avenue with a secondary point of access in the southwest portion of the site that will have a crash gate providing only restricted emergency access to a future roadway. Per TAC recommendation, Maybelle Avenue will be

improved to City Standards and sidewalks required along Maybelle Avenue and on both sides of interior streets per subdivision regulations.

Staff understands that the intent of the developer is to have smaller sized, low maintenance lots while providing maximum common open space with amenities such as a pool and pool/house, tennis courts, putting green, water features, landscaping and walking trails. There will be a fully screened area located in the northeast corner of the site that will have a maintenance barn and small amount of associated parking for use in storing the equipment necessary to maintain the common/open spaces. A homeowners association will be formed responsible for the maintenance of all common areas including private streets.

A 6' privacy wall would surround the site with an 8' section along Highway 75 used as a buffer. The section along Highway 75 would be of masonry construction with the remainder being wood and masonry.

The Corridor Site Plan is submitted to establish a conceptual site plan with designation of development areas, allocation of uses and intensity of uses, development standards and use conditions. The entire site will be platted and will be submitted to and approved by the Tulsa Metropolitan Area Planning Commission and accepted by the Tulsa City Council, and constitute the required detail site plan. Detail site plan review will be required for the perimeter wall/fence, the entry gate and guard house if proposed, the pool and pool house, and the proposed maintenance barn.

Staff has reviewed the proposal, conducted site visits and has some reservations about residential development within districts that are targeted by the Comprehensive Plan as being planned for more intensive, mixed use developments under the corridor designation. While residential development is permitted in CO districts and this proposal is well within the limits of density permitted for residential uses in the Corridor District, approval of this application may limit future medium to high intensity development to the north and south. Also, the future approval of medium to high intensity development adjacent to this site could have a negative impact on this development.

However, staff does recognize the following factors specific to this site:

- The amount of commercial development approved along Highway 75, from the Interstate-44/U.S. Highway 75 interchange to West 81st Street South, including the Tulsa Hills Regional Shopping Center. Residential development would seem appropriate to help further support these areas;
- Proximity to larger-lot, residential single-family development to the east and northeast; and
- That the approximate 51-acre tract located south of the subject tract, at the northeast corner of U.S. Highway 75 and West 91st Street South is owned by the Jenks Public Schools and is targeted for new school construction. With the approval of development on the subject tract, construction of a public school on the "Jenks" tract, combined with the amount of commercial development approved in this corridor area, proposed commercial development of the lot between the subject property and the "Jenks" tract could become very limited and would receive great scrutiny.

9.6

Based on the factors cited above, staff can support this application. Based upon the proposed Concept Plan staff finds Z-7041-SP-1 to be: (1) in harmony with the existing development of surrounding areas; (2) a unified treatment of the development possibilities of the site given the surrounding approved developments; and (3) consistent with the stated purposes and standards of the CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-7140-SP-1 contingent upon approval of rezone application Z-7140 and subject to the following conditions as modified by staff:

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

Land Area:	41.02 gross acres 39.49 acres (Net)
Maximum Number of Dwelling Units:	185/4.51 DU per acre

DEVELOPMENT AREA A - GARDEN HOMES

Permitted Uses:

Uses permitted by right in Use Unit 6, Single-Family Dwelling; and Use Unit 5, Community Services and similar uses and uses customarily incidental to permitted principal uses.

Maximum Number of Dwelling Units:	145
Minimum Livability Space Per Dwelling Unit:	2,000 sq. ft.*

**Livability Space is defined as open space not used for parking or drives. Parking or drives located between the front lot line and building setback line shall count against livability space.*

Minimum Lot Size:	5,500 sq. ft.
Minimum Lot Frontage:	55 feet

Setbacks:

Front Yard:	20 feet
Side Yards:	0 ft/10 ft. or 5 ft./5 ft.
Side Yard abutting private street:	15 feet**
Rear Yard:	15 feet

***Garage openings shall not be permitted to face the 15 foot building setback.*

Maximum Building Height:	35 feet***
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**** Architectural decorative features such as chimneys and cupolas, may extend to a maximum height of 45 feet. However, no habitable portion of any dwelling may exceed the 35 foot height limitation.*

SIGNS:

One monument style sign permitted at the principal entry of the development not to exceed 8' in height or 64 sf. of display area or, 2 signs on each side of the entry each not exceeding 8' in height and 32 sf. in display area. The sign or signs may be incorporated into the perimeter wall.

DEVELOPMENT AREA B - PATIO HOMES**Permitted Uses:**

Uses permitted by right in Use Unit 6, Single-Family Dwelling; and Use Unit 5, Community Services and similar uses and uses customarily incidental to permitted principal uses.

Maximum Number of Dwelling Units: 40

Minimum Livability Space Per Dwelling Unit: 2,000 sq. ft.*

** Livability Space is defined as open space not used for parking or drives. Parking or drives located between the front lot line and building setback line shall count against livability space.*

Minimum Lot Size: 4,500 sq. ft.

Minimum Lot Frontage: 45 feet

Setbacks:

Front Yard	20 feet
Side Yards	0 ft/10 ft. or 5 ft./5 ft.
Side Yard abutting private street	15 feet**
Rear Yard	15 feet

***Garage openings shall not be permitted to face the 15 foot building setback.*

Maximum Building Height: 35 feet***

**** Architectural decorative features such as chimneys and cupolas, may extend to a maximum height of 45 feet. However, no habitable portion of any dwelling may exceed the 35 foot height limitation.*

SIGNS: No signs permitted in Area B

RESERVE A**Permitted Uses:**

Open space and recreational uses, such as: swimming pool, clubhouse, tennis courts, putting green, and associated parking, passive and active open space, stormwater detention facilities.

RESERVE B

Permitted Uses:

Passive and active open space, stormwater detention facilities, maintenance barn/facility and associated parking and landscaped entryways.

RESERVE C

Permitted Uses:

Passive and active open space, stormwater detention facilities and landscaped entryways.

CONDITIONS FOR DEVELOPMENT AREAS A AND B:

OFF-STREET PARKING:

As required per applicable use unit of the City of Tulsa zoning code.

ACCESS AND CIRCULATION:

Access shall be provided in substantial conformance with the Conceptual Site Plan, Exhibit "A" (dated August 4, 2009). Sidewalks shall be provided on both sides of all interior streets, and the west side of Maybelle Avenue within the project limits per subdivision regulations

4. No building permit shall be issued until the requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants and conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions. Approval of the final plat shall serve as the detail site plan approval for individual lots containing single-family dwellings only.
5. No sign permits shall be issued for erection of a sign within the development until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
7. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, sidewalks and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
8. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and

thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.

9. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC and contained below.
11. Entry gates and/or guardhouses, if proposed, as well as perimeter walls, pools and pool house, maintenance barn and associated parking must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during the subdivision platting process.

TAC COMMENTS:

General: No comments.

Water: A water main line must be extended along the whole property frontage along the eastside. A looped water main line must be installed for the water services and fire protection of all lots.

Fire: Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

Concerning the south loop, developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

Added by staff based on comments at TAC meeting: Street layout per conceptual site plan 'Exhibit A' acceptable with respect to emergency access.

Stormwater: No comments.

Wastewater: Sanitary sewer service must be provided for all lots within the proposed development. The mainline extension must be sized to handle the anticipated flow from the entire basin.

Transportation: Maybelle must be upgraded to its full width in accordance with Major Street and Highway Plan and per City of Tulsa design standards. Not enough information is available on the internal streets. Are the internal streets private or public? In the Development standards include reference to pedestrian access and circulation and include sidewalks.

INCOG Transportation:

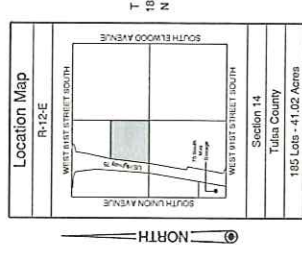
- **MSHP:** U.S. 75 between 81st St. S. and 91st St. S. is a designated freeway. S. Maybelle Avenue is a designated residential collector.
- **LRTP:** US-75, between 81st St. S. and 91st St. S., planned 6 lanes. S. Elwood, between 81st St. S. and 91st St. S., existing 2 lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- **TMP:** No comment.
- **Transit:** Currently, Tulsa Transit operates existing route on W. 81st St. S., from Union Avenue to ½ a mile east. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

Jones Airport Authority: Applicant must submit construction evaluation air study to FAA and receive approval prior to commencement of construction or issuance of building permits. Include navigation note/notice on plat.

GIS: No comments.

Street Addressing: No comments.

09/02/09



Date Summary:

Total Project Area	41.02 Acres
Total Number of Lots	185
45' x 100' Lots	40
55' x 100' Lots	145
Project Density	4.51 DUs/Acre
Open Space	6.15 Acres (15.0%)

EXHIBIT 'A'

Hyde Park at Tulsa Hills

Conceptual Site Plan

9.12

tep

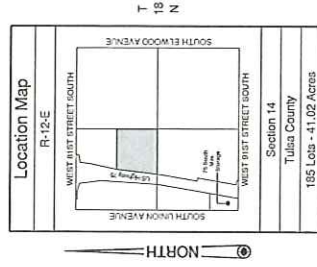
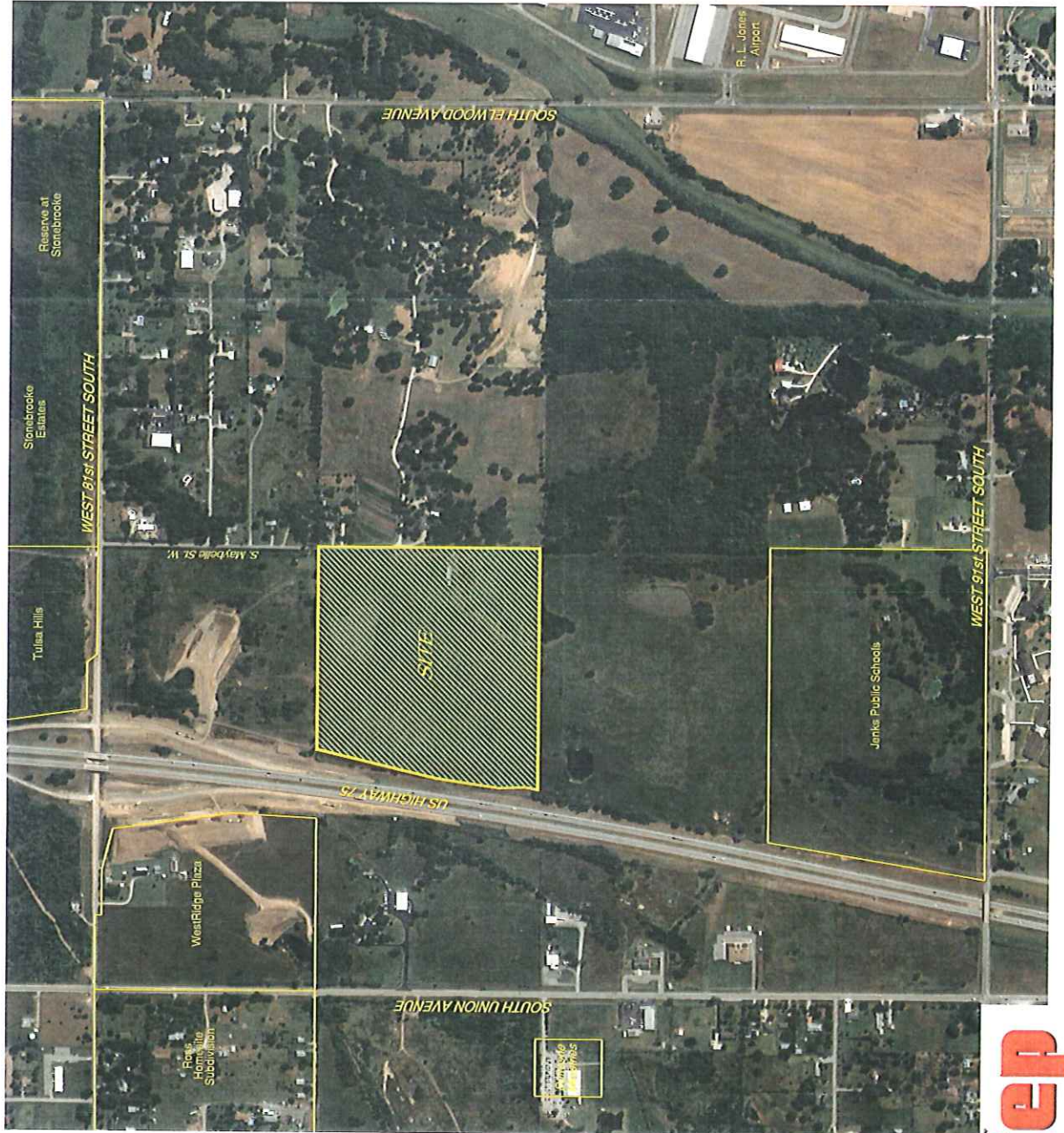
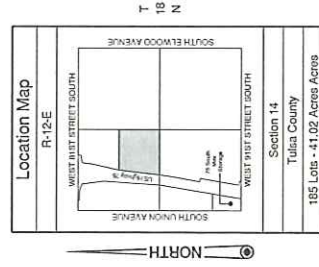
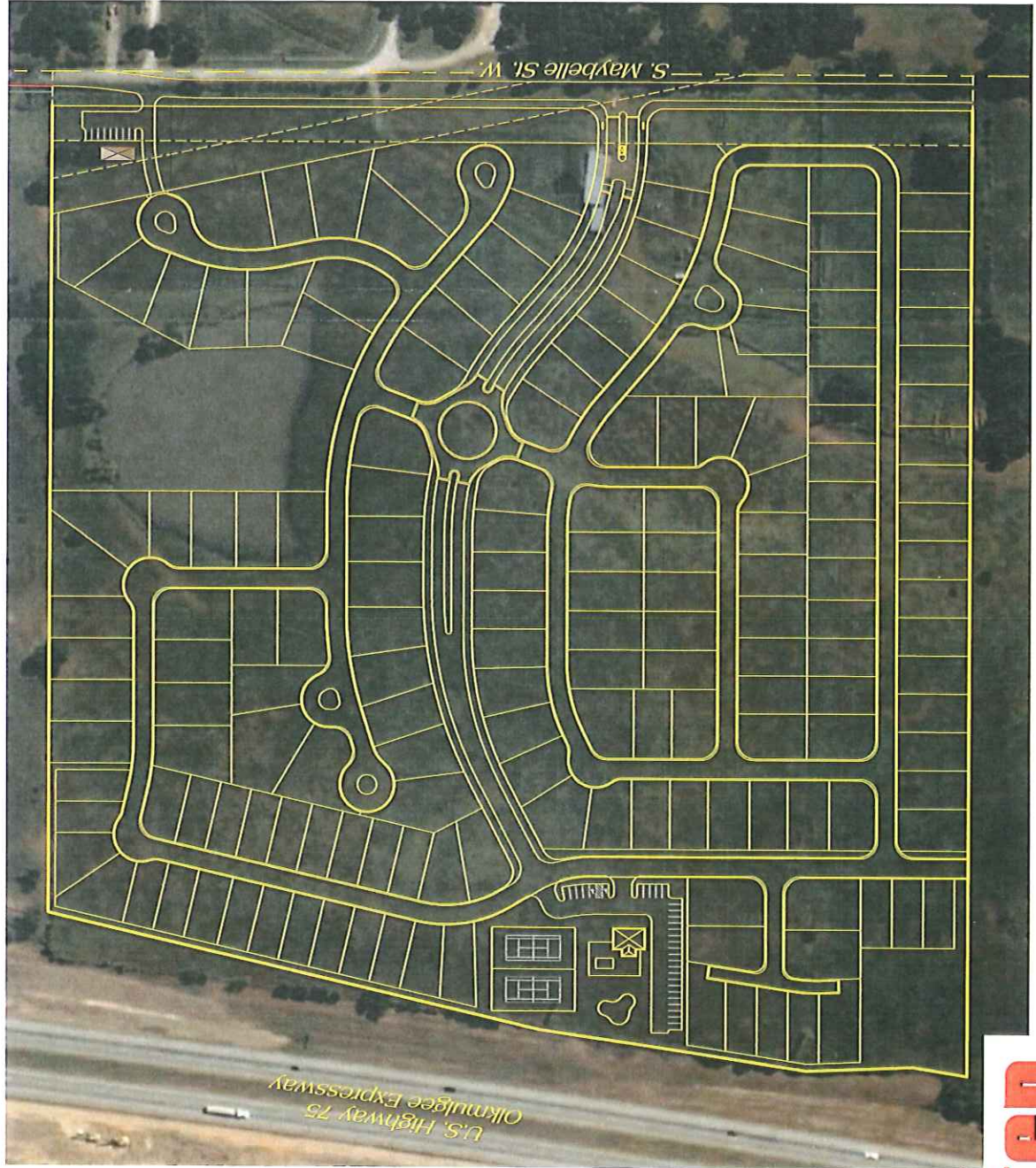


EXHIBIT 'B'

Hyde Park at Tulsa Hills

Surrounding Aerial Plan



Not To Scale

EXHIBIT 'C'

Hyde Park at Tulsa Hills

Site Aerial with
Conceptual Site Plan

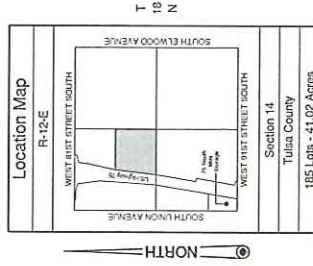
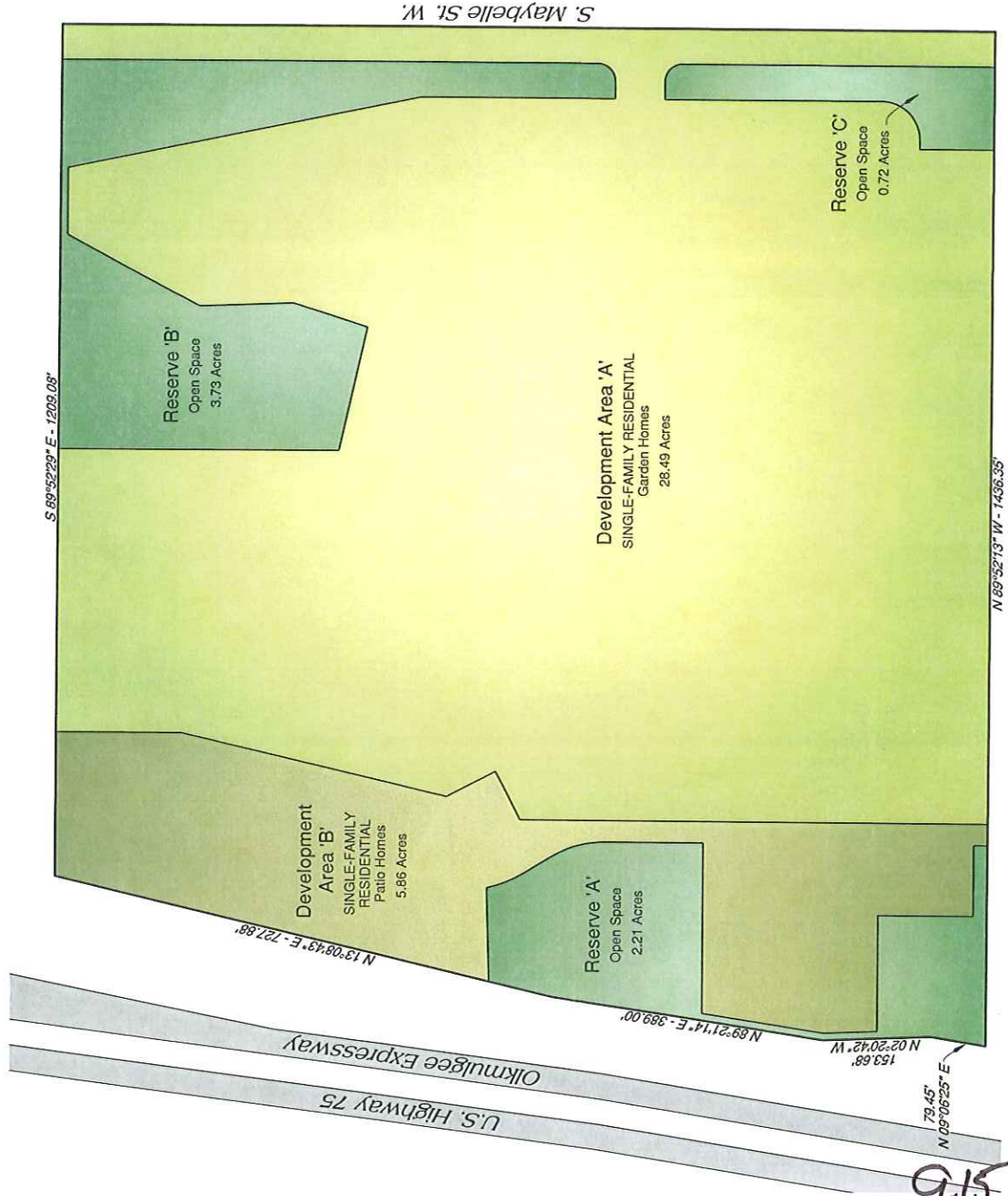
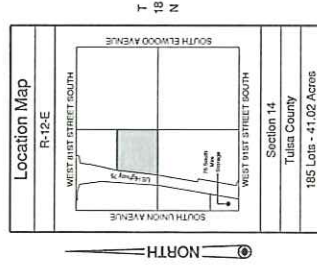
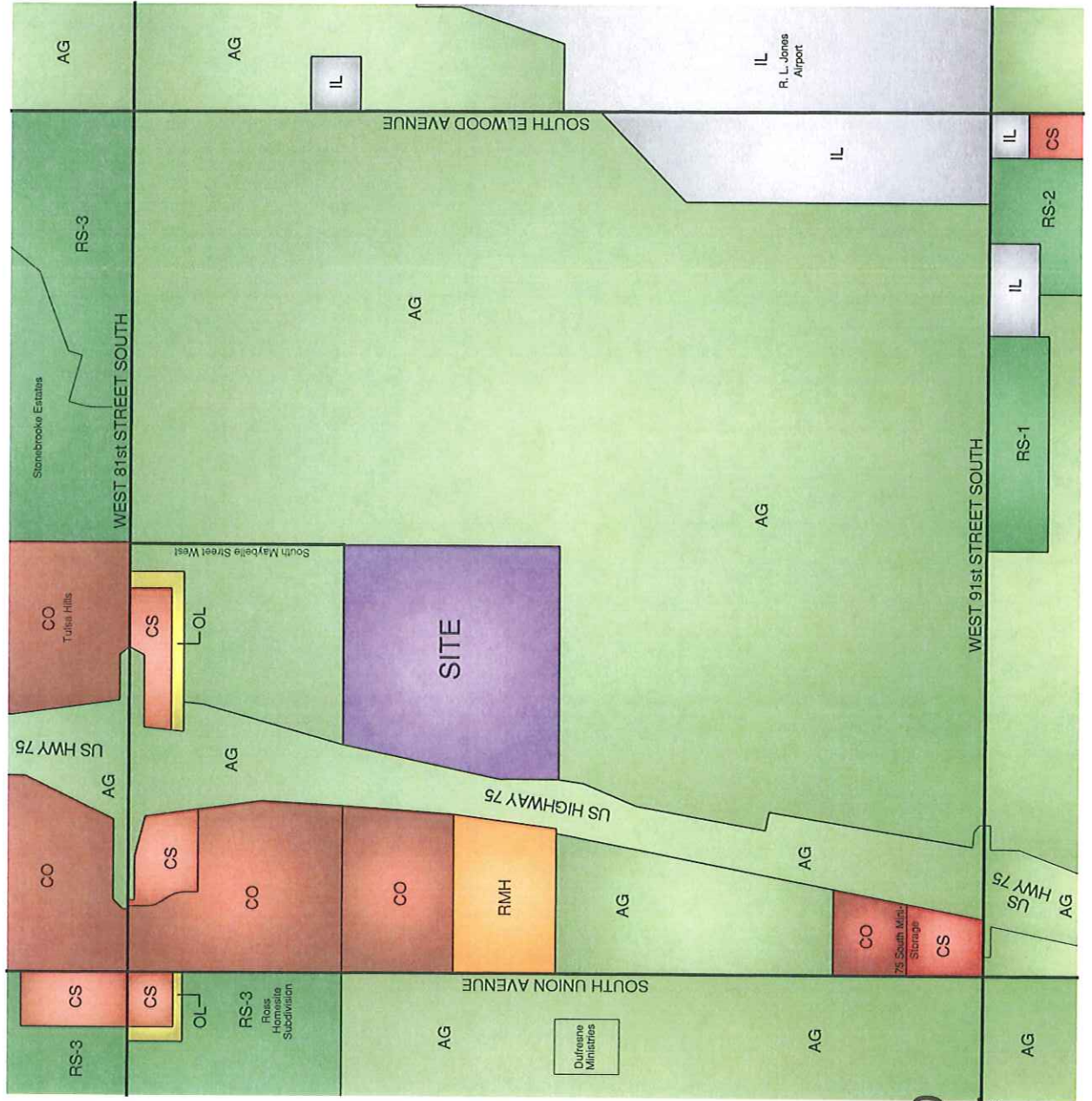


EXHIBIT 'D'

Hyde Park

at Tulsa Hills

Development Area Plan



Not To Scale

EXHIBIT 'E'

Hyde Park at Tulsa Hills

Surrounding Zoning and
Land Use Plan

9.16

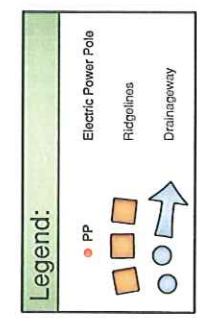
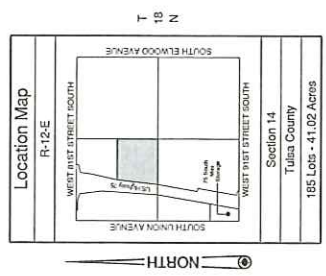
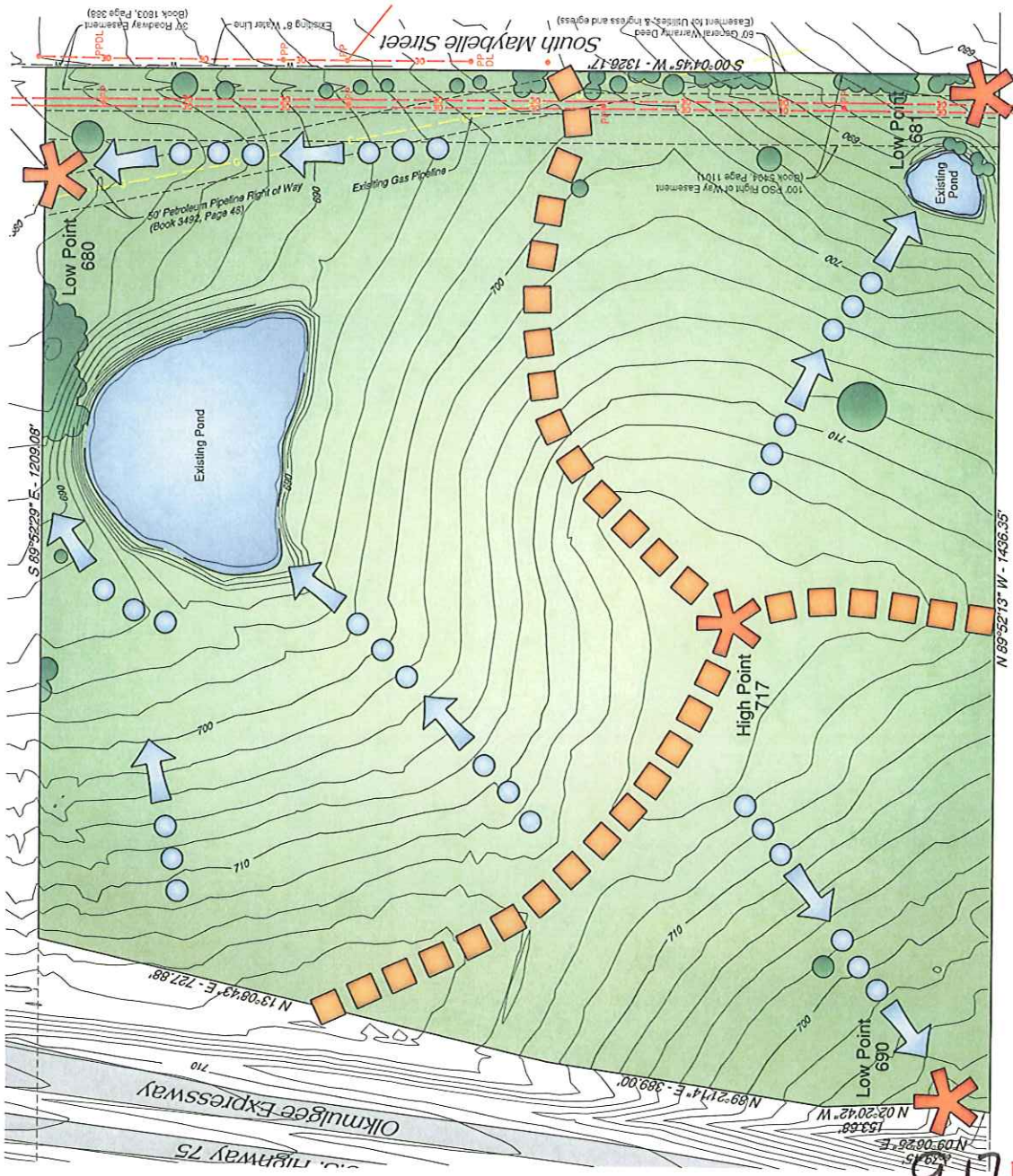


EXHIBIT 'F' Hyde Parkat Tulsa Hills

Existing Conditions Plan



Reconstruction of I-244 Arkansas River Bridge

This project proposed to **reconstruct the I-244 Arkansas River Bridge** to accommodate both vehicular traffic and the addition of a commuter rail transit system. The reconstruction efforts can be accomplished in three phases, as indicated below. Oklahoma Department of Transportation will be the applicant for the project and will oversee the

Replacement of the West Bound Bridge

Remove and reconstruct the existing west bound bridge with a structure that will carry both vehicular and commuter rail transit traffic. The proposed structure includes accommodations for the same number of lanes and configuration of the existing bridge (3/4 lanes) but with improved shoulders (10 ft.). The proposed bridge has an estimated length of 2200' an overall width from 58' to 70'. The proposed structure would also accommodate two tracks for a future rail transit system which would run beneath the vehicular portion of the bridge. This rail bridge would also serve as the high-speed rail connection to Oklahoma City should the funding be approved.

Replacement of the East Bound Bridge

Remove and reconstruct the existing east bound bridge with a structure that will carry vehicular traffic only. The proposed structure will accommodate the same number of lanes and configuration as the existing structure (4 lanes), but with improved shoulders (10ft.). The overall width is estimated to be 70'. Though the proposed structure will not carry the commuter rail tracks, span lengths will be adjusted to accommodate the proposed commuter rail connection with a transit station to be located to the south and east of the structure (on the west bank).

Commuter Rail Track

The track work for the commuter rail system is proposed to consist of two tracks beneath the west bound vehicular bridge with appropriate connections to the proposed transit station on the west bank, and would align with a future commuter rail system envisioned to pass through downtown Tulsa and connect suburbs to downtown. This connection would be for exclusive use of passenger transit and eliminate the need for freight and passenger trains to share the existing rail bridge.

Bicycle/Pedestrian Enhancements

The proposed project would add enhancements to the multi-modal trail passing under I-244. Currently the trail crosses Southwest Boulevard at-grade. The trail would be modified to pass under Southwest Boulevard, the Cyrus Avery Memorial Bridge, and the two I-244 bridge spans. On the west bank of the river, the existing multi-use trail would continue under Southwest Boulevard, the Cyrus Avery Memorial Bridge, and the I-244 bridges to an area near the water currently owned by the Holly Refinery.

2010 SCHEDULE

Tulsa Metropolitan Area Planning Commission (TMAPC)

Regular meetings of the TMAPC are held on Wednesdays at 1:30 p.m. in the One Technology Center, 175 E. 2nd Street, City Council Chambers, 2nd Level, Tulsa, Oklahoma.

Regular work sessions of the TMAPC are held on the third meeting of each month following regular TMAPC business in the One Technology Center, 175 E. 2nd Street, City Council Chambers, 2nd Level, Tulsa, Oklahoma.

JANUARY		FEBRUARY		MARCH	
6 th		3 rd		3 rd	
20 th		17 th		17 th	
27 th meeting and worksession		24 th meeting and worksession		24 th meeting and worksession	
APRIL		MAY		JUNE	
7 th		5 th		2 nd	
21 st		19 th		16 th	
28 th meeting and worksession		26 th meeting and worksession		23 rd meeting and worksession	
JULY		AUGUST		SEPTEMBER	
7 th		4 th		1 st	
21 st		18 th		15 th	
28 th meeting and worksession		25 th meeting and worksession		22 nd meeting and worksession	
OCTOBER		NOVEMBER		DECEMBER	
6 th		3 rd		1 st	
20 th		17 th meeting and worksession		15 th meeting and worksession	
27 th meeting and worksession					

08-20-09

11.1