

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2082

Wednesday, September 11, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Boyle
Carnes, Chairman
Dick
Doherty, 1st Vice Chairman
Gray
Horner
Ledford
Midget, Mayor's Designee
Pace, Secretary
Westervelt

Members Absent

Almy
Gardner
Jones
Stump

Staff Present

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, September 9, 1996 at 10:14 a. m., in the office of the County Clerk at 10:10 a.m., as well as in the Reception Area of the INCOG offices at 10:25 a.m.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:35 p.m.

Minutes:

Approval of the minutes of August 28, 1996, Meeting No. 2080:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-1** (Boyle, Carnes, Doherty, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Ballard "abstaining"; Dick, Gray "absent") to **APPROVE** the minutes of the meeting of August 28, 1996 Meeting No. 2080.

REPORTS:

Committee Reports:

Comprehensive Plan Committee

Mr. Ledford informed the Commission the Comprehensive Plan Committee met today to discuss the School Site Reuse Study. The Committee directed staff to prepare a letter for transmittal to the Tulsa Public Schools. Staff updated the Committee on the West 41st Street Study and no particular action was taken.

Rules and Regulations Committee

Mr. Doherty reminded Chairman Carnes that he had directed staff to set a public hearing on Outdoor Advertising Signs for September 25; however, due to record number of zoning cases for that date, staff has requested the date be changed to October 23, 1996. Chairman Carnes directed staff accordingly.

Mr. Doherty informed Chairman Carnes that he will be unable to attend the City Council Meetings from September 26 to December 5, 1996. Chairman Carnes stated that since Mr. Doherty is the official designee, it will be his responsibility to find a replacement.

Director's Report:

Mr. Gardner presented the receipts for the month of August, 1996. Mr. Gardner stated that the \$18,000 is a record month for receipts. Previously, July's receipts was a record for July with \$13,00 in receipts. Mr. Gardner stated as a result there will be numerous of applications coming before the Commission in the near future.

Mr. Gardner informed the Commission that there are no items on the City Council agenda for TMAPC. The appointment of Monte Dunham to the City Board of Adjustment is on the agenda.

Mr. Gardner reminded the Commission the second session on "Amending Your Zoning Codes" will be held today at 3:00 at the INCOG conference room. The audio conference will focus on the legal aspects involved in amending the zoning code.

Mr. Gardner requested Chairman Carnes to direct staff to call for a public hearing on October 9, 1996 to consider the proposed amendment to the District 25 Plan Map and Text.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent ") to **APPROVE** the Receipts for the Month of August, 1996.

SUBDIVISIONS:

Change of Access on Recorded Plat:

COPPER OAKS (483)

Northwest corner of East 71st Street South & South Yale Avenue

Staff Comments:

Mr. Jones stated this change of access is to shift the existing access point on East 71st Street 250 feet to the east. Traffic Engineering has approved the change of access. Staff recommends approval subject to the document included in the agenda packet.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; Dick "nays"; none "abstaining"; none "absent ") to **APPROVE** the Change of Access on Recorded Plat Copper Oaks as recommended by staff.

Final Approval:

ROCKHURST (PUD 543)

South of the southwest corner of East 101st Street South & South Sheridan Road

Staff Comments:

Mr. Jones informed the Commission that all release letters have been received and in order. Legal has reviewed and approved the final. However, there is one issue that deals with the number of dwelling units allowed that needs to be clarified.

Mr. Jones presented the original permitted uses from the PUD. Mr. Jones reported the PUD was approved for detached single-family residences; detached accessory buildings, such as garage or servant's quarters may be permitted; and the maximum number of dwelling units is 22.

Mr. Jones stated the engineer and his attorney are proposing a servant's quarters to include bathroom, bedroom and a kitchen. According to the Zoning Code definition, a "dwelling unit" is one or more rooms arranged or intended or designed for a habitable unit containing a kitchen, bath and sleeping facility. By including a kitchen in the servant's quarters, by definition, it is a dwelling unit.

Mr. Jones stated this will increase the number of dwelling units per lot and will require a variance from the Board of Adjustment. However through an approved PUD, the zoning code allows more than one dwelling unit per lot of record. Mr. Jones questioned whether it was the Planning Commission's intent to allow a separate dwelling unit, including a kitchen, bath and sleeping quarters, in the rear if an amendment needs to be filed.

Mr. Stump stated there are 22 lots in the subdivision that allocates one dwelling unit per lot, and the Commission does not have the authority to change the definition of a dwelling unit. The Board of Adjustment interprets the code and with the installation of a kitchen, it is interpreted as a dwelling unit. Mr. Stump feels the applicant would have to amend the PUD to add dwelling units and staff would have to calculate whether the underlying zoning could support that many units.

Mr. Linker stated that these servant's quarters could be used as separate dwellings or as rental property.

Applicant's Comments:

John Moody, 7146 South Canton, stated he is representing Tom Weinrich, the developer of the project. Mr. Moody reminded the Commission that due to the location of the gated entrance and private street, the neighborhood was opposed to the private street entrance on the west side of the subdivision. A compromise was made to relocate the gate and entrance to the east side on Sheridan Road. Mr. Moody stated something may have been overlooked due to the emphasis on trying to reach this compromise.

Mr. Moody stated that the intention was that each of these houses, due to the large size of the lots and homes, would be allowed to include a servant's quarters or a garage-type apartment that would be a detached, separate accessory-use structure on the property. Mr. Moody admitted that he was not aware that by adding a kitchen it would be a separate dwelling unit. Mr. Moody feels that the Planning Commission's action was clearly to approve the detached quarters. Mr. Moody stated he does not remember any discussion about whether or not the detached quarters would include a kitchen.

Mr. Moody stated the problem that staff is pointing out is due to the definition in the Tulsa Zoning Code of a dwelling unit, and in the PUD text it is stated there will be 22 dwelling units. Mr. Moody feels the intent was to allow for the servant's quarters.

Mr. Moody stated he calculated the density. The property is zoned RS-2, single-family and consists of 14.67 gross acres. Mr. Moody stated if his calculations are correct, it would permit 54 dwelling units. Mr. Moody feels there are enough permitted dwelling units to allow the single-family residences with the servant's quarters consisting of bath, kitchen and sleeping facility.

Mr. Moody feels staff is concerned because the application was approved for 22 dwelling units and to change the number of units a major amendment would have to be approved. Mr. Moody stated that the intention was clear and suggested development standards be incorporated as a part of the approval of the plat, with better definitions as presented. The definition states "that any detached accessory building or garage quarters may include a bath and kitchen provided that such quarters may only be occupied by members of the

family related by blood or adoptions or by servants,” and a definition under the standard of maximum dwelling units that states “excluding detached accessory quarters with a kitchen and/or bath which may not exceed one such accessory quarter per lot.”

Mr. Moody suggested that if these development standards are acceptable, they could be adopted in the language of the subdivision plat, which would not hold up the development.

Mr. Weinrich informed the Commission that several of the neighbors are buying four lots per home and feels the density will be much less than originally anticipated.

TMAPC Comments:

Ms. Gray questioned whether wording could be added regarding the primary and secondary living areas to limit the size and expedite the application. Mr. Stump replied that staff did not intend to have an additional dwelling unit on the lot. The application was approved with living quarters consisting of a bedroom and a bath. But as a separate dwelling unit, Mr. Stump stated he does not know if it could be permitted under the current zoning in regards to densities.

Mr. Doherty questioned what is the definition of a kitchen. Mr. Linker replied he should ask the Building Inspector; however, Mr. Linker stated whether there is a kitchen in the living quarters or not, he feels it is still a separate unit which would exceed the permitted number of units.

Mr. Boyle feels that the language would be consistent; however, the problem for the developer, neighbors and homeowners would be that the first eleven houses that are constructed with detached dwelling units will put an end to the building in the subdivision.

Mr. Boyle questioned Mr. Moody if he was comfortable with the suggested development standards. Mr. Moody questioned if Mr. Boyle meant would he be able to defend it in court. Mr. Boyle replied in the affirmative. Mr. Moody stated he does not know; he feels his position could be strengthened with the interpretation at this meeting by the Planning Commission being made that it was their intention originally to have approved it this way. Mr. Moody stated he would have to argue that under the terms of the PUD Ordinance, the Planning Commission has the flexibility to do that.

Mr. Boyle questioned whether Mr. Moody would be more comfortable if a major amendment were approved. Mr. Moody stated he would feel more comfortable if it could be changed to 44 dwelling units today and then there is no question or argument. However, Mr. Moody recommended that the language would say “providing that 22 units could only be the primary, single-family residences and the other 22 units could only be the servant’s quarters as defined.”

Mr. Midget questioned if Mr. Moody’s calculations are correct in regards to density, then this application could be approved for 44 dwelling units. Mr. Gardner stated if Mr. Moody’s calculations are correct then the 44 dwelling units could have been approved; however, he feels that the Building Inspector will not issue a building permit for two units on one lot unless the Commission approves the 44 dwelling units or the kitchens will have to be left out.

Mr. Doherty questioned the building inspector's definition of kitchen. Mr. Boyle feels this is a valid question, but he feels this is not the place to define kitchen. Mr. Doherty agreed.

Mr. Westervelt questioned what would be wrong with adopting Mr. Moody's standards today and then waiving the fees associated with the filing for a major amendment and not hold up the development. Mr. Moody stated he does not know the schedule of the first house and the possible delay of the building permit. Mr. Moody suggested again the Planning Commission could make a determination that it was the intention of the Planning Commission to approve 44 dwelling units consisting of 22 principal, single-family houses and 22 separate living quarters limited to family related by blood or adoption and servants.

Mr. Boyle asked Mr. Linker's opinion. Mr. Linker feels the covenant is legitimate and the only question is enforceability. Mr. Linker questioned whether the approval of two dwelling units per lot would be required to go before the Board of Adjustment or City Council. Mr. Stump stated with this being within a PUD, then there are some exemptions.

Mr. Boyle questioned whether a resolution could be adopted today to state that the Planning Commission's original intent was to allow 44 dwelling units which would consist of 22 principal dwelling units and 22 separate living quarters limited to family related by blood or adoption and servants. Mr. Stump recommended to add to the motion a statement that because of the TMAPC intent, the TMAPC will process a minor amendment to incorporate the wording into the PUD to establish documentation.

Mr. Horner feels the intention was two dwelling units per lot.

Ms. Gray questioned whether the motion would specify that one unit would be primary and the other unit secondary. Mr. Midget replied in the affirmative.

Mr. Midget request that the definition of kitchen be clarified. Chairman Carnes directed Mr. Doherty to view the definition of kitchen at the Rules & Regulations Committee meeting.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick "absent ") to **APPROVE** the Final Plat for Rockhurst subject to the adopted Resolution confirming the Commissions original intent to permit 44 dwelling units which consist of 22 principal dwelling units and 22 separate living quarters limited to family related by blood or adoption and servants, minor amendment to correct the scrivener's error and final approval by Legal Department.

Lot-split for Waiver:

L-18345 Sue Poplin (2892)

4830 West 41st Street

Staff Recommendation:

This request is to split the North Half of Tract 2, Yargee Acres, into two lots, each being approximately 152' x 813'. The newly-created lots will not meet the minimum lot size for septic systems required by the Subdivision Regulations. Attached is a memorandum from Terry Silva of the Environmental Protection Division of the Tulsa City-County Health Department stating why this lot-split request may be approved.

Staff recommends approval of L-18345, with the conditions set forth in Mr. Silva's memorandum.

TMAPC Comments:

Mr. Boyle questioned whether the TMAPC should include the findings as well as the conditions by Mr. Silva. Mr. Jones replied in the affirmative.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-1-0** (Ballard, Boyle, Carnes, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; Doherty "nay"; none "abstaining"; Dick "absent") to **APPROVE** of the Lot-split for Waiver L-18345 subject to the applicant cannot comply with existing rules and regulations because of minimum lot size requirements; economic hardship would exist because of inability to convey the property; an exception to lot size does not change housing density, because of existing houses on all lots; exception to lot size does not constitute a warranty by the Health Department that the system will continue to function properly nor relieve the user of any duty to prevent pollution; public health and safety would not be jeopardized based on current status of the system; the Health Department reserves the right to limit water usage or require modification to the septic system, if needed, to assure proper functioning in the event of failure of the system; and applicant shall provide a true and correct copy of this variance to any vender of the subject lot.

Lot-split for Ratification of Prior Approval:

L-18342 Bert Goodman (3091)

4209 South 162nd West Avenue

L-18344 John Sublett (1893)

2202 East 26th Place

Staff Comments:

Mr. Jones informed the Commission that these lot-splits for ratification of prior approval are in order and meet Subdivision Regulations. Staff recommends approval.

TMAPC Action; 10 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt “aye”; no “nays”; none “abstaining”; none “absent”) to **APPROVE** the Lot-splits for Ratification of Prior Approval, finding them in accordance with Subdivision Regulations.

CONTINUED ZONING PUBLIC HEARING:

Items Z-6541 and PUD-548 were heard simultaneously.

Application No.: Z-6541

Applicant: Greg Breedlove

Location: South side of 116th Street South at Granite Avenue

Presented to TMAPC: Greg Breedlove

(Item 10 I- PUD 548 is a related item)

AG to RS-2
(PD-26)(CD-8)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Residential with the southeast 100' being within Special District 1 which is an area of steep slopes and highly erodible soils (sand).

According to the Comprehensive Plan the requested RS-2 **is not** in accordance with the Plan map. RS-1 is the highest intensity of residential zoning recommended by the Comprehensive Plan without a PUD. The applicant has now submitted PUD-548 to accompany this rezoning request.

Staff Comments:

Site Analysis: The subject property is 7.5 acres in size and is located south of East 116th Street South and west of South Sheridan Road. It is steeply sloping, wooded, vacant and zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by single-family dwellings, zoned RS-2; to the east by single-family homes, zoned AG; and to the south and west by vacant property, zoned AG.

Zoning and BOA Historical Summary: Zoning actions in this area have established a pattern of large-lot, low-density, single-family development.

Conclusion: Based on the Comprehensive Plan, the surrounding land uses, and existing zoning, staff recommends **APPROVAL** of RS-2 for Z-6541 if the Planning Commission finds PUD-548 to be satisfactory.

Applicant's Comments:

Jeff Levinson, 35 East 18th Street, stated he is the counsel for the applicant. Mr. Levinson stated he is in agreement with staff recommendation with the exception of modifications to conditions nos. 2 and 4.

Mr. Levinson requested condition 4 be modified to add "face-to-face of standard curb or toe-to-toe of mountable curb" due to his client indicating the project may be developed with mountable curbs.

Mr. Levinson requested the Planning Commission to consider modifications to condition 2 in regard to development standards. Mr. Levinson stated due to the topography and trees he requested the minimum required front yard be reduced from 50' to 45' and other yards abutting a street be reduced from 40' to 35'.

TMAPC Comments:

Mr. Doherty questioned if there is a concept plan or layout. Mr. Levinson replied in the affirmative. Mr. Doherty stated it was not included in the agenda packets. Mr. Stump stated that he has a copy of the tentative subdivision rather than a commercial development. Mr. Stump replied that staff can support the modifications to condition 4. In regards to the five-foot reductions on required yards, staff recommended the same setbacks of RS-3 which assures using some of the standard public right-of-way to have enough space to park two cars, one behind the other. This five-foot reduction will lower the required yards to the RS-4 standards. Staff can support the modification.

Mr. Doherty stated the tentative subdivision indicates only one point of access. Mr. Stump replied that as a part of the PUD, there is a second point of access on the northeast corner.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt “aye”; no “nays”; Dick “abstaining”; none “absent”) to recommend **APPROVAL** of RS-2 zoning for Z-6541.

Legal Description for Z-6541:

The NW/4, NW/4, NW/4, SE/4, Section 34, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma according to the U.S. Government survey thereof, less the West 25' for roadway easement; and the SW/4, NW/4, NW/4, SE/4 and the NW/4, SW/4, NW/4, SE/4, Section 34, T-18-N, R-13-E of IBM, Tulsa County, Oklahoma, according to the U.S. Government survey thereof, less the West 25' for roadway easement, and located south of East 116th Street South and west of South Sheridan Road , Tulsa, Oklahoma.

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ZONING PUBLIC HEARING:

Application No.: PUD 548 **AG & RS-2/RS-2/PUD**
Applicant: Greg Breedlove (PD-26)(CD-8)
Location: South side of 116th Street South at Granite Avenue
Presented to TMAPC: Greg Breedlove

Staff Recommendation:

The applicant is proposing a 49-lot private street residential subdivision on a heavily-wooded tract with areas of steep slopes. The average lot size would be 12,000 SF, with the minimum lot size of 9,000 SF and a minimum lot width of 70'.

Rezoning to RS-2 is requested for the east half of the PUD (Z-6541) and the west half was recently rezoned to RS-1 (Z-6531). Rezoning case Z-6541 must be approved for RS-2 zoning to permit this PUD as proposed.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-548 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of the PUD-548 subject to the following conditions:

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

Item 2 was modified at hearing, changes indicated by strikeout/bold print.

2. Development Standards:

Land Area (Gross): 15 acres
Permitted Uses: Use Unit 6 and customary accessory uses.

Maximum Dwelling Units: 49

Minimum Lot Size: 9,000 SF
Minimum Lot Width: 70'

Minimum Size of Dwelling Unit: None*

* Private restrictions may require minimum dwelling size.

Minimum Required Yards: **45'**
Front: ~~50'~~ measured from the centerline of the abutting private street
Side: 5'
Rear: 25'
35'
Other Yards Abutting a Street: ~~40'~~ measured from the centerline of the abutting private street.

Other Bulk and Area Requirements area as provided in the RS-2 district.

3. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all common areas, including and stormwater detention areas within the PUD.

Item 4 was modified at hearing. Changes indicated by strikeout/bold print.

4. All private roadways shall be a minimum of 26' in width, measured face-to-face of curb **or toe-to-toe of mountable 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 15%. The minimum private roadway right-of-way width shall be 30'.

5. No Building Permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.
6. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
7. Any walls, gates, guard houses or other structure in any street right-of-way shall be approved by TMAPC prior to construction.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Dick "abstaining"; none "absent ") to recommend **APPROVAL** of PUD-548 subject to the modified staff recommendation.

Legal Description for PUD-548:

Part of the S/2 of Section 34, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government survey thereof, more particularly described as follows: Beginning at the Northeast corner of the SW/4; thence S 89°53'15" E along the North line of said S/2, 330.39' to the Northeast corner of the NW/4, NW/4, NW/4, SE/4; thence S 00°12'55" W 991.34' to the Southeast corner of the NW/4, SW/4, NW/4, SE/4; thence N 89°47'34" W 628.33'; thence N 14°22'32" W 167.68'; thence N 827.95' to a point on the said North line; thence S 89°53'15" E 343.29' to the point of beginning, and located west of the southwest corner of East 116th Street South and South Sheridan Road, Tulsa, Oklahoma.

Application No. PUD-128A-22 (PD-18)(CD-8)

(Minor Amendment to reduce a required yard abutting a street)

Applicant: Jerry Hammer

Location: 1549 East 74th Street

Presented to TMAPC: Jerry Hammer

Staff Recommendation:

The applicant is requesting approval of a minor amendment to allow a decrease in the required side yard abutting a public street. The reduction is from 15' to 4.7'.

Staff has reviewed the request and finds that the original 25' setback was reduced to 15' for a side yard through a Minor Amendment in February, 1981. The amendment was conditioned on the garage opening to the front and not to the side.

The applicant has constructed a single-family residence for personal use on the subject lot. The applicant has related to staff that this is his first attempt at home-building and that he measured the side yard setback from the curb line rather than the property line prior to construction. The situation now is that the home is completed and that the loan is ready to close but that the structure significantly encroaches into the street yard setback. Fortunately the unit is outside of the right-of-way. There is no utility easement in the impacted area.

Due to the nature of the mistake, staff recommends **APPROVAL** of a reduction to the required streetside sideyard from 15' to 4.7' on Lot 7 Block 4, but would emphasize that the 15' setback is appropriate at the corner locations.

Applicant's Comments:

Jerry Hammer, 1549 East 74th Street, stated he is in agreement with staff's recommendation. Mr. Hammer stated he was the builder of the house. Mr. Hammer informed the Commission that he did research to find the split on the lot and setbacks. Mr. Hammer stated that according to the plat the 15-foot setback looked like it was off the curb line instead of the building line. Mr. Hammer did not realize the error until his bank came out to survey the home.

TMAPC Comments:

Mr. Doherty questioned how long Mr. Hammer has been building houses. Mr. Hammer replied it is his first; however, he has been remodeling for years.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Dick "abstaining"; none "absent ") to **APPROVE** the reduction to the required streetside sideyard from 15' to 4.7' on Lot 7 Block 4 for PUD-128-A-22 as recommended by staff.

Application No.: Z-6557

RS-2 to CS

(Interested party has requested a continuance)

Applicant: Phil Frazier

Location: 8181 East 31st Street

Presented to TMAPC: Charles Norman

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tracts as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested CS **is not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 5.47 acres in size and located north and east of the northeast corner of East 31st Street South and South Memorial Drive. It is gently sloping, non-wooded, the northwest corner of the property is presently being used illegally for parking and storage for the automobile dealership to the north and is zoned RS-2.

Surrounding Area Analysis: The subject tract is abutted on the north by an automobile sales business and the Carpenter's Union building, zoned CS to the northeast by a church, zoned OM; to the east by single-family dwellings, zoned RS-2; to the south by a stormwater drainage canal and beyond that a church, zoned RS-2; and to the west by an automobile sales business, zoned CS.

Zoning and BOA Historical Summary: Commercial zoning has extended from the intersection of East 31st Street South and South Memorial Drive along the south side of the Skelly Bypass for many years. The northwest corner of that intersection was the most recent zoning action in this area which approved CS zoning on three corners. The subject tract and the tract abutting the subject tract on the north have been granted special exceptions for church use.

Conclusion: The applicant is proposing to attach the subject tract to the property on the north as an extension of the automobile sales and storage. The only access to the subject tract would be through the adjoining commercial property. The Comprehensive Plan does not support commercial zoning beyond the existing CS zoning on the south side of the freeway service road. The CS zoning would have an adverse affect on the adjoining residential property to the east; therefore, staff recommends **DENIAL** of CS zoning on the subject property.

Staff Comments:

Mr. Stump stated a request for continuance has been received by an interested party. Mr. Stump informed the Commission the applicant, Mr. Frazier, is willing to continue this item for one week.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent ") to **CONTINUE** the Zoning Public Hearing Z-6557 to September 18, 1996.

Application No.: PUD 549/CZ-229

AG to CG or IL/PUD

Applicant: Louis Levy

(PD-12)(County)

Location: South of southwest corner East 126th Street North & North Garnett Road

Presented to TMAPC: Louis Levy

Staff Recommendation:

PUD-549

The applicant is proposing a mixed use development on a 29.8 acre tract south of the southwest corner of 126th Street North and Garnett Road. All access would be from the 824' of frontage on Garnett Road.

The tract currently has an outdoor recreation facility on the western portion of the tract that was approved as a special exception by the Board of Adjustment under the current AG zoning. This was approved for only three years and the approval expired August 17, 1996.

This PUD application is accompanied by a rezoning request for IL zoning (CZ-229) on the entire tract. New uses that are proposed on the eastern portion of the tract include Use Units 10, 11, 12, 13, 14, 19 and 20, excluding funeral homes and live entertainment.

Staff cannot support commercial-type uses in Development Area 2 because they would be directly north of and across Garnett Road from areas planned for low intensity uses. With this and modifications to the development standards, staff can support the PUD.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-549 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of the PUD-549 subject to the following conditions:

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

2. Development Standards:

Land Area (Net): 29.9 acres

Development Area 1

Land Area: 4.5 acres
Permitted Uses: Use Units 11, 12, 13, 14, 19 and golf driving range, miniature golf course, batting cages, and jogging paths, except no funeral homes or live entertainment

Maximum Building Floor Area:
Use Unit 12 Uses: 10,000 SF
All Uses Combined: 40,000 SF

Maximum Building Height: 25'
Maximum Stories: 1

Minimum Building Setbacks:
From centerline of Garnett Road: 100 feet
From west development boundary: 20 feet
From north development boundary: 50 feet
From south development boundary: 50 feet

Off-Street Parking: As required by the applicable use unit of Tulsa County Zoning Code

Minimum Interior Landscaped Open Space: 25% of net area excluding landscaping right-of-way

Development Area 2

Land Area (Net): 4.5 acres
Permitted Uses: Use Unit 11

Maximum Building Floor Area: 40,000 SF

Maximum Building Height: 22'
Maximum Stories: 1

Minimum Building Setbacks:
From centerline of Garnett Road: 100 feet
From west development boundary: 20 feet
From north development boundary: 50 feet
From south development boundary: 50 feet

Minimum Parking Lot Setback:	
From centerline of Garnett Road:	55'
From south development boundary:	25'
Off-Street Parking:	As required by the applicable use unit of Tulsa County Zoning Code
Minimum Interior Landscaped Open Space:	25% of net area excluding landscaped right-of-way

Development Area 3

Land Area (Net):	20.9 acres
Permitted Uses:	Golf driving range, miniature golf course, jogging path, batting cages, and concession stands. Other outdoor amusement activities may be approved by minor amendment if they are found to be appropriate for the site.
Maximum Building Height:	18'
Maximum Stories:	1
Minimum Building Setbacks:	
From centerline of Garnett Road:	500'
From north development boundary:	20'
From south development boundary:	300'
From west development boundary:	20'
Minimum Setbacks for outdoor recreational uses:	As approved by TMAPC during Detail Site Plan review process
Off-Street Parking:	As required for applicable use unit by the Tulsa County Zoning Code
Landscaped Open Space:	80% of lot area

3. A landscaped buffer strip shall be provided along the south boundary of Development Area 2 and depending upon design, may replace the requirement for a screening wall or fence on its southern boundary. The need for screening along other boundaries of the PUD shall be determined by TMAPC at the time of Detail Site Plan approval.

4. The following is the maximum signage permitted:

Development Area 1

Two ground signs not to exceed 25' in height nor 64 SF each of display surface area.

Wall signs shall not exceed 1-1/2 SF per lineal foot of building wall to which the sign is affixed.

Development Area 2

All signs shall comply with the sign requirement in the OL district.

Development Area 3

One ground sign is permitted on the Garnett Road frontage which shall not exceed 25' in height nor 64 SF in display surface area.

5. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and require parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

6. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. 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 Landscaped Plan for the development area 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.

7. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 25' within 150' of the southern boundary of the PUD.

10. No Building Permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the County beneficiary to said covenants.

11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

CZ-229

Relationship to the Comprehensive Plan:

The Owasso Comprehensive Plan designates the southwest corner of the intersection of East 126th Street North and North Garnett Road to a depth of approximately 1,000' south along North Garnett Road extending approximately 500' west as Industrial High Intensity and the balance is designated as Rural Residential Intensity. Zoning in these areas designated as Rural Residential Intensity include AG and RE categories.

Areas designated rural residential intensity may be transitional and may be redeveloped to high intensity uses upon the availability of public services.

Staff Comments:

Site Analysis: The subject property is approximately 29 acres in size and is located south of the southwest corner of East 126th Street North and North Garnett Road. It is sloping, non-wooded, contains a clubhouse building and various outdoor recreational facilities, zoned AG and approved by the BOA in 1993 for intensive commercial recreation.

Surrounding Area Analysis: The subject property is abutted on the north, south and east by scattered single-family dwellings and farm buildings, zoned AG; to the west by the A.T. & S. F. railroad right-of-way and beyond that vacant land, zoned AG; and to the northeast is a vacant tract zoned IL.

Zoning and BOA Historical Summary: The Board of Adjustment approved a special exception to permit golf driving ranges, miniature golf, putting range and accessory parking in 1993, for three years, on the subject tract. In 1994, a request to rezone 109 acres was approved for RE zoning on property located south and west of the subject tract.

Conclusion: The Owasso Comprehensive Plan designates Industrial - High Intensity land use on the southwest corner of the intersection of East 126th Street North and North Garnett Road to a depth of approximately 1,000' south along North Garnett Road extending approximately 500' west, and then to a depth of approximately 500' west of that point to the railroad right-of-way. Therefore, staff recommends **APPROVAL** of IL zoning from the railroad right-of-way on the west, to North Garnett Road at a depth that would not exceed the depth of the IL zoned tract on the east side of North Garnett Road, and **DENIAL** of IL zoning on the balance.

Applicant's Comments:

Louis Levy, 5413 South Yale, Suite 310, presented a history of Gorilla Park. Mr. Levy requested modifications to staff's recommendations. Staff requested time to review Mr. Levy's modifications.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Gray, Midget "absent ") to **CONTINUE** the Zoning Public Hearing PUD-549/CZ-229 to September 18, 1996.

There being no further business, the Chairman declared the meeting adjourned at 2:40 p.m.

Date Approved: 9-25-96


Chairman *

ATTEST: Frances Pace
Secretary