

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2223

Wednesday, November 17, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Harmon	Beach	Swiney, Legal
Carnes	Hill	Dunlap	Counsel
Dick	Horner	Huntsinger	
Ledford	Jackson	Matthews	
Midget		Stump	
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, November 15, 1999 at 2:26 a.m., posted in the Office of the City Clerk at 3:50 a.m., as well as in the office of the County Clerk at 3:46 a.m.

After declaring a quorum present, Chairman Boyle called the meeting to order at 1:30 p.m.

### Minutes:

#### **Approval of the minutes of October 20, 1999, Meeting No. 2220**

On **MOTION** of **WESTERVELT** the TMAPC voted **6-0-1** (Boyle, Carnes, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Dick "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **APPROVE** the minutes of the meeting of October 20, 1999 Meeting No. 2220.

### Minutes:

#### **Approval of the minutes of October 27, Meeting No. 2221**

On **MOTION** of **CARNES** the TMAPC voted **5-0-2** (Boyle, Carnes, Ledford, Midget, Pace "aye"; no "nays"; Dick, Westervelt "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **APPROVE** the minutes of the meeting of October 27, 1999 Meeting No. 2221.

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### REPORTS:

#### Committee Reports:

##### **Rules and Regulations Committee**

Mr. Westervelt reported that there would be a meeting immediately following the Planning Commission meeting today in Room 1102, City Hall.

**Director's Report:**

Mr. Stump reported that there are two items on the City Council agenda for Thursday, November 18, 1999.

**Receipts for the Month of September:**

Mr. Stump reported that the receipts for September 1999 are better than usual for this particular month.

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**CONTINUED ITEMS:**

**Application No.: CZ-259/PUD-620**

**AG to RE, RS, RMH, CS, IL/PUD**

**Applicant:** Michael Hackett

(PD-21) (County)

**Location:** Northeast and southeast corner of West 151<sup>st</sup> Street and South 33<sup>rd</sup> West Avenue.

**STAFF RECOMMENDATION:**

Staff has received a timely request for a continuance to December 1, 1999.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On amended **MOTION** of **PACE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **CONTINUE** CZ-259/PUD-620 to December 15, 1999 at 1:30 p.m.

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**Application No.: PUD-624**

**RS-3, RM-1, OL, CS, AG to PUD**

**Applicant:** Roy D. Johnsen

(PD-11) (CD-1)

**Location:** Northwest corner West Apache and North Osage Drive

**STAFF RECOMMENDATION:**

Staff has received a timely request for a continuance to December 1, 1999.

**INTERESTED PARTIES COMMENTS:**

**Mr. Steve Whitaker**, 2512 West 36<sup>th</sup> Street North, stated that he objects to the proposal; however, he has no objections to a continuance.

**APPLICANT'S COMMENTS:**

Mr. Johnsen stated that the project is very large and the submittals are complicated to organize. He requested a continuance in order to work with staff and hold one neighborhood meeting.

**TMAPC Action; 7 members present:**

On amended **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **CONTINUE** PUD-624 to December 1, 1999 at 1:30 p.m.

\* \* \* \* \*

**Application No.: PUD-603-A/Z-6579-SP-2**

**Applicant:** Roy D. Johnsen

(PD-26) (CD-8)

**Location:** Southwest corner East 98<sup>th</sup> Street and South Memorial Road  
(Major Amendment)

**TMAPC COMMENTS:**

Mr. Boyle stated that there has been a request to continue this application to December 1, 1999.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On amended **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **CONTINUE** PUD-603-A/Z-6579-SP-2 to December 1, 1999 at 1:30 p.m.

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**SUBDIVISIONS**

**LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:**

**18980 – Dwight Tallent (2490)**

(PD-23) (County)

3470 South 177<sup>th</sup> West Avenue

**STAFF RECOMMENDATION:**

The applicant has applied to create four tracts, which all meet the Bulk and Area Requirements for the AG zoning district with just over two acres. The applicant intends to install an individual septic system on all four tracts; however, perc tests were not completed, given the Department of Environmental Quality's (DEQ) guidelines that an half acre parcel can accommodate a septic system. Therefore, the applicant is asking for a waiver of the Subdivision Regulations 6.5.4.(d) and (e) requiring sewer/septic on each tract.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

**INTERESTED PARTIES COMMENTS:**

**Jennifer Sohl**, 3501 S. 177<sup>th</sup> West Avenue, stated that her property fronts three of the subject lots and she is opposed to the waiver of the subdivision regulations. She requested that the applicant have timed perc tests that pass on all four of the subject lots. She commented that she understands that lots one and three were timed and did pass the perc test. She explained that in the subject area all of the homes are set up on septic tanks and the applicant is requesting to be allowed to install an alternative system. She related the alternative systems to being a health hazard to the subject area.

**TMAPC COMMENTS:**

Mr. Westervelt asked Ms. Sohl what her understanding of an alternative system was. In response, Ms. Sohl stated that she spoke with INCOG and was informed that a lagoon would not be possible for the subject property because the lots are too small. Ms. Sohl indicated that an aerobic system has been proposed and she understands that the waste is churned in a sprinkler system, which goes back into the ground. Ms. Sohl stated that her property fronts three of the subject lots and she is not interested in her toddlers being exposed to this type of alternative method.

Mr. Ledford stated that the sewer system is a DEQ issue and is out of the Planning Commission's jurisdiction. He cited that the Planning Commission's Subdivision Regulations are out of date with the current DEQ policy.

Mr. Boyle asked staff if the perc test and sewer system was the only issue. In response, Mr. Stump stated that one of the reasons for subdivision regulations is to make sure that every new lot has adequate means of disposing of waste. In the past that meant a septic tank if there wasn't a sewer system available. He explained that a perc test was required to make sure that the land is appropriate for a septic tank. DEQ has now said that there are alternative methods that are acceptable and healthy, which have nothing to do with the percolation of the soil.

Mr. Boyle asked Mr. Stump if there is any need for a perc test. In response, Mr. Stump stated that the proposed lots will accommodate an acceptable sewage disposal system without having to go offsite whether or not the land percs. Therefore, there is no need for a perc test.

Mr. Boyle asked Mr. Stump if an agency approves the system that is installed. In response, Mr. Stump stated that the applicant will have to obtain a permit and the system is inspected. The waste will have to be chlorinated and a maintenance agreement signed with a certified company that is licensed to maintain these types of systems.

Mr. Boyle stated that the applicant would have to go through a licensing or permitting process regardless of the actions the Planning Commission takes today.

**APPLICANT'S REBUTTAL:**

**Dwight Tallent**, 9877 Highway 16, Beggs, Oklahoma 74421, stated that he is the landowner and feels that he is in compliance with all of the State and County regulations concerning the lot-split. He indicated that he would not install a system that would harm the environment or children in the subject area.

Mr. Tallent stated that the alternative systems do have alarms to indicate if the system is not working and there is a maintenance contract for the life of the system. He summarized that he cannot see how the alternative system could be a threat to anyone or the environment.

**TMAPC Action; 7 members present:**

On **MOTION** of **LEDFORD**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **APPROVE** waiver of Subdivision Regulations and of the lot-split as recommended by staff.

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**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

<b><u>18937 – Sack &amp; Associates (784)</u></b> 10202 East 71 <sup>st</sup> Street South	(PD-18) (CD-8)
<b><u>18946 – Michael Hackett (2702)</u></b> 1900 North Union Avenue	(PD-11) (CD-1)
<b><u>18966 – Vernon Ratliff (2093)</u></b> 2621 East 33 <sup>rd</sup> Street	(PD-6) (CD-9)
<b><u>18977 – Sack &amp; Associates (3094)</u></b> Northwest of East 51 <sup>st</sup> Street and Garnett	(PD-18) (CD-5)
<b><u>18978 – Sisemore Weisz &amp; Associates (2693)</u></b> 7707 East 42 <sup>nd</sup> Place	(PD-18) (CD-5)
<b><u>18981 – James Page (274)</u></b> 16448 East 127 <sup>th</sup> Street South	(PD-19) (County)
<b><u>18982 – City of Tulsa (894)</u></b> 1801 South Garnett	(PD-17) (CD-6)
<b><u>18983 – Tulsa Development Authority (2502)</u></b> 1033 & 1037 East Pine Place	(PD-2) (CD-1)

**STAFF RECOMMENDATION:**

Mr. Beach stated that all of these lot-splits are in order and staff recommends approval.

There were no interested parties wishing to speak.

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

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**FINAL PLAT:**

**Sterling Cottage (PUD-206c) (2283)**

(PD-18) (CD-8)

West of the southwest corner of East 91<sup>st</sup> Street and South Sheridan Road

**STAFF RECOMMENDATION:**

Mr. Beach stated that everything is in order for the subject plat and all release letters have been received. Staff recommends approval.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **APPROVE** the final plat for Sterling Cottage as recommended by staff.

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**QuickTrip #11RR Commercial Center (1703)**

(PD-25) (CD-1)

Southeast corner of East 46<sup>th</sup> Street and North Lewis Avenue

**Mr. Westervelt announced that he would be abstaining.**

**STAFF RECOMMENDATION:**

Mr. Beach stated that everything is in order and all release letters have been received. Staff recommends approval.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-1** (Boyle, Carnes, Dick, Ledford, Midget, Pace "aye"; no "nays"; Westervelt "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **APPROVE** the final plat for QuikTrip #11RR Commercial Center as recommended by staff.

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**Pawnee Center at the Metroplex (PUD-312-A) (3094)**

(PD-18) (CD-5)

Northwest corner of South 109<sup>th</sup> East Avenue and East 51<sup>st</sup> Street

**STAFF RECOMMENDATION:**

Mr. Beach stated that everything is in order and all release letters have been received. Staff recommends approval.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **APPROVE** the final plat for Pawnee Center at the Metroplex as recommended by staff.

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**PRELIMINARY PLAT:**

**Eastside Market II (PUD-601) (0684)**

(PD-18) (CD-8)

Northeast corner of East 71<sup>st</sup> Street and South Highway 169

**Mr. Ledford stated that he would be abstaining.**

**STAFF RECOMMENDATION:**

This plat consists of two lots in one block on 15.83 acres. It includes part of Development Area A and all of Development Area D of PUD 601. It is also governed by Corridor Site Plan Z-6631-SP-1. Permitted uses include parking, office, restaurants, convenience goods and services, retail shopping and hotel, motel and recreation uses.

The following were discussed **October 21, 1999** at the Technical Advisory Committee (TAC) meeting:

**1. Streets/access:**

- Beach, staff, noted the tract has its primary access from East 71<sup>st</sup> Street and is being limited to one access point for each lot. Right-of-way is being dedicated for 109<sup>th</sup> East Avenue in an alignment that is different from the PUD conceptual plan.
- Somdecerff, Transportation, stated that additional right-of-way is needed for 71<sup>st</sup> at the southeast corner to total 60 feet from the section line.
- Eshelman, Traffic, wants the plat to show limits of no access along the frontage of Mingo Valley Expressway.

**2. Sewer:**

- There were no comments.

**3. Water:**

- Vaverka, Water, wants a 12" waterline extended from 71<sup>st</sup> Street to north property line.

**4. Storm Drainage:**

- There were no comments.

**5. Other:**

- Miller, ONG, wants an 11-foot utility easement along the east property line.

**Staff recommends approval** of the preliminary plat subject to the conditions listed below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Dedication of additional right-of-way along East 71<sup>st</sup> Street to meet the requirements of the Major Street and Highway Plan.

**Standard Conditions:**

1. All conditions of PUD 601-1 and Corridor Site Plan Z-6631-SP-1 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to applicable sections of the Zoning Code in the covenants.
2. 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.
3. 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.)
4. 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).
5. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
6. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Public Works Department and shown on plat.



10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. 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.)
14. 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.
15. 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.]
16. 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.)
17. The method of water supply and plans therefor shall be approved by the City/County Health Department.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.
20. 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.)
21. 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.)
22. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
23. All other Subdivision Regulations shall be met prior to release of final plat.

**Application No.: PUD-601-1/Z-6631-SP-1a**

**Applicant:** Charles Norman

(PD-18) (CD-8)

**Location:** Northeast corner of East 71<sup>st</sup> Street and South Mingo Valley Expressway  
(Minor Amendment)

**STAFF RECOMMENDATION:**

The applicant is requesting Minor Amendment approval to modify the PUD and Corridor District Site Plan Development Areas as follows:

1. To combine the southerly 12.88 acres of Development Area A and Development Area D, except the north approximately 60 feet, and to establish a new Development Area A-1 as described in Exhibit 1;
2. To combine the northerly 11.88 acres of Development Area A and the north approximately 60 feet of Development Area D and establish a new Development Area A-2 as described in Exhibit 1;
3. To approve development standards for Development Area A-1 including permitted uses, allocation of building floor area and signage and other development standards;
4. To approve development standards for Development Area A-2 including permitted uses, allocation of building floor area and signage and other development standards.

PUD- 601 and Corridor District Site Plan Z-6631-SP-1 were approved by the City Council on February 11, 1999 as recommended by TMAPC on January 13, 1999.

The PUD and Corridor District Site Plan divided the 55.84-acre tract into Development Areas A, B, C, D and E. Permitted uses, maximum building floor areas, maximum building heights, minimum building setbacks, landscaped areas, and signage and lighting restrictions were established for each development area.

The owner of the property has contracted to sell the southerly 12.88 acres of Development Area A and all of Development Area D except the north approximately 60 feet (0.46 acres).

The proposed development standards for new Development Areas A-1 and A-2 are as follows:

**DEVELOPMENT AREA A-1**

NET LAND AREA: 17.25 Acres 751,410 SF

PERMITTED USES:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; and uses customarily accessory to permitted principal uses.

**MAXIMUM BUILDING FLOOR AREA:**

Use Units 12, 13 and 14	222,500 SF
Use Unit 11	84,000 SF

**MAXIMUM LAND COVERAGE BY BUILDINGS WITHIN A LOT:** 30%

**MAXIMUM BUILDING HEIGHT:**

Use Units 12 and 13	35 FT
Use Unit 11	52 FT

**OFF-STREET PARKING:**

As required by the applicable Use Unit of the Tulsa Zoning Code.

**MINIMUM BUILDING SETBACKS:**

From the centerline of East 71st Street	135 FT
From the west boundary	20 FT
From the east boundary (South 109th East Avenue)	40 FT
From the north boundary	60 FT

**MINIMUM LOT FRONTAGE ON EAST 71ST STREET** 150 FT

**MAXIMUM ACCESS POINTS ON EAST 71ST STREET** 2

Internal lot side yards to be established by Detail Site Plan

**LANDSCAPED AREA:**

A minimum of 10% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

**SIGNS:**

- A) One ground sign shall be permitted for each lot on the East 71st Street frontage with a maximum of 150 square feet of display surface area and 25 feet in height.

- B) Wall signs shall be permitted not to exceed 2.0 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
- C) One business sign shall be permitted along the Mingo Valley Expressway right-of-way with a maximum of 335 square feet of display surface area and 40 feet in height; the business sign shall be set back a minimum of 10 feet from the Expressway right-of-way.

#### LIGHTING:

Exterior light standards for Development Area A-1 shall not exceed 35 feet in height and shall be hooded and the light directed downward and away from the boundaries of the development area.

### DEVELOPMENT AREA A-2

NET LAND AREA:	12.36 Acres	538,401 SF
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#### PERMITTED USES:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 19, Hotel, Motel and Recreation Uses; and uses customarily accessory to permitted principal uses.

#### MAXIMUM BUILDING FLOOR AREA:

Hotel and Convention Facilities	400,000 SF*
Other Uses	20,000 SF

MAXIMUM LAND COVERAGE BY BUILDINGS WITHIN A LOT:	30%
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#### MAXIMUM BUILDING HEIGHT:

Hotels and offices	200 FT
Other permitted uses	35 FT

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Unused Hotel and Convention Center floor area may be transferred to Other Uses or Other Uses floor area may be transferred to Hotel and Convention Use to permit larger Hotel and Convention facilities subject to detail site plan approval.

**OFF-STREET PARKING:**

As required by the applicable Use Unit of the Tulsa Zoning Code.

**MINIMUM BUILDING SETBACKS:**

From the south boundary	10 FT
From the west boundary	20 FT
From the east boundary (South 107th East Avenue)	40 FT
From the north boundary	20 FT
Internal lot side yards to be established by Detail Site Plan	

**LANDSCAPED AREA:**

A minimum of 10% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

**SIGNS:**

- A) One ground sign shall be permitted for each lot on the South 107th East Avenue frontage with a maximum of 160 square feet of display surface area and 15 feet in height.
- B) Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
- C) One monument sign shall be permitted at the entrance to the hotel and convention center from South 109th East Avenue with a maximum of 128 square feet of display surface area and 10 feet in height.
- D) One business sign shall be permitted along the Mingo Valley Expressway right-of-way with a maximum of 500 square feet of display surface area and 40 feet in height; the business sign shall be set back a minimum of 10 feet from the Expressway right-of-way.

**LIGHTING:**

Exterior light standards for Development Area A-2 shall not exceed 35 feet in height and shall be hooded and the light directed downward and away from the boundaries of the development area.

The combining of the southerly part of Development Area A and all of Development Area D will result in the realignment of South 109th East Avenue to the east boundary of the new Development Area A-1.

Staff, having reviewed the proposed standards and specifications for Development Areas A-1 and A-2 in relationship to the original approval, finds that the proposed Minor Amendment maintains the spirit and intent of the original approval, does not alter the character of the PUD and conforms to the requirements of both the PUD and Corridor District Chapters of the Tulsa Zoning Code.

Staff, therefore, recommends **APPROVAL** of PUD-601 creating Development Areas A-1 and A-2 as submitted. The applicant's modifications to the Outline Development Plan will replace previously approved development specifications for PUD-601 Development Areas A and D and will be incorporated into the Deed of Dedication and Restrictive Covenants of the Eastside Market II Plat.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **6-0-1** (Boyle, Carnes, Dick, Midget, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Harmon, Hill, Horner, Jackson "absent") to recommend **APPROVAL** of the preliminary plat for Eastside Market II and to recommend **APPROVAL** of the minor amendment for PUD-601-1/Z-6579-SP-2 subject to the dedication of additional right-of-way along 71<sup>st</sup> Street to meet the requirements of the Major Street and Highway Plan and as recommended by staff.

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**Ridge Pointe Villas (PUD-411-C) (2483)**

(PD-26) (CD-8)

Northeast corner of East 101<sup>st</sup> Street and South 85<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of 48 lots in two blocks with five reserves. Land area is 11.304 acres. It is development area 6a of PUD 411-C, which was recently amended to allow single-family residential use with 45-foot wide, 5000-square-foot lots. It's abutted on the east by "Ridge Pointe" single-family residential subdivision, on the west by unplatted land that is approved for commercial uses under the PUD, on the north by unplatted land approved for office/warehouse use under the PUD, and on the south by East 101<sup>st</sup> Street.

The following were discussed **August 19, 1999** at the Technical Advisory Committee meeting:

**1. Streets/access:**

- Beach, staff, noted that the proposal is for private streets with three "hammerhead" cul-de-sacs. The right-of-way for the streets would be 30 feet and 40 feet wide. He asked TAC to consider whether the hammerheads would be adequate for maneuvering delivery trucks and trailers. He also asked how wide the paved streets would be.

- Sack, applicant, stated that the geometry of the hammerheads is the same as those approved by the TMAPC on another subdivision about a year ago. He also stated that the streets would be standard 26 feet wide and built to City specifications. There would be an access gate from 85<sup>th</sup> East Avenue at 100<sup>th</sup> Street and a crash gate on the north end of 85<sup>th</sup> East Place.
  - Somdecerff, Transportation, stated that limits of access need to be shown on 101<sup>st</sup> Street and the book and page numbers for the other streets need to be shown.
2. **Sewer:**
    - There were no comments regarding the sanitary sewer system.
  3. **Water:**
    - Lee, Water, requested a utility easement along both sides of the streets sufficient to replace the right-of-way that would have been in place if these were public streets.
  4. **Storm Drainage:**
    - McCormick, Storm Water, stated that more easements would be needed after review of the drainage plans.
  5. **Other:**
    - Varner, GTE, requested a 17.5-foot perimeter easement on the west and north sides of the property.

**Staff recommends approval** of the waiver of the Subdivision Regulations and the preliminary plat subject to the conditions listed below.

**Waivers of Subdivision Regulations:**

2. To allow private streets with less than 50 feet of right-of-way.

**Special Conditions:**

2. None needed.

**Standard Conditions:**

1. All conditions of PUD 411-C shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. 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.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. 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).

5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
15. It is recommended that the developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
16. 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.
17. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)



18. 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.)
19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
21. The key or location map shall be complete.
22. 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.)
23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
24. 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.)
25. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
26. All other Subdivision Regulations shall be met prior to release of final plat.

**AND**

**Application No.: PUD-411-C**

**Applicant:** Ted Sack

(PD-26) (CD-8)

**Location:** Southeast corner of East 98<sup>th</sup> Street South and South Memorial Drive  
(Detail Site Plan)

**STAFF RECOMMENDATION:**

The applicant is requesting Detail Site Plan approval for an 8,794 SF two-story new car sales and service facility on a 6.3-acre (net) tract.

Staff has examined the Detail Plan and finds conformance to the bulk and area, building square footage, height, setback, parking, access/mutual access and total landscaped area standards of PUD-411-C as amended. Staff also finds conformance to the requirements of both the PUD and Landscape Chapters of the Tulsa Zoning Code.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan as submitted for PUD-411-C Development Areas "Revised" Tracts I & II subject to the following condition:

Filing of a 24-foot mutual access easement providing access to Lot 1, Block 1, Jim Norton Center as reflected on the site plan and recording of the same with the Tulsa County Clerk. A copy of the recorded instrument will be provided to TMAPC before the approved Site Plan is transmitted to Development Services for issuance of a building permit.

**Note:** Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

Mr. Dunlap stated that there is only one condition listed in the staff recommendation and that condition has been met and recorded.

**The applicant indicated his agreement with staff's recommendation.**

**INTERESTED PARTIES COMMENTS:**

**Lauren Brookey**, 8603 East 100<sup>th</sup> Street, Tulsa, Oklahoma 74133, stated that she is representing the Ridge Pointe Association Board and supports the preliminary plat.

Ms. Brookey affirmed that the Ridge Point Association is pleased that the subject property is being considered for single-family. She expressed concerns regarding the screening and drainage issues. She indicated that the Association would like to participate in the planning of the screening and drainage process.

Ms. Brookey expressed concerns regarding the setbacks if the subject property should develop into multifamily.

In response to Ms. Brookey, Mr. Stump stated that the amendment to the PUD was to add single-family as a new use with its own set of standards. It did not take away the multifamily or apartments as a possible use and it did not change the setback requirements for those apartments. The proposal will have to be all apartment/multifamily or all single-family.

Mr. Boyle asked if the preliminary plat presented today meets with the Planning Commission's action from November 3, 1999. In response, Mr. Stump answered affirmatively.

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **APPROVE** the preliminary plat for Ridge Point Villas and to **APPROVE** the detail site plan for PUD-411-C subject to standards and conditions as recommended by staff.

**Penske at Metro Park (3294)**

(PD-18) (CD-5)

South of the southwest corner of East 51<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

This is a subdivision of 4.99 acres into one lot and one block for commercial purposes. The site is zoned CS and is bounded on the east by South 129<sup>th</sup> East Avenue and on the south by vacant land zoned CS adjacent to 55<sup>th</sup> Street. The parcel to the north is zoned CS and developed with the Broken Arrow Expressway beyond; industrial facilities are located to the west. The area is predominantly zoned IL.

The plat is a portion of lot two, block four of the Metro Park addition, an addition created for commercial and industrial purposes.

The following were discussed **November 4, 1999** at the Technical Advisory Committee meeting:

**1. Streets/access:**

- Bruce, staff, noted that the site was accessed off of 129<sup>th</sup> East Avenue and that the plat indicated two access points.
- Somderceff, Traffic, indicated that the reference for the previous right-of-way dedication along 129<sup>th</sup> Avenue should be indicated and that the reference to street dedication by this plat in the deeds of dedication should be removed.

**2. Sewer:**

- Bruce, staff, indicated that the plat indicated an existing 18" sanitary sewer line along the 129<sup>th</sup> right-of-way easement and line.
- Bolding, Wastewater, indicated that the 18" line could not be tapped and that the additional line would have to be extended, requiring additional easement.

**3. Water:**

- Bruce, staff, indicated that water was on the east side of 129<sup>th</sup> Avenue.
- Lee, Water, indicated that a hydrant would be required on the line to the east and that an interior loop may be required. The reference for the existing waterline easement should be shown.
- Rupp, Fire, indicated that an extension of the hydrant line may be required as additional site development information became available.

**4. Storm Drainage:**

- Payne, Development Services, indicated that fees-in-lieu would be acceptable if the existing system could handle the increased requirements. If not, additional detention or a new line would be required. A PFPI would be required for earth change and drainage and any work involving a City street and an approved Stormwater Pollution Prevention Plan would be required prior to beginning work.

**5. Utilities:**

- Bruce, staff, noted that a number of utility easements were existing on site.
- Miller, ONG, indicated that existing easements should be referenced. He requested that the easement along the western boundary be expanded to 17.5' and that the headwall in the southern portion of the property be moved to the east out of the easement.

**Staff recommends approval** of the preliminary plat subject to the following:

**Waivers of Subdivision Regulations:**

1. None needed.

**Special Conditions:**

1. A fire hydrant will be located on the 12" line to the east of 129<sup>th</sup> East Avenue.
2. Sanitary sewer for use by this site shall be extended to it by the developer who shall provide the appropriate easements.
3. The headwall in the existing easement along the west boundary will be moved to the east.
4. Existing easement references will be provided.

**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 topo 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 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.)
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. 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.)
19. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
20. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.

21. All other Subdivision Regulations shall be met prior to release of final plat.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **APPROVE** the preliminary plat for Penske at Metro Park subject to special conditions and standard conditions as recommended by staff.

\* \* \* \* \*

**PLAT WAIVER:**

**BOA-18560 (2603)**

(PD-16) (CD-6)

East of 69<sup>th</sup> East Avenue between Gilcrease Expressway and BNSF Railroad

**Mr. Midget out at 2:00 p.m.**

**STAFF RECOMMENDATION:**

The trigger case was approved in November of 1999, allowing airport and airport accessory uses on the site. The waiver is requested to allow construction without the platting requirement.

**Staff comments and recommendation:**

The subject parcel is located east of North 69<sup>th</sup> East Avenue, between it and the Expressway. The site is bounded by the expressway on the east and north, the railroad on the south and 69<sup>th</sup> Avenue on the west. Virgin Street bisects it east and west, and 73<sup>rd</sup> East Avenue runs south from Virgin to the railroad. The site is a portion of the Mohawk Ridge and Douglas Park Additions and includes unplatted land. It also includes vacated areas of the former Ute, Tecumseh, Xyler and Woodrow Streets; Virgin Place; 71<sup>st</sup>, 73<sup>rd</sup>, and 75<sup>th</sup> East Avenues; and 73<sup>rd</sup> East Place and 73<sup>rd</sup> East Court.

TAC discussed the item at the meeting of November 4, 1999. Comments were as follows:

1. Discussion occurred regarding the possibility of vacating Virgin Street in this area. Staff indicated that information regarding a potential vacation had not been made available at this time.
2. The ONG and PSO easements along 73<sup>rd</sup> Street would be maintained although the street was vacated.
3. The PSO line on the east side of 73<sup>rd</sup> would be moved to the east.
4. Additional easements may be required based on additional site development information.

Based on the checklist below which reflects the policies of TMAPC and the recommendation of TAC, **Staff recommends approval** of the request for plat waiver.

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC Staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

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

- |  | YES                                 | NO                                  |
|--|-------------------------------------|-------------------------------------|
| 1) Has property previously been platted?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2) Are there restrictive covenants contained in a previously filed plat?             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 5) Will restrictive covenants be filed by separate instrument?                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 6. Infrastructure requirements   |                                     |                                     |
| a) Water   |                                     |                                     |
| i) Is a main line water extension required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Is an internal system or fire line required?                                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iii) Are additional easements required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Sanitary Sewer  |                                     |                                     |
| i) Is a main line extension required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Is an internal system required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iii) Are additional easements required?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Storm Sewer   |                                     |                                     |
| i) Is a P.F.P.I. required?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Is an Overland Drainage Easement required?                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iii) Is on-site detention required?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv) Are additional easements required?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 6) Floodplain  |                                     |                                     |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain?                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

- b) Does the property contain a F.E.M.A. (Federal) Floodplain? ☐ ✓
- 7) Change of Access
- a) Are revisions to existing access locations necessary? ☐ ✓
- 8) Is the property in a PUD? ☐ ✓
- a) If yes, was plat recorded for the original PUD? ☐ ✓
- 9) Is this a Major Amendment to a PUD? ☐ ✓
- a) If yes, does the amendment make changes to the proposed physical development of the PUD? ☐ ✓

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **6-0-0** (Boyle, Carnes, Dick, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson, Midget "absent") to **APPROVE** the plat waiver for BOA-18560 subject to a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) being required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office as recommended by staff.

\*\*\*\*\*

**ZONING PUBLIC HEARING**

**Application No.: PUD-355-A**

**Applicant:** R.L. Reynolds

(PD-18) (CD-8)

**Location:** West of the northwest corner East 91<sup>st</sup> Street and South Yale  
(Major Amendment)

**STAFF RECOMMENDATION:**

PUD-355-A encompasses Phase II of PUD-355, which consists of 5.019 acres (gross) located west of the northwest corner of East 91<sup>st</sup> Street South and Yale Avenue. The tract has been approved for uses permitted by right in an OM district and a restaurant and other uses, provided they are located within a principal office building. The maximum building height approved was five stories or 75 feet. The minimum building setbacks approved were as follows:



Minimum Building Setbacks:

From Centerline of East 89 <sup>th</sup> Street	150 FT
From Centerline of South 91 <sup>st</sup> Street	150 FT
From West Boundary	200 FT (except where this setback intersects the 150 FT setback from C/L of East 89 <sup>th</sup> Street)
From Interior Lot Lines	Zero

The minimum landscaped open space approved was 30 percent of net area and the approved landscaping includes a six-foot-high wood screening fence along the total west boundary line and a three-foot-high berming and landscape screening along the north boundary line.

PUD-335-A proposes to add those uses permitted by right in a CS district to the easterly 195 feet of the southerly 299 feet of the tract and delete the commercial uses previously approved for the remainder of the tract. The maximum building height would be reduced to 35 feet. The minimum building setbacks would be 50 feet from the north, south and west boundaries of the PUD.

This major amendment proposes that 15 percent of the net land area be landscaped including a ten-foot-wide landscaped area along the west boundary of Phase II. A six-foot-high screening fence is proposed along the west boundary of Phase II.

An overland drainage and storm sewer easement and a right-of-way in favor of Public Service Company of Oklahoma would have to be amended in order to permit this proposal to be developed.

There are single-family dwellings, zoned RS-3, to the north of the subject tract across 89<sup>th</sup> Street. The tract is abutted on the east by a multi-story office building and associated parking lots, zoned CS and OL within PUD-355; to the south by an apartment complex and vacant land, zoned RMO and RM-2 in PUD-275; and to the west by two single-family dwellings, zoned RS-3.

The Planning Commission, at their November 3, 1999 meeting, voted to transfer 3,155 SF of floor area from Phase II to Phase I. This reduced the maximum floor area allowed for Phase II to 102,490 SF. The minor amendment also changed the landscaping and setback requirements for Phase I.

Staff finds PUD-355-A, as modified by staff, 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 PUD-355-A subject to the following conditions:

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

## **PHASE II**

### **2. Development Standards:**

Land Area (Gross)	218,623 SF	5.0189 AC
Permitted Uses:		
The easterly 195 feet of the southerly 299 feet of Phase II		As permitted by right in the OM and CS districts excluding Use Unit 12a.
Remainder of Phase II		As permitted by right in the OM District.
Maximum Building Height:		two-stories, not to exceed 35 FT.*
Maximum Building Floor Area (total):		102,490 SF
Maximum Building Floor Area of Non-office Uses:		7,764 SF
Off-Street Parking:		As required by the applicable Use Unit of the Tulsa Zoning Code.

\*Architectural elements may exceed the maximum building height with detail site plan approval.

Minimum Building Setbacks:

From the Centerline of East 89 <sup>th</sup> Street South	75 FT
From the Centerline of East 91 <sup>st</sup> Street South	100 FT
From the West Boundary of the Development Area	50 FT

Access:

Access to Phase II shall be provided by two access points, serving the entire PUD, onto East 91<sup>st</sup> Street South. Access to Phase I shall be provided by a mutual access easement between Phase I and Phase II. All access points shall be approved by Traffic Engineering. No access shall be permitted onto 89<sup>th</sup> Street South.

Signs:

That signs accessory to the principal uses shall comply with the restrictions of the PUD chapter.

Landscaping and Screening:

Phase II shall have a minimum landscaped area of 15 percent of the net land area and it shall be improved in accord with the Landscape Chapter of the Tulsa Zoning Code as internal landscaped open space, which shall include at least five feet of street frontage landscaped area. A six-foot-high or higher screening wall or fence shall be provided along the west and north boundaries of Phase II. A landscaped area of not less than ten feet in width shall be located along the west and north boundaries of Phase II and the height of trees, along this west boundary will range from eight to twelve feet and will provide visual barriers above the height of the screening wall or fence from the residential lots to the west and north. Perimeter landscaping will be installed within one hundred eighty (180) days of the approval of PUD-355-A by the City Council.

3. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. Within the easterly 195 feet of the southerly 299 feet of Phase II, no light standard or building-mounted light shall exceed 30 feet in height and shall use cut-off fixtures. In the remainder of Phase II, no light standard or building-mounted light shall exceed 20 feet in height and all such lights shall be set back at least 50 feet from the west boundary of Phase II.
8. The Department 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.
9. If there is more than one owner of Phase II an association shall be created and vested with sufficient authority and financial resources to properly operate and maintain all common areas, including any stormwater detention areas, required mutual access agreements, parking or other commonly owned structures within 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 City beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

**TMAPC COMMENTS:**

Mr. Ledford asked staff how item number nine of the standard conditions could be enforced. In response, Mr. Stump stated that it would be included in the plat.

**APPLICANT'S COMMENTS:**

**R. L. Reynolds**, 2727 East 21<sup>st</sup> Street, Suite 200, Tulsa, Oklahoma, stated that he would like a modification to the provision of the maximum building height. He explained that he would like to add that " architectural elements may exceed the maximum building height with detail site plan approval...". In response, Mr. Stump stated that staff does not have a problem with this modification.

Mr. Reynolds concluded that the development is compatible with the neighborhood and he is in agreement with staff's recommendation.

**Mr. Midget in at 2:15 p.m.**

**INTERESTED PARTIES COMMENTS:**

**H. K. Brown**, 4646 East 89<sup>th</sup> Street, Tulsa, Oklahoma 74137, expressed concerns regarding the access to 89<sup>th</sup> Street from the subject property.

Mr. Stump stated that today's application only considers Phase II, the western portion, and staff has made a condition that no access will be allowed from Phase II areas onto 89<sup>th</sup> Street. He explained that Phase I can allow access onto 89<sup>th</sup> Street, but not in Phase II.

Mr. Brown stated that he is concerned with what type of fencing, if any, will be required. Mr. Stump stated that there is a requirement for a ten-foot landscape strip and a six-foot screening fence along 89th. Mr. Stump explained that the intent is that the north and west sides have a continuous screening fence.

**Dave Smith**, 8824 South Urbana Place, Tulsa, Oklahoma 74137, requested that the setback for lighting on the west boundary be applied to the north boundary as well. In response, Mr. Stump stated that there is a 50-foot road on the north side between the residential and the beginning of the subject development, and therefore, in effect it has at least a 60-foot setback from residential property on the north side.

Mr. Smith expressed concerns of the possibility of live music or other noises coming from the non-office use of the development. Mr. Smith requested that the proposed location of the restaurant be pointed out on the plat.

Mr. Stump stated that the applicant is being allowed the same square footage as permitted before. The southeast corner of the tract will be allowed to have the non-office use. The uses are allowed by right in the CS district, except no adult entertainment, which would exclude bars or sexually oriented businesses. Mr. Stump concluded that a restaurant could have live music inside but typically the music is not a nuisance when it is not a bar.

**APPLICANT'S REBUTTAL:**

Mr. Reynolds stated that his client tried to address the neighborhood's concerns by moving the commercial use nearer 91<sup>st</sup> Street and excluding the adult entertainment aspects.

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson "absent") to recommend **APPROVAL** of the major amendment for PUD-355-A as modified by the TMAPC and recommended by staff. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

**Legal Description for PUD-355-A:**

A part of Lot 1, Block 1, Southern Woods, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, being more particularly described as follows, to-wit: commencing at the Southerly most Southeast corner of Lot 1, Block 1, Southern Woods, said point being on the North right-of-way line of East 91<sup>st</sup> Street South; thence due West, along said right-of-way line and the South line of said Lot 1, Block 1, a distance of 231.99' to the Point of Beginning; thence continuing due West, along the South line of Lot 1, Block 1, Southern Woods and the North right-of-way line of East 91<sup>st</sup> Street South, a distance of 359.44' to a point, said point being the Southwest corner of Lot 1, Block 1, Southern Woods; thence N 00°03'21" E, along the West line of said Lot 1, Block 1, a distance of 445.00' to a point, said point being the Southerly most Northwest corner of said Lot 1, Block 1; thence due East a distance of 165.25'; thence N 00°03'05" E a distance of 139.68' to a point, said point being the Northwest corner of Lot 1, Block 1, Southern Woods; thence S 89°58'45" E along the North line of said Lot 1, Block 1, a distance of 304.96'; thence due South a distance of 12.05'; thence due West a distance of 70.00'; thence due South a distance of 133.00'; thence due East a distance of 102.00'; thence due South a distance of 109.49'; thence S 45°00'00" W a distance of 121.76'; thence due West a distance of 11.00'; thence S 45°00'00" W a distance of 20.00'; thence due West a distance of 32.09'; thence due South a distance of 229.79' to the Point of Beginning.

\* \* \* \* \*

**Application No.: Z-6723**

**RS-4, RS-3, CS to RS-3, RS-4, CS/HP**

**Applicant: TMAPC**

**(PD-2) (CD-1)**

**Location: Brady Heights Neighborhood**

**STAFF RECOMMENDATION:**

Ms. Matthews stated that the application is for Historic Preservation overlay zoning. She indicated that the neighborhood is in support of this application and it is in accord with the District 2 Plan.

### Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – No Specific Land Use/Historical Neighborhood. The requested HP zoning is **IN ACCORD WITH** the Comprehensive Plan and is a means of implementing its provisions.

The 1997 Tulsa Historic Preservation Resource Document identifies this neighborhood as being the first Tulsa neighborhood listed on the National Register. Previous Historic Preservation Plans have identified the area as eligible for HP zoning.

### Staff Comments:

**Site Analysis:** The subject property is approximately 57 acres in size and is located between W. Marshall Street on the north, W. Fairview Street on the south; the alley west of N. Denver Avenue to the alley east of North Cheyenne Avenue. The property is sloping, non-wooded, contains single-family homes, some apartments, churches and small businesses, and is zoned RS-3, RS-4 and CS.

**Surrounding Area Analysis:** The area is abutted on the north by single-family residential uses, zoned RS-4; to the west by the L. L. Tisdale (Osage) Expressway, zoned RS-3; to the east by single-family residential uses, zoned RS-4; an elementary school, also zoned RS-4; mixed commercial uses, zoned CS and CH; and to the south by commercial, office and multifamily residential uses, zoned CS and RM-1. Farther to the south is the Central Business District and farther to the east is the OSU-Tulsa campus.

**Zoning and BOA Historical Summary:** Most of the subject property was rezoned from RM-1 to RS-4 in 1992 in order to encourage the stability of single-family homes in this area. The Board of Adjustment recently approved a special exception to allow Use Unit 5, Community Center, which would provide facilities for wedding receptions, special events and neighborhood functions on property located on the southwest corner of West Golden Street and North Denver, the Brady Mansion.

**Conclusion:** Based on the recommendation of the Tulsa Preservation Commission, the Comprehensive Plan, development trends in the area and the support of a majority of the area residents, staff recommends **APPROVAL** of Z-6723 for HP – Historic Preservation zoning as an overlay to the existing RS-4, RS-3, and CS.

### INTERESTED PARTIES COMMENTS:

**Emily Warner**, 1011 North Cheyenne, submitted letters of support (Exhibit A-1) and stated that she is the Vice President of the Brady Heights Neighborhood Association. Ms. Warner presented and submitted a lengthy presentation (Exhibit A-3) citing the different styles of homes in the neighborhood and a brief history of the neighborhood.

She explained that the reason the Historic Preservation overlay is important is because of the large number of vacant lots. She stated that the overlay would protect the existing homes as well as the possible homes to be developed on the empty lots.

**TMAPC COMMENTS:**

Mr. Boyle asked Ms. Warner how the 76% vote in favor of the overlay was calculated. In response, Ms. Warner stated that the percentage was by lot, one lot/one vote. Ms. Warner explained that the 76% represents the lot owners who voted.

**Charles Gilmore**, 7435 South Gary Place, stated that he is the Vice-Chairman of the Tulsa Preservation Commission (TPC). He explained that the responsibility of the TPC in the Brady Heights Neighborhood was to prepare a report and recommendation concerning the historical preservation-zoning district. He indicated that the application did meet of the criteria and the TPC voted for approval for this particular zoning.

Mr. Gilmore stated that he reviewed the house in Brady Heights that was recently built and it would meet the guidelines of the Brady Heights Historical zoning.

**THE FOLLOWING INTERESTED PARTIES WERE IN AGREEMENT WITH THE APPLICATION:**

**Terry Klein**, 924 North Cheyenne, Tulsa, Oklahoma 74106; **Gay Pasley**, 812 North Cheyenne, Tulsa, Oklahoma 74106; **Tom Mordecai**, 618 North Cheyenne, Tulsa, Oklahoma 74106; **James Heath**, 1119 North Denver, Tulsa, Oklahoma 74106; **Bill Sawyer**, 701 North Denver, Tulsa, Oklahoma 74106; **Kevin Gable**, 1010 North Denver, Tulsa, Oklahoma 74106; **J.D. Metcalfe**, 1341 East 26<sup>th</sup> Street, Tulsa, Oklahoma 74133; **Kriz Retsema**, 1017 North Cheyenne, Tulsa, Oklahoma 74106; **Russell Burkhart**, 752 North Denver, Tulsa, Oklahoma 74106; **Barbara Moore**, 1130 North Cheyenne, Tulsa, Oklahoma 74106; **Tim Lovelle**, no address given; **Father Rick Hollingsworth**, 205 West King, Tulsa Oklahoma 74106.

**INTERESTED PARTIES COMMENTS:**

**Juanita Buford**, 1132 N. Main, Tulsa, Oklahoma 74106, stated that she was not notified about the subject application.

After discussion ensued it was determined that Ms. Buford's home is not included in the Brady Heights Neighborhood and the overlay will not directly affect her property.

**TMAPC COMMENTS:**

Mr. Boyle congratulated the neighborhood and Emily Warner for their work on the subject application.

Mr. Westervelt requested that a document indicating the home that was recently built in the Brady Heights Neighborhood fits the design guidelines be in the file of record. Mr. Westervelt commented that the subject application is a good tool when used in the right place and this is the right place. Mr. Westervelt stated that the Rules and Regulations Committee recommended that this application be approved.



**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson "absent") to recommend **APPROVAL** for HP-Historic Preservation zoning as an overlay to the existing RS-4, RS-3 and CS to Z-6723 as recommended by staff.

**From: RS-4, RS-3 and CS (Residential Single-family Highest Density District, Residential Single-family High Density District and Commercial Shopping Center District)**

**To: RS-4, RS-3, CS/HP (Residential Single-family Highest Density District, Residential Single-family High Density District and Commercial Shopping Center District/Historic Preservation District)**

**Legal Description for Z-6723:**

All of Blocks 3, 4, 5, and 6, Lots 8 through 14 of Blocks 2 and 7; and the reserved areas between Blocks 4 and 5, Blocks 3 and 6 and Blocks 2 and 7, Pouder-Pomeroy Addition; and all of Blocks 9, 10, 11 and 12, Lots 1 through 6 of Blocks 5, 6, 7 and 8, Lots 7 through 12 of Blocks 13, 15, 16 and 17, Lots 12 through 22 of Block 14, Burgess Hill Addition; and all of Blocks 1 and 6, Lots 1 through 5 of Block 2, Lots 1 through 6 of Block 5, Brady Heights Addition; and all of Block 5, the portions of Blocks 6 and 7 adjacent to and east of the L. L. Tisdale Parkway (formerly Osage Expressway) and the western 101' of Block 4, North Tulsa Addition. The property is bounded by the alley west of North Denver Avenue to the alley east of North Cheyenne Avenue, and to the north bounded by West Marshall Street to the south by West Fairview Street, Tulsa, Oklahoma.

\* \* \* \* \*

**Mr. Midget out at 3:16 p.m.**

**Application No.: PUD-571-1**

**Applicant:** Roy D. Johnsen

(PD-18) (CD-8)

**Location:** East of northeast corner East 81<sup>st</sup> Street and South Memorial  
(Minor Amendment)

**STAFF RECOMMENDATION:**

The applicant is requesting Minor Amendment approval to combine Development Areas B and C to permit the expansion of mini-storage facilities allowed in Area C into Area B. The applicant is proposing a two-story climate-controlled storage facility with retail uses at ground level facing East 81<sup>st</sup>.

A 44,192 SF mini-storage facility and manager's residence in Area C were approved and constructed in 1998. Maximum allowed floor area for mini-storage uses in Area C is 50,000 SF. Development Area B, abutting East 81<sup>st</sup> Street, was designated for retail uses with a maximum of 15,000 SF of floor area. Development Area B is vacant.

The applicant's Outline Development Plan and Text indicate the combined development areas will have a maximum building floor area of 68,500 SF of mini-storage floor area and 4,250 SF of retail floor area for a total of 72,750 SF of building floor area on 3.5 net acres. The increase in maximum permitted building floor area is 12% and the intensity of mini-storage use for the combined area is .45. The proposed uses and intensity of use are permitted by right or exception within the present underlying zoning.

The applicant has represented to staff that the character and architectural features of the proposed expansion will contain a retail storefront on the lower level facing East 81<sup>st</sup> with a pitched covered walkway. Architecturally, the applicant has represented to staff the facility will be compatible with the style and color of the manager's residence. Exterior walls will be drived with architectural elements at building ends.

Staff finds the combination of development areas and the uses and intensities proposed to be in harmony with the spirit and intent of the original approval.

Staff, therefore, recommends **APPROVAL** PUD-571-1 subject to the following conditions:

1. All approved standards and conditions of PUD-571 Area B and C apply unless modified herein by the applicant's Outline Development Plan and Text or the Development Standards outlined below.
2. Development Standards Combined Development Area B and C

Land Area (Net):	3.5 acres
Permitted Uses:	Mini-storage and uses permitted by right within a CS District, except no Use Unit 12a nor dance halls
Maximum Mini Storage Floor Area:	68,500 SF
Maximum Retail Floor Area:	4,250 SF
Maximum Building Height:	
Retail and Storage Facility abutting East 81 <sup>st</sup>	35 feet
Storage buildings	12 feet
Manager's residence	2 story

Maximum Building Setbacks:	
From centerline of E. 81 <sup>st</sup>	100 feet
From west boundary	0 feet
From north boundary	11 feet
From east boundary of north 328 feet	11 feet
From east boundary of south 137 feet	50 feet

Minimum Interior Landscaped Open Space: 10% of net area

Screening and buffering: TMAPC shall determine appropriate screening at the time of Detail Site Plan Review.

Maximum Permitted Signage: Shall recognize permitted signage approved within Area B and C of PUD-571.

3. A declaration of covenants amending the Anderson Addition (Plat #5093) setting forth the combined development standards for Area B and C be submitted to and approved by TMAPC and duly filed of record.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 6 members present:**

On **MOTION** of **DICK**, the TMAPC voted **6-0-0** (Boyle, Carnes, Dick, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson, Midget "absent") to recommend **APPROVAL** of the minor amendment for PUD-571-1 subject to conditions as recommended by staff.

\* \* \* \* \*

**Mr. Midget in at 3:16 p.m.**

**Application No.: AC-049**

**Applicant:** Stephen Schuller (PD-25) (CD-1)

**Location:** Southeast corner of North Lewis and East 46<sup>th</sup> Street North  
(Alternative Compliance)

**STAFF RECOMMENDATION:**

The applicant is requesting Alternative Landscape Compliance approval to eliminate four parking lot trees in front of the entryway for a proposed convenience store. The applicant is also requesting Alternative Landscape Compliance to install ten "Natchez" crapemyrtles for small size trees rather than selecting an approved species taken from the Tulsa Urban Forester's certified list.

Staff has examined the landscape plan and finds conformance to the requirements outlined in the Landscape Chapter of the Tulsa Zoning Code with the exception of four parking spaces not being placed within 50 feet of a landscaped area containing a tree. Additionally, the "Natchez" crapemyrtle is not an approved tree listed on the Urban Forester's Certified List of Tree Species.

Staff finds the size and configuration of the lot and placement of the convenience store make it difficult, if not impossible, to meet the 50-foot requirement of the Landscape Chapter. The applicant, in the alternative, proposes additional trees at the northeast and southeast corners of the lot, shrub bedding along the North Lewis frontage, and additional streetyard trees that exceed the requirements of Chapter 10. The applicant has also provided an approval document signed by the Urban Forester on November 1, 1999, certifying the acceptability of the "Natchez" Crape Myrtle cultivar for application to the Quik Trip 11RR site.

Although the landscape plan does not meet the technical requirements of the Zoning Code, the increase in landscaped open space, installation of additional trees and the acceptance of an alternate tree species by the Urban Forester is equivalent to or better than the requirements of Chapter 10.

Staff, therefore, recommends **APPROVAL** of AC-049 subject to the following condition:

The minimum installed height of the 10 "Natchez" crapemyrtles or Lagerstromia Indica shall be eight to ten feet in height per the Urban Forester's requirement of November 11, 1999.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **APPROVE** the alternative compliance for AC-049 subject to conditions as recommended by staff.

\* \* \* \* \*

**Application No.: PUD-591-A/Z-6728**

**Applicant: John L. Boyd**

(PD-6) (CD-9)

**Location:** South of southwest corner East 47<sup>th</sup> Street and South Gary Avenue.  
(Request for Refund)

**STAFF RECOMMENDATION:**

On October 21, 1999, the applicant submitted a rezoning and PUD application with INCOG; the applicant withdrew his application after reviewing the requirements imposed by Stormwater Management. The applicant has now requested a refund.

Staff would recommend **APPROVAL** of a refund for the rezoning and PUD application, in the amount of \$553.00.

**There were no interested parties wishing to speak.**

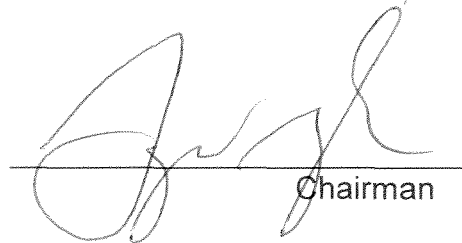
**TMAPC Action; 7 members present:**

On **MOTION** of **PACE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner, Jackson "absent") to **REFUND** \$553.00 to the applicant for PUD-591-A/Z-6728 as recommended by staff.

\*\*\*\*\*

There being no further business, the Chairman declared the meeting adjourned at 3:16 p.m.

Date approved: 12-1-99

  
Chairman

ATTEST: Branden L. Jackson  
Secretary

