

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## An Amendment to Clarify

### Minutes of Meeting No. 2237

Wednesday, April 26, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, April 24, 2000 at 11:00 a.m., posted in the Office of the City Clerk at 10:52 a.m., as well as in the office of the County Clerk at 10:50 a.m.

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

#### Minutes:

##### **Approval of the minutes of April 5, 2000 Meeting No. 2235**

On **MOTION** of **BOYLE** the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of April 12, 2000 Meeting No. 2235.

#### Minutes:

##### **Approval of the minutes of April 12, 2000 Meeting No. 2236**

On **MOTION** of **BOYLE** the TMAPC voted **9-0-1** (Boyle, Carnes, Collins, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Horner "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of April 12, 2000 Meeting No. 2236.

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**CONTINUED ITEMS:**

**APPLICATION NO.:** Z-6757/<sup>5</sup>591-A

**RS-1 TO RS-2**

**Applicant:** John Sayre

(PD-6) (CD-9)

**Location:** South of southwest corner of East 47<sup>th</sup> Street South and South Gary Avenue

**TMAPC Comments:**

Mr. Westervelt stated that staff indicated that this application would need to be re-advertised. He indicated that May 11<sup>th</sup> would be the new deadline for the applicant to submit his information in order to hear this application on June 21, 2000 at 1:30 p.m.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** Z-6757/PUD-591-A to June 21, 2000 at 1:30 p.m.

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**APPLICATION NO.:** Z-6759

**RS-1 TO RS-3**

**Applicant:** Larry W. Jenkins

(PD-18) (CD-8)

**Location:** Northwest corner of E 4<sup>th</sup> Street South and South Darlington

**TMAPC Comments:**

Mr. Westervelt stated that this application will need to be re-advertised and staff recommends May 17, 2000 for the new hearing date.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** Z-6759 to May 17, 2000 at 1:30 p.m.

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## **Consider rescheduling the Public Hearing regarding the Maple Ridge HP Zoning proposal**

### **TMAPC Comments:**

Mr. Westervelt stated that this item was originally scheduled for May 24, 2000. He explained that he would be out of town and requests that this item be rescheduled for June 7, 2000 in order to attend the public hearing. He commented that there are no apparent financing deadlines or construction scheduling problems.

Mr. Westervelt reported that the TMAPC received a letter (Exhibit C-1) from Sally Davies requesting that this item not be continued.

### **Interested Parties Comments:**

**Sally Davies**, Chairperson for Historic Preservation Zoning, Maple Ridge Association, stated that she was relieved to have the original date set for May 24, 2000. She indicated that she couldn't attend a meeting in the first part of June 2000, due to personal business. She commented that her inability, as the Chairman and the one presenting the proposed zoning, takes precedence over Mr. Westervelt's inability to attend the public hearing. She explained that there are eleven Planning Commissioners and he does not necessarily need to be present for the hearing as long as there is a quorum. She commented that she does definitely need to be present for the hearing because there is no one else who can fill her shoes in her absence.

### **TMAPC Comments:**

Mr. Boyle asked Ms. Davies if there was a later date in June that would be convenient for her. In response, Ms. Davies stated that there is a problem with setting another date into the summer. Ms. Davies indicated that it makes it difficult to get adequate support with the residents on vacation. Ms. Davies stated that there are numerous homes for sale in the neighborhood, and she would have to go back to the properties when they are sold and explain the proposal. Ms. Davies stated that it would be better for her and the neighborhood to have the hearing on May 24, 2000.

Mr. Boyle stated that he understands that Ms. Davies is essential to the presentation of the HP zoning request. He explained that he was hoping to find a date that Ms. Davies, as well as Mr. Westervelt, can attend later in June.

Ms. Davies stated that by the time she would be able to attend the meeting in June, then Beth Fisher would not be able to participate. Ms. Davies commented that if this application were pushed to later in the summer, then eventually there would be a date she could attend, but it is a great disadvantage to the neighborhood's position.

Mr. Westervelt asked Ms. Davies if she would prefer that the Planning Commission vote on the request to reschedule to see if the Planning Commission's pleasure is to continue this item to June 7<sup>th</sup>, or if she would prefer to confer with her constituents to suggest a date that would work for all them. Ms. Davies stated that she would prefer for the Planning Commission to vote today because she would like to have the hearing on May 24<sup>th</sup>. Mr. Westervelt stated that he understands that Ms. Davies would like to have the hearing on May 24<sup>th</sup>, but if that is the only date she indicates and the Planning Commission votes to continue this item, it will be June 7<sup>th</sup>, which is a date she has already indicated that she cannot attend. Mr. Westervelt stated that he would prefer to pick a date that would permit Ms. Davies to attend the hearing. Mr. Westervelt asked Ms. Davies to supply a date on which she could attend the public hearing in June or later. Mr. Westervelt reiterated that the Planning Commission would like to reschedule the hearing to a date certain that all parties can be in attendance. Ms. Davies reiterated that she does not know a date that she or Ms. Fisher can both attend and would prefer to have the hearing remain set for May 24<sup>th</sup>, 2000.

After a lengthy discussion it was recommended that this item be heard in its regular order, to allow Ms. Davies and Ms. Fisher time to decide on a date that they can both can be in attendance for the rescheduled hearing.

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## **REPORTS:**

### **Committee Reports:**

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

Mr. Boyle reported that there would be a worksession immediately following the TMAPC meeting today in Room 1102 to consider Oakview Estates/Timberlane RE zoning.

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#### **Director's Report:**

Ms. Matthews stated there are three subdivisions and one ordinance change on the City Council agenda for Thursday, April 27, 2000.

\* \* \* \* \*

## **SUBDIVISIONS**

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

**L-19020 – Tyann Development (3214)**

(PD-15) (County)

7202 North 117<sup>th</sup> East Avenue

#### **Staff Recommendation:**

Mr. Beach stated that the applicant has applied to split a 100' strip of land off the back of two lots and attach it to a larger parcel. Rather than using a septic system on Tracts 1 and 2, the applicant will be installing an alternative system, which requires waiver from the Subdivision Regulations. Therefore, the applicant is asking for a waiver of Subdivision Regulation 6.5.4.(e) requiring a passing soil percolation test.

Mr. Beach stated that 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.

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

#### **TMAPC Comments:**

Mr. Westervelt asked Mr. Beach if the TMAPC has adopted the changes in the Subdivision Regulations to eliminate the need for waiver of the Subdivision Regulations regarding alternative septic systems. In response, Mr. Beach stated that the changes have not been adopted at this time. Mr. Beach explained that staff is waiting for feedback from the City of Tulsa's Public Works Department.

Mr. Beach stated that he couldn't answer what type of alternative system this application will be installing. He explained that the Department of Environmental Quality has jurisdiction over all types of on site sewer disposal systems. He indicated that the DEQ would permit several different types as long as the lot size meets their minimum requirements.

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

#### **TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split as recommended by staff.

\* \* \* \* \*

**L-19056 - Town of Skiatook (2023)**

(PD-13) (County)

Northeast corner SH-20 and North Lewis

**Staff Recommendation:**

The applicant has applied to split a three-acre tract out of a 160-acre tract. Both tracts meet the zoning requirements for AG zoning; however, Tract 1 will be used as an electricity substation for the Town of Skiatook and will not require a sewer system. Therefore, the applicant is asking for a waiver of Subdivision Regulation 6.5.4.(e) requiring a passing soil percolation test.

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.

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

**TMAPC Action; 10 members present:**

On **MOTION of HORNER**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split as recommended by staff.

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**PRELIMINARY PLAT:**

**CORNERSTONE FREEWILL BAPTIST CHURCH**

(PD-15) (County)

Northwest corner of 76<sup>th</sup> Street North and North Yale Avenue

**GENERAL:**

The site is bounded on the north by unplatted property, on the east by Yale Avenue, on the south by 76<sup>th</sup> Street North and on the west by Hwy 75. It is bisected east to west by GRDA and PSO easements and includes a gas pipeline easement in the northwest corner.

A residence is present on the site. Residences are also present to the north and northeast and to the south across 76<sup>th</sup> Street North. The parcel to the east across Yale is vacant.

The high point of the site occurs along the eastern boundary in the area of the midpoint. The site drops away to the west in a generally fan-like configuration; drainage will be to the west and north with some to the south.

The Whirlpool plant is across 76<sup>th</sup> Street to the southeast.

**ZONING:**

The site is zoned AG and is surrounded to the north, east and south by AG parcels. The parcel to the southeast is zoned IM.

**STREETS:**

Yale Avenue and 76<sup>th</sup> Street North are secondary arterials on the Major Street and Highway Plan. The plat does not specifically indicate the area to be dedicated, although it appears that the 76<sup>th</sup> Street North ROW is expanded. Six (6) access points are indicated off of Yale Avenue to the east. Access is prohibited off of 76<sup>th</sup> Street North.

**SANITARY SEWER:****WATER:**

A Rural Water District #3 easement is present along the eastern property line.

**STORM DRAIN:**

Reserves A and B in the southwest and west parts of the site are intended to be dedicated to the City for drainage purposes.

**UTILITIES:**

GRDA and PSO easements run through the central portion of the property with a gas pipeline easement in the northwest corner of the site. A 17.5' utility easement is located along the south, west and north boundaries.

A 50' ONG easement is located along the eastern boundary.

Staff provides the following comments from the TAC meeting.

1. Streets/access:
  - Future change in zoning/use along 76<sup>th</sup> Street North needing access will require change in access.
  - Raines, County: No comment
2. Sewer:
  - Sanitary sewer is not present in the area. An on-site system will be required.
3. Water:
  - Raines, County: indicated that the line along the east side of the project would be required to be upgraded to 6", at the church's cost.
4. Storm Drainage:
  - Detention areas were indicated by Reserve Areas along the western boundary.

5. Utilities:

- Miller, ONG: indicated that the 50' easement along Yale Avenue should extend along the entire frontage.
- Pierce, PSO: indicated the need for a 17.5' easement was along Yale Avenue.
- Discussion occurred regarding the presence of Reserve Area B within the utilities' easements

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

Waivers of Subdivision Regulations:

1. None needed.

Special Conditions:

1. Easements to satisfaction of utility providers as noted above.
2. A 6" water line extension to satisfaction of County Engineer.

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 County Engineer 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 County Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the County Engineer.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the County Engineer.
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 County Engineer 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 County Engineer during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department.
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
17. The key or location map shall be complete.
18. 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.)
19. 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.)
20. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
21. 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.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for Cornerstone Freewill Baptist Church subject to special conditions and standard conditions as recommended by staff.

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**Mr. Midget in at 1:50 p.m.**

**DARLINGTON WEST 2<sup>nd</sup> ADDITION**

(PD-18) (CD-8)

Northwest corner of 93<sup>rd</sup> Street South and South Darlington

The following background information was provided at the **December 2, 1999** TAC meeting.

**GENERAL:**

The site is in a developed area, located at the northwest corner of 93<sup>rd</sup> Street and Darlington. Additions are located to the west and east (across Darlington) with lots in the half-acre range to the south (across 93<sup>rd</sup>) and north. The area north of the northwest portion of the addition appears to include two storage structures and is largely vacant. Information on the plat indicates that the vacant area will become a second phase in the future.

**ZONING:**

The site is located in the RS-1 District as is the area to the south. The areas to the east and west are in the RS-3 District.

**STREETS:**

The site is bounded on the east by Darlington Avenue and on the south by East 93<sup>rd</sup> Street South. The Major Street and Highway Plan appears to indicate 93<sup>rd</sup> Street as a residential collector.

The plat proposes a 50' wide north/south street running from 93<sup>rd</sup> Street to the northern property line.

**WATER:**

Water is present in 93<sup>rd</sup> Street and along the eastern boundary of South Darlington.

**SEWER:**

Sanitary sewer is present along the north side of 93<sup>rd</sup> Street.

**STORM DRAIN:**

Drainage information is not included on the plat at this time.

**UTILITIES:**

A 15-foot utility easement is indicated at the southern and eastern boundaries.

**Staff provides the following comments from the TAC meeting.**

1. Streets/access:
  - Somdecerrf, streets: indicated that book and page references would be required for radius returns and that street dedication would be required in the covenants.
2. Sewer:
  - Bolding, Public Works/Engineering: indicated that typical covenants would be required and that sewer would have to be extended to serve lots 1 and 4 of block 2.
3. Water:
  - Lee, Public Works/Water: indicated that typical covenants would be required.
4. Storm Drainage:
  - McCormick, Stormwater: no comment
5. Utilities:
  - No comments.

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

**Waivers of Subdivision Regulations:**

1. None needed.

**Special Conditions:**

1. Standard covenants shall be provided for sewer and water as provided above.
2. Covenants shall provide for street dedication; references provided for dedication of intersection radius areas.

**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 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 Public Works Department.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]

15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
17. The key or location map shall be complete.
18. 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.)
19. 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.)
20. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
21. 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.
22. All other Subdivision Regulations shall be met prior to release of final plat.

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

**TMAPC Action; 11 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **11-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for Darlington West 2<sup>nd</sup> Addition, subject to special conditions and standard conditions as recommended by staff.

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**HILLCREST AMENDED**

(PD-4) (CD-4)

West side of Lewis between East 4<sup>th</sup> and 5<sup>th</sup> Streets South

**Staff Recommendation:**

The following background information was provided at the April 4, 2000 TAC meeting.

**GENERAL:**

The site includes portions of Blocks 1, 2 and 3 of the Hillcrest Addition and Blocks 1 and 2 of the Hillcrest Ridge Addition. It bounded on the east by Lewis Avenue and on the west by existing homes. Fourth Street, Fourth Place and Fifth Street terminate in cul-de-sacs just to the west of Lewis.

Eight lots are being created from an area that previously included portions of 15 lots.

**ZONING:**

The subject site is zoned RS-4 with RS-4 zoning to the west. The areas to the north and south carry a CS designation, with the area across Lewis to the east being a combination of CS, OH and CH.

**STREETS:**

The eight individual lots will be accessed off of Fourth Street, Fourth Place or Fifth Street. These streets have been physically cut off from Lewis and are accessed from Gillette Avenue to the west.

The plat indicates 10' of ROW to be dedicated along the west side of Lewis.

**SEWER:**

The plat shows existing 2' easements along the rear lot lines.

**WATER:**

A 12" line is present along the east side of Lewis. The atlas shows two inch line in the residential streets.

**STORM DRAIN:**

Staff does not have storm drain information at this time.

**Staff provides the following comments from the TAC meeting.**

**UTILITIES:****1. Streets/access:**

- Somdecerff, streets: indicated that a Limits of No Access should be included along the Lewis frontage. All right-of-way dedications should be referenced or labeled as being dedicated by this plat.

**2. Sewer:**

- Bolding, Public Works/Engineering: indicated that the 2' easements and some existing line would have to be abandoned. A written request would be required to abandon the lines.

**3. Water:**

- Lee, Public Works/Water: indicated that adequate service was available.

**4. Storm Drainage:**

- McCormick, Stormwater: no comment

**5. Utilities:**

- Pierce, PSO: indicated that the existing easements would have to be widened. If under grounding of current above-ground service was requested then payment would have to be discussed.

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

**Waivers of Subdivision Regulations:**

1. None needed.

**Special Conditions:**

1. Additional easements will be required as noted above.
2. Sanitary sewer line abandonment must be through written request.
3. Access from Lewis will be prohibited.
4. Street dedications should be clearly noted/referenced.

**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.)
6. 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).
7. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department prior to release of final plat.
8. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
9. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
10. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

11. Street names shall be approved by the Public Works Department and shown on plat.
12. All curve data, including corner radii, shall be shown on final plat as applicable.
13. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Public Works Department.
14. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
15. 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.)
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 (if applicable) are 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. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
20. The key or location map shall be complete.
21. 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.)
22. 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.)
23. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.



24. 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.

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

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **11-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for Hillcrest Amended, subject to special conditions and standard conditions as recommended by staff.

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**THE VILLAGE AT CENTRAL PARK**

North and west of the northwest corner of Peoria Avenue and 8<sup>th</sup> Street

The following background information was provided at the April 4, 2000 TAC meeting.

**GENERAL:**

The subject parcel is located north and west of the northwest corner of Peoria and 8<sup>th</sup>; several parcels at the corner are not a part of the project. Centennial (Central) Park bounds the site on the north. The Cherokee Expressway is across Madison Avenue to the west. The cemetery is across 8<sup>th</sup> Street to the south. The site was previously developed with single-family structures which have since been removed.

**ZONING:**

The project lies within PUD 629, which is divided into two development areas (A and B) and allows a mix of residential densities as well as commercial and office use.

**STREETS:**

The project is bounded by Peoria on the east, 8<sup>th</sup> Street on the south and Madison Avenue on the east. The project includes three access points into the residential area off of 8<sup>th</sup> Street, with one off of Madison. Access to the parking for the commercial/office area will be off of Peoria via a new entry through Central Park.

The plat indicates a proposed 16' dedication along Peoria.

The proposed internal circulation system is a combination of 50' wide public streets and 37' wide public alleys.

**WATER:**

Water is present from the previous development with a six-inch line on the south side of 8<sup>th</sup> Street.

**SEWER:**

Sewer is present from the previous development.

**STORM DRAIN:**

It appears that the project will use the existing detention facility to the west.

**UTILITIES:**

Staff does not have information regarding utility easements at this time.

**Staff provides the following comments from the TAC meeting.**

**1. Streets/access:**

- Somdecerff, Streets: indicated that the proposed dedication was to be 11' to accommodate parallel parking, putting the ROW at 46' from the centerline. Diagonal parking had been proposed and was not acceptable. He also indicated that the "Public Alley" behind the commercial structures would not be acceptable and that the area should be labeled Public Parking. A Limits of No Access should be placed along the Peoria right-of-way and the subdivision requirements should be waived regarding radii at intersections, on a site-specific basis.
- Staff questioned Tanner (engineer) regarding parking and the setbacks of garage doors from the right-of-way line. Tanner indicated that parking had been an item of discussion and that setbacks would vary; in most cases driveways would not be long enough to accommodate a vehicle on a lot in front of the garage.

**2. Sewer:**

- Bolding, Public Works/Engineering: indicated that the easterly run would be maintained and that the rest would need to be abandoned.

**3. Water:**

- Lee, Public Water/Water: no comments.

**4. Storm Drainage:**

- McCormick, Stormwater: indicated that an easement would be specifically required for the storm sewer, or it should be included in the Reserve. Language should be included to allow the use of the existing basin the park.

## **5. Utilities:**

- Pierce, PSO: requested a 10' easement along the Peoria right-of-way. Discussion ensued regarding building setbacks, potential landscaping and paving, the parallel parking in the area and the need to serve future development. Tanner indicated that such an easement may not be possible and requested to not include it.
- Miller, ONG: requested easement outside the Norfolk and Owasso rights-of-way. Discussion ensued regarding franchise agreements and the utilities' ability to locate in the ROW. Miller indicated that the requirement to relocate line at the City's request made location in ROW unacceptable. Tanner indicated that the project was too tight to accommodate easement outside the ROW. No agreement was reached.

## **Additional Staff Comments:**

This project is fairly unique in the Tulsa area. Described as an infill project, it incorporates mixed use (commercial/office/residential) along the Peoria frontage and small lots (typically 26' x 75') with a limited variety of housing types in the remainder. Side yard setbacks are zero. Pedestrian access to units is from one side (typically the public street); garages are on the opposite side (typically accessed from an alley). A purpose of this arrangement is to create an urban feel, oriented to the pedestrian rather than the vehicle.

Given the proposed setback of the garage from the property (typically less than five feet), parking will primarily occur within garages. Some on-street parking is available, primarily on Norfolk, Owasso and abutting the development on 8<sup>th</sup> Street. Additional parking is available in the City lot to the northwest and in the parking associated with the commercial area.

Vehicular access to the commercial area will be via a new parking area to the north, accessing through the park. Multi-use lots are also 25' wide. The current intent is for retail use on the ground floor with offices and living space above. Garages will be located at the rear of each lot with doors facing to the west; access from the parking area to the commercial space will be via rear entries, grouped to serve two 25' spaces at a time.

Regarding easements: PSO has voiced concern regarding the ability to obtain an easement along the eastern boundary of the site. Staff would note that this area is zoned CH which allows zero building setbacks. The PUD allows structures to the property line. ONG voiced a concern regarding obtaining easement along the interior public streets. The engineer indicated that dedicating this easement would adversely impact project density, creating an issue as to viability. ONG indicated concern regarding using the public right-of-way, noting that the franchise agreement required lines to be moved at the City's request at the utilities' cost. Discussions with Bill Cyganovich of Public Works indicate additional agreements providing some protection to the utility would violate the franchise

agreement. He also indicated that he believed the chances were small of the City asking for the line to be moved in a street such as Owasso or Norfolk, particularly when not used for driveway access.

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

**Waivers of Subdivision Regulations:**

1. Waiver of the 25' radius requirement for right-of-way at minor street intersections.

**Special Conditions:**

1. Resolution of the utility easement issues as noted above.
2. Sanitary sewer line abandonment through written request.
3. Access from Peoria will be prohibited.
4. Street dedications should be clearly noted/referenced.
5. Storm drain easement to satisfaction of Public Works.

**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 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 Public Works Department.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
17. The key or location map shall be complete.
18. 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.)
19. 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.)
20. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

21. 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.

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

**TMAPC Comments:**

Mr. Carnes questioned the lack of parking being provided for visitors. In response, Mr. Bruce stated that the requirement is two off-street parking spaces and the two-car garages count toward the two required off-street parking spaces. Mr. Carnes stated that there is not enough parking for social events. Mr. Carnes commented that he understands that the revitalization of Downtown Tulsa is important, but he will vote against this application because of the parking issues.

Ms. Pace asked if diagonal parking would have alleviated the parking problem. In response, Mr. Bruce stated that the diagonal parking would have been located in front of the commercial area along Peoria and it would have provided more spaces; however, it is now going to be parallel parking. Mr. Bruce commented that the diagonal parking would not have helped with the visitor parking issues.

Mr. Bruce stated that the site plan indicates additional parking associated with the commercial area in the park. Although one would have to walk, there would be additional parking available.

In response to Mr. Boyle, Mr. Bruce stated that there would be an agreement with the City of Tulsa that 7<sup>th</sup> Street will be extended to Madison, but it is outside of the platted area. Mr. Bruce stated that the extension would become a public street. Mr. Boyle asked how the Planning Commission can enforce that the developer extend 7<sup>th</sup> Street to Madison since it is outside of the subdivision. Mr. Boyle commented that without the extension to Madison, there could be a serious traffic circulation problem. Mr. Bruce stated that the 7<sup>th</sup> Street extension to the west will be dedicated by separate instrument and that will be sufficient control to ensure that it is included.

Mr. Midget questioned if the site meets the parking requirements required by the Subdivision Regulations. In response, Mr. Bruce stated that the parking requirement is two paved parking spaces per unit and this application meets that requirement. Mr. Bruce explained that the two paved parking spaces per unit would be inside each garage. Mr. Bruce indicated that the proposed configuration will not provide one extra parking space per unit for visitors, but it does meet the current Subdivision Regulations.

Mr. Horner stated that visitors would not park on the north side of the commercial use and walk to the east side. He commented that there is not ample parking for this proposal.

**Applicant's Comments:**

**Ricky Jones**, Tanner Consulting, 2202 East 49<sup>th</sup> Street, Tulsa, Oklahoma 74105, stated that this application represents the new urbanism concept. He agreed that this application does meet the Subdivision Regulations requirement regarding two off-street parking spaces per unit. He indicated the additional off-street parking available to the north of the subject proposal.

**TMAPC Comments:**

Mr. Boyle questioned if visitors would actually use the parking to the north, due to the long distance to walk. Mr. Jones pointed out that there are parking spaces available to the northwest of the subject proposal for visitors. Mr. Jones indicated that there would be covenants that would prevent the owners from converting their garages into dens or extra living quarters.

Mr. Jones stated that the proposal does meet the Subdivision Regulations and Codes. He recommended that if the Planning Commission does not agree with the off-street parking requirements, then it should be changed in the Code.

Mr. Carnes stated that the developer did not design for visitor parking within the development.

Ms. Pace asked if Madison Avenue is wide enough to accommodate parking. In response, Mr. Bruce stated that Mr. Jones informed him that Madison Avenue would be brought up to City standards, in which case, there would be ample room for parallel parking. Mr. Bruce stated that there would be parallel parking available along 8<sup>th</sup> Street. Ms. Pace asked if there have been any discussion with the VFW regarding an off-site parking agreement. In response, Mr. Jones stated that the developer and the VFW have discussed this issue; however, there is no agreement in place. Mr. Jones reiterated that the subject subdivision plat meets the Subdivision Regulations requirements.

After a lengthy discussion the TMAPC recommended that this application be continued. The TMAPC requested that the applicant provide a parking plan which would indicate the street parking.

Mr. Westervelt stated that the Planning Commission is in support of this application, but the Planning Commission would like to ensure that this project is successful.

**TMAPC Action; 11 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-1-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; Midget "nays"; none "abstaining"; none "absent") to **CONTINUE** the preliminary plat for The Village at Central Park to May 3, 2000 at 1:30 p.m. and applicant is to provide a parking plan.

\*\*\*\*\*

**PLAT WAIVER:**

**Z-6756 (1993)**

(PD-6) (CD-9)

East of northeast corner of 34<sup>th</sup> Street and Peoria

**Staff Recommendation:**

The following information was presented at the TAC meeting of April 4, 2000.

**GENERAL**

The site is located east of the northeast corner of 34<sup>th</sup> Street and South Peoria Avenue.

It includes lot 11 of block 1 of Oliver's Addition. The aerial photograph indicates residential units on the site.

**STREETS**

The site is bounded by 34<sup>th</sup> Street on the south.

**SEWER**

Sanitary sewer is present on the north side of the site.

**WATER**

A two inch water line is present on the south side of 34<sup>th</sup> Street, serving the site.

**STORM DRAIN**

Staff does not have information regarding drainage/detention.

**UTILITIES**

Staff does not have information regarding utility easements.

**Staff provides the following comments from the TAC meeting.**

There were no comments.

**Conclusions:**

TAC had no comments, needs for additional easements or requirements for dedications. The area in question is primarily contained within two previously platted lots.

Based on the TAC discussion and the checklist which reflects the policies of TMAPC. 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 type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat?             | <input type="checkbox"/> | ✓                        |
| 3) Is property adequately described by surrounding platted properties or street R/W? | ✓                        | <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"/> | ✓ |
| 5) Will restrictive covenants be filed by separate instrument?                       | <input type="checkbox"/> | ✓ |
| 6. Infrastructure requirements   |                          |   |
| a) Water   |                          |   |
| i) Is a main line water extension required?  | <input type="checkbox"/> | ✓ |
| ii) Is an internal system or fire line required?                                     | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required?  | <input type="checkbox"/> | ✓ |
| b) Sanitary Sewer  |                          |   |
| i) Is a main line extension required?  | <input type="checkbox"/> | ✓ |
| ii) Is an internal system required?  | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required?  | <input type="checkbox"/> | ✓ |
| c) Storm Sewer   |                          |   |
| i) Is a P.F.P.I. required?   | <input type="checkbox"/> | ✓ |
| ii) Is an Overland Drainage Easement required?                                       | <input type="checkbox"/> | ✓ |
| iii) Is on-site detention required?  | <input type="checkbox"/> | ✓ |
| iv) Are additional easements required?   | <input type="checkbox"/> | ✓ |
| 6) Floodplain  |                          |   |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain?                | <input type="checkbox"/> | ✓ |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain?                        | <input type="checkbox"/> | ✓ |
| 7) Change of Access  |                          |   |
| a) Are revisions to existing access locations necessary?                             | <input type="checkbox"/> | ✓ |
| 8) Is the property in a P.U.D.?  | <input type="checkbox"/> | ✓ |
| a) If yes, was plat recorded for the original P.U.D.?                                | <input type="checkbox"/> | ✓ |

- 9) Is this a Major Amendment to a P.U.D.? ☐ ✓  
 a) If yes, does the amendment make changes to the  
 proposed physical development of the P.U.D.? ☐ ✓

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.

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

**TMAPC Action; 11 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **11-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the plat waiver for Z-6756 as recommended by staff.

\*\*\*\*\*

## **ZONING PUBLIC HEARING**

**APPLICATION NO.: Z-6758**

**RM-3 TO OL**

**Applicant:** Carl D. Lyons

**(PD-18) (CD-7)**

**Location:** Southeast corner of East 62<sup>nd</sup> Street and South Maplewood Avenue

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**BOA-18171 - October 1998:** The Board of Adjustment approved a special exception of the required screening from an R district and a special exception to allow an adult entertainment establishment within 150' of an R-zoned district, subject to conditions. The property abuts the subject tract on the east.

**BOA-17374 - May 1996:** The Board of Adjustment denied a request for a variance of the required number of parking spaces for the expansion of an existing adult entertainment establishment. It was determined the facility would be allowed to remain on the property and utilize the existing 2,800 square feet, but an expansion of the use would require additional parking spaces that are not available. The property abuts the subject tract on the east.

**BOA-15870 - January 1992:** A request to expand the existing nursing home by requesting Use Unit 5 on the subject tract. The applicant withdrew the application.

**BOA-14182 - September 1986:** The Board of Adjustment approved a special exception and an amended site plan to expand the existing private adolescent psychiatric hospital on property abutting the subject tract on the south.

**PUD-198-A/B - December 1982:** A request to amend development areas A and B of the original PUD-198, to change the type of multifamily uses allowed from townhouses and cluster units to apartments and reducing the total number of units, thereby increasing the livability space and amending the development standards and conditions. Approval was granted for the amendments. The property is abutting the subject tract on the west.

**BOA-9247 - November 1976:** The Board of Adjustment approved a special exception to permit a 30-bed private adolescent psychiatric hospital on the property abutting the subject tract on the south.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.03 acres in size and is located on the southeast corner of East 62<sup>nd</sup> Street and South Maplewood Avenue. The property is sloping, non-wooded, vacant, and zoned RM-3.

**STREETS:**

<b><u>Existing Access</u></b>	<b><u>MSHP Design.</u></b>	<b><u>Exist. No. Lanes</u></b>	<b><u>Surface</u></b>	<b><u>Curbs</u></b>
East 62 <sup>nd</sup> Street South	50'	2 lanes	Paved	Yes
South Maplewood Avenue	50'	2 lanes	Paved	Yes

East 62<sup>nd</sup> Street South and South Maplewood are minor streets.

**UTILITIES:** Water and sewer are available to the subject property.

**SURROUNDING AREA:** The subject tract is abutted on the north by a nursing home, zoned RM-3; to the west by offices and vacant land, zoned RM-2; to the east by a bar and an indoor recreation facility, zoned CS; and to the south by an adolescent hospital and vacant land, zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity – Residential Land Use. According to the Zoning Matrix, the proposed OL zoning **may be found** in accord with the Plan Map.

**STAFF RECOMMENDATION:** The subject tract lies between a nursing home on the north and a small adolescent psychiatric hospital to the south, RM-2 zoning to the west and commercial activity to the east. Based on the Comprehensive Plan, existing zoning and land uses, staff recommends **APPROVAL** of OL zoning for Z-6758.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

**TMAPC Action; 11 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **11-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of OL zoning for Z-6758 as recommended by staff.

**Legal Description for Z-6758:**

Lots 1 and 2, Block 2, Deborah Jean Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located in the southeast corner of East 62<sup>nd</sup> Street and South Maplewood Avenue, Tulsa, Oklahoma. **From RM-3 (Residential Multifamily High Density District) to OL (Office Low Intensity District).**

\* \* \* \* \*

**APPLICATION NO.: PUD-435-D**

**MAJOR AMENDMENT**

**Applicant:** Roy D. Johnsen

(PD-18) (CD-7)

**Location:** Northeast corner of South Yale and East 66<sup>th</sup> Street South

**Staff Recommendation:**

The Warren Medical Center was initially submitted as a 24-acre parcel included within PUD-435, approved by the Board of Commissioners of the City of Tulsa, Oklahoma on February 2, 1988. The PUD comprised approximately 71 acres commencing at the south boundary of the Saint Francis Hospital main campus and extending southerly and easterly to and including the site of the subsequently constructed Laureate Psychiatric Clinic and Hospital.

PUD-435 established the approximately 24 acres located north of East 66<sup>th</sup> Street South as a development area identified as the Warren Medical Center. At the time of approval of the PUD, the Warren Professional Building, the Kelly Building and the William Building existed. As approved, PUD-435 established development standards, which included the following:

Permitted Uses:	As permitted by right within an OM District.
Maximum Building Height:	14 stories*
Maximum Building Floor Area:	774,785 SF
Minimum Off-Street Parking:	

Existing Buildings  
New Buildings

One space/300 SF Floor Area  
One space/250 SF Floor Area

\*The illustrative site plan submitted as a part of PUD-435 depicted proposed buildings consisting of a parking garage, medical office building and outpatient diagnostic clinic located along the easterly boundary of the development area. In regard to the parking garage, the PUD, as approved, established a height limitation of five stories above grade.

Minimum Building Setbacks:

From Centerline of Yale	110 FT
From Centerline of East 66 <sup>th</sup>	55 FT
From line 1320 FT east of Centerline of Yale	250 FT
From other boundaries	10 FT**

Minimum Landscaped Open Space: 15% of net area

\*\*When abutting residential districts, the building setback is ten feet plus two feet for each one-foot of building height exceeding fifteen feet.

The PUD text included a statement of then existing and proposed building floor area as follows:

Warren Professional Building:	150,362 SF
Kelly Medical Building	163,072 SF
William Medical Building	171,431 SF
Fourth Medical Building and Diagnostic Clinic:	<u>289,920 SF</u>
Total:	774,785 SF

This amendment to PUD-435 proposes:

1. A revised statement of existing and proposed building floor areas as follows:

Warren Professional Building:	158,453 SF
Kelly Medical Building	167,198 SF
William Medical Building	189,222 SF
Proposed Fourth Medical Building	175,000 SF
Proposed Future Buildings	<u>84,912 SF</u>
Total:	774,785 SF

2. The addition of approximately .94 acres comprising an area 20 feet in width located north of and extending along the west 820 feet of the north boundary of the original 24-acre development area.

3. The deletion of approximately 2.37 acres comprising an irregular tract located along the northerly part of the easterly boundary of the original 24-acre development area.
4. The modification of perimeter setbacks changing the minimum building setback from the north boundary from ten feet to zero feet.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-435-D 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-435-D 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 – Warren Medical Center:**

Net Land Area:	22.03 acres
Permitted Uses:	As permitted by right within an OM district.
Maximum Floor Area:	774,785 SF
Maximum Building Height:	14 stories*

\*Parking structures within 200 feet of the east boundary shall not exceed five levels above grade.

Minimum Off-Street Parking:	
Existing Buildings	one space/300 SF of floor area
New Buildings	one space/250 SF of floor area

Minimum Building Setbacks:	
From centerline of Yale	110 FT
From centerline of East 66 <sup>th</sup>	55 FT
From line of 1320 FT east of centerline of Yale:	250 FT
From north boundary	0 FT
From other boundaries	10 FT

Minimum Landscaped Open Space:

15% of net area

Except as above modified, the development standards of PUD-435 shall remain applicable.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, representing Saint Francis Hospital and the William K. Warren Medical Research Center, stated the history of PUD-435 regarding the development. He indicated that part of this application is to clean up the east boundary of the subject property.

Mr. Johnsen stated that he is adjusting the boundary to 20 feet in order for the building to be consistent with the ownership of the Warren Medical Research Center on the south side of the line and the hospital north side of the line. The two subject properties will be connected by a skywalk or tunnel.

Mr. Johnsen informed the Planning Commission that the uses and the intensity of the use would not increase.

**Interested Parties Comments:**

**Samuel Moore**, 5401 East 65<sup>th</sup> Street, Tulsa, Oklahoma 74136-2063, stated that he is not opposing this application. He requested the boundary lines to be clarified.

Mr. Johnsen clarified the boundary lines for Mr. Moore. He explained that there would be 20 feet added to the north boundary of the subject property and 2.37 acres will be removed from the PUD.

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **11-0-0** (Boyle, Carnes, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the major amendment for PUD-435-D, subject to conditions as recommended by staff.

**Abandon PUD-435 as to the following described property:**

**Legal Description**

PART OF LOT 2, BLOCK 1, WILLIAM K. WARREN MEDICAL RESEARCH CENTER AND PART OF LOT 1, BLOCK 1, WARREN MEDICAL PROFESSIONAL CENTER, ADDITIONS IN TULSA, TULSA COUNTY, OKLAHOMA ACCORDING TO THE OFFICIAL RECORDED PLATS THEREOF; MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH BOUNDARY OF SAID LOT 1, BLOCK 1 OF WARREN MEDICAL PROFESSIONAL CENTER, A DISTANCE OF 809.76' FROM THE NORTHWEST CORNER THEREOF; THENCE S 89° 57' 12" E

ALONG THE NORTH BOUNDARY OF SAID LOT 1, A DISTANCE OF 211.40'; THENCE S 0° 07' 32" E, A DISTANCE OF 60.00'; THENCE N 89° 57' 12" W, A DISTANCE OF 86.40'; THENCE S 0° 07' 32" E, A DISTANCE OF 279.03'; THENCE S 89° 58' 34" E, A DISTANCE OF 205.75'; THENCE S 0° 07' 32" E, A DISTANCE OF 75.00'; THENCE N 89° 58' 34" W, A DISTANCE OF 273.00'; THENCE S 0° 07' 32" E, A DISTANCE OF 69.68' TO A POINT ON THE SOUTH BOUNDARY OF SAID LOT 1 (NORTH BOUNDARY OF SAID LOT 2, BLOCK 1, WILLIAM K. WARREN MEDICAL RESEARCH CENTER) 402.65' FROM THE SOUTHEAST CORNER THEREOF; THENCE S 0° 07' 32" E, A DISTANCE OF 157.32'; THENCE S 89° 58' 34" E, A DISTANCE OF 173.06' TO A POINT IN THE EAST BOUNDARY OF SAID LOT 2, 157.32' FROM THE NORTHEAST CORNER THEREOF; THENCE S 0° 07' 32" E ALONG THE EAST BOUNDARY OF SAID LOT 2, A DISTANCE OF 88.92'; THENCE N 89° 58' 34" W, A DISTANCE OF 220.00'; THENCE N 0° 07' 32" W, A DISTANCE OF 246.24' TO A POINT IN THE NORTH BOUNDARY OF SAID LOT 2, BLOCK 1, WILLIAM K. WARREN MEDICAL RESEARCH CENTER (SOUTH BOUNDARY OF LOT 1, BLOCK 1, WARREN MEDICAL PROFESSIONAL CENTER) 810.41' FROM THE NORTHWEST CORNER THEREOF; THENCE N 89° 58' 34" W, A DISTANCE OF 10.81'; THENCE N 0° 07' 32" W, A DISTANCE OF 483.75' TO THE POINT OF BEGINNING; CONTAINING 103,343 SQUARE FEET OR 2.37243 ACRES, MORE OR LESS.

**Approve PUD-435-D as to the following described property:**

#### **LEGAL DESCRIPTION**

A TRACT OF LAND SITUATED IN THE W/2 OF THE NW/4 AND THE W/2 OF THE SW/4 OF SECTION 3, TOWNSHIP 18 NORTH, RANGE 13 EAST, TULSA, TULSA COUNTY, OKLAHOMA, COMPOSED OF A PART OF THE WARREN MEDICAL PROFESSIONAL CENTER AND A PART OF THE WILLIAM K. WARREN MEDICAL RESEARCH CENTER, INC., ADDITIONS IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL RECORDED PLATS THEREOF; AND THE SOUTH 20.00 FEET OF THE NORTH 1496.81 FEET OF THE W/2 NW/4 OF SAID SECTION 3; ALL TOGETHER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S 0°08'39" E ALONG THE WEST BOUNDARY LINE OF SAID SECTION 3 A DISTANCE OF 1496.81 FEET TO THE NORTHWEST CORNER OF SAID PROFESSIONAL CENTER; THENCE S 89°57'12" E A DISTANCE OF 50.00 FEET TO A POINT IN THE EAST RIGHT OF WAY LINE OF SOUTH YALE AVENUE AND THE POINT OF BEGINNING; THENCE N 0°08'39" W A DISTANCE OF 20.00 FEET; THENCE S 89°57'12" E A DISTANCE OF 809.77 FEET; THENCE S 0°07'32" E A DISTANCE OF 20.00 FEET TO A POINT IN THE NORTH BOUNDARY LINE OF SAID PROFESSIONAL CENTER, 460.40 FEET FROM THE NORTHEAST CORNER THEREOF; THENCE S 0°07'32" E A DISTANCE OF 483.75 FEET TO A POINT IN THE SOUTH BOUNDARY LINE



OF SAID PROFESSIONAL CENTER AND THE NORTH BOUNDARY LINE OF SAID RESEARCH CENTER; THENCE S 89°58'34" E A DISTANCE OF 10.81 FEET; THENCE S 0°07'32" E A DISTANCE OF 246.24 FEET; THENCE S 89°58'34" E A DISTANCE OF 220.00 FEET; THENCE S 0°07'32" E ALONG THE EAST BOUNDARY LINE OF SAID RESEARCH CENTER A DISTANCE OF 68.95 FEET; THENCE S 42°45'20" W A DISTANCE OF 102.87 FEET; THENCE S 0°07'32" E A DISTANCE OF 371.83 FEET TO A POINT IN THE NORTH RIGHT OF WAY LINE OF EAST 66TH STREET; THENCE N 79°09'39" W A DISTANCE OF 0.00 FEET; THENCE ALONG THE NORTH RIGHT OF WAY LINE OF EAST 66TH STREET ON A CURVE TO THE RIGHT WITH A RADIUS OF 688.24 FEET A DISTANCE OF 244.22 FEET; THENCE N 58°49'46" W A DISTANCE OF 137.87 FEET; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 519.04 FEET A DISTANCE OF 402.99 FEET; THENCE S 76°41'06" W A DISTANCE OF 77.96 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 396.79 FEET A DISTANCE OF 92.55 FEET; THENCE N 89°57'03" W A DISTANCE OF 60.10 FEET TO A POINT IN THE EAST RIGHT OF WAY LINE OF SOUTH YALE AVENUE; THENCE N 0°08'39" W ALONG THE EAST RIGHT OF WAY LINE OF SOUTH YALE AVENUE A DISTANCE OF 572.12 FEET; THENCE N 89°58'34" W A DISTANCE OF 10.00 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 1, SAID MEDICAL RESEARCH CENTER; THENCE N 0°08'39" W ALONG THE EAST RIGHT OF WAY LINE OF SOUTH YALE AVENUE A DISTANCE OF 484.08 FEET TO THE POINT OF BEGINNING; CONTAINING 959,666 SQUARE FEET OR 22.03090 ACRES, MORE OR LESS. **From PUD-435 To PUD-435-D.**

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**Mr. Midget out at 2:57 p.m.**

**APPLICATION NO.: Z-6760**

**RS-2 TO OL**

**Applicant:** Roy D. Johnsen

**(PD-18) (CD-7)**

**Location:** West of southwest corner East 51<sup>st</sup> Street and South Richmond Avenue

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**Z-6590 - June 1997:** A request to rezone a lot located at 4148 East 51<sup>st</sup> Street, the southwest corner of East 51<sup>st</sup> Street and South Richmond Avenue, from RS-2 to OM. The TMAPC recommended denial of OM and supported OL zoning in the alternative. The City Council approved OL zoning on the western lot and the north 30' and denied the rezoning on the lot to the east.

**Z-6564 November 1996:** All concurred in approval of a request to rezone a .46-acre tract located east of the northeast corner of East 51<sup>st</sup> Street and South Harvard from OM to CO for office and commercial development.

**Z-6429 - January 1994:** Request to rezone a lot located east of the northeast corner of East 51<sup>st</sup> Street and South Harvard from OM to CS or CO. All concurred in rezoning the lot to CO.

**PUD-467/Z-6310 - March 1991:** All concurred in approval of a request to rezone a 6.3-acre tract located east of the northeast corner of East 51<sup>st</sup> Street and South Harvard from OM and OMH to CO with an accompanying PUD for commercial development.

**PUD-451/Z-6255 - November 1989:** A request to rezone a tract of land located east of the northeast corner of East 51<sup>st</sup> Street South and South Harvard Avenue from OM and OMH to CO and PUD for commercial development was recommended for approval. The application was withdrawn prior to City Commission's final hearing.

**Z-6191 - April 1988:** All concurred in approval of a request to rezone a 2.7-acre tract located on the northwest corner of East 51<sup>st</sup> Street and South Yale Avenue from OMH to CS.

**Z-6002 - November 1984:** All concurred in approval to rezone a .5-acre tract located south of the southeast corner of East 51<sup>st</sup> Street South and South Marion Avenue from RS-2 to OL.

**Z-5587 - September 1981:** A request to rezone a 6.6-acre tract located east of the northeast corner of East 51<sup>st</sup> Street South and South Pittsburg and across East 51<sup>st</sup> Street from the subject tract from RM-2 to OMH. TMAPC recommended OM zoning on the west 100' of the south 60' with OMH zoning on the balance. City Commission concurred in approval per TMAPC recommendation.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.9 acres in size and is located west of the southwest corner of East 51<sup>st</sup> Street South and South Richmond Avenue. The property is flat, partially wooded, vacant, and zoned RS-2.

**STREETS:**

<b><u>Existing Access</u></b>	<b><u>MSHP Design.</u></b>	<b><u>Exist. No. Lanes</u></b>	<b><u>Surface</u></b>	<b><u>Curbs</u></b>
East 51 <sup>st</sup> Street South	100'	4 lanes	Paved	Yes

The Major Street Plan designates East 51<sup>st</sup> Street South as a secondary arterial street.

**UTILITIES:** Water and sewer are available to the subject property.

**SURROUNDING AREA:** The subject tract is abutted on the north, across East 51<sup>st</sup> Street, by an apartment complex, zoned RM-2; to the east by a single-family dwelling, zoned OL; to the west by an office building, zoned OM; and to the south by vacant property, zoned RS-2 and included in the accompanying PUD-630.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – Linear Development Area.

According to the Zoning Matrix the requested OL zoning **may be found** in accordance with the Plan Map.

**STAFF RECOMMENDATION:** Based on the Comprehensive Plan, Planned Unit Developments are encouraged in this area in order to minimize the impact of the proposed use on the adjacent residential uses. The surrounding land uses and existing zoning are compatible with the requested office use. Therefore, staff would recommend **APPROVAL** of OL zoning.

**AND**

**APPLICATION NO.: PUD-630**

**RS-2 TO RS-2/OL/PUD**

**Applicant:** Roy D. Johnsen

(PD-18) (CD-7)

**Location:** West of southwest corner of East 51<sup>st</sup> Street and South Richmond Avenue

**Staff Recommendation:**

The PUD proposes uses permitted by right in an OL district and drive-in banking facilities on 1.02 acres located on the south side of East 51<sup>st</sup> Street South between Oswego Avenue and Richmond Avenue. The tract has 165 feet of frontage on 51<sup>st</sup> Street and extends south 270 feet from the 51<sup>st</sup> Street right-of-way (320 feet from centerline).

The subject tract is zoned RS-2 and concurrently an application has been filed (Z-6760) to rezone the north 210 feet (measured from the centerline of 51<sup>st</sup> Street) to OL. There are apartments to the north of the tract, across 51<sup>st</sup> Street, zoned RM-2. The north 210 feet (measured from the centerline of 51<sup>st</sup> Street) of the east boundary of the subject tract abutting a residential structure zoned OL and the south 110 feet of the east boundary abuts a single-family dwelling zoned RS-2. The north 210 feet (from centerline of street) of the west boundary abuts office uses zoned OM and the south 110 feet of the west boundary abuts a duplex-zoned RD. Vacant RS-2 zoned property abuts the tract on the south.

The subject tract is part of a larger tract under common ownership. The larger tract is 165 feet wide and extends south approximately 447 feet from the 51<sup>st</sup>

Street right-of-way. East 51<sup>st</sup> Place South stubs to the east and west sides of this larger tract.

The Comprehensive Plan designates the north 210 feet of the subject tract as Low Intensity Linear Development Area. The plan states that Planned Unit Developments are encouraged in this area in order to minimize the impact of proposed uses on adjacent low intensity residential uses. The remainder of the subject tract and the larger tract that is under common ownership is designated as low intensity residential by the Comprehensive Plan.

The proposed PUD would extend office uses into an area designated as low intensity residential. The Comprehensive Plan would support OL zoning on the north 210 feet of the subject tract if accompanied by a PUD with appropriate conditions.

The proposed PUD is not a unified treatment of the larger tract that is under common ownership. The PUD does not propose to extend 51<sup>st</sup> Place South. The PUD does propose to extend office uses into an area that is designated as low intensity residential by the Comprehensive Plan. The proposed PUD is not compatible with existing development.

Staff finds that PUD-630 is not consistent with the Comprehensive Plan; is not in harmony with the expected development of surrounding areas; is not a unified treatment of the development possibilities of the site; and is not consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code. Therefore, staff recommends **DENIAL** of PUD-630.

**Commissioner Collins out at 3:10 p.m.**

**TMAPC Comments:**

In response to Mr. Carnes, Mr. Stump stated that 51<sup>st</sup> Place should be completed to keep the office uses north of the back property lines of the current residential areas. Mr. Stump further stated that it is staff's opinion that this proposal is an inappropriate use of the subject area. Mr. Stump explained that it is obvious that the subdivision should be completed along 51<sup>st</sup> Place.

**Applicant's Comments:**

Roy D. Johnsen, 201 West 5<sup>th</sup> Street, Suite 501, Tulsa, Oklahoma 74103, representing Oil Capital Credit Union (OCCU), stated that his client is looking for a new home office with more space. He explained that under the Comprehensive Plan, the north 210' to centerline of 51<sup>st</sup> is identified as linear development area. He commented that OL zoning would be consistent with the Comprehensive Plan for the north 210'.

Mr. Johnsen stated that the north 210' zoned OL is acceptable and that is what his client requested. He described the application as a type of infill. Mr. Johnsen described the surrounding zoning and development.

Mr. Johnsen stated that the application is for the part of the property that the Credit Union needs for their office. He indicated that his client does not have any interest in developing the south part and it was excluded from the application. He stated that his client is not seeking a zoning change on the property south of the PUD boundaries, which is zoned residential. He explained that his client is not proposing any access to the south, but will be served off of 51<sup>st</sup> Street.

Mr. Johnsen explained that he submitted the application for 7,250 SF and conventional development would permit 13,000 SF. The floor area ratio that has been proposed is .17 FAR, which is higher than what will actually occur. He indicated that there is a proposed expansion in the future. The first phase of development will have a substantially greater landscaped area on the south boundary. Mr. Johnsen stated that he has discussed the landscaping with his client and he can accept 20% landscaping, which is double what conventional zoning would have.

Mr. Johnsen stated that the circulation within the neighborhood is very good. The development will be working off of 51<sup>st</sup> Street and does not need to go through the neighborhood. He indicated that his client met with most of the neighbors regarding this proposal. Mr. Johnsen submitted a petition his client prepared and neighbors signed supporting this proposal and opposing the extension of East 51<sup>st</sup> Place (Exhibit A-1).

**TMAPC Comments:**

Mr. Boyle stated that under Phase I or Phase II the proposal would have vehicular traffic that is of a fairly intense level close to a residential lot. Mr. Boyle asked Mr. Johnsen how the Planning Commission can justify this. Mr. Boyle commented that all of the drive-in banking traffic circulates around the back of the building to reach the drive-in and it will pass next to the residential lot. Mr. Boyle stated that this seems to be an inappropriately intense use of property next to a residential lot. In response, Mr. Johnsen stated that there will be a screening fence and the hours of the facility distinguishes it from intense traffic use. Mr. Johnsen pointed out that the bank facility closes early during the week and is opened only till noon on Saturday. Mr. Boyle stated that it would seem that the heaviest use for the facility would be when people are coming home to the residential lots versus visiting a doctor's office. Mr. Johnsen pointed out that the peak traffic is not going through the neighborhood, but on to an arterial street. Mr. Boyle stated that the proposal is guiding traffic through a drive-in bank facility, which has been placed next to a residential use. Mr. Boyle reiterated that this appears to be inappropriate zoning. Mr. Johnsen indicated that the drive-in facility has been moved to the north as far as possible to be essentially opposite an office-zoned parcel, which provides a good stack place for the vehicles. Mr.

Boyle pointed out that all of the stacking space is behind the OL line and all of the traffic is directed behind the building.

Mr. Westervelt asked Mr. Johnsen if there would be any consideration of a masonry screening wall on the east boundary in order to block the noise of the drive-in facility. Mr. Boyle stated that the east and west boundaries both need to have masonry screening walls. In response, Mr. Johnsen stated that if the Planning Commission feels that it is necessary to have masonry screening walls then his client would comply. Mr. Johnsen reminded the Planning Commission that any type of office use would have cars circulating throughout the tract of land.

Ms. Pace asked if the entire tract of land is under one ownership. In response, Mr. Johnsen answered affirmatively. Ms. Pace stated that she agrees with the staff recommendation.

Ms. Hill asked Mr. Johnsen how tall the screening fences will be and what material will be used. In response, Mr. Johnsen stated that the customary screening height of six feet would be required and it will be of masonry construction. Mr. Johnsen explained that would have to be block or some sort of masonry construction and it would be submitted at detail site plan review.

**Mr. Westervelt recognized the Union 8<sup>th</sup> Grade Government Studies Students present.**

Mr. Westervelt explained that the Planning Commission is a recommending body and make the recommendations to the City of Tulsa City Council. The Planning Commission is a voluntary group and the time donated by the Commissioners is a benefit to their community. He encouraged the students to volunteer their time to their community when they become of age. Mr. Westervelt concluded by thanking the students for visiting the Planning Commission.

**Interested Parties Comments:**

**Karen Denny**, 5123 South Richmond, Tulsa Oklahoma 74135, stated that there are children playing in the street in the subject area. She estimated approximately ten children.

Ms. Denny stated that the neighborhood does not want 51<sup>st</sup> Place opened up to traffic. She explained that the neighbors prefer the street being a dead-end.

Ms. Denny indicated that the neighbors do believe that the proposal will be a positive addition to the subject area. She stated that the traffic on 51<sup>st</sup> Street is very busy and the additional traffic the banking facility will create will not be detrimental. She indicated that she would prefer a banking facility that keeps regular hours rather than another restaurant in the subject area that would stay open till late into the evening.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-1-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; Pace "nay"; none "abstaining"; Midget, Collins "absent") to recommend **APPROVAL** of OL zoning for Z-6760 and to recommend **APPROVAL** of PUD-630, subject to six-foot masonry screening walls south of the OL zoning line on the east and west boundaries as recommended by the Planning Commission.

**Legal Description for Z-6760:**

Part of the NW/4, NE/4, of Section 33, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: the N 210' of the tract beginning 331.61' East of the Northwest corner of the NE/4 of said Section 33, thence S 497.26'; thence E 165.12'; thence N 491.34'; thence W 161.76' to the Point of Beginning, **From RS-2 (Residential Single-family Medium Density District) To OL (Office Low Intensity District);**

**Legal Description for PUD-630:**

Part of the NW/4, NE/4, of Section 33, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: the N 320' of the tract beginning 331.61' East of the Northwest corner of the NE/4 of said Section 33, thence S 497.26'; thence E 165.12'; thence N 491.34'; thence W 161.76' to the Point of Beginning, **From RS-2/OL (Residential Single-family Medium Density District/Office Low Intensity District) To RS-2/OL/PUD (Residential Single-family Medium Density District/Office Low Intensity District and Planned Unit Development).**

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**APPLICATION NO.: Z-6761**

**Applicant:** Jeff Gordon

**Location:** West of northwest corner of East Admiral Place and South 177<sup>th</sup> East Avenue

**RMH TO IL**

(PD-17) (CD-6)

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**Z-6744 - February 2000:** All concurred in approval of a request to rezone a 2.8-acre tract located east of the northeast corner of East Admiral Place and South 165<sup>th</sup> East Avenue from RS-1 to IL for the expansion of a Quik Trip.

**Z-6647 - August 1998:** A request to rezone a tract of land located on the southeast corner of East Admiral Place and South 161<sup>st</sup> East Avenue from CS to IL. All concurred in approval of IL zoning. TMAPC authorized an amendment to the Comprehensive Plan, which would allow Medium Intensity – Industrial

development on the south side of East Admiral Place approximately 330' east of S. 161<sup>st</sup> East Avenue.

**BOA-17758 - June 1997:** The Board of Adjustment approved a variance of the 200' required distance from an R zoned district to 200', for an outdoor advertising sign.

**Z-6587/PUD-560 - June 1997:** All concurred in approval of a request to rezone a 17-acre tract located west of the southwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue, from AG to IL/PUD for industrial development.

**Z-6585/PUD-556 - April 1997:** A request to rezone a 4.9-acre tract located west of the southwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue from SR to IL, CS and PUD for RV and vehicle storage. All concurred in approval of IL on the north 350' with the balance of the tract to remain as SR.

**Z-6297 - April 1991:** All concurred in approval of a request to rezone a 2.5-acre tract located west of the northwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue from RS to IL.

**Z-6007 - December 1984:** A request to rezone a 1.4-acre tract located west of the northwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue from AG to CS, IL and SR to IL. All concurred in approval of IL zoning on the tract.

**Z-5887 - December 1983:** A request to rezone a 20-acre tract located west of the southwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue from IR and AG to IL. All concurred in approval of CS on the eastern 350' x 350' tract located at the intersection of East Admiral Place and South 161<sup>st</sup> East Avenue, IL zoning on the western portion fronting East Admiral Place to a depth of 350' and SR on the balance.

**Z-5567 - June 1981:** All concurred in approval of a request to rezone a 9.8-acre tract located west of the northwest corner of East Admiral Place and South 161<sup>st</sup> East Avenue from RS-3 to IL.

**Mr. Midget in at 3:24 p.m.**

**Mr. Carnes out at 3:24 p.m.**

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately ten acres in size and is located west of the northwest corner of East Admiral Place and South 177<sup>th</sup> East Avenue. The property is sloping, partially wooded, contains a single-family dwelling, and is zoned RMH.

**STREETS:**

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
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East Admiral Place                      100'                      2 lanes                      Paved                      No

The Major Street Plan designates East Admiral Place as a secondary arterial. The City of Tulsa 1996 – 1997 traffic counts indicate 6,500 trips per day on East Admiral Place at South 166<sup>th</sup> East Avenue.

**UTILITIES:** Water and sewer are available to the subject property.

**SURROUNDING AREA:** The subject tract is abutted on the north by I-44; zoned RS-3; to the east by an industrial business, zoned IL; to the west by a tract used for storage of trucks and automobiles, zoned IL, and to the south by a vacant lot, a vacant single-family home, and two manufactured homes, zoned RS-1 and OL.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District - Industrial. According to the Zoning Matrix, the proposed IL zoning **may be found** in accord with the Plan Map by virtue of its location within a Special District.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, existing development and trends in the area, staff recommends **APPROVAL** of IL zoning for Z-6761.

**Applicant's Comments:**

**Jeff Gordon**, 25900 East 81<sup>st</sup>, Broken Arrow, Oklahoma 74014, stated that he agrees with staff's recommendation.

**Interested Parties Comments:**

**Bruce Denny**, 905 South Lynn Lane, Tulsa, Oklahoma 74108, representing a new Neighborhood Association (Lynn Lane Neighborhood Association), stated he is concerned about the growing trend of industry and commercial activity in the neighborhood. He commented that this application would increase traffic in the subject area.

Mr. Denny stated that there are currently other industrial sites being developed to the west of the subject property. He commented that the neighborhood is losing its integrity, green space, and quietness.

Mr. Denny commented that the subject property is currently zoned RMH, but it has been vacant for a several years and he would like it to continue to be open space.

**Applicant's Rebuttal:**

Mr. Gordon stated that the subject tract has been zoned RMH for several years and the area has become predominately industrial. The north side of East Admiral Place is currently industrial.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Collins "absent") to recommend **APPROVAL** of IL zoning for Z-6761 as recommended by staff.

**Legal Description for Z-6761:**

Mac's Mobile Home Addition, a subdivision of a part of Government Lots 1 and 2, Section 2, T-19-N, R-14-E, Tulsa County, State of Oklahoma, and located west of the northwest corner of East Admiral Place and South 177<sup>th</sup> East Avenue, Tulsa, Oklahoma, **From RMH (Residential Manufactured Home District) To IL (Industrial Light District).**

\* \* \* \* \*

**APPLICATION NO.: PUD-567-3**

**MINOR AMENDMENT**

**Applicant:** John W. Moody

(PD-18) (CD-8)

**Location:** South and east of East 71<sup>st</sup> Street South and the Mingo Valley Expressway (Hwy 169)

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to reduce the required setback from the southern boundary for west-facing wall signage within Development Area B from 300 feet to 214 feet.

Staff has visited the site and reviewed the existing and future conditions related to surrounding uses in the nearly totally built-out PUD-567. Staff notes that although Development Area F (drainage, access and open space) separates Development Area B from the Hampton South II single-family residential area to the south, no additional buffering or visual site-screening has been provided that would protect residential uses. It is the opinion of staff that signage placed on the west building wall of the existing theater closer than the 300 feet from the southern boundary of Development Area B will be visible from the second floor of single-family residential uses even with the additional setback given by Development Area F.

Staff, therefore, finding that conditions have not changed since the original approval of PUD-567 Development Area B that would warrant a reduction in the west-facing wall signage setback, recommends **DENIAL** of PUD-567-3 as submitted.

**Mr. Collins in at 3:30 p.m.**

**Applicant's Comments:**

**John Moody**, 7146 South Canton Avenue, Tulsa, Oklahoma 74136-6303, representing Cinemark Corporation, stated that when the PUD was approved in 1997, the applicant had requested a sign on the west wall of the theater, which would have been 9.2' x 38' in size. The staff had recommended a maximum display surface area of 150 SF on the west wall and 300' setback from the south line of Development Area B. The Planning Commission approved 350 SF of display surface area on the west wall of the theater building and imposed the 300' setback.

Mr. Moody proposed to modify the 300' setback to provide for a sign that is 4' x 37' and is substantially less than the 350 SF display surface area that was originally approved by the Planning Commission. He indicated that the proposed sign would be 148 SF of display surface area, which is below the 150 SF of display surface area that the staff recommended in 1997.

Mr. Moody explained that Cinemark no longer uses the Tinsel Town signs and the only signs used are the logo signs for Cinemark. He stated that his client has not constructed on the north-facing wall and several marquee signs were approved for that wall. He explained that this has substantially reduced the amount of signage that was originally requested by his client and approved by the Planning Commission.

Mr. Moody submitted photographs (Exhibit B-1), site plan (Exhibit B-2) and a setback analysis (Exhibit B-3).

Mr. Moody explained that the proposed signage would be less candle output than the originally proposed signage. He indicated that under the terms of the PUD the applicant could have a sign having the output of 70 foot-candles at two feet. The sign proposed by the applicant would have an output of only 20 foot-candles at a distance of two feet and nine foot-candles at 20'. He explained that the parking lot lights produce nine foot-candles of output and therefore, 20' away from the proposed sign would not generate any more light than the standard light poles presently on the subject property. The proposed sign generates less than two foot-candles at 300'. The output of the proposed sign at 354' from the rear lot-lines of the residence will actually be less than the ambient light that is present at the back lot lines of the homes currently. Presently the ambient light at the rear of the residences is a two foot-candle and the sign that is proposed will not add to that, but is less than two foot-candles of output.

Mr. Moody commented that the proposed signage is a better proposal than that originally approved in 1997. He stated that the proposed sign is less than four feet tall and less than 37 feet long. The proposed signage will visually have no impact on the residential area.

**Interested Parties Comments:**

**Kathy Dethlefs**, 7405 South 111<sup>th</sup> East Avenue, Tulsa, Oklahoma 74133, representing Hampton South Neighborhood Association, stated that the homeowners' association put in a lot of hours and legal expense to have their voices heard in 1997. One of the important issues was lighting from the proposed theater. She commented that she was very pleased with how the homeowners' concerns were considered and she is pleased with the development and design of the movie theater. However, she is concerned with the new proposal changing the signage.

Ms. Dethlefs stated that there were to be no signs on the south side of the building and currently there are none. There were to be no lighted signs beyond the north third of the west side of the building. She commented that the neighborhood needs to continue to have this consideration.

**TMAPC Comments:**

Mr. Midget asked Ms. Dethlefs if the neighborhood association has had a chance to discuss this proposal with the applicant. In response, Ms. Dethlefs answered negatively. Mr. Midget stated that he would have liked for the applicant to discuss this proposal with the neighborhood before today.

**Interested Parties Comments:**

**Richard Acevedo**, 10705 East 74<sup>th</sup> Place, Tulsa, Oklahoma 74133, stated that he objects to the proposed changes regarding the setback. He further stated that he objects to the changes regarding the location of the sign.

Mr. Acevedo stated that the applicant did contact a few neighbors, but he would have preferred that the applicant work with the neighborhood association.

**Dan Alaback**, 10623 East 74<sup>th</sup> Street, Tulsa, Oklahoma 74133, stated that he would like the applicant to consider tabling this proposal until next week and meet with the homeowners' association to discuss this proposal.

After a lengthy discussion it was determined that this application should be continued in order to allow the applicant and the homeowners' association time to meet and discuss the issues regarding the location and setback of the proposed signage.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes "absent") to **CONTINUE** PUD-567-3 to May 17, 2000 at 1:30 p.m.

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**APPLICATION NO.: PUD-601-2**

**MINOR AMENDMENT**

**Applicant:** Charles Norman

(PD-18) (CD-8)

**Location:** East side of Mingo Valley Expressway north of East 71<sup>st</sup> Street South

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to modify the existing development specifications within Development Area A-1 as follows: Increase the permitted height of exterior light standards from 35 feet to 43 feet.

The request to increase the height of exterior lighting is for the purpose of installing 40-foot light standards on top of three-foot concrete bases within parking areas in conjunction with the development of a Target Superstore in Development Area A-1. Development Area A-1 corresponds to Lot 1, Block 1 of the East Side Market II Preliminary Plat approved on November 17, 1999. Staff notes, however, that although the boundaries of Area A-1 were approved by PUD-601-1, no Draft Final Plat or Detail Site Plan has been submitted for TMAPC review.

Staff views the increase in the height of light standards as minor in nature and not affecting planned or proposed abutting uses. The request is in keeping with other intensive commercial uses proposed for the area. A similar increase in light standard height to 43 feet was allowed with the approval of PUD-602-1 for the East Side Market, immediately to the east.

Staff, therefore, recommends **APPROVAL** of the modification of the development specifications for Development Area A-1 as follows:

All exterior standards for Development Area A-1 lighting shall not exceed 43 feet in height and shall be hooded and the light directed downward and away from the boundaries of the development area.

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

**Applicant was not present.**

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Boyle, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the minor amendment as recommended by staff.

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**APPLICATION NO.:** PUD-541-6/PUD-541-A

**MINOR AMENDMENT**

**Applicant:** Roy D. Johnsen

(PD-6) (CD-9)

**Location:** 4300 South Peoria

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to reallocate and increase overall floor area within Development Area E (Lot 2, Block 2) in conjunction with a lot-split creating three tracts. Development Area E currently contains two 5,413 SF two-story office buildings. A third two-story office building containing 4,950 SF is conceptually indicated on Exhibit "A" attached to the Minor Amendment request.

PUD-541 allows a maximum floor area ratio of .35 per lot within Development Area E or 14,330 SF of floor area for the 40,945 SF lot. The applicant is requesting an increase in total allowed floor area of 16,000 SF or an increase of 11.5%.

Major Amendment PUD-541-A created Development Area E-1 and permitted Lot 4, Block 6 of the Wilder Addition to be used exclusively for parking related to uses within Development Area E. PUD 541-A also set minimum standards for landscaped area, access and screening.

Staff has examined the request and finds the three tracts proposed within Development Area E are designated as Tract A (existing building), Tract B (existing building) and Tract C (conceptual building). Proposed Tracts A and B meet the minimum requirements for 15% landscaped area and fall below the required .35 floor area ratio per lot. Additionally, each of the two tracts contain sufficient area to meet the minimum parking standards for non-medical office uses at a ratio of 1:300. Finally, Exhibit "A" indicates a 24-foot Mutual Access Easement with street access limited to East 43<sup>rd</sup> Court South (Private Street).

The proposed Tract C, however, would exceed the maximum allowed .35-floor area ratio and parking standard of 1:300 unless it is tied to PUD-541-A.

Staff, therefore, recommends **APPROVAL** of PUD-541-6 (Development Area E) and PUD-541-A-1 (Development Area E-1) per Exhibit "A" dated 4/4/00 finding the request conforms to the character and intent of both PUD's, does not increase the allowed floor area by more than 15% within Development Area E and meets lot coverage, parking and access standards with the execution of a lot tie agreement and a mutual access easement. This approval is subject to the following conditions:

1. All approved development specifications of PUD-541 and PUD-541-A remain unchanged except as modified below:

Maximum Floor Area, Development Area E

Tract A	5,500 SF
Tract B	5,500 SF
Tract C	5,000 SF

2. Submission and approval of a lot tie agreement between Tract C and PUD-541-A (Lot 4, Block 6 Wilder Addition) and a mutual access easement providing access between Tract A, Tract B and Tract C prior to TMAPC review and approval of a Detail Site Plan for Tract C.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the minor amendment for PUD-541-6/PUD-541-A-1, subject to conditions as recommended by staff.

\* \* \* \* \*

**OTHER BUSINESS:**

**APPLICATION NO.: PUD-451**

**DETAIL SITE PLAN**

**Applicant:** Darin Akerman

(PD-6) (CD-9)

**Location:** East 43<sup>rd</sup> Court South and South Peoria Avenue

**Staff Recommendation:**

The applicant is requesting Detail Site Plan approval for a single-story 5,298 SF bank and drive-through facility on 1.23 (net) acres constituting all of Development Area C. Access to the proposed facility will be from East 43<sup>rd</sup> Court (a private street) or from mutual access from Development Area B. Access crossing points have been built into the existing median strip of East 43<sup>rd</sup> to accommodate the end user of Development Area B. No access to South Peoria is allowed.

Staff has examined the Site Plan and finds conformance to bulk and area, building square footage, building setback and height, lighting, parking, mutual access and total landscaped area standards of PUD –541 Development Area C.

Staff notes that the PUD requires a 75-foot setback of bulk trash containers from abutting residential development unless modified at the time of Site Plan review. Due to the screening effect of the concrete wall separating Area G from Areas C and B and the landscape screening and trash enclosure screening, staff does not believe the 75-foot setback is necessary. The automotive repair facility to the north also has adequate screening that provides sufficient buffering between the residential uses to the east and the trash container set less than 75 feet from the rear of the residential wall.

Staff notes that residents of the Brooktowne Homeowners Association have expressed concern for the possible queuing of traffic attempting to cross the median to gain access to the bank and drive-through. The homeowners are also concerned with a possible shortening of the existing median strip in front of the entry gatehouse placing automobiles within striking distance of the building.

Staff sees no evidence that the median access cuts will be shortened or modified from their original size when first constructed. The planning and paving of East 43<sup>rd</sup> Court anticipated the need for access to Development Area C and drive entry points shown on the Detail Plan match the median cuts. Staff also does not see queuing of traffic waiting to turn into the bank drive-through lanes. The length of teller drive lanes and size of the paved area in front of those lanes provides sufficient room for traffic to exit 43<sup>rd</sup> Court.

Staff, therefore, having found conformance to the development specifications of PUD-541 Development Area C, recommends **APPROVAL** of the Detail Site Plan as submitted.

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

**Interested Parties Comments:**

**Barbara Hess** 1356 East 43<sup>rd</sup> Court, Tulsa, Oklahoma 74105, representing Brooktowne HOA, stated that the issue she is concerned with is the flow of traffic into the drive-in bank. The Brooktowne addition is a gated community and at this time the gates are left opened during the day due to construction. She indicated that construction should be completed within one year and she anticipates that the gates will remain closed at that time. She expressed concerns with vehicles stacking on the street and blocking the residents' access to the addition.

Ms. Hess stated that the proposal is an inappropriate congested situation that would cause problems for the homeowners to enter and exit their addition. She indicated that she had spoken with representatives of MidFirst Bank and suggested the entrance be moved to the west end or their drive-in windows turned north and south with a cut in the median. She stated that none of her suggestions were responded to by the MidFirst Bank.

Ms. Hess commented that the bank suggested that the keypad be moved toward the guardhouse in order to resolve the problems. She stated that the flow of traffic would be unacceptable and cause traffic problems for the homeowners and the customers of the bank.

Ms. Hess requested that the Planning Commission to consider her concerns and request a revision of the site plan to accommodate the traffic problem.

**TMAPC Comments:**



Mr. Westervelt asked if there were any considerations given to removing some of the trees in the center median and creating a left storage lane. In response, Ms. Hess stated that the median is not wide enough to accommodate a left-turn lane. Ms. Hess commented that the problem would be turning left and the stacking along the street. Ms. Hess acknowledged that the bank had stacking space for 36 cars and if that many cars are anticipated at one time, it will cause a serious traffic flow problem.

**Mr. Harmon out at 4:04 p.m.**

**Richard Garren**, 1360 East 43<sup>rd</sup> Court, Tulsa, Oklahoma 74105, stated that the plan submitted to the Planning Commission was never submitted to the homeowners association until today. He commented that he had no idea that the plans submitted to the homeowners had been changed until today. The original plan had considerable less parking on-site.

Mr. Garren stated that the restrictions of the PUD require that the bank only pay 24% of the maintenance of the boulevard and the homeowners must pay 50% of the maintenance of the boulevard. He requested information regarding the projected traffic that will be going in and out of the proposed bank.

Mr. Garren commented that the bank facility needs to provide the stacking on their parking lot and not on the boulevard. He stated that the boulevard is narrow, but would allow two cars to pass. He suggested that most cars do not stay out of the middle of the boulevard in order to allow a car to pass. He expressed concerns with the traffic that will be generated by the proposed bank on Friday evenings.

Mr. Garren suggested that the ingress/egress point to the banking facility be located further to the west to allow stacking on the bank's property. Mr. Garren reiterated that the site plan being submitted today is not the same site plan that was submitted to the homeowners' association.

**Applicant's Rebuttal:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma 74114, representing the applicant, stated that Mr. Helmerich did meet with Barbara Hess earlier in the week to discuss the issues. He indicated that the bank does have the ability to stack 36 cars in their lanes. He suggested that the peak use at the banking facility is 20 cars. The facility does not expect to have but 20 cars at any one time.

Mr. Reynolds stated that one would have to drive down over 300' to get into the addition. He indicated that the submitted plans have been reviewed and approved by Traffic Engineering. He commented that the homeowners are not upset with more offices and more traffic being brought in and turning left. He

stated that the banking facility has provided enough room for the vehicles to get onto the banking property and not congest traffic.

**TMAPC Comments:**

Mr. Boyle asked Mr. Reynolds what his reaction is to the disproportionate use compared to the maintenance of the facility. In response, Mr. Reynolds stated that this is the first time he has heard this issue and he is not sure it is a disproportionate use. Mr. Reynolds indicated that he would be glad to work this issue out with the neighborhood if there is a cost issue that is being unequally borne by them.

Mr. Westervelt asked Mr. Reynolds if it would be best to continue this application for one week in order to meet with the neighborhood association.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Collins, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Harmon "absent") to **CONTINUE** PUD-541 to May 3, 2000 at 1:30 p.m.

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**Mr. Westervelt recognized students from Berlin Germany.**

**Consider rescheduling the Public Hearing regarding the Maple Ridge HP Zoning proposal.**

Mr. Westervelt asked Ms. Davies and Ms. Fisher if they have had a chance to find a date that would allow them to be available. In response, Ms. Davies stated that she has not been able to come to any definite conclusion. Ms. Davies indicated that there is no particular time that will be better for her and Ms. Fisher. Ms. Fisher stated that May 24<sup>th</sup> date would be the perfect time for her and Ms. Davies.

Ms. Davies reminded the Planning Commission that she has been working on this project for three years and she was ready to present this application in September of last year.

**TMAPC Comments:**

Ms. Pace asked Ms. Davies what type of neighborhood notification has been done by the homeowners' association. Ms. Davies stated that she printed up cards and called many neighbors. Ms. Pace asked Ms. Davies if the cards have been mailed. In response, Ms. Davies answered negatively.

Mr. Westervelt stated that the Planning Commission has attempted to give the staff and the neighborhood adequate time to contact everyone regarding this proposal.

Ms. Fisher commented that eight months at Urban Development is long enough for anyone else to do a survey and May 24<sup>th</sup> would be the best date for Mr. Westervelt to abstain. Ms. Fisher submitted a letter/postcard of protest (Exhibit C-1) and stated that Mr. Westervelt's mind is already made on this issue. She said that a postcard was mailed by Mr. Westervelt's wife opposing the HP zoning in her neighborhood.

Mr. Westervelt stated that the initial application (three years ago) included the entire area in which he lives. Today's application does not include the area where he lives and unless instructed otherwise by the Legal Department, he does intend to vote on this application. He indicated that he would listen to the information and the data submitted before making his decision. Mr. Westervelt concluded that he does not have any reason to abstain and does not intend to abstain unless Legal suggests that he needs to.

Mr. Jackere stated that City ordinances provided for abstention if some private benefit, direct or indirect, financial or otherwise, may come as a result of Mr. Westervelt voting on this matter. He further advised, that he had not heard either Ms. Davies or Ms. Fisher state any facts, nor had he been made aware of any facts or information, which would indicate that Mr. Westervelt would gain some private benefit and that absent such facts or information, Mr. Westervelt would not have to abstain.

On **MOTION** of **HORNER** to **RESCHEDULE** the public hearing regarding the Maple Ridge HP zoning proposal to June 7, 2000 at 1:30 p.m., second by Boyle.

**TMAPC Comments:**

Mr. Midget stated that he understands the applicant's frustration with the long wait. He indicated that he does support HP zoning; however, he would like for all parties to be present. He commented that if it takes until June 21<sup>st</sup> or later to get everyone present that would be best for everyone.

Mr. Westervelt reminded Ms. Davies that the Planning Commission has allowed her two and half hours to suggest a date that she would be available for a public hearing and Legal has stated that there is no reason for him to abstain from this application. There are no financial constraints, no closing deadlines and there is no reason for not being able to schedule a new hearing date.

Mr. Boyle stated that he serious about setting a date that all parties can attend. He explained that he would like to make sure that Ms. Davies and Ms. Fisher could attend the hearing. He stated that the would like to hear the opinions of the applicants and any opposition. Both Ms. Davies and Ms. Fisher have spent a

great deal of time on this application and it would be doing a disservice to schedule this hearing on a date that they cannot attend. However, Mr. Westervelt is also entitled to his opinion and he has never explained why he is against or for the HP zoning, and the Planning Commission would like to hear his opinion too. Mr. Boyle requested Ms. Fisher and Ms. Davies to give a date that they can both attend the public hearing. Mr. Boyle explained that he is opposed to having the hearing on May 24<sup>th</sup> due to Mr. Westervelt's timely request for the hearing to be rescheduled. Mr. Boyle stated that he would move to amend Mr. Horner's motion with a new date if Ms. Davies and Ms. Fisher can supply a new date, otherwise, he will be forced to vote in favor of Mr. Horner's motion for June 7<sup>th</sup>.

Mr. Midget asked Ms. Davies and Ms. Fisher if they were available for June 28<sup>th</sup>. In response, they answered negatively.

Mr. Boyle asked if they were available anytime in July. In response, Ms. Fisher stated that she couldn't set a date because of family business.

Mr. Boyle asked if there was a date in August that they are available. Mr. Westervelt stated that the Planning Commission could continue the request for rescheduling to allow the applicants to go home and check their schedules. Ms. Fisher asked Ms. Davies to supply a date for a new hearing. Ms. Fisher explained that she couldn't give a definite date until the family business is completed.

**Mr. Harmon in at 4:15 p.m.**

Ms. Davies stated that June 21<sup>st</sup> is better for her than June 28<sup>th</sup>. Mr. Boyle stated that he understands Ms. Fisher cannot make that date, but the Planning Commission can recognize her opinion and her vote. Mr. Boyle explained that he would be looking for the content or merit of the issue, not necessarily the number of people standing in support or opposition.

Ms. Davies requested the Planning Commission to vote on keeping the public hearing on May 24<sup>th</sup>. In response, Mr. Boyle stated that the motion is for rescheduling the hearing for June 7<sup>th</sup>. Mr. Boyle asked Ms. Davies and Ms. Fisher if they would like for the Planning Commission to vote on the June 7<sup>th</sup> date or on a date they both can attend. In response, Ms. Davies said that she would prefer to see if the hearing can be for May 24<sup>th</sup>.

Mr. Westervelt repeated Mr. Horner's motion for rescheduling the public hearing for the Maple Ridge HP zoning proposal to June 7<sup>th</sup>, 2000 at 1:30 p.m.

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-1-0** (Boyle, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget Westervelt "aye"; Pace "nays"; none

"abstaining"; Carnes "absent") to **RESCHEDULE** the public hearing regarding the Maple Ridge HP zoning proposal to June 7, 2000 at 1:30 p.m.

**TMAPC Comments:**

Mr. Boyle stated that the Planning Commission could reconsider the motion if Ms. Davies and Ms. Fisher can give a date certain that they can attend. Mr. Westervelt concurred.

Ms. Davies requested that the Planning Commission reconsider the motion and change the date to June 21<sup>st</sup>.

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-1-0** (Boyle, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; Pace "nays"; none "abstaining"; Carnes "absent") to **RECONSIDER** motion rescheduling the public hearing regarding the Maple Ridge HP zoning proposal for June 7, 2000.

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-1-0** (Boyle, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; Pace "nays"; none "abstaining"; Carnes "absent") to **RESCHEDULE** the public hearing regarding the Maple Ridge HP zoning proposal to June 21, 2000 at 1:30 p.m., noting that this date was agreed upon and selected as the best date by Ms. Davies and Ms. Fisher.

\* \* \* \* \*

**Mr. Jackson out at 4:20 p.m.**

**Mr. Boyle out at 4:20 p.m.**

Application No.: PUD-567-C

Detail site plan

**Applicant:** John W. Moody

(PD-18) (CD-8)

**Location:** East of the northeast corner of East 73<sup>rd</sup> and South 109<sup>th</sup> East Avenue

**Staff Recommendation:**

The applicant is requesting Detail Site Plan approval for a 54,936 SF four-story hotel on 2.29 acres constituting all of Tract B within Development Area C.

Staff has examined the request and finds conformance to bulk and area, building square footage, setback, parking, lighting, screening, access/mutual access and total landscaped area standards and specifications outlined in PUD-567/567-C.

Staff notes that Development Area C standards call for maximum building height of 35 feet but allow the maximum height to be determined at the time of Site Plan review and approval. Staff is of the opinion that the 36.3-foot height to the top

plate of the fourth floor with a maximum roof height of 54 feet does not detract from the character of the area due to the north/south orientation of the proposed building and the generous setback from multifamily uses to the south.

Although the existing hotel development to the west (Residence Inn/Spring Hill Suites) are three-story buildings with a third floor top plate height of 27-29 feet and a maximum roof height of 45 feet, staff believes the nine-foot difference in height will have a negligible effect on existing hotel uses. The orientation of the proposed hotel and increased setback is sufficient to ameliorate the effects of a fourth floor on multifamily residential uses to the south.

Staff, therefore, having found conformance to the approved standards and specifications for PUD-567/567-C within Development Area C recommends **APPROVAL** of the Detail Site Plan as submitted.

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

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Collins, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Jackson "absent") to **APPROVE** the detail site plan for PUD-567-C as recommended by staff.

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**APPLICATION NO.: PUD-355**

**REVISED DETAIL SITE PLAN**

**Applicant:** James Boswell

(PD-18) (CD-8)

**Location:** Northwest of northwest corner of East 91<sup>st</sup> Street and South Yale

**Staff Recommendation:**

The applicant is requesting revised Detail Site Plan approval to add a 1,015 SF motor bank building with drive-through lanes within the "Phase I" Development Area. The applicant is also requesting approval of a temporary 180 SF kiosk-style drive-up building placed north of the construction area of the permanent motor bank facility.

Staff has examined the request and reviewed the approved PUD-355 Development Specifications as amended in November 1999. Staff finds conformance to bulk and area, building floor area, setback, parking, access, mutual access and total landscaped area standards as approved for the "Phase I" Development Area.

The applicant is also requesting temporary use of a 180 SF drive-up structure for a period of not more than one year while the permanent motor bank, parking and landscaping are installed.

Staff, having found conformance to the approved development specifications as amended, recommends **APPROVAL** of the Revised Detail Site Plan for PUD-355 "Phase I" Development Area subject to the following conditions:

1. Issuance of a certificate of occupancy for the proposed temporary structure by Tulsa Development Services indicating conformance to building code standards.
2. Removal of the temporary facility on or before April 26, 2000.

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

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

**Applicant was not present.**

**TMAPC Action; 8 members present:**


On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Collins, Harmon, Hill, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Jackson "absent") to **APPROVE** the detail site plan for PUD-355, subject to conditions as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 4:26 p.m.

Date approved: 07/05/00

  
Chairman

ATTEST:   
Secretary

