

Tulsa Metropolitan Area Planning Commission

Minutes of Meeting No. 2250

Wednesday, September 6, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Collins	Beach	Boulden, Legal
Carnes		Butler	Counsel
Harmon		Dunlap	
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 Friday, September 1, 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 10:44 a.m.

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

Minutes:

Approval of the minutes of August 16, 2000 Meeting No. 2248

On **MOTION** of **MIDGET** the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **APPROVE** the minutes of the meeting of August 16, 2000 Meeting No. 2248.

Minutes:

Approval of the minutes of August 23, 2000 Meeting No. 2249

On **MOTION** of **BOYLE** the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **APPROVE** the minutes of the meeting of August 23, 2000 Meeting No. 2249.

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REPORTS:

Chairman's Reports:

Mr. Westervelt reported that there are a few continuances requested.

CONTINUED ITEMS:

Ashton Creek Office Park (PUD 600)

South side of East 91st Street at South Toledo Avenue

PRELIMINARY PLAT

(PD 18) (CD 8)

Staff Recommendation:

Mr. Westervelt announced that there is a request for a continuance to September 20, 2000. He indicated that the applicant was in agreement with this continuance.

There were no interested parties wishing to speak.

Having 10 Members Present:

On **MOTION** of **BOYLE** the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **CONTINUE** the preliminary plat for Ashton Creek Office Park to September 20, 2000 at 1:30 p.m.

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Burgundy Place (PUD 346-A)(1783)

Southwest corner of East 88th Street South and South Lewis (PD 18) (CD 2)

PRELIMINARY PLAT

Staff Recommendation:

Mr. Westervelt announced that the zoning has not been approved for the subject property and therefore there is a request for a continuance.

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, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **CONTINUE** the preliminary plat for Burgundy Place to September 20, 2000 at 1:30 p.m.

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QuikTrip Corporate Campus (PUD 635)(2894)
4800 South 1129th East Avenue

PRELIMINARY PLAT
(PD 17) (CD 6)

Staff Recommendation:

Mr. Westervelt announced that the zoning has not been approved for the subject property and therefore there is a request for a continuance.

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 **9-0-1** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; Westervelt "abstaining"; Collins "absent") to **CONTINUE** the preliminary plat for QuikTrip Corporate Campus to September 27, 2000 at 1:30 p.m.

Application No.: PUD-559-2

MINOR AMENDMENT

Applicant: Mark Reentz

(PD-18) (CD-8)

Location: North and east of northeast corner of East 91st Street and South Mingo Road

Staff Recommendation:

Mr. Westervelt indicated that staff is recommending a continuance due to lack of information.

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 **CARNES** the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **CONTINUE** the minor amendment for PUD-599-2 to September 20, 2000 at 1:30 p.m.

Application No.: PUD-639

OM/OL/RM-2 TO PUD

Applicant: Roy Johnsen

(PD-6) (CD-9)

Location: Southeast corner of East 21st Street and South Main

TMAPC Comments:

Mr. Westervelt indicated that there has been a continuance requested by the interested parties. He stated that the TMAPC would consider the continuance issue at this time only, not the merits of the application.

Applicant's Presentation:

Roy D. Johnsen, 201 West Fifth, Suite 501, Tulsa, Oklahoma 74103, representing Mr. Paul Coury, stated that Mr. Coury has been in contact with the various property owners in the vicinity of the subject property and has sought out their input, comments and responses on the subject project. He explained that a formal meeting was held with the neighborhood representatives on August 22, 2000. At the time of the meeting questions were asked and a presentation was made. He indicated that a traffic engineer and architect were present to answer questions. He stated that at the meeting there were interested parties who were opposed and some who were in favor of the subject application.

Mr. Johnsen stated that one of the issues of concern was the traffic on Boston and access points. He explained that in response to these concerns he amended his site plan and mailed the amended site plan to the interested parties. Throughout the time since the first meeting, people have contacted Mr. Coury for information. He indicated that at any time his client stood ready to meet with any organized group that cared to meet or discuss information requested. He stated that neither he nor his client heard anything from the more vocal opposition, except that they passed out flyers in the neighborhood and have distributed information to others that was intended to be inflammatory and misstatements of fact. Mr. Johnsen listed several items that were inflammatory: Crime will increase; PUD's do not offer protection, etc. Mr. Johnsen concluded that he does not feel that it will be productive with those particular persons to continue the matter further.

Mr. Johnsen stated that his client has directed him to object to the continuance, as it is outside of the spirit of what one usually tries to accomplish in the PUD process for meaningful dialogue between opposing factions. This seems to be have been lost in this instance.

Interested Parties Comments:

Janice Nicklas, 122 East 25th Street, Tulsa, Oklahoma 74114, Co-Chair of the Portofino on the Park Study Committee, stated that her neighborhood is along 21st Street to 26th Place, Cincinnati to Riverside Drive, an area with approximately 150 single-family homes and an equal number of condo units. She indicated that the subject area is the Riverside Addition of Maple Ridge, the area impacted by proposed PUD-639.

Ms. Nicklas stated that the committee respectfully requests a continuance of two weeks for the subject application in order to allow the neighborhood to be informed about the proposed PUD. She explained that many neighbors are concerned with the developer's announcement to build a high-rise building. She stated that there is a lot of confusion on the interested parties' part. She indicated that the confusion and lack of information is due to the fact that only a few residents had the opportunity to meet with the developer.

Ms. Nicklas stated the neighbors need time to hire their own consultants for a traffic study and time to interview an attorney to represent the neighborhood.

TMAPC Comments:

Mr. Boyle asked Ms. Nicklas if there is something in particular that she is trying to find out and have not been able to find out. In response, Ms. Nicklas stated that she needs more time because it has been a short time since the neighborhood has been aware of this massive change that is proposed for the subject area. Ms. Nicklas further stated that there are many people who would like more information about this application and have not had the chance to speak with the developer.

Mr. Boyle asked Ms. Nicklas if the neighbors would like to meet with Mr. Coury and his advisors. In response, Ms. Nicklas stated that there are many unanswered questions.

Mr. Boyle stated that since all of the parties are present today it would make sense that all the parties involved go out of the room to discuss this and then take this matter up at the end of the agenda.

Ms. Nicklas stated that she is unprepared to meet with Mr. Coury and his attorney today and would not have a consultant and attorney to represent the neighborhood.

Mr. Harmon asked Ms. Nicklas why she has not tried to meet with the developer when he has indicated that he made himself available to everyone. In response, Ms. Nicklas stated that Mr. Coury had a small meeting with a few of the condo owners directly across the street from the subject property. Ms. Nicklas explained that there was no publication regarding the meeting and there were many people who did not have the opportunity to hear his presentation.

Mr. Westervelt asked staff to give the date the application was made and when the property was posted. In response, Mr. Stump stated that the property was posted approximately August 15, 2000 and notice of a public hearing was sent out at the same time to the property owners within 300 feet.

Ms. Nicklas stated that she has had an opportunity to walk the streets and many people have been out of town because of the extreme heat, and many of the families have been on vacation.

Mr. Westervelt stated that there is a large group of people present today and continuances, if indeed there is something very constructive that will come from one, are often helpful. He commented that the Planning Commission usually encourages the homeowners to spend time with developers so that questions and issues are worked out before the public hearing. It is unusual to grant a continuance, particularly when there is a large group of people present who would be inconvenienced by having to come back if it is indeed continued.

Mr. Midget asked Ms. Nicklas if she attempted to meet with Mr. Coury. In response, Ms. Nicklas stated that she is not prepared to meet with Mr. Coury and that she has not met with him. She indicated that the neighborhood would love to meet with the developer, promote quality of life in the neighborhood, and design something that would fit and be compatible with the existing land use. Ms. Nicklas stated that she is very open to working with the developer and designing something that will be suitable for the neighborhood.

Mr. Boyle asked Ms. Nicklas if she would have a problem meeting with Mr. Coury right now. In response, Ms. Nicklas reiterated that she is not prepared to meet with Mr. Coury today. Mr. Boyle stated that he has a problem with the interested parties not wanting to meet with the developer today when everyone is present. Mr. Boyle further stated that after meeting with Mr. Coury, if the neighborhood still has not reached a solution or still have questions, then the continuance request could be decided. Ms. Nicklas stated that she represents a very large neighborhood and it would not be fair to many of the neighbors for her to work things out individually with Mr. Coury. Mr. Westervelt informed Ms. Nicklas that the Planning Commission is not asking her to work everything out, but simply to meet with Mr. Coury and see if he can answer some of the questions.

Mr. Westervelt indicated that the Planning Commission has received a large amount of correspondence and it has additional attachments (Exhibit A-2). He stated that there are 13 letters of support and one letter from Ms. Nicklas requesting the continuance. He commented that there is not an overwhelming sentiment against the project in the entire neighborhood included.

Ms. Nicklas stated that she does have a petition that has been circulated within the Riverside Addition of Maple Ridge and it has well over 300 names of individuals who oppose the PUD-639.

Mr. Westervelt stated that the Planning Commission would like to get the technical information for those cumulative reasons for the opposition to the project in order to make a technical decision. He recommended that all parties meet outside today while the Planning Commission continues with the agenda to

see where they are regarding issues and questions. After that time if there are still unsolved issues, then the continuance could be decided. However, at least there would have been some sort of dialogue and it would be well-spent time.

Councilor Brady Pringle, 3636 South Trenton, Tulsa, Oklahoma 74105, Councilor for District 9, stated that he has an easy solution for this item. He indicated that no one is going to change his/her mind one way or the other on this project, but there has been a public impression created that the skids have been greased and this is going to go through anyway. What is happening today only reinforces that feeling, and therefore, he would almost insist that the interested parties' continuance be granted. He commented that if the continuance were not granted, then everyone would lose in this process. He stated that the Portofino, if approved, would be present for 100 years plus. It would seem that a couple more weeks could be taken to let things be worked out. He concluded that this is not to say that he is against the project, but simply that in difference to all of the people who came to the meeting today, this would be the right thing to do.

Mr. Boyle stated that Councilor Pringle opened his remarks by saying that no one is going to change his/her mind. Mr. Boyle asked Councilor Pringle if the same would be true in two weeks. In response, Councilor Pringle stated that he does not know if the minds would be changed in two weeks or not. Mr. Boyle asked why Mr. Coury should be made to pay two extra weeks of interest. Councilor Pringle stated that he feels it would be in everybody's best interest to continue this project for two weeks. Mr. Boyle requested Councilor Pringle to mediate a meeting with the interested parties and the developers today. In response, Councilor Pringle stated that he would not feel comfortable with a meeting today and in his opinion nothing would be accomplished by that.

Ms. Pace stated that she agrees with Councilor Pringle, and it would be a highly unusual departure from the Planning Commission's normal course of events to not grant a timely request for a continuance. This is a large project with a great impact on the community and it would not be fair to send these people and Mr. Coury outside to discuss this matter. If it were not an ordinary habit of this commission to grant a timely continuance, she might agree with Mr. Westervelt. Ms. Pace concluded that it is very important for these two groups of people to get together and discuss their issues.

Mr. Westervelt stated that it appears maybe the Planning Commission should go ahead and vote on the continuance. Mr. Boyle stated that the Planning Commission should see if there is anyone else who would like to address the continuance issue.

The following Interested Parties expressed similar reasons for a continuance of PUD-639:

William Mitchell, 125 East 24th Street, Tulsa, Oklahoma 74114; **John Thompson**, 138 East 24th Street, Tulsa, Oklahoma 74114; **John Strong**, 2504

South Boston Place, Tulsa, Oklahoma 74114; **Carolyn Boatman**, 114 East 24th Street, Tulsa, Oklahoma; **Robert Steen Smith**, 129 East 26th Court, Tulsa, Oklahoma 74114.

The above listed Interested Parties expressed the following opinions regarding the continuance:

Large project and would have a large impact on the neighborhood; notice was for three weeks before the meeting and now the interested parties are requesting two more weeks in order to obtain counsel and have a valid viewpoint to present, as well as a decorum of communication with Mr. Coury; the pressure would be more on the interested parties than Mr. Coury to have a presentation ready in two weeks; were informed that this was a done deal and that Mr. Coury had greased all of the skids; need impartial body to help with this process; subject area is getting filled up.

TMAPC Comments:

Mr. Westervelt stated that Mr. Boyle's suggestion of going outside to meet was simply a suggestion to see if there was some common ground that could be gained and a dialogue started. It was not meant that the Planning Commission was going to move this forward and not consider the continuance, but simply make the decision easier.

Mr. Harmon asked Mr. Thompson if the past three weeks' notice was not used effectively, what guarantee does the Planning Commission have that the next two weeks would be used effectively. In response, Mr. Thompson stated that the neighborhood has used the past three weeks effectively. Mr. Thompson commented that it is a crime that the City only gives the citizens three weeks to respond to this type of huge project within a residential area. Mr. Thompson assured the Planning Commission that the additional two weeks would not be wasted.

Mr. Boyle asked Mr. Strong who the source is regarding that the skids are greased and it is a done deal. In response, Mr. Strong stated that there were at least a half dozen people and mostly the legal fraternity who advised the interested parties that this was a done deal and not to waste their time. Mr. Boyle asked Mr. Strong if anyone on the Commission or from the City informed him that it was a done deal. In response, Mr. Strong stated that no one from the Commission informed him of that.

Applicant's Comments:

Paul Coury, 2222 S. Madison, Tulsa, Oklahoma 74114, stated that normally he would also be in favor of a continuance and see the productivity, but this has been a very a typical situation. He commented that the PUD process is a good process, and the standards that are set up and the notification are good.

Mr. Coury stated that the meetings that he has had were very interesting because they were dominated by a few outspoken people, and their comments opposing the project were really more directed at the concept that he is proposing, which is a high-rise. He explained that there were really no questions regarding the project, but comments about why the interested parties did not want it. There have been two sets of flyers passed through the neighborhood that were not factual, but really derogatory against the project and why people should oppose it. Therefore, he has not seen the benefit of dividing the neighbors further. He explained that he tried to call and talk with several people who are adamantly against this project and they hung up when they heard his name. He stated that he was calling these people to try to sit down and explain the changes made to the garage and the traffic study. He commented that normally Councilor Pringle is right that due process and so forth is the way to go, but he feels that many constituents for and against this project have blitzed Councilor Pringle. The only thing accomplished by extending this project two weeks is to allow more complaining and being divisive.

Mr. Coury stated that he has a contract on the subject property and the Akdars have a contract on another property, which has a time line that will expire. The Akdars will have to go back before the Board of Regents to request an extension on the contract and that is very complicated. He concluded that he finds himself in a dilemma. He does not feel that the interested parties are out to negotiate with him, but to further their reasons against the project and to build more support. He stated that if he could be convinced otherwise, he would support an extension. He indicated that no one has contacted him to know what their issues are and how they would like to meet to resolve the issues.

TMAPC Comments:

Mr. Midget stated that he appreciates Mr. Coury's comments and he sympathizes with the interested parties to a certain extent. Mr. Midget acknowledged that he did see some of the flyers and they were inaccurate. Mr. Midget asked Mr. Coury if he sees any value in at least meeting with the willing residents in order to clear up the misinformation. Mr. Midget indicated that this may dwindle some of the opposition to the project. Mr. Coury expressed his concern with the possibility of conveying his perspective to the interested parties within the next two weeks. Mr. Coury commented that he thought the PUD process was developed to work through issues regarding protecting neighborhoods and surrounding areas.

Ms. Pace asked Mr. Coury if he was aware that if he had been the one to have timely requested a continuance, the Planning Commission would be inclined to continue this application if it appeared that things were not totally worked out. In response, Mr. Coury stated that his legal counsel has informed him of this practice.

Mr. Horner asked Ms. Boatman if Mr. Coury has ever refused to meet with anyone from the subject area. In response, Ms. Boatman stated that as far as she knows, Mr. Coury has never refused a meeting. Ms. Boatman further stated that Mr. Coury has refused to answer their questions.

Mr. Boyle asked Ms. Boatman if she expected to communicate with Mr. Coury and his representatives during the two-week continuance. In response, Ms. Boatman answered affirmatively. Mr. Boyle asked Ms. Boatman if two weeks is a realistic time to hire counsel, conduct a traffic study and meet with Mr. Coury. In response, Ms. Boatman stated that she felt a two-weeks continuance would be enough and doubted that she will be requesting another continuance later.

Mr. Harmon stated that the interested parties have indicated that they would like to conduct their own studies, which would be duplicating Mr. Coury's studies. Mr. Harmon asked Mr. Steen Smith if their studies come back with the same results as Mr. Coury's they would be open-minded enough to support the project. Mr. Steen Smith said that if it happens that way they would, but he does not feel that it will happen.

The following Interested Parties expressed support of PUD-639 and disagree with a continuance:

Devin Gilpin, 123 East 26th Place, Tulsa, Oklahoma 74114; **Charlie Thornton**, 2300 Riverside, Tulsa, Oklahoma 74114; **Robert Oliver**, no address given; **Paul Smith**, Chief Executive Officer of Akdar Shrine Temple.

After a lengthy discussion it was determined to open the floor for a motion regarding the interested parties' two-week continuance.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE** the TMAPC voted **7-3-0** (Boyle, Harmon, Hill, Ledford, Midget, Pace, Westervelt "aye"; Carnes, Horner, Jackson "nays"; none "abstaining"; Collins "absent") to **CONTINUE** PUD-639 to September 27, 2000 at 1:30 p.m.

Chair called a five-minute break at 2:42
Reconvened at 2:48

Committee Reports:

Rules and Regulations Committee:

Mr. Boyle reported that the Rules and Regulations Committee reviewed the City Council Resolution 2911 and recommended a public hearing for October 18, 2000 at 1:30 p.m.

Director's Report:

Mr. Stump reported that there are several items on the City Council agenda for Thursday, September 7, 2000.

Mr. Westervelt announced that he would be attending the City Council meeting to represent the Planning Commission.

Mr. Stump further reported that the TMAPC Receipts for July were average.

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SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19106 - Roy Johnsen (2683)

(PD-26) (CD-8)

Southwest corner of East 101st Place & 78th East Avenue

Staff Recommendation:

The applicant has applied to split a 2.5' X 15' strip off the Reserve A area and attach it to Lot 1, Block 2, The Village. The proposed configuration will result in both resulting tracts having more than three side lot lines. The applicant is seeking a Waiver of Subdivision Regulations that each tract have no more than three side lot lines.

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.

Mr. Stump informed the Planning Commission that this item is related to Item No. 22, PUD-378-A-2, which would allow the division of the Reserve Area by minor amendment.

Application No.: PUD-378-A-2

MINOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-26) (CD-8)

Location: West of southwest corner of East 101st Street and South Memorial

Staff Recommendation:

The applicant is requesting amendments to the building envelopes for Lot 1, Block 2, and Lot 11, Block 1, of The Village Addition. The request is to add small parcels of Reserve A to each of these lots. Reserve A is dedicated for private streets, utility easements, parking, landscaping and entry features.

Lot 1, Block 2, would include an additional 2.5 foot by 15 foot part of Reserve A along the corner of East 101st Place South. The proposed additional property would not interfere with visibility for this corner lot.

Lot 11, Block 1, would include an additional two feet by ten feet along the south lot line. There is an existing drainage and utility easement, which would buffer the proposed larger lot from the lots to the south.

Staff has reviewed the Planned Unit Development standards for this area and finds the proposed changes to Lot 1, Block 2, and Lot 11, Block 1 to be in conformance with the intent of the PUD. Staff can recommend **APPROVAL** of the proposed amendments to the building envelopes with the condition that the action be approved by the Homeowners' Association relinquishing their rights to these particular Reserve A parcels, or that the property owners submit individual releases relinquishing their rights to the Reserve A tracts in question.

There were no interested parties wishing to speak.

The applicant indicated his agreement with the staff recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES** the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **APPROVE** the lot-split for waiver of subdivision regulations for L-19106 and to **APPROVE** the minor amendment for PUD-378-A-2, subject to conditions as recommended by staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-19037 - Jerry Foutch (464)</u>	(PD-20) (County)
13713 East 191st Street	
<u>L-19058 - Mike Marrara (292)</u>	(PD-10) (CD-1)
3620 West 5th Street	
<u>L-19087 - Nolan Gross (283)</u>	(PD-18) (CD-7)
6501 East 71st Street	
<u>L-19097 - Town & Country Realty (3592)</u>	(PD-8) (CD-2)
West 51st Street & South Maybelle	
<u>L-19103 - Sisemore Weisz & Associates (3293)</u>	(PD-18) (CD-9)
5211 South Lewis Avenue	
<u>L-19105 - Roger K. Eldredge (1993)</u>	(PD-6) (CD-9)
4033 South Yorktown Place	
<u>L-19109 - Charles J. Hendricks (874)</u>	(PD-19) (County)
12650 East 132nd Street	
<u>L-19114 - Frank Denham (2672)</u>	(PD-21) (County)
16804 South Elwood	

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, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

FINAL PLAT:

Ranch Creek Addition (1313)

(PD 15) (County)

East of the Southeast corner East 196th Street and North Memorial Drive

Staff Recommendation:

This plat consists of 48 lots in five blocks on 36.9 acres. It will be developed for single-family residential uses.

All releases are in and the plat is in order. Staff recommends **approval** of the final plat.

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, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to **APPROVE** the final plat for Ranch Creek Additions as recommended by staff.

PRELIMINARY PLAT:

Garnett North (3204)

(PD 16) (CD 6)

East side of North Garnett Road, ¼ mile south of East Pine Street

Staff Recommendation:

This plat consists of one lot in one block on 8.27 acres. The property has had several development plans over the past few years. It appears it will be developed as mini-storage.

*The following were discussed **August 17, 2000** at the Technical Advisory Committee (TAC) meeting:*

Zoning:

- The property was rezoned to IL in 1989. This rezoning triggered the platting requirement. A plat waiver request was denied by the TMAPC in June 1985. There have been a couple of Board of Adjustment actions on the property related to setbacks. One was approved and one denied.

Streets/access:

Fifty feet of right-of-way is being dedicated to Garnett Road. One 50' access location is being shown; 40' is standard. A 20' road easement is shown along the east end of the property.

- *Somdecerrf, Transportation, stated that the right-of-way labels on the plat are inconsistent with what exists. Right-of-way dedication must be made for a total of 50 feet from centerline of Garnett along the entire western boundary of the property and 25 feet along the eastern boundary.*
- *Price, Traffic, stated that the access needs to be reduced to 40 feet.*

Sewer:

- A new sewer is being built along the east side of Garnett. There were no concerns or special requirements for this plat.

Water:

- There were no concerns or special requirements for this plat.

Storm Drainage:

- *McCormick, Stormwater, stated that there needs to be a detention pond in an easement and an overland drainage easement to the pond with standard language in the covenants.*

Utilities:

- There were no utility comments.

Other:

There were no other comments.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Dedication of additional right-of-way as required, making a total of 50' from centerline of Garnett and 25' on the east boundary of the property.
2. Reduce the access width to 40 feet.
3. Provide all detention with easements as required by the City.

Standard Conditions:

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

13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The 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.)
17. The method of water supply and plans therefor shall be approved by the City/County Health Department.
18. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
19. The key or location map shall be complete.
20. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
21. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
22. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
23. All other Subdivision Regulations shall be met prior to release of final plat.

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, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of the preliminary plat for Garnett North, subject to special conditions and standard conditions as recommended by staff.

* * * * *

TSS Adult Day Care Services - Pine (3602)

(PD 2) (CD 1)

¼ mile west of North Peoria Avenue, south side of East Pine Street

Staff Recommendation:

This plat consists of one lot in one block on 1.312 acres. It will be developed for an adult day care facility.

*The following were discussed **August 17, 2000** at the Technical Advisory Committee (TAC) meeting:*

1. Zoning:

- The property is zoned CS and CH. The use is categorized under Use Unit 5, which is a use by right in both zoning districts. The plat is voluntary.

2. Streets/access:

- The property fronts on East Pine Street and North Lansing Avenue. 20 feet of additional right-of-way is being dedicated to Pine Street. One 40-foot access location from Pine is being shown near the east end of the property.
- *There were no concerns or special requirements for this plat.*

3. Sewer:

- *There were no concerns or special requirements for this plat.*

4. Water:

- *Murphree, Water, stated that the service tap should be made from the 10" line on Lansing, not the 16" line on Pine. She also stated that a hydrant would be needed near the entrance drive.*

5. Storm Drainage:

- *There were no concerns or special requirements for this plat.*

6. Utilities:

- *There were no concerns or special requirements for this plat.*

7. Other:

There were no other comments.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. None.

Standard Conditions:

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

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

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, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of the preliminary plat for TSS Adult Day Care Services - Pine, subject to standard conditions as recommended by staff.

* * * * *

66th Street North Truck Stop (3313)

(PD 15) (County)

Northeast corner of 66th Street and Highway 75.

Staff Recommendation:

The following information was provided at the TAC meeting of August 3, 2000.

GENERAL

The site is located on the east side of Highway 75, north of 66th Street north. The western boundary of the property abuts the highway. The aerial indicates the racetrack to the south, what appears to be a cemetery to the east and significant trees in the south.

ZONING

The subject site is zoned AG but is the subject of a request for change to IM to be heard by the Commission on August 2nd. The surrounding area is AG with IM to the south across 66th street.

STREETS

The 66th Street North bounds property on the south. A 60' wide street (cul-de-sac) is proposed, having a 90' turn around. The cul-de-sac is approximately 520' long. The plat does not show limits of no access on any street.

Cul-de-sacs have a maximum 500' in length; industrial streets require 80' of right of way.

SANITARY SEWER

Sanitary sewer is not shown in the area.

WATER

A 24" line is present along the highway in the southeast portion of the property.

STORM DRAIN

There is an existing pond on the site. Proposed facilities are not shown.

UTILITIES

Easements have not been shown.

Note: The Preliminary Plat has been revised since the TAC meeting. This revision leaves an unplatted area in the northern portion of the ownership. The central street has been stubbed to the boundary of the unplatted area. The County Engineer has reviewed the revision and agrees to the changes.

Staff provides the following comments from the TAC meeting.

- **Streets/access:**
- Raines, County: Limits of No Access should be shown along 66th Street. The length of the cul-de-sac was an issue; a waiver to allow the 520' length would be supported. Book and page references for previous dedications along 66th should be shown. An 80' right-of-way was not required; 60' as shown was sufficient if the street was improved with curb and gutter.
- **Sewer:**
- Raines, County: Indicated that sewer was to the east past the cemetery. (Since that time Mr. Raines has indicated that the applicant intends to install a force main to the east along the north side of 66th Street).
- **Water:**
- Raines, County: A 24" line was available in the southwest portion of the site.
- **Storm Drainage:**
- Raines, County: Indicated that detention requirements would be evaluated on a per-lot basis during the building permit review process.
- **Utilities:**
- Utility easements should be present along the entire perimeter.

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

Waivers of Subdivision Regulations:

1. Reduction of the minimum right-of-way width for a commercial collector from 80' to 60'.

Special Conditions:

1. Curbs and gutters will be required on the internal collector street.
2. References for all dedications should be indicated.

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. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
7. Street names shall be approved by the County Engineer and shown on plat.
8. All curve data, including corner radii, shall be shown on final plat as applicable.
9. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
10. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
11. 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.)
12. 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.
13. 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.]
14. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
15. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
16. The key or location map shall be complete.

17. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
18. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
19. Applicant is advised to of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
20. If the owner is a Limited Liability Corporation (L.L.C.), a letter from an attorney stating that the L.L.C. is properly organized to do business in Oklahoma is required.
21. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

Applicant indicated his agreement with the staff recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER** the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of the preliminary plat for 66th Street North Truck Stop, subject to special conditions and standard conditions as recommended by staff.

ZONING PUBLIC HEARING

Application No.: Z-6783

Applicant: Jim McIntosh

Location: Southwest corner and southeast corner of East 59th Street and South 99th East Avenue

RS-3 TO IL OR PK

(PD-18) (CD-5)

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6445 July 1994: A request to rezone a strip of property, 5' x 78', lying along the south boundary of an industrial tract located directly north and across East 59th Street South from the subject tracts, from RS-3 to IL to allow access to the industrial (IL) property. The strip was originally left RS-zoned to restrict access

to the industrial property by use of a residential street. The Comprehensive Plan anticipates industrial growth in this area and the barricade from the residential street was eliminated. All concurred in approval of the request for IL zoning.

Z-6410 September 1993: All concurred in approval of a request to rezone a tract located on the northeast corner of East 61st Street South and South 99th East Avenue from OL to IL.

Z-6253 July 1989: TMPAC recommended denial of a request to rezone a five-foot strip on the north side of East 59th Street from RS-3 to IL. Upon appeal to the City Commission, approval was granted for IL zoning on three separate strips, 5' x 40', to allow access to the IL tract to the north from East 59th Street.

Z-6230 April 1989: A request to rezone a tract located on the northeast corner of East 61st Street and South 99th East Avenue from RS-3 to OL. All concurred in approval of OL zoning.

Z-6053 August 1985: All concurred in approval to rezone a tract located at the northeast corner of East 61st Street and South Mingo Road from RS-3 to OL.

Z-5950/PUD-368 June 1986: A request to rezone the northwest corner of East 61st Street South and South 99th East Avenue from OL to IL was recommended by staff for approval. TMAPC recommended denial and on appeal to the City Commission, the application was denied. The request was appealed to District Court and the court determined that OL zoning was not appropriate. The applicant then filed an amended application with a PUD. All concurred in approval of IL zoning on the tract less the east and west 50' and the north 90', which was rezoned to OL.

Z-5724 June 1983: All concurred in approval of a request to rezone an acre tract located east of the northeast corner of East 61st Street South and South Mingo Road from RS-3 to IL.

Z-5809 May 1983: All concurred in approval to rezone a tract located on the northeast corner of East 61st Street South and South 99th East Avenue from RS-3 to OL.

Z-5631 November 1981: Request to rezone a ten-acre tract located in the northeast corner of East 59th Street and South 100th East Avenue and east of the subject tract from RS-3 to IL. Staff recommended denial unless additional access could be provided to the north or west. TMAPC and City Commission concurred in approval of IL.

Z-5520 May 1981: Request to rezone 8.9 acres located across East 59th Street from the subject property from RS-3 to IM. All concurred in denial of IM and approval of IL zoning less the south five feet fronting on East 59th Street South.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.15 total acres and is located on the southwest corner and the southeast corner of East 59th Street South and South 99th East Avenue. The property is flat, non-wooded, vacant, and zoned RS-3.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
East 59th Street South	50'	2 lanes	Paved	No
South 99th East Avenue	50'	2 lanes	Paved	No

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

SURROUNDING AREA: The subject tract is abutted on the north by industrial facilities, zoned IL; to the south and east by single-family dwellings, zoned RS-3; and to the west by vacant property, 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 Special District 1 - Industrial.

According to the Zoning Matrix the requested IL **may be found** in accordance with the Plan Map and the requested alternative PK zoning also **may be found** in accordance with the Plan Map, both of these by virtue of being within a Special District. Plan policies call for future industrial development to locate here and encourage the provision of adequate transportation and utilities to serve the area.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing development and trends in the area, staff recommends **DENIAL** of IL zoning and **APPROVAL** of PK zoning for Z-6783 in order to provide a transition from the industrial uses to the north and the single-family dwellings to the south.

Applicant indicated his agreement with the staff recommendation.

Interested Parties Comments:

Evelyn Brenttinger, 5933 South 100th East Avenue, Tulsa, Oklahoma 74146, expressed concerns with the proposed parking lot. She explained that previously the neighborhood experienced problems with a similar situation. She commented that there would be people parking late at night and creating noise. She expressed concerns that the same will happen with the proposed parking lot.

Gerald Hicks, 5945 South 99th East Avenue, 74146, stated that he opposes this application for the same reasons as his neighbors. He commented that people would congregate late at night, create noise and litter. Mr. Hicks gave a history of past Board of Adjustment approvals in the subject area.

Mr. Hicks indicated that there is a drainage problem for the existing homes due to the new development in the subject area. Mr. Hicks requested that the Planning Commission to deny this request.

TMAPC Comments:

Mr. Harmon stated that he lives near this subject area and the area is developing commercially and industrially. He commented that it is hard to live in an area where this is happening; however, no one would ever request a permit to build a single-family home in the subject area. In response, Mr. Hicks stated that single-family homes have been denied because they could not pass a perc test. Mr. Hicks indicated that the neighborhood paid to have their sewer lines installed and now single-family homes could be built. Mr. Harmon stated that it appears that the subject area is going to develop as commercial and industrial and he does sympathize with the residents; however, it would be doubtful that anyone would build a single-family home in the subject area. Mr. Hicks asked Mr. Harmon if he could understand that no one asked the neighborhood if they wanted commercial and industrial in the subject area.

Mr. Harmon asked Mr. Hicks if he thought the subject area would ever develop as residential property. In response, Mr. Hicks stated that if the subject area had sewer at the time the change started toward commercial and industrial, it could have continued as single-family residential.

Mr. Hicks asked the Planning Commission why they were trying to run the existing neighbors out of their homes. In response, Mr. Westervelt stated that the Planning Commission is simply reviewing an application made by a landowner. The Planning Commission has no interest in running anyone out of his or her homes. Mr. Hicks informed Mr. Westervelt that the Planning Commission's ultimate decision would determine if the existing neighbors are able to continue living in the subject area.

The Following Interested Parties Expressed Similar Concerns:

Charles McIntosh, 5914 S. 100th East Avenue, Tulsa, Oklahoma, 74146, submitted photographs (Exhibit B-2); **Colleen Murkov**, 5911 South 99th East Avenue, Tulsa, Oklahoma 74146; **Nancy Trevathan**, 5914 S. 99th East Avenue, Tulsa, Oklahoma 74146

The above listed Interested Parties expressed the Following Comments:

Trash, vandalism and noise; stormwater drainage problems; lights shining into homes; proposed parking lot too close to the residential homes; ball games go into late night hours; neighbors have been remodeling their homes and this will lower the home values; safety issues.

Applicant's Comments:

Jim McIntosh, 6220 S. Fulton Circle, Tulsa, Oklahoma 74136, representing Dr. Higgins, stated that the City has earmarked this particular location, from 61st to 59th, as industrial. Mr. McIntosh recited the previous history of the development in the subject area.

Mr. McIntosh stated that the parking is needed for the ballpark and there are times that the tournaments bring in a lot of traffic and people. He explained that his client has spent over \$2,000 to clean up the subject property. He indicated that he would be improving the stormwater runoff and not deteriorating it with this project.

TMAPC Comments:

Ms. Hill asked Mr. McIntosh if he or any of his neighbors have contacted Stormwater Management regarding the water runoff problems. In response, Mr. McIntosh answered negatively.

Ms. Murkov stated that she has contacted the Corps of Engineers and they cleaned out the ditches once.

Ms. Pace asked Mr. McIntosh if he is aware that he would have to install a privacy-screening fence across the south side of the parking property. In response, Mr. McIntosh stated that he is aware that he has to go to the next step, which is to get permits and comply with the requirements.

Mr. Stump stated that 10% of the subject property will have to be landscaped, with a screening requirement on the south, east and west boundaries and a five-foot landscaped strip on the southeast and west boundaries as well. Landscaping along the frontage is required, as are certain setbacks on the east side, 99th and 100th where it fronts onto the street. There will be trees required on the lot, one tree for every 12 spaces of parking.

Ms. Pace stated that the landscaping requirements and the screening requirements should help with the noise problems and help beautify the neighborhood.

Ms. Hill asked Mr. McIntosh what type of lighting he is proposing for the parking area. In response, Mr. McIntosh stated that other than the normal street lighting there has been none installed.

Mr. Midget asked staff if there is a requirement regarding lighting. In response, Mr. Stump stated that the light standards have to be directed downward and away from the residential areas. Mr. Stump informed the interested parties that if the lights are installed differently, then they should call Neighborhood Inspections.

Mr. Harmon stated that it is very difficult when a neighborhood is going through a transition, but a parking lot is the least offensive of many things that the subject property could be used for.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-2-0** (Boyle, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; Hill, Ledford "nays"; none "abstaining"; Collins "absent") to recommend **DENIAL** of IL zoning for Z-6783 and recommend **APPROVAL** of PK zoning for Z-6783 as recommended by staff.

Legal Description for Z-6783:

Lot 1, Block 1 Guy Cook Subdivision and Lot 1 and Lot 14, Block 2, Guy Cook Subdivision, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the southwest corner and the southeast corner of East 59th Street South and South 99th East Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To PK (Parking District).**

Application No.: PUD-432-E

MAJOR AMENDMENT

Applicant: Charles Norman

(PD-4) (CD-4)

Location: South of southeast corner East 11th and South Utica

RELEVANT ZONING HISTORY FOR PUD-432-E:

Z-6613 February 1998: A request to rezone a 4.4-acre tract located on the northeast corner of East 12th Street and South Trenton Avenue on the east side of South Utica Avenue between East 11th Street and East 12th Street from RM-2 to OL to CH or OH. All concurred in approval of OH zoning.

BOA-17860 October 1997: The Board of Adjustment approved a request for a special exception to permit a parking garage as an accessory use to a hospital and a variance of the building setback to permit the parking structure from 46' from the centerline of East 11th Street on property zoned CH. The property is located on the southwest corner of East 11th Street and South Utica Avenue.

PUD-432-D August 1995: All concurred in approval of a major amendment, subject to conditions, to expand the existing PUD to the east allowing for additional medical office and hospital buildings. The property is located between Utica and Xanthus Avenues from East 11th Street to East 13th Street.

PUD-432-C January 1991: All concurred in approval of a request for a major amendment to expand the boundaries of the original PUD-432 to the east and transfer floor area from Development Area C to the new Development Area F.

PUD-432-B May 1989: All concurred in approval of a request for a major amendment to allow a second medical office building in a development area originally designated for parking, and to reduce the parking requirements.

PUD-432 November 1987: All concurred in approval to develop 4.5 acres located between South Utica Avenue and South Victor Avenue, from East 12th Street to East 13th Street for hospital and office use.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 100' x 140' in size and is located between South Utica Avenue and South Victor Avenue from East 11th Street to East 12th Street. The property is flat, non-wooded, contains a parking lot, and is zoned CH, OH, OMH, OM and RM-2.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
South Utica Avenue	80'	4 lanes	Paved	Yes
East 11 th Street South	80'	4 lanes	Paved	Yes
South Victor Avenue	50'	2 lanes	Paved	Yes
East 12 th Street South	50'	2 lanes	Paved	Yes

The Major Street Plan designates South Utica Avenue and East 11th Street South as urban arterial streets and South Victor Avenue and East 12th Street South are residential streets. The City of Tulsa 1998 – 1999 traffic count indicates 17,000 trips per day on South Utica Avenue at East 11th Street South.

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

SURROUNDING AREA: Much of the surrounding area is occupied by hospital and medical-related uses and their customary accessory uses. To the north, across Utica Avenue, is a vacant lot, zoned CH; to the northeast a tire business, zoned CH; to the east and west by multi-level parking facilities designated for hospital and medical uses, and to the south by hospital/medical/related uses, zoned OH, OMH, RM-2, OL and PUD432-B.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Hillcrest Healthcare System Special District. Therefore, any proposed or existing zoning category **may be found** in accord with the Plan. District 4 Plan policies (section 3.6) specify setback requirements, need to mitigate potential impacts of health/hospital and related

uses on existing residential development and address the need to provide adequate off-street parking that is attractively landscaped and maintained.

Staff Recommendation For PUD-432-E:

PUD-432-D was approved in 1995 for the future development of the Hillcrest Medical Center Health Park on the east side of South Utica Avenue between East 11th Street and East 13th Street.

Development Area C of PUD-432-D is the location of the Physicians Buildings on the east side of South Utica between East 11th Street and East 12th Street. At the time of approval, the Medical Center had not acquired the site of the Rainbow day-old bakery store in the middle of the South Utica Avenue frontage of Development Area C. That property has since been acquired.

Development Area C is within the OH - Office High and OMH - Office Medium High Intensity Zoning Districts.

Development Area D is immediately east and adjacent to Development Area C and is within the CH - Commercial High, OM - Office Medium and RM-2 - Multifamily Residential Medium Zoning Districts.

The underlying zoning of the tract proposed to be added to Development Area C is OH - Office High Intensity Zoning District.

The Children's Medical Center, a part of the Hillcrest Health System on East Skelly Drive is being closed and most of its functions transferred to the main medical center campus along South Utica Avenue. For many years, the Children's Medical Center and the Hillcrest Medical Center have operated thrift stores for the resale of donated clothing, merchandise, and items accessory to the Medical Center functions.

The purposes of this amendment to PUD-432-D are as follows:

1. To add the land formerly occupied by the day-old bakery store to the PUD as a part of Development Area C;
2. To transfer from Development Area D to Development Area C a maximum of 2,400 square feet of retail floor area; and
3. To add to the uses permitted within Development Area C Use Units 13, Convenience Goods and Services, and Use Unit 14, Shopping Goods and Services, so as to permit a gift, novelty and souvenir shop, newsstand and the sale of clothing and accessories as part of the thrift store previously operated in connection with the Children's Medical Center.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-432-E 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-432-E subject to the following conditions:

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

DEVELOPMENT AREA C

Permitted Uses:

As permitted by right in an OM district; and uses as allowed in Use Units 13, Convenience Goods and Services, and Use Unit 14, Shopping Goods and Services.

Maximum Building Floor Area:

For Use Units 13 or 14 2400 SF*

Except as above modified, the development standards of PUD-432-D, as amended, shall remain applicable.

***NOTE:** 2,400 SF of retail floor area as allowed by the underlying zoning of Development Area D will be used in Development Area C.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he is in favor of the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of the major amendment for PUD-432-E, subject to conditions as recommended by staff.

Legal Description for PUD-432-E:

Lots 5, and 6, Block 2, Perryman Heights 2nd Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; and a tract of land that is part of Block 2, Perryman Heights 2nd Addition and also part of vacated East 12th Street and vacated Utica Place, in the City of Tulsa, Tulsa County,

Oklahoma, said tract of land being more particularly described as follows, to-wit: starting at the Southwest corner of Block 1, Perryman Heights 2nd Addition; thence due North along the Westerly line of said Block 1 for 10.00' to the Point of Beginning of said tract of land; thence N 89°40'00" W parallel with an Easterly extension of the South line of said Block 2 and the Southerly line of Block 2 for 56.68' to a point of curve; thence Southwesterly along a curve to the left with a central angle of 09°08'12" and a radius of 164.00' for 26.15' to a point of reverse curve; thence Southwesterly along a curve to the right with a central angle of 28°18'12" and a radius of 96.00' for 47.42' to a point of compound curve; thence Northwesterly along a curve to the right with a central angle of 21°27'51" and a radius of 15.00' for 5.62'; thence due North parallel with the Easterly line of Block 2 for 351.69' to a point on the Southerly line of Lot 6 of said Block 2; thence S 89°40'00" E along said Southerly line for 80.00' to the Southeast corner of Lot 6; thence due North along the Easterly lines of Lots 5 and 6 of said Block 2 for 100.00' to the Northeast corner of Lot 5; thence N 89°40'00" W along the Northerly line of Block 5 for 94.00' thence due North parallel with the Easterly line of Lot 2 for 188.50'; thence S 89°40'00" E for 94.00' to a point on the Easterly line of said Block 2; thence due South along said Easterly line for 4.50'; thence S 89°40'00" E for 50.00' to a point on the Westerly line of said Block 1; thence due South along said Westerly line for 609.25' to the Point of Beginning of said tract of land; and a tract of land that is part of Block 1, Perryman Heights 2nd Addition, and also part of Perryman Heights Addition, in the City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: starting at the Southwest corner of Block 1, Perryman Heights 2nd Addition; thence due North along the Westerly line of said Block 1 for 10.00' to the Point of Beginning of said tract of land; thence continuing due North along said Westerly line for 609.25'; thence S 89°40'00" E for 140.00' to a point on the Easterly line of said Block 1 of Perryman Heights 2nd Addition; thence due South along said Easterly line for 189.00'; thence S 89°40'00" E for 145.00' to a point on the Easterly line of Lot 7 of said Perryman Heights Addition; thence due South along the Westerly right-of-way line of South Victor Avenue and the Easterly line of Lots 8, 9, 10, 11, 12, 13, and 14 of Perryman Heights Addition for 430.25' to a point on the Northerly right-of-way line of East 12th Street; thence N 89°40'00" E along the Southerly line of Perryman Heights Addition for 145.00'; thence due North along the Westerly line of Perryman Heights Addition for 10.00'; thence N 89°40'00" W 10' Northerly of as measured perpendicularly to and parallel with the Southerly line of Block 1 of Perryman Heights 2nd Addition for 140.00' to the Point of Beginning, and located between South Utica Avenue and South Victor Avenue, from East 11th Street South to East 12th Street South, Tulsa, Oklahoma, **From OH and CH/OH/OMH/OM/RM-2/PUD (Office High Intensity and Commercial High Intensity District/Office High Intensity District/Office Medium-High Intensity District/Office Medium Intensity District/Residential Multifamily Medium Density District/PUD) To CH/OH/OMH/OM/RM-2/PUD (Commercial High Intensity District/Office High Intensity District/Office Medium-High Intensity District/Office Medium**

Intensity District/Residential Multifamily Medium Density District/Planned Unit Development).

* * * * *

Application No.: PUD-637

RS-1 to RS-1/PUD

Applicant: Charles Norman

(PD-6) (CD-9)

Location: Northwest corner of East 45th Street and South Atlanta

RELEVANT ZONING HISTORY FOR PUD-637:

PUD-589 June 1998: All concurred in approval of a request for the development of a 2.9-acre tract located on the north side of East 41st Street, approximately 1,500 feet west of South Lewis Avenue. The property was zoned RS-1 and the requested PUD was approved to develop the tract into a six-lot, single-family gated community.

PUD-493 October 1992: All concurred in approval of a request for a Planned Unit Development to allow the development of eight single-family homes with private streets on a seven-acre tract located west of the northwest corner of East 41st Street and South Lewis Avenue.

BOA-15724 May 1991: The Board of Adjustment approved a minor variance of the required front setback from 60' to 55' from South Atlanta Avenue on property located south of the southwest corner of East 41st Street and South Atlanta Avenue.

PUD-416 June 1986: All concurred in approval of a request to rezone a 3.6-acre tract located west of the northwest corner of East 41st Street and South Lewis Avenue from RS-1 to PUD for a seven lot, single-family, private street development.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 10.75 acres in size and is located on the northwest corner of East 45th Street South and South Atlanta Avenue. The property is sloping, wooded, contains single-family dwellings, and is zoned RS-1.

STREETS:

<u>Existing Access</u>	<u>MSHP Design.</u>	<u>Exist. No. Lanes</u>	<u>Surface</u>	<u>Curbs</u>
South Lewis Avenue	100'	4 lanes	Paved	Yes
South Atlanta Avenue	50'	2 lanes	Paved	Yes

The Major Street Plan designates South Lewis Avenue as a secondary arterial street. South Atlanta Avenue is a residential street. The City of Tulsa 1998 – 1999 traffic count indicates 25,800 trips per day on South Lewis Avenue at East 41st Street South.

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

SURROUNDING AREA: The subject tract is abutted on the north, south and east by single-family residential uses, zoned RS-1; and to the west by single-family residential uses, zoned RE.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – Residential Land Use. According to the Zoning Matrix, the requested RS-1/PUD is in accord with the Plan Map.

Staff Recommendation for PUD-637:

The PUD proposes 26 single-family dwellings on ten acres located at the northwest corner of East 45th Street and South Atlanta Avenue. The tract has 812' of frontage on Atlanta Avenue, 154' on 45th Street and 659' on Lewis Avenue.

The subject tract is zoned RS-1 and there are single-family dwellings zoned RS-1 to the north, east and south. To the west of the tract, across Lewis Avenue, are single-family dwellings zoned RE.

The PUD proposes that the primary access to the PUD would be from South Lewis Avenue with secondary access from South Atlanta Avenue. The proposal is for private, gated streets.

Staff is generally supportive of the proposal, but has concern that this development will produce an undesirable orientation of dwellings. The homes on the east side of Atlanta Avenue will face the rear yards of homes in the PUD. The applicant is proposing a decorative screening fence and a grassed strip along Atlanta Avenue, but staff recommends that this area receive more landscaping to mitigate the adverse effects of the undesirable orientation of dwellings.

Therefore, 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-637, as amended 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-637 subject to the following conditions:

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

2. Development Standards:

Land:

Gross:	10,7572 AC	468,583 SF
Net:	9.4302 AC	410,779 SF

Permitted Use:	Use Unit 6, detached single-family dwellings and customary accessory uses.
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Minimum Land Area Per Dwelling Unit:	16,000 SF
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Maximum Number of Lots:	26
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Minimum Lot Area:	10,500 SF*
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Minimum Lot Width:	85 FT
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Maximum Building Height:	35 FT
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Minimum Livability Space Per Dwelling Unit:	7,000 SF
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Minimum Livability Space Per Lot:	6,000 SF
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Minimum Common Area Livability Space:	26,000 SF
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Off-Street Parking:	Two enclosed off-street parking spaces per dwelling unit and a minimum of two additional off-street parking spaces per dwelling unit.
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Minimum Depth of Required Yards:

Front**

Residences	30 FT
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Side

One side	5 FT
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Other side	10 FT
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Side street yard (exterior side yard)	15 FT
Garages accessed from side street	20 FT
Rear	25 FT

*Shall not include private or public street rights-of-way.

**Measured from the front property line.

Minimum Separation Between Dwellings: 15 FT

Private Streets:

Minimum width of private street right-of-way	30 FT
Minimum width of paved travel surface	26 FT

Maximum Entry Identification Signs:

South Lewis Avenue entrance	One
Maximum display surface area	24 SF
Maximum height	6 FT
Other Street Frontages	No signs are permitted.
Atlanta Place	One 2' x 3'-foot identification sign.

- Landscaping and screening shall be in substantial compliance with applicant's development plan, including maps and text with the exception of the Atlanta Avenue landscaping which shall be as approved by the TMAPC. A landscaped area of not less than ~~seven~~ five feet in width shall be located along the east boundary of the PUD. The screening fence proposed by the applicant along the east boundary of the PUD shall be located along the west edge of the ~~seven-~~ five-foot landscaped strip. This eastern landscaped strip shall be part of the subdivision's common area maintained by the homeowners association. All landscaped common areas shall be irrigated. ~~The trees and shrubs provided along the east boundary of the PUD shall be of appropriate type and quantity to provide a visual screening of the rear of the homes in the PUD after ten years of growth. TMAPC to determine type of planting and landscaping at detail site plan review.~~
- A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses, landscaped areas or other commonly owned structures within the PUD.
- All private roadways shall be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness, which meets the City of Tulsa standards for a minor residential

- public street. The maximum vertical grade of private streets shall be 10 percent. The size of cul-de-sacs and "eyebrows" shall be approved during the subdivision platting process.
6. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets or if the City will not inspect, then a registered professional engineer shall certify that the streets have been built to City standards.
 7. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
 8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
 9. Entry gates or guardhouses, if proposed, must receive Detail Site Plan approval from TMAPC and Traffic Engineering prior to issuance of a building permit.
 10. A landscape plan shall be approved by TMAPC for all common areas prior to issuance of any building permits in the PUD.
 11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.

Staff Recommendation:

Scott Bruce stated that staff is recommending that the landscape plan come back to the Planning Commission for review. Mr. Bruce explained the landscaping requirements and staff's concerns regarding new homes backing up to existing residences that will face into the rear.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Ed Kelly and Associates, stated that his client has assembled nine properties in the subject area for redevelopment.

Mr. Norman reminded the Planning Commission of the preliminary plat hearing in January for Green Hill I. He stated that at this hearing there was considerable input from the neighbors who were objecting to the opening of a standard RS-2 subdivision with a cul-de-sac streets opening onto Atlanta Place. Green Hill II has been filed with the Planning Commission as a preliminary plat, but has not been processed, as the PUD has been reoriented and reconceived. He

explained that these are two standard single-family subdivisions that could be constructed as a matter of right in the RS-2 zoning district.

Mr. Norman stated that the primary concerns of the interested parties were the traffic and the fences. He explained that he has concerns with the implications of the staff recommendation with respect to the screening fence and landscaping along South Atlanta Place. He indicated that he disagrees with the language and the requirements for trees, regarding to blocking the view of the back of homes. The purpose of a PUD is to provide a continuous screening fence of a single design along both Lewis and South Atlanta Place for privacy, as well as for decoration, to the rear yards of those lots that would back to South Atlanta Avenue. What is proposed is a landscaping and screening easement, which is three feet in width along South Atlanta. Staff is recommending that this area become five feet in width and he would request that it be reduced to three feet for the landscaping and screening easement along South Atlanta Avenue. This would provide the usual twelve to thirteen feet from the curb, plus three feet for the screening fence and landscaping within the lots that back to Atlanta Avenue. He indicated that this was presented to the Planning Commission deliberately based on the precedent established by the Planning Commission in 1998 for the Balmoral development.

Mr. Norman requested the Planning Commission to delete the requirement that trees be planted with the intent and purpose of screening the view of the rear of people's homes. The rears of homes are oftentimes the most attractive part of single-family developments. He commented that he has never heard of a requirement that there is any need to imply that or require that the backs of people's homes be screened from view at either the time of development or in the future.

Mr. Norman stated that there is a secondary point of access that is required by the Fire Marshall and by the Subdivision Regulations. He indicated that he had request for the ability to have a small identification sign on the entrance; however, the staff is recommending no signage on South Atlanta. Mr. Norman requested that his client be allowed to have some type of identification plate (2' x 3') as a nameplate sign only at the entrance.

TMAPC Comments:

Mr. Westervelt asked Mr. Norman if he had a problem with the detail site plan review coming back to the Planning Commission. In response, Mr. Norman stated that he had no problems with the detail site plan coming back before the Planning Commission.

Mr. Westervelt asked Mr. Norman if the City customarily allows a green street sign for South Atlanta Avenue and a red sign for the new private street, which is indicative of private and public streets at the intersection. In response, Mr. Norman agreed with Mr. Westervelt regarding the street signs provided by the

City, but he would like the ability to have a nameplate on the screening wall or fence for an identification sign on South Atlanta. Mr. Norman stated that this entrance would be a card-operated gated entrance.

Mr. Stump clarified that staff is requesting seven feet and the applicant is requesting three feet. Mr. Stump stated that if the standard subdivision were present there would be very large areas (120' strips) where there would be no wall over four feet in height would be allowed, because it would be the front yards on four of the lots. The rear and side yards could have up to eight-foot walls on the property line, but in the front yards nothing over four feet is allowed. The zoning ordinance does establish a precedent that front yards are treated differently when the height of the fences are regulated. Everyone going through a subdivision expects the front of someone's house to look at the fronts of someone else's house across the street. This standard orientation and that is the formal area that is typically nicer looking and it's the area that doesn't have the playground equipment, etc. The Zoning Code allows a number of things in the rear yard that are prohibited in the front yard, such as detached accessory buildings. The rear yard has always been a less formal, more utilitarian area and that is one of the reasons why staff thinks this is not a desirable orientation. It could be modified or mitigated, but these sorts of precedents in infill projects, if one ignores the existing development to the extent that it doesn't matter what the orientation of the new development is to the old, then are a disservice to the older parts of the subject area.

Mr. Boyle requested Mr. Stump to clarify what the Planning Commission should be looking at regarding the detail site plan. In response, Mr. Stump stated that staff is saying that the Planning Commission needs to look at the detail site plan and landscaping plan to make that there is enough setback of the proposed tall fences, six feet or more, which normally in a front yard would only be a four-foot fence. Mr. Stump explained that Mr. Norman is proposing a six-foot fence three feet from the property line. If this is the front yard, the most they could have is a four-foot fence and their house would have to be 35 feet behind the fence. Mr. Stump stated that staff is trying to establish some guidelines for what should the applicant is expected to do when he returns with the detail site plan and landscape plan.

Mr. Boyle stated that he is confused of what the debate is about. In response, Mr. Stump stated that staff is trying to require a more intensive amount of landscaping than is traditionally done in these areas. Mr. Stump further explained that design techniques need to be looked for in order make these infill developments to fit in compatibly. Mr. Boyle asked if the only decision needed today is the number of feet between the property and the fence. In response, Mr. Dunlap stated that the debate is regarding standard number three, regarding the trees, shrubs, and quantity to provide a visual screening of the rear of the homes in the PUD after ten years of growth. Mr. Dunlap explained that Mr. Norman is requesting that standard be removed. In response, Mr. Norman

stated that the sentence implies to him that somehow that the policy would be that one screens the backs of homes and the new homes in a PUD from view.

Mr. Boyle asked why the Planning Commission would be determining now what trees and shrubs are in there, rather than at the detail site plan phase. In response, Mr. Stump stated that it is mostly due to precedent and tradition. Mr. Stump explained that traditionally the developer has not been required to provide this much landscaping and this is to put the developer on notice that the Planning Commission expects more.

Mr. Stump stated that it would be acceptable to staff to change the staff recommendation and state that the Planning Commission has to determine the width and amount of planting necessary along that boundary. Mr. Boyle stated that the width is easy to deal with today, but he would prefer to make the decision on landscaping when the detail site plan is back before the Planning Commission.

Interested Parties Comments:

Robert Simpson, 4717 South Wheeling, Tulsa, Oklahoma 74105, President of the South Bolewood Property Owner's Association, stated that he is located down the hill from this project. He expressed his opposition to the proposed request because it will contribute further to the existing stormwater and flooding conditions.

TMAPC Comments:

Mr. Westervelt explained that Public Works would not issue the applicant a building permit until they are assured that there is zero impact to the neighborhood regarding stormwater. Mr. Westervelt further explained to Mr. Simpson that the Planning Commission is dealing with land use only today and will leave the stormwater issues to Public Works.

Mr. Midget out at 4:00 p.m.

Interested Parties Comments:

Mr. Peter Summers, 4717 South Victor, Tulsa, Oklahoma 74105, expressed the same concerns regarding stormwater and flooding in the subject area.

Karen Boland, 4520 South Lewis Place, Tulsa, Oklahoma 74105, stated that she is concerned with traffic in the subject area, safety for children and pedestrians.

Amir Adib Yazdi, 4131 South Lewis, Tulsa, Oklahoma 74105, stated that he is opposed to this application because he doesn't think all of the neighbors know about the project. He questioned the notice procedures for this application. Mr. Adib Yazdi requested more time to review this application with his neighbors.

Mr. Stump informed the Planning Commission that Mr. Adibyzdi's home is not within the 300' radius of the subject property. He explained that notice is given to property owners within the 300' radius of subject property.

Applicant's Rebuttal:

Mr. Norman stated that he accepts the staff recommendation with the condition to reduce the seven-foot requirement to five feet and delete trees and shrubs language from standard number three and allow a 2' x 3' identification sign.

Mr. Norman described the stormwater detention system proposed for the subject property. He explained that he would not be allowed to increase the rate of flow that presently exists in respect to the property downstream.

Mr. Norman stated that under the standard platting, one could have houses with side yards to Atlanta and this would occur with a 15-foot setback rather than a rear yard that has a 25-foot setback. The houses in the PUD will be farther away from the right-of-way of Atlanta than they could be under the standard RS-2 requirements for side yard alignment.

Mr. Norman stated that his issues still remain with the sentence discussed relating to the policy and intent of screening the rear of single-family homes and the width of the landscape and fencing easements, which he would request be three feet rather than seven feet.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to recommend **APPROVAL** of PUD-637 as recommended by staff and modified by the TMAPC. (Language in the staff recommendation that was deleted by TMAPC is shown as strikeout; language added or substituted by TMAPC is underlined.)

Legal Description for PUD-637:

A tract of land that is all of Lots 1, 2, 3, 6, 7, 8, and part of Lot 4, Block 2, and all of Lot 12, Block 1, 41st Street and Lewis Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, all of vacated East 44th Street and part of the SE/4, SW/4, NW/4, NW/4, Section 29, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, and also part of South Lewis Avenue, East 45th Street South and South Atlanta Avenue, said tract of land being more particularly described as follows, to-wit: starting at the Southwest corner of Lot 5, Block 2, of 41st Street and Lewis Addition; thence due North along the Westerly line of said Lot 5 for 139.84' to the Point of Beginning of said tract of land, said point being the Southwest corner of Lot 6, Block 2, thence S 89°55'00" W and parallel with the Southerly line of Block 2 for 50.00' to a point on the Westerly line of said Section 29 and the centerline of Lewis Avenue; thence due North along said Westerly line and along the centerline of South Lewis Avenue for 659.36'; thence N

89°55'00" E for 50.00' to the Northwest corner of Lot 12, Block 1, 41st Street and Lewis Addition; thence continuing N 89°55'00" E along the Northerly line of Lot 12 for 279.11' to the Northeast corner of said Lot 12; thence N 00°00'38" W along the Westerly line of the SE/4, SW/4, NW/4, NW/4, Section 29 for 15.01' to a point that is 149.84' Southerly of the Northwest corner of the SE/4, SW/4, NW/4, NW/4; thence N 89°55'00" E for 329.16' to a point on the Easterly line of the SE/4, SW/4, NW/4, NW/4 and the centerline of South Atlanta Avenue; thence S 00°01'00" E along the centerline of South Atlanta Avenue for 839.21' to a point on the centerline of East 45th Street South; thence S 89°55'00" W along the centerline of East 45th Street South for 179.23'; thence N 00°01'00" W for 25.00' to a point on the Southerly line of Lot 4, Block 2, 41st Street and Lewis Addition; thence continuing N 00°01'00" W and parallel with the Easterly line of said Block 2 for 139.84' to a point on the Southerly line of said Lot 3; thence S 89°55'00" W along the Southerly lines of Lots 3 and 6, Block 2 for 429.23' to the Point of Beginning of said tract of land. **From RS-1 (Residential Single-family Low Density District) to RS-1/PUD (Residential Single-family Low Density District/Planned Unit Development).**

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Application No.: PUD-638

RM-1/RM-2 TO RM-1/RM-2/PUD

Applicant: Charles Norman

(PD-6) (CD-4)

Location: Southwest corner of East 32nd Place and South Jamestown

Staff Recommendation:

The PUD proposes low intensity office uses on 1.9 acres located on the west side of South Jamestown Avenue between East 32nd Place South and East 33rd Street South. The subject tract has 300' of frontage on 32nd Place, 300' on 33rd Street and 280' on Jamestown Avenue.

The Development Concept proposes a two-story medical office project with two access points onto 32nd Place and also two access points onto 33rd Street. No access is proposed for South Jamestown Avenue.

The subject tract is zoned RM-1 and RM-2. There is a public library and office uses to the north of the tract across East 32nd Place, zoned CS; to the south across East 33rd Street South are RM-1 and RS-3 zoned property used for a children's day nursery. To the east across South Jamestown Avenue are single-family dwellings zoned RS-3. The tract is abutted on the west by a library parking lot and multifamily uses zoned OL and RM-1.

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-638, 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-638 subject to the following conditions:

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

2. Development Standards:

Land Area (Net):	1.928 Acres	84,000 SF
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Permitted Uses:

Use Unit 11 and customary accessory uses permitted as a matter of right in the OL-Office Light Zoning District.

Maximum Building Floor Area:	36,000 SF
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Maximum Building Height:	Two stories not exceeding 45 FT.
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Minimum Building Setbacks:

From the centerline of South Jamestown Avenue	75 FT
From the centerline of East 32nd Place South	50 FT
From the centerline of East 33rd Street South	100 FT
From the west property line	10 FT

Maximum Number of Lots:	One
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Off-Street Parking:	As required by the applicable Use Units.
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Minimum Internal Landscaped Area:

A minimum of 15% of the net land area shall be improved as internal landscaped areas.

Signage:

One ground sign not exceeding 12 feet in height and 32 SF in display surface area may be erected on the East 33rd Street South frontage no closer than 100' from the west boundary of the PUD.

One building identification ground sign not exceeding eight feet in height and 16 SF in display surface area, may be erected on the East 32nd Place South frontage.

One wall sign may be placed on the building not exceeding 32 SF, but may not be placed on an east-facing wall.

Lighting:

Exterior light standards and building-mounted lights shall be hooded and the light directed downward and away from the east and south boundaries of the property. Light standards and wall mounted lights shall not exceed 12 feet in height and no light standards shall be in the east 50' of the PUD.

3. Landscaping shall be in substantial compliance with applicant's development plan including maps and text unless modified by TMAPC. A four-foot screening wall or fence shall be provided five feet west of the east boundary of the PUD or a landscaping plan shall be approved by TMAPC, which screens vehicles from view to a height of four-foot. A landscape area at least five feet in width shall be provided along the east boundary of the PUD.
4. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
9. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.

Mr. Ledford announced that he would be abstaining from this application.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that this project is one that will be welcomed into the neighborhood. Mr. Norman indicated that Mr. Roy Phillips looked at the plan and he has no objections to this application.

Mr. Norman stated that the property is zoned RM-1 and RM-2, which would permit multifamily housing development. Mr. Norman described the surrounding area and the condition of the homes and buildings.

Mr. Norman stated that the only issue he has with the staff recommendation is with respect to the screening requirement for five single-family homes. These are smaller homes and apparently in reasonably good condition. He proposes a five-foot wide landscaping and street frontage landscaping, but staff is recommending a four-foot screening wall or fence be provided five feet west of the boundary, which screens vehicles to the height four feet. A landscaped area at least five feet in width shall be provided along the east boundary. Mr. Norman stated that he does not object to the five feet width as modified by staff because it is the standard requirement, but he does object to the requirement that there be a screening wall or fence; or that the landscaping be designed to obscure automobiles up to a level of four feet. He explained that he has gone before the Board of Adjustment several times to request a variance of the fence requirement along the common boundary and be allowed to permit landscaping, trees and other items without having the requirement that there be a screening of

the parking areas. Under the Landscape Chapter there is a requirement to have trees within the parking areas themselves, in parking islands. He commented that the landscaping is going to be generous in the subject project and will exceed the 15% required. He requested that the sentence in the standards that would require the four-foot high screening wall or fence, landscaping designed to screen cars to the height of four feet be removed.

TMAPC Comments:

Mr. Westervelt stated that he would assume that the requirement would have something to do with car headlights. In response, Mr. Stump stated that the requirement is to screen car headlights. Mr. Stump explained that if staff had stated "screening as required in an OL district" there would have to be a six-foot screening fence on the east, south and portions of the west side. Mr. Stump stated that staff has reduced, in a PUD, the screening requirements, which is unusual in itself. Mr. Stump explained that staff reduced the requirement to only the east side and four feet would normally screen the headlights from shining into property owner's homes across the street. It is not an expensive requirement and it also supplements the landscaping.

Mr. Norman stated that his experience with screenings is that walls and fences around parking areas are hiding places for people that do not want to be seen. It is better in this relationship to have open places and landscaping rather than have solid walls.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-1-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Collins, Midget "absent") to recommend **APPROVAL** of PUD-638, subject to conditions as recommended by staff.

Legal Description for PUD-638:

Lots 5 through 12, Block 1, Shafer Heights Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, **From RM-1/RM-2 (Residential Multifamily Low Density District and Residential Multifamily Medium Density District) To RM-1/RM-2/PUD (Residential Multifamily Low Density District/ Residential Multifamily Medium Density District/Planned Unit Development).**

* * * * *

Mr. Boyle out at 4:21

Application No.: Z-6784

Applicant: Mack Dixon

Location: North of northeast corner of East 89th Street and South Vandalia

RS-3 TO OL

(PD-18) (CD-8)

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-6765 June 2000: All concurred in approval of a request to rezone a tract located south of the southwest corner of East 87th Street and South Yale Avenue and fronting South Yale Avenue, from RS-3 to OL.

PUD-355-A December 1999: A request for a major amendment to PUD-355 located on the northwest corner of East 91st Street South and South Yale Avenue and south of the subject property. The original PUD-355 approved uses allowed by right in an OM district with restaurant and other accessory uses within a principal office building. The major amendment proposed and was approved for uses permitted by right in a CS district on the south 299 feet of the east 195 feet of the tract. This amendment shifted commercial uses closer to East 91st Street South and established a larger buffer area between the PUD and the residential uses to the north where the subject property is located.

Z-6715 October 1999: All concurred in approval of a request to rezone a tract located on the northwest corner of East 89th Street South and South Yale Avenue from RS-3 to OL.

Z-6684 April 1999: All concurred in approval of a request to rezone a 200' x 245' tract located south of the southwest corner of East 87th Street and South Yale, south of the tract described in Z-6765 also fronting South Yale Avenue, from RS-3 to OL.

Z-6365 July 1992: A request to rezone a twelve-acre tract located on the east side of South Yale Avenue at East 88th Place South from AG to RS-3 for residential development.

Z-6318 July 1991: A request to rezone a 22-acre tract located north of the subject property on the west side of South Yale Avenue between East 86th Place South and East 88th Place from AG to RS-3 for a residential development.

PUD-458 January 1990: A request to rezone a 47-acre tract located south of the southeast corner of East 81st Street and South Yale Avenue from RS-3 to RS-3/PUD.

Z-5929/PUD-355 May 1984: A request was filed to rezone a 10.5-acre tract located in the northwest corner of East 91st Street South and South Yale Avenue and south of the subject property from RD, RS-3 and CS to OM for an office park development. The tract consisted of four separate lots, and to avoid nonresidential zoning that was abutting the tract on the north and west, staff

recommended OL zoning on the north and east, buffering the residential developments on the north. The balance of the tract was denied CS zoning and was approved for OM zoning, allowing a restaurant within the principal office building as an accessory use.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 127' x 140' in size and is located north of the northeast corner of East 89th Street South and South Vandalia Avenue. The property is sloping, non-wooded, contains a single-family dwelling (mobile home), and is zoned RS-3. At the time of field check, the property was on the market for sale.

STREETS:

Existing Access	MSHP Design.	Exist. No. Lanes	Surface	Curbs
South Vandalia Avenue	50'	2 lanes	Paved	No

The Major Street and Highway Plan designates East 89th Street South and South Vandalia Avenue as residential streets.

UTILITIES: Water is available to the subject property and sewer in this particular subdivision is by septic system.

SURROUNDING AREA: The subject tract is abutted on all sides by single-family uses, with a few vacant lots, all 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 Low Intensity - No Specific Land Use.

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

STAFF RECOMMENDATION:

Based on existing development and trends in the area, staff cannot support the requested OL zoning. It would be a clear case of spot zoning and a nonresidential intrusion into a single-family neighborhood. Staff, therefore, recommends **DENIAL** of OL zoning for Z-6784.

Applicant's Comments:

Mack Dixon, 14337 South Birch Street, Glenpool, Oklahoma, 74033, stated that the subject area is an older area and most of the frontage of 89th Street is changing to OL zoning. This particular neighborhood consists of six homes, of most which are modular. The homes that have been built to the south have brought in trees and there is no visibility to the subject area.

Mr. Dixon indicated that the subject lot faces a vacant piece of land and the homes on the other side of the vacant land have built privacy fences to prevent this particular street from being visible to them.

Mr. Dixon stated that he is proposing a light office space and it would look similar to the conforming homes, which are not visible from the subject spot, but are conforming to the subject neighborhood.

Mr. Dixon concluded that the three parties existing on the subject street are operating commercial type businesses. He requested the Planning Commission to approve his application for OL zoning.

Interested Parties Comments:

Raymond Lord, 8808 South Urbana Place, Tulsa, Oklahoma 74107, requested that the Planning Commission allow the OL zoning for the subject property. He described similar zoning in the subject area. He indicated that the subject area is primarily rental property and multiple trailer homes. Mr. Lord concluded by requesting the Planning Commission to allow the OL zoning.

TMAPC Comments:

In response to Mr. Carnes, Ms. Matthews stated that when she did her field check of the subject neighborhood there were no obvious signs of any home occupations. Ms. Matthews indicated that there were no signs in the front yards or anything that would identify home occupations. Ms. Matthews stated that this is a clear case of spot zoning that she did not see anything appropriate about the OL zoning request. Ms. Matthews further stated that the subject property is not currently being used as OL.

TMAPC Action; 8 members present:

On **MOTION** of **PACE**, the TMAPC voted **6-2-0** (Harmon, Hill, Horner, Ledford, Pace, Westervelt "aye"; Carnes, Jackson "nays"; none "abstaining"; Boyle, Collins, Midget "absent") to recommend **DENIAL** of the OL zoning for Z-6784 as recommended by staff.

* * * * *

Mr. Ledford announced that he would be abstaining from this item.

Application No.: PUD-246-A-1

MINOR AMENDMENT

Applicant: Jerry Ledford, Jr.

(PD-18) (CD-7)

Location: Northwest corner of East 71st Street and South Granite Avenue

Staff Recommendation:

The applicant is requesting consideration of revised development standards

for Development Area B in the Corporate Oaks Addition. The original Planned Unit Development was approved in October of 1983, and required an outline development plan for the site.

The proposed standards attempt to distribute 85,000 square feet of floor area as originally approved for this development area to Lots 2 through 7. Changes proposed include the development of Lot 5, which was originally planned for parking use only, change in the parking standard from one space per every 300 square feet of floor area to the use of applicable use standards from the Zoning Code, and a change in the landscape requirement from 25% to 13.6%. Underground parking is planned for the office development.

Signage and building height standards will be per the original Planned Unit Development. Office and barber and beauty shop uses were approved for the site.

Staff can recommend **APPROVAL** of the proposed standards for the Planned Unit Development as the intent of the PUD has been followed, with minor changes as submitted. Detail site, sign and landscape plan approval will be required for the property.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-1** (Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Boyle, Collins, Midget "absent") to **APPROVE** the Minor Amendment for PUD-246-A-1 as recommended by staff.

OTHER BUSINESS:

Application No.: PUD-629

Applicant: Dan E. Tanner

Location: West of South Peoria, north of East 8th Street South

DETAIL SITE PLAN

(PD-4) (CD-4)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for The Village at Central Park. This is a residential and commercial mixed-use development.

Staff has examined the request and finds conformance to bulk and area, setback, parking, lighting, general screening and total landscaped area standards and specifications outlined in PUD-629.

A minor amendment request to clarify the building setback on the two lots at the west end of the north tier of lots for the development will come before the Planning Commission at the next meeting. Therefore, these lots are not included in the detail site plan review at this time.

Staff, therefore, having found conformance to the approved standards and specifications for PUD - 629 recommends **APPROVAL** of the Detail Site Plan as submitted.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Collins, Midget "absent") to **APPROVE** the detail site plan of PUD-629 as recommended by staff.

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Commissioner's Comments:

Mr. Westervelt stated that he has received a letter on August 26, 2000, which was sent to the 91st and Memorial Partners, L.L.C., regarding compliance issues with the landscaping strip. Apparently the non-compliance is still continuing. Mr. Westervelt requested staff to file this letter and send a copy to the Neighborhood Inspections for enforcement.

Mr. Ledford stated that he feels this will be an important test case for the Planning Commission. He explained that there have been discussions in the Subdivision Regulations about some of the new requirements and the occupancy permit being pulled if not complied. He stated that it would be important to find out if this really works.


Mr. Stump stated that this is a standard condition that has been placed in PUD's for many years; however, it has never been tested.

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There being no further business, the Chairman declared the meeting adjourned at 4:34 p.m.

Date approved: 10/4/00


Chairman

ATTEST: 
Secretary